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1993

Illinois Register

Rules of Governmental Agencies

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published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS

PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Acquisition, Management & Disposal of Real Property; 44 Ill. Adm. Code 5000 2105

INSURANCE, DEPARTMENT OF
Anticipated Salvage & Subrogation; 50 Ill. Adm. Code 927 2106

PUBLIC AID, DEPARTMENT OF
Collections & Recoveries; 89 Ill. Adm. Code 165 2110
Medical Assistance Programs; 89 Ill. Adm. Code 120 2114
Related Program Provisions; 89 Ill. Adm. Code 117 2126

SECRETARY OF STATE
Cancellations, Revocation or Suspension of Licenses or Permits;
92 Ill. Adm. Code 1040 2128

TRANSPORTATION, DEPARTMENT OF
Specifications for Seat Safety Belts; 92 Ill. Adm. Code 453 2186

ADOPTED RULES

AGRICULTURE, DEPARTMENT OF
Lawncare Wash Water & Rinsate Collection; 8 Ill. Adm. Code 256 2189

FIRE MARSHAL, OFFICE OF THE STATE
Americans With Disabilities Act Grievance Procedure; 4 Ill. Adm. Code 200 2200

INDUSTRIAL COMMISSION, ILLINOIS
Pre-Arbitration; 50 Ill. Adm. Code 7020 2206

MINES AND MINERALS, DEPARTMENT OF
Ill. Oil & Gas Act, The; 62 Ill. Adm. Code 240 2217

PUBLIC AID, DEPARTMENT OF
Aid To Families With Dependent Children; 89 Ill. Adm. Code 112 2253
Aid To The Aged, Blind or Disabled; 89 Ill. Adm. Code 113 2263
Child Support Enforcement; 89 Ill. Adm. Code 160 2272
General Assistance; 89 Ill. Adm. Code 114 2277
Medical Payment; 89 Ill. Adm. Code 140 2290

PUBLIC HEALTH, DEPARTMENT OF
College Immunization Code; 77 Ill. Adm. Code 694 2306
Ill. Health & Hazardous Substances Registry; 77 Ill. Adm. Code 840 2319
Intermediate Care for the Developmentally Disabled Facilities Code;
77 Ill. Adm. Code 350 2351

EMERGENCY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Acquisition, Management & Disposal of Real Property; 44 Ill. Adm. Code 5000 2361

PUBLIC AID, DEPARTMENT OF
Related Program Provisions; 89 Ill. Adm. Code 117 2368

PUBLIC HEALTH, DEPARTMENT OF
Intermediate Care for the Developmentally Disabled Facilities Code;
77 Ill. Adm. Code 350 2373
Long-Term Care for Under Age 22 Facilities Code; 77 Ill. Adm. Code 390 2390
Sheltered Care Facilities Code; 77 Ill. Adm. Code 330 2405
Skilled Nursing & Intermediate Care Facilities Code; 77 Ill. Adm. Code 300 2420

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

PUBLIC AID, DEPARTMENT OF
Medical Payment; 89 Ill. Adm. Code 140, Refusal 2436

**AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL IN RESPONSE TO JCAR
OBJECTION, SUSPENSION OR PROHIBITED FILING TO EXISTING RULES**

ENVIRONMENTAL PROTECTION AGENCY
Processing of Claims for Payment from the Underground Storage Tank Fund;
35 Ill. Adm. Code 876, Modification (Emergency) 2438

JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received 2442

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

93-028 Music In Our Schools Day 2444
93-029 Engineers Week 2444
93-030 Future Business Leaders Of America-Phi Beta Lambda Week 2444
93-031 Melba Johnson Day 2445
93-032 Nutrition Month 2446
93-033 Black Nurses' Day 2446
93-034 Child Passenger Safety Awareness Week 2446

CUMULATIVE INDEX

1993 Index - Issue #8 CI-1

SECTIONS AFFECTED INDEX

1993 Index - Issue #8 SAI-1

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1993

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 #:	Published 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
Dec. 30, 1992	Jan. 5, 1993	3	Jan. 15, 19	July 6, 1993	July 13, 1993	30	July 23, 1993
Jan. 5, 19	Jan. 12, 1993	4	Jan. 22, 19	July 13, 1993	July 20, 1993	91	July 30, 1993
Jan. 12, 19	Jan. 19, 1993	5	Jan. 29, 19	July 20, 1993	July 27, 1993	32	Aug. 6, 1993
Jan. 19, 1993	Jan. 26, 1993	6	Feb. 5, 1993	July 27, 1993	Aug. 9, 1993	33	Aug. 13, 1993
Jan. 26, 19	Feb. 2, 1993	7 (T u)	Feb. 16, 1993	Aug 9, 1993	Aug. 10, 1993	94	Aug. 20, 1993
Feb. 2, 1993	Feb. 9, 1993	8	Feb. 19, 1993	Aug. 10, 1993	Aug. 17, 19	35	Aug. 27, 1993
Feb. 9, 1993	Feb. 16, 19	9	Feb. 26, 19	Aug. 17, 1993	Aug. 24, 1993	36	Sept. 3, 1993
Feb. 16, 1993	Feb. 23, 1993	10	Mar. 5, 19	Aug. 24, 1993	Aug. 31, 19	37	Sept. 10, 1993
Feb. 23, 19	Mar. 2, 1993	11	Mar 12, 1993	Aug. 31, 1993	Sept. 7, 1993	38	Sept. 17, 1993
Mar. 2, 1993	Mar. 9, 1993	12	Mar. 19, 1993	Sept. 7, 1993	Sept. 14, 1993	39	Sept. 24, 1993
Mar. 9, 1993	Mar. 16, 19	13	Mar. 26, 19	Sept. 14, 1993	Sept. 21, 1993	40	Oct. 1, 1993
Mar. 16, 1993	Mar. 23, 1993	14	Apr. 2, 1993	Sept. 21, 1993	Sept. 28, 1993	41	Oct. 8, 1993
Mar. 23, 1993	Mar. 30, 1993	15	Apr. 9, 1993	Sept. 28, 19	Oct. 5, 1993	42	Oct. 15, 1993
Mar. 30, 1993	Apr. 6, 1993	16	Apr. 16, 1993	Oct 5, 1993	Oct. 12, 1993	43	Oct. 22, 1993
Apr. 6, 19	Apr. 13, 1993	17	Apr. 23, 1993	Oct 12, 1993	Oct 19, 1993	44	Oct. 29, 1993
Apr. 13, 19	Apr. 20, 1993	18	Apr. 30, 1993	Oct 19, 1993	Oct. 26, 1993	45	Nov. 5, 1993
Apr. 20, 19	Apr. 27, 1993	19	May 7, 1993	Oct 26, 1993	Nov. 2, 1993	46	Nov. 12, 1993
Apr. 27, 19	May 4, 1993	20	May 14, 19	Nov. 2, 1993	Nov. 9, 19	47	Nov. 19, 1993
May 4, 19	May 11, 1993	21	May 21, 1993	Nov. 9, 1993	Nov. 16, 1993	48	Nov. 29, 1993 (Mon.)
May 11, 1993	May 18, 1993	22	May 28, 1993	Nov. 16, 1993	Nov. 23, 19	49	De 9, 1993
May 18, 1993	May 25, 1993	23	June 4, 1993	Nov. 23, 1993	Nov. 0, 1993	50	Dec. 10, 1993
May 25, 1993	June 1, 1993	24	June 11, 1993	Nov. 30, 1993	Dec. 7, 1993	51	Dec 17, 1993
June 1, 1993	June 8, 1993	25	June 18, 1993	De 7, 1993	Dec. 14, 1993	52	Dec. 27, 1993 (Mon)
June 8, 1993	June 15, 1993	26	June 25, 1993	De 14, 1993	Dec. 21, 1993	1	Jan. 3, 1994 (Mon.)
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 (if day before).

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Acquisition, Management and Disposal of Real Property

2) Code Citation: 44 Ill. Adm. Code 5000

3) Section number: Proposed Action:

5000.230 Amendment

4) Statutory Authority: 111. Rev. Stat. 1991, ch. 102, par. 3.1 [50 ILCS 105/3.1] and 111. Rev. Stat. 1991, ch. 127, par. 63b13.1 [20 ILCS 405/67.01]

5) A Complete Description of the Subjects and Issues Involved:

Current rules do not provide for the updating of disclosure documents. The proposed amendment corrects that situation.

6) Will this proposed amendment 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? No.

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

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

John Brazaitis
712 Stratton Office Building
Springfield, IL 62706
(217)785-1944

12) Initial Regulatory Flexibility Analysis: Not applicable.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the Register on page 2362.

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Anticipated Salvage and Subrogation Recoverable

2) Code Citation: 50 Ill. Adm. Code 927

3) Section Numbers: Proposed Action:

927.10 Amended
927.20 Amended
927.30 Amended

4) Statutory Authority: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 748 and 1013).

5) A Complete Description of the Subjects and Issues Involved:

In an effort to remain consistent with the National Association of Insurance Commissioners (NAIC) standards regarding annual financial statement instructions, the Department is proposing the attached amendments.

The NAIC annual financial statement instructions were recently revised to allow reporting of loss reserves net of salvage and subrogation, at the state's discretion. These adjustments must be disclosed in the notes to the financial statement and must be calculated and documented according to the annual financial statement instructions and the accounting practices and procedures manual.

The Department is willing to allow insurance companies licensed to do business in Illinois to take this credit.

6) Will this proposed rule replace 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 proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments will not require a local government to

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 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:

David Van Lieshout, Assistant Chief Counsel
 Department of Insurance
 320 West Washington
 Springfield, Illinois 62767

- 12) Initial Regulatory Flexibility Analysis:

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 927
 ANTICIPATED SALVAGE AND SUBROGATION RECOVERABLE

Section	
927.10	Authority
927.20	Purpose and Scope
927.30	No Credit Permitted

AUTHORITY: Implementing Section 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 748 and 1013).

SOURCE: Adopted at 5 Ill. Reg. 1034, effective January 14, 1981; codified at 7 Ill. Reg. 2362; amended at 17 Ill. Reg. _____, effective _____.

Source 927.10 Authority

This Rule Part is promulgated by the Director of Insurance pursuant to authority contained in Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) which empowers the Director ". . . to make reasonable rules and regulations as may be necessary to make effective . . ." insurance laws of the State of Illinois. This Rule Part implements particularly Section 136 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 748).

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

Section 927.20 Purpose and Scope

The purpose of this Rule Part is to continue uniformity in annual statements filed with the Director of Insurance pursuant to Section 136 of the Illinois Insurance Code as respects the treatment of salvage and subrogation recoverables. This Rule Part applies to all domestic, foreign and alien companies authorized to transact business of insurance in the State of Illinois.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 927.30 No Credit Permitted

Due to the difficulty in ascertaining the value of items received as salvage on losses and determining the amount which may be recovered by subrogation on losses (whether paid or unpaid) - insurance companies - licensed to do business in this State may take credit in any annual statement or interim statement filed with the Director for anticipated salvage and subrogation, recoverable on paid or unpaid losses, which has not been reduced to cash, provided the company's net reserves are adequate to meet all future claim obligations. Any credit taken under this Section shall be in accordance with the annual statement instructions and the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners, which permit the recording of reserves net of anticipated salvage and subrogation.

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

An insurance company licensed to do business in this State may take credit in any annual statement or interim statement filed with the Director for anticipated salvage and subrogation, recoverable on paid or unpaid losses, which has not been reduced to cash, provided the company's net reserves are adequate to meet all future claim obligations. Any credit taken under this Section shall be in accordance with the annual statement instructions and the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners, which permit the recording of reserves net of anticipated salvage and subrogation.

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF PUBLIC AID

1) Heading of the Part: Collections and Recoveries

2) Code Citation: 89 Ill. Adm. Code 165

3) Section Numbers: Proposed Action: 165.70 Amendment

4) Statutory Authority: Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1991, ch. 23, pars. 11-18, 12-4.4 and 12-13) [305 ILCS 5/11-18, 5/12-4.4 and 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments are necessary to align AFDC, AABD and GA recoupment of overpayment policies with food stamp recoupment of overpayment policies. Under current policy, financial assistance overpayments and food stamp overpayments are treated differently. AFDC, AABD and GA overpayments are recouped from any AFDC, AABD or GA case that includes a person, child or adult, who was in the original overpaid case while food stamp overpayments are only recouped from cases that contain an adult member of the overpaid case. Consequently, a financial assistance case may be subject to recoupment for overpaid financial assistance while the food stamp overpayment for the same case is not subject to recoupment because the adults associated with the food stamp overpayment are no longer in the household. As a result of these amendments, overpayments will only be recouped from AFDC, AABD and GA cases that contain an adult who received financial assistance in the case that was overpaid.

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? No

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 Umuna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. B., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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: None

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 f: COLLECTIONS

PART 165
 COLLECTIONS AND RECOVERIES

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

- Section 165.1 Incorporation By Reference
- 165.10 Overpayments
- 165.20 Determination of Financial Assistance Overpayments
- 165.30 Types of Food Stamp Overpayment Claims
- 165.40 Determination of Food Stamp Overpayments
- 165.42 Establishment of Claims for Food Stamp Overpayments
- 165.50 Suspension and Termination of Food Stamp Claims

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE OVERPAYMENTS FROM CURRENT CASES

- Section 165.70 Recoupment of Overpayments from Current Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM CURRENTLY PARTICIPATING HOUSEHOLDS

- Section 165.80 Initiating Collection from Currently Participating Households
- 165.82 Methods of Food Stamp Claim Repayment
- 165.84 Determination of Monthly Allotment Reductions
- 165.86 Failure to Respond to Initial Demand Letter
- 165.88 Failure to Comply with Repayment Schedule

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

- Section 165.100 Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps
- 165.102 Demand for Repayment
- 165.104 Methods of Involuntary Repayment
- 165.106 Effect of Return to Active Assistance Status

AUTHORITY: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1991, ch. 23, pars. 11-18, 12-4.4 and 12-13) [305 ILCS 5/11-18, 5/12-4.4 and 5/12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE OVERPAYMENTS FROM CURRENT CASES

Section 165.70 Recoupment of Overpayments from Current Aid to Families with Dependent Children (AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

a) When the Department determines that an AFDC, AABD or GA assistance unit has received assistance to which it is not entitled, the Department shall recoup the overpayment from:

1) the current assistance grant; or

2) the assistance grant case that now contains the former grantee of the overpaid assistance case; or

3) the assistance grant case that now contains any adult member of the overpaid assistance case. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)

b) The entire overpayment will be recouped in as short a time as possible. However, the amount to be deducted for any one month shall not reduce the family's or individual's total income and assets to an amount less than 90% of the respective payment standard for a family or individual of that size with no income. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)

c) For AFDC and GA, the family's or individual's total income shall include all gross earned income, less the earned income disregard and child care deduction if applicable, all unearned income, and all assistance payments. For AABD, total income shall include net earned income, all unearned income, and all assistance payments.

(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 Number: Proposed Action:

120.61

Amendment

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) Complete Description of the Subjects and Issues Involved: As a result of Public Law 102-568, these proposed amendments allow for the use of a \$90 monthly income disregard for veterans surviving spouses residing in long term care facilities. In order to receive the \$90 income disregard, the surviving spouse must receive reduced monthly veterans benefits in the amount of \$90 and not have a dependent child. This income disregard prohibits the \$90 per month in veterans benefits from being applied toward the cost of the surviving spouse's nursing home care.

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

120.70

Amendment

January 22, 1993 (17 Ill. Reg. 711)

120.73

New Section

January 22, 1993 (17 Ill. Reg. 711)

120.75

New Section

January 22, 1993 (17 Ill. Reg. 711)

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 Umuna, 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.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

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: None

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

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)
SUBPART H: MEDICAL ASSISTANCE - NO GRANT	
Section	
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
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	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
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
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income

120.275	Earned Income from Roomer and Boarder (Repealed)
120.272	Earned Income from Self-Employment (Repealed)
120.271	Income from Work/Study/Training Program (Repealed)
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	
120.91	Income Standards
120.90	Migrant Medical Program
Section	
120.80	Recipient Restriction Program
Section	
120.76	Hospital Insurance Benefits (HIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.72	Beneficiary (QMB)
120.70	Supplementary Medical Insurance Benefits, Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
Section	
Section	
120.70	Supplementary Medical Insurance Benefits, Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.76	Hospital Insurance Benefits (HIB)
Section	
120.80	Recipient Restriction Program
Section	
120.90	Migrant Medical Program
120.91	Income Standards
Section	
Section	
120.200	Elimination of Aid to the Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
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)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Assessment of Assets
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120.386	Property Transfers Effective for Applications Filed on or After October 1, 1989
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395	Payment Levels for MANG
120.399	Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. 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 et seq., 5/4-1 et seq., 5/5-1 et seq., 5/6 et seq., 5/7-1 et seq. and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 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; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no 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 III. Reg. 17897; amended at 8 III. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 III. Reg. 20706, effective October 3, 1984; amended at 8 III. Reg. 25053, effective December 12, 1984; emergency amendment at 9 III. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 III. Reg. 4515, effective March 25, 1985; amended at 9 III. Reg. 5346, effective April 11, 1985; amended at 9 III. Reg. 7153, effective May 6, 1985; amended at 9 III. Reg. 11346, effective July 8, 1985; amended at 9 III. Reg. 12298, effective July 25, 1985; amended at 9 III. Reg. 12823, effective August 9, 1985; amended at 9 III. Reg. 15903, effective October 4, 1985; amended at 9 III. Reg. 16300, effective October 10, 1985; amended at 9 III. Reg. 16906, effective October 18, 1985; amended at 10 III. Reg. 1192, effective January 10, 1986; amended at 10 III. Reg. 4907, effective March 7, 1986; amended at 10 III. Reg. 6966, effective April 16, 1986; amended at 10 III. Reg. 10688, effective June 3, 1986; amended at 10 III. Reg. 12672, effective July 14, 1986; amended at 10 III. Reg. 15649, effective September 19, 1986; amended at 11 III. Reg. 3992, effective February 23, 1987; amended at 11 III. Reg. 7652, effective April 15, 1987; amended at 11 III. Reg. 8735, effective April 20, 1987; emergency amendment at 11 III. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 III. Reg. 14034, effective August 14, 1987; amended at 11 III. Reg. 14763, effective August 26, 1987; amended at 11 III. Reg. 20142, effective January 1, 1988; amended at 11 III. Reg. 20898, effective December 14, 1987; amended at 12 III. Reg. 904, effective January 1, 1988; amended at 12 III. Reg. 3516, effective January 22, 1988; amended at 12 III. Reg. 6234, effective March 22, 1988; amended at 12 III. Reg. 8672, effective May 13, 1988; amended at 12 III. Reg. 9132, effective May 20, 1988; amended at 12 III. Reg. 11483, effective June 30, 1988; emergency amendment at 12 III. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 III. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 III. Reg. 12835, effective July 22, 1988; emergency amendment at 12 III. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 III. Reg. 17867, effective October 30, 1988; amended at 12 III. Reg. 19704, effective November 15, 1988; amended at 12 III. Reg. 20188, effective November 23, 1988; amended at 13 III. Reg. 116, effective January 1, 1989; amended at 13 III. Reg. 2081, effective February 3, 1989; amended at 13 III. Reg. 3908, effective March 10, 1989; emergency amendment at 13 III. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency amendment at 13 III. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 III. Reg. 15404, effective October 6, 1989; emergency amendment at 13 III. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 III. Reg. 17483, effective October 31, 1989; amended at 13 III. Reg. 17838, effective November 8, 1989; amended at 13 III. Reg. 18872, effective November 17, 1989; amended at 14 III. Reg. 760, effective January 1, 1990; emergency amendment at 14 III. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 III. Reg. 4233, effective March 5, 1990; emergency amendment at 14 III. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended

at 14 III. Reg. 6372, effective April 16, 1990; amended at 14 III. Reg. 7637, effective May 10, 1990; amended at 14 III. Reg. 10396, effective June 20, 1990; amended at 14 III. Reg. 13227, effective August 6, 1990; amended at 14 III. Reg. 14814, effective September 3, 1990; amended at 14 III. Reg. 17004, effective September 30, 1990; emergency amendment at 15 III. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 III. Reg. 5302, effective April 1, 1991; amended at 15 III. Reg. 10101, effective June 24, 1991; amended at 15 III. Reg. 11973, effective August 12, 1991; amended at 15 III. Reg. 12747, effective August 16, 1991; amended at 15 III. Reg. 14105, effective September 11, 1991; amended at 15 III. Reg. 14240, effective September 23, 1991; amended at 16 III. Reg. 139, effective December 24, 1991; amended at 16 III. Reg. 1862, effective January 20, 1992; amended at 16 III. Reg. 10034, effective June 15, 1992; amended at 16 III. Reg. 11582, effective July 15, 1992; amended at 16 III. Reg. 17290, effective November 3, 1992; amended at 17 III. Reg. 1102, effective January 15, 1993; amended at 17 III. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (ABD) and All Other Licensed Medical Facilities

a) The policy set forth in subsections (b), (c), (d) and (e) below applies to cases receiving care in licensed intermediate care facilities, licensed skilled nursing facilities, or Department of Mental Health and Developmental Disabilities (DMHDD) Facilities. The policy set forth in subsection (f) below applies to cases receiving care in licensed intermediate care facilities, licensed skilled nursing facilities, DMHDD Facilities and all other licensed medical facilities (see 89 III. Adm. Code 140.642).

b) Treatment of Resources

1) A one-month eligibility period will be used. All nonexempt income and non-exempt assets over the applicable asset disregard (Section 120.382) shall be applied towards the cost of care on a monthly basis. Non-exempt income (see Section 120.360) and assets (see 120.381) are applied towards the cost of care beginning with the first full calendar month of anticipated stay in the facility. Non-exempt income shall be applied toward the cost of care first. If insufficient to meet the cost of care at the private pay rate, then non-exempt assets over the applicable asset disregard shall be used.

2) When a client transfers between non-DMHDD facilities or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.61(b)(2) (continued)

transfers to a DMHDD facility, non-exempt income and/or excess assets are applied first toward the cost of care at the first facility and any balance is applied toward the cost of care at the second facility. If the client transfers from a DMHDD facility to a non-DMHDD facility, non-exempt income and/or excess assets are not applied toward the cost of care at the non-DMHDD facility for the month the transfer occurs. If the client is discharged from a DMHDD facility or non-DMHDD facility to his/her residence in the community or to a community based residential setting (such as Community Living Facility, Special Home Placement, Supported Living Arrangement, Home Individual Program, Community Residential Alternatives as defined at 59 Ill. Adm. Code 120.10), the MANG Community Income Standard is used (see Section 120.20) beginning with the month of discharge from the DMHDD facility or non-DMHDD.

- 3) If non-exempt income and non-exempt assets over the applicable asset disregard are greater than the Department's rate for cost of care, no payment will be made to the facility. However, the client may become eligible for Medical Assistance for other medical expenses by incurring medical expenses equal to the spend-down obligation. The private rate of the facility may be applied to the spend-down obligation in this instance. A full redetermination shall be made every twelve (12) months.
- c) Allow a deduction from the MANG client's income to meet the needs of dependent children under age 21 who do not reside with the community spouse, who do not have enough income to meet their needs and whose assets do not exceed the asset limit. To determine needs and asset limits:
 - 1) for dependent children, use AFDC MAG standard and asset disregard (see Sections 120.30 and 120.382).
 - 2) allow any payments made on medical bills for the children.
- d) Allow deductions from the MANG clients non-SSI income for a Community Spouse Maintenance Needs Allowance and a Family Maintenance Needs Allowance for each dependent family member who does not have enough income to meet his/her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse who are living with the community spouse. To determine the amount of the deduction:
 - 1) The deduction for the Community Spouse Maintenance Needs Allowance, as of October 1, 1989, is equal to the community

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.61(d)(1) (continued)

spouse maintenance needs standard (\$1,500) less any non-exempt monthly income of the community spouse. The amount established as the community spouse maintenance needs standard 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 deduction is allowed only to the extent income of the institutionalized spouse is contributed to the community spouse. However, the deduction for the Community Spouse Maintenance Needs Allowance shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair hearing.

- 2) The deduction for the Family Maintenance Needs Allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard (122% of the Federal Poverty Level for two persons as of September 30, 1989, 133% as of July 1, 1991 and 150% as of July 1, 1992) and any non-exempt income of the family member.
- e) Allow a \$90.00 per month income disregard for veterans residing who have neither spouse nor dependent child or surviving spouses who do not have a dependent child who reside in long term care facilities and who receive reduced monthly veterans benefits in the amount of \$90.00-~~and-who-do-not-have-a-spouse-or-dependent-child~~. Veterans persons allowed the \$90.00 per month income disregard are not also permitted the \$30.00 per month personal allowance (see Section 120.40).
- f) Deduction from MANG program
 - 1) A deduction from the MANG program participant's income shall be permitted for up to six months to maintain a residence in the community when:
 - A) the individual does not have a spouse and/or dependent children in the home; and
 - B) a physician has certified that the stay in the facility is temporary and the individual is expected to return home within six months.
 - 2) To determine the amount of the deduction include:
 - A) rent or property expense that would be allowed in the AABD MAG standard if the individual was at home; and

Section 120.61(f)(2) (continued)

B) utility expenses that would be allowed in the AABD MAG standard if the individual was at home.

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

1) Heading of the Part: Related Program Provisions

2) Code Citation: 89 Ill. Adm. Code 117

3) Section Number: Proposed Action:

117.15

New Section

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) Complete Description of the Subjects and Issues Involved: These proposed amendments specify that when financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten (10) working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate, the financial aid will be reinstated in full, retroactive to the date of termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question. This rulemaking eliminates the need for clients to reapply for assistance when their cases are cancelled due to failure to cooperate and avoids the loss of benefits and the inconvenience that a reapplication would entail.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

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? No

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 Umuna, 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:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 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: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 2370.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: Proposed Action
1040.20 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b) formerly Ill. Rev. Stat. 1989, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-100 et seq. formerly Ill. Rev. Stat. 1989, ch. 95 1/2, par. 6-100 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking outlines what offenses are considered moving violations, serious traffic offenses for Commercial Driver's License purposes, and contains descriptions of offenses which are reported on line by the Commercial Driver's License Information Service (CDLIS). The traffic offense table has also been updated to reflect recent legislative changes to the Illinois Vehicle Code.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other amendments pending on this part? Yes.

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1040.101	Amendment	

- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

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NOTICE OF PROPOSED AMENDMENT(S)

December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 27, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. _____, effective _____.

Section 1040.20 Illinois Traffic Offense Table

a) The conviction report furnished to the Driver Services Department by the court date where a person was convicted of a traffic violation shall be entered upon the driving record by classification (type action) and used as a source of information. In the absence of Statutory Amendment, the following rules shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out herein.

- 1) Classification for convictions of traffic offenses:
 - Type Action 68: Record History Item Only
 - Type action 82: ~~No corresponding Illinois Code Conviction~~
 - Type action 83: Immediate action (no points assigned)
 - Type action 85: Conviction (no points assigned)
 - Type action 87: Conviction (points assigned)
 - Type action 89: Withdrawal (no points assigned)
 - Type action 93: Immediate action bond forfeiture (no points assigned)
 - Type action 94: Immediate action conviction (no points assigned)
 - Type action 95: Bond forfeiture (no points assigned)
 - Type action 96: Conviction (no points assigned)
 - Type action 97: Bond forfeiture (points assigned)
 - Type action 99: Conviction (points assigned)
- 2) Description of Offense: The code used to describe the offense is composed of the chapter and/or section number of the Illinois Rules of the Road of the Illinois Vehicle Code (625 ILCS 5/11-100 et seq. formerly Ill. Rev. Stat. 1991,

NOTICE OF PROPOSED AMENDMENT(S)

ch. 95 1/2, par. 11-100 et seq.), of the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), of the Criminal Code of 1961 (720 ILCS 5/1-1 et seq. formerly Ill. Rev. Stat. 1991, ch. 38, par. 1-1 et seq.), and Section 501 et seq. of the Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 1/2, par. 501 et seq.) the Cannabis Control Act (720 ILCS 550/1 et seq. formerly Ill. Rev. Stat. 1991, ch. 56 1/2, par. 701 et seq.), the Illinois Controlled Substances Act (720 ILCS 570/100 et seq. formerly Ill. Rev. Stat. 1991, ch. 56 1/2, par. 1100 et seq.) or The Liquor Control Act of 1934 (235 ILCS 5/6-16(a) formerly Ill. Rev. Stat. 1991, ch. 43, par. 131(a)). Preceding the section number for these codes with the exception of those listed in paragraph 1), will be a single digit code to identify the specific law which will be as follows:

- 0 - Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act or The Liquor Control Act of 1934
 - 1 - Illinois Vehicle Code
 - 2 - Local ordinance (all municipal ordinance convictions), other than Chicago) or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be a "2")
 - 4 - Motor Vehicle Theft Law Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/4-100 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 4-100 et seq.)
 - 6 - The Illinois Driver Licensing Law
 - 7 - Chicago Municipal Ordinance
 - 8 - Foreign state and other (all out-of-state convictions to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be an "8")
- NOTE: The position for the single digit codes 1, 2, 6, or 8 will be symbolized by a # throughout the point table set out herein.

3) The code to indicate a comment made by the Court (I) will immediately follow the section number of the offense; i.e. an Illinois Vehicle Code speeding conviction would appear as follows:

Court Comment I 0001 11

43) Any one of the last positions of the offense code may be used to indicate the paragraph of the section violated, or refer to the number of miles per hour (in code form) the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			<u>if committed in a commercial motor vehicle)</u>
6-104(e)	#104005	# 104 05	Violation of religious bus driver and of the <u>restriction (a serious traffic violation if committed in a commercial motor vehicle)</u>
6-104(f)	#104006	# 104 06	Violation of classification for transportation of the elderly <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>
6-105	#105000	6 105 00	Violation of instruction permit <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>
6-110(a)	#110000	6 110 00	Violation of curfew law - under age of 17 ("An Act relating to a curfew for certain children" (725 ILCS 555/1 and 555/2 formerly Ill. Rev. Stat. 1991, ch. 23, pars. 2371 and 2372)
6-113(d)	#113400	# 113 00	Violation of restriction on driver's license or special restricted license or permit
6-113(e)	113501	# 113 E1	<u>Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)</u>
6-113(e)	113502	# 113 E2	<u>Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)</u>
6-205(a)3	#205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)5	#205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b)1	#205201	6 205 B1	Notice provided for in Section 2-1-8 of the Juvenile Court Act, (705 ILCS 405/1 through 405/9 formerly Ill. Rev. Stat. 1991, ch. 37, par. 701-08) that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code
6-205(b)2	#205202	# 205 B2	Notice of conviction of such driver for the commission of any of the following sex offenses: rape/ indecent liberties with a child/ contributing to the delinquency of a child/ indecent solicitation of a child/ juvenile pimping/ soliciting for a juvenile prostitute/ and the manufacture/ sale/ or delivery of controlled substances or instruments used for illegal drug use or abuse
6-205(b)3	#205203	# 205 B3	Notice of conviction of a driver of a second or subsequent sex offense
6-205(b)42	#2052042	6 205 B42	When any other law of this State requires either the revocation or suspension of such license or permit
6-210(1)	#210001	# 210 01	Driving during the period of suspension/ <u>revocation</u>
6-210(2)	#210002	# 210 02	Driving during the period of revocation/ <u>suspension</u>

NOTICE OF PROPOSED AMENDMENT(S)

VIOLATION	EDPM	ABSTRACT	DESCRIPTION OF OFFENSE	CODE	DESCRIPTION OF OFFENSE
6-301(1)	# 30101	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit	6-301.1(b)1	30121	Possess fictitious altered driver's license or permit
6-301(2)	# 30102	To lend his license or permit to any other person or knowingly allow the use thereof by another	6-301.1(b)2	30122	Possess/display altered fictitious driver's license or permit
6-301(3)	# 30103	To display or represent as his own any license or permit issued to him	6-301.1(b)3	30123	Possess fictitious altered driver's license or permit
6-301(4)	# 30104	To fail or refuse to surrender to the Secretary of State or his agent or any police officer, upon his lawful demand, any license or permit which has been suspended, revoked or cancelled	6-301.1(b)4	30124	Possess fictitious altered driver's license or permit
6-301(5)	# 30105	To permit allow any unlawful use of a license or permit issued to him	6-301.1(b)5	30125	Possess fictitious altered driver's license or permit
6-301(6)	# 30106	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person	6-301.1(b)6	30126	Possess fictitious altered driver's license or permit
6-301(7)	# 30107	To obtain a license or permit for some other person	6-301.1(b)7	30127	Issue fictitious driver's license or permit
6-301(8)	# 30108	To obtain a license or permit for some other person	6-301.1(b)8	30128	Alter/attempt to alter driver's license or permit
6-301(9)	# 30109	To obtain a license or permit for some other person	6-301.1(b)9	30129	Provide ID for obtaining fictitious driver's license or permit
6-301.2(b)1	# 30121	Possess fraudulent driver's license	6-301.2(b)1	30121	Possess fraudulent driver's license or permit
6-301.2(b)2	# 30122	Possess/display fraudulent driver's license or permit	6-301.2(b)2	30122	Possess/display fraudulent driver's license or permit

NOTICE OF PROPOSED AMENDMENT(S)

VIOLATION	EDPM	ABSTRACT	DESCRIPTION OF OFFENSE	CODE	DESCRIPTION OF OFFENSE
6-301(1)	# 30101	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit	6-301.1(b)1	30121	Possess fictitious altered driver's license or permit
6-301(2)	# 30102	To lend his license or permit to any other person or knowingly allow the use thereof by another	6-301.1(b)2	30122	Possess/display altered fictitious driver's license or permit
6-301(3)	# 30103	To display or represent as his own any license or permit issued to him	6-301.1(b)3	30123	Possess fictitious altered driver's license or permit
6-301(4)	# 30104	To fail or refuse to surrender to the Secretary of State or his agent or any police officer, upon his lawful demand, any license or permit which has been suspended, revoked or cancelled	6-301.1(b)4	30124	Possess fictitious altered driver's license or permit
6-301(5)	# 30105	To permit allow any unlawful use of a license or permit issued to him	6-301.1(b)5	30125	Possess fictitious altered driver's license or permit
6-301(6)	# 30106	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person	6-301.1(b)6	30126	Possess fictitious altered driver's license or permit
6-301(7)	# 30107	To obtain a license or permit for some other person	6-301.1(b)7	30127	Issue fictitious driver's license or permit
6-301(8)	# 30108	To obtain a license or permit for some other person	6-301.1(b)8	30128	Alter/attempt to alter driver's license or permit
6-301(9)	# 30109	To obtain a license or permit for some other person	6-301.1(b)9	30129	Provide ID for obtaining fictitious driver's license or permit
6-301.2(b)1	# 30121	Possess fraudulent driver's license	6-301.2(b)1	30121	Possess fraudulent driver's license or permit
6-301.2(b)2	# 30122	Possess/display fraudulent driver's license or permit	6-301.2(b)2	30122	Possess/display fraudulent driver's license or permit

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-301.2(b)3	301223	# 301223	<u>Possess fraudulent driver's license or permit</u>
6-301.2(b)4	301224	# 301224	<u>Possess fraudulent driver's license or permit</u>
6-301.2(b)5	301225	# 301225	<u>Possess fraudulent driver's license or permit</u>
6-301.2(b)6	301226	# 301226	<u>Possess fraudulent driver's license or permit</u>
6-301.2(b)7	301227	# 301227	<u>Possess driver's license making implement</u>
6-301.2(b)8	301228	# 301228	<u>Possess stolen driver's license making implement</u>
6-301.2(b)9	301229	# 301229	<u>Duplicate/sell fraudulent driver's license or permit</u>
6-301.2(b)10	301220	# 301220	<u>Advertise or distribute fraudulent driver's license or permit</u>
6-302	302000	302 00	Penalty
6-302(a)1	302101	# 302101	<u>Present false information in an application for driver's license/permit</u>
6-302(a)2	302102	# 302102	<u>Accept false information/ID in an application for driver's license/permit</u>
6-302(a)3	302103	# 302103	<u>Make false affidavit swear or affirm falsely</u>
6-303(a)1	#303101	# 303 A1	<u>Driving during a suspension or revocation</u>
6-303(a)2	#303102	# 303 A2	<u>Driving during a revocation or suspension</u>

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-303(d)	#303400	# 303 D0	Second or subsequent conviction of driving during § 11-401 and 11-501 of revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-507(b)	507200	6 507 B0	<u>No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or while subject to or in violation of an "out-of-service" order</u>
8-101	008000	8000	<u>Failure to show proof of financial responsibility - persons who operate motor vehicles in transportation of passengers for hire</u>
11-204	#020400	# 0204 00	Fleeing or attempting to elude a police officer
11-204.1	#020401	# 0204 01	Aggravated fleeing or eluding a police officer
11-401	#040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	#040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000
11-406(a)	#040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	#040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	#050111	# 0501 A1	Driving while alcohol concentration is .10 or more

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE	EDPM OFFENSE DESCRIPTION ABSTRACT	DESCRIPTION OF OFFENSE
11-501(a)2	#050112	Driving while under the influence of alcohol
11-501(a)3	#050113	Driving while under the influence of any other drug or combination of drugs
11-501(a)4	#050114	Driving under the combined influence of alcohol and other drug or drugs
11-501(a)5	#050115	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act

Such person committed a violation of Par. 11-501(a) while driving a school bus with children on board

Such person in committing a violation of Paragraph (a) was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries

Such person committed a violation of Par. 11-501(a) for the third or subsequent time

11-501(a)1	050141	#0501 D1	Such person committed a violation of Par. 11-501(a) for the third or subsequent time
11-501(a)2	050142	#0501 D2	Such person committed a violation of Par. 11-501(a) while driving a school bus with children on board
11-501(a)3	050143	#0501 D3	Such person in committing a violation of Paragraph (a) was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-501(a)4	050144	#0501 D4	Such person committed a violation of Par. 11-501(a) for the third or subsequent time
12-15	0012015	12 15	Conviction of criminal sexual abuse
12-14	0012014	12 14	Conviction of aggravated criminal sexual assault
12-13	0012013	12 13	Conviction of criminal sexual assault
12-5	0012005	12 05	Conviction of reckless conduct
11-19.1	0011191	11 191	Conviction of juvenile pimping
11-15.1	0011151	11 151	Conviction of soliciting for a juvenile prostitute
9-3	0009003	9 03	Reckless homicide resulting from operation of a motor vehicle

NOTICE OF PROPOSED AMENDMENT(S)

IAO VIOLATION CODE	EDPM OFFENSE DESCRIPTION ABSTRACT	DESCRIPTION OF OFFENSE
11-504	#050400	Drag racing
12-215(f)	#221500	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (625 ILCS 5/12-215 formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-215) without lawful authority to stop

Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (625 ILCS 5/12-215 formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-215) without lawful authority to stop

Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (625 ILCS 5/12-215 formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-215) without lawful authority to stop

NOTICE OF PROPOSED AMENDMENT(S)

CRIMINAL CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
12-16	0012016	12 16	Conviction of aggravated criminal sexual abuse
21-2	0021002	21 02	Criminal trespass to motor vehicles
22-51	0022051	22 51	Violation of the Hypodermic Syringes and Needles Act (720 ILCS 635/2 formerly Ill. Rev. Stat. 1991, ch. 56-1/2, par. 22-51) concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	0241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	0241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	0241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	0241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm

THE LIQUOR CONTROL ACT OF 1934 *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage - Liquor Control Act of 1934

ILLINOIS FOOD/ DRUG AND COSMETIC ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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NOTICE OF PROPOSED AMENDMENT(S)

CANNABIS CONTROL ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
704(a)	070401	704 01	Conviction for violation of 704(a) of the Cannabis Control Act concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of 704(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but not more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of 704(c) of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of 704(d) of the Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of 704(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis
705	000705	705 00	Violation of the Illinois Controlled Substances Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
707	0000707	707 00	Violation of the Illinois Controlled Substances Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult

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NOTICE OF PROPOSED AMENDMENT(S)

<u>ILLINOIS CONTROLLED SUBSTANCES ACT</u> *****	<u>EDPM OFFENSE CODE</u> *****	<u>ABSTRACT DESCRIPTION CODE</u> *****	<u>DESCRIPTION OF OFFENSE</u> *****
<u>1402(a)6</u>	<u>014206</u>	<u>1402 06</u>	<u>Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine</u>
<u>1402(a)7</u>	<u>014207</u>	<u>1402 07</u>	<u>Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)</u>
<u>1402(a)8</u>	<u>014208</u>	<u>1402 08</u>	<u>Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine</u>
<u>1402(a)9</u>	<u>014209</u>	<u>1402 09</u>	<u>Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone</u>
<u>1402(a)10</u>	<u>014210</u>	<u>1402 10</u>	<u>Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)</u>
<u>1402(a)11</u>	<u>014211</u>	<u>1402 11</u>	<u>Conviction for violation of 1402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance</u>

NOTICE OF PROPOSED AMENDMENT(S)

<u>ILLINOIS CONTROLLED SUBSTANCES ACT</u> *****	<u>EDPM OFFENSE CODE</u> *****	<u>ABSTRACT DESCRIPTION CODE</u> *****	<u>DESCRIPTION OF OFFENSE</u> *****	
			<u>classified as a narcotic drug in Schedule I or II which is not otherwise included in this sub-section</u>	
<u>1402(b)</u>	<u>014220</u>	<u>1402 20</u>	<u>Conviction for violation of 1402(b) of the Controlled Substances Act concerning the possession of any other amount of a controlled or counterfeit substance</u>	
1407	0014070	1407 00	Adult delivers controlled or counterfeit substances to minor	
1407.1	0014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances	
2103	0021003	21 03	Violation of the Drug Paraphernalia Control Act (720 ILCS 600/3 formerly Ill. Rev. Stat. 1991, ch. 56 1/2, par. 2103) concerning the sale of instruments used for illegal drug use or abuse	
c) Illinois Vehicle Code				
The following point\$ assigned violations will be entered on the driving record as type action -97- bond forfeiture or type action -99- conviction				
<u>IVC VIOLATION CODE</u> *****	<u>EDPM OFFENSE CODE</u> *****	<u>ABSTRACT DESCRIPTION CODE</u> *****	<u>DESCRIPTION OF OFFENSE</u> *****	<u>POINTS</u> *****
<u>6-501</u>	<u>501000</u>	<u>6 501 00</u>	<u>Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)</u>	<u>50</u>
<u>6-507(A)</u>	<u>507100</u>	<u>6 507 A0</u>	<u>Driving a commercial motor</u>	<u>50</u>

NOTICE OF PROPOSED AMENDMENT(S)

POINTS

DESCRIPTION OF OFFENSE

ABSTRACT
DESCRIPTION
CODE

EDPM
OFFENSE
CODE

IVC
VIOLATION
CODE

POINTS

DESCRIPTION OF OFFENSE

ABSTRACT
DESCRIPTION
CODE

EDPM
OFFENSE
CODE

IVC
VIOLATION
CODE

NOTICE OF PROPOSED AMENDMENT(S)

vehicle without a valid
driver's license (a serious
traffic violation if committ-
ed in a commercial motor
vehicle)

II-203 #020300 # 0203 00 Failure to obey lawful order of authorized officer

II-305 #030500 # 0305 00 Disregarding official traffic control device

II-306 #030600 # 0306 00 Disregarding traffic control light

II-308 #030800 # 0308 00 Disregarding lane control signal (a serious traffic violation if committed in a commercial motor vehicle)

II-309 #030900 # 0309 00 Disregarding flashing traffic signal

II-402(a) #040201 # 0402 01 Collision involving damage to vehicles only - failure to stop, exchange information and make report

II-403 #040300 # 0403 00 Failure to stop and exchange information after motor vehicle collision properly damage only

II-403 #040370 # 0403 00 Failure to stop and exchange information or give aid after motor vehicle collision-personal injury involved

II-404 #040400 # 0404 00 Failure to notify owner

after collision with unattended vehicle or other property

II-502(a) #050201 # 0502 01 Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle

II-503 #050300 # 0503 00 Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)

II-505 #050500 # 0505 00 Squealing or screeching tires

II-601(a) #060100 # 0601 00 Speeding too fast for conditions (a serious traffic violation if committed in a commercial motor vehicle)

II-601(b) #060101 # 0601 01 1-10 MPH above limit

II-601(b) #060103 # 0601 03 11-14 MPH above limit

II-601(b) #060105 # 0601 05 15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)

II-601(b) #060107 # 0601 07 Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)

II-605 #060500 # 0605 00 Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)

II-606(a) #060601 # 0606 01 Driving below minimum speed limit

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-606(b)	#060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	#060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	#070100	# 0701 00	Failure to drive on right side of roadway <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-702	#070200	# 0702 00	Improper passing upon meeting an approaching vehicle <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-703(a)	#070301	# 0703 01	Improper passing on left <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-703(b)	#070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-703(c)	#070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-704	#070400	# 0704 00	Improper passing on the right <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-705	#070500	# 0705 00	Improper passing on the left <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-706	#070600	# 0706 00	Driving on left side of	20

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
			roadway where prohibited <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	
11-707(b)	#070702	# 0707 02	Driving on left side of roadway in a no passing zone <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-707(d)	#070704	# 0707 04	No passing in unincorporated areas where there exists a school speed zone as defined in Section 11-605 <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	10
11-708	#070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	5
11-709(a)	#070901	# 0709 01	Improper traffic lane usage <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-709(b)	#070902	# 0709 02	Improper center lane usage <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-709(c)	#070903	# 0709 03	Improper traffic lane usage <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-709(d)	#070904	# 0709 04	Improper traffic lane usage <u>(a serious traffic violation if committed in</u>	20

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION	EPPM OFFENSE	ABSTRACT	DESCRIPTION OF OFFENSE	POINTS
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20
11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15
11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15
11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION	EPPM OFFENSE	ABSTRACT	DESCRIPTION OF OFFENSE	POINTS
11-901.01	090101	# 0901 01	Failure to yield right-of-way at T intersection	15
11-902	090200	# 0902 00	Improper left turn with oncoming traffic	25
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield right-of-way to emergency vehicle	15
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or maintenance area	15
11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle display-ing flashing lights engaged in work upon a highway	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15
11-1002(a)	100201	# 1002 01	Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	20

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1002(d)	#100204	# 1002 04	Passing vehicle stopped for pedestrian <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-1002(e)	#100205	# 1002 05	Failure to yield right-of-way to a pedestrian at an intersection	20
11-1003.1	#100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	#100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	#100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	#110100	# 1101 00	Improper passing of street car on the left	10
11-1102	#110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20
11-1103	#110300	# 1103 00	Obstructing street car traffic	5
11-1104	#110400	# 1104 00	Driving through safety zone	20
11-1201	#120100	# 1201 00	Failure to stop for approaching railroad train or signal	20
11-1202	#120200	# 1202 00	Failure to stop at railroad grade crossing	20
11-1203	#120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	#120400	# 1204 00	Disregarding stop or yield	20

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
			sign at an intersection	
11-1205	#120500	# 1205 00	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(a)	#140201	# 1402 01	Limitations on backing	10
11-1402(b)	#140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	#140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	#140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	#140302	# 1403 02	Operation of motorcycle on one wheel - reckless driving	55
11-1404	#140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5
11-1405	#140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	#141201	# 1412 01	Driving upon sidewalk <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	20
11-1414(a)	#141401	# 1414 01	Passing school bus receiving or discharging children <u>(a serious traffic violation if committed in a commercial motor vehicle)</u>	25
11-1418	#141800	# 1418 00	Illegal operation of farm tractor upon highway	10
11-1505	#150500	# 1505 00	Improper position of motorized pedalcycles on roadways	10

NOTICE OF PROPOSED AMENDMENT(S)

IVC	EDPM	ABSTRACT	DESCRIPTION	CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****	*****	*****
11-1505.1	#150501	#150501	Riding motorized pedalcycle more than two abreast on roadways	10	Violation of lamps on motorized pedalcycles	10
11-1507.1	#150701	#150701	Violation of lamps on motorized pedalcycles	10	Improper left turn on pedalcycle	10
12-201(b)	#220102	#220102	Head, tail or side light violation	10	No stop lights	5
12-208(a)	#220801	#220801	No stop lights	5	No turn signal lights	5
12-208(b)	#220802	#220802	No turn signal lights	5	No turn signal lights on trailers or semi-trailers	5
12-208(c)	#220803	#220803	No turn signal lights on trailers or semi-trailers	5	Defective brakes	20
12-301	#230100	#230100	Defective brakes	20	School bus identification	5
12-804	#280400	#280400	School bus identification	5	and warning light violation	15
15-106	#510600	#510600	Failure to fasten or secure any protruding component of a vehicle	15	Spilling or unsafe load	15
15-109	#510900	#510900	Spilling or unsafe load	15	Improper towing of a vehicle	10
15-110	#511000	#511000	Improper towing of a vehicle	10	Improper pushing of another vehicle	10
15-114	#511400	#511400	Improper pushing of another vehicle	10		

d) City of Chicago Traffic Regulations - Chapter 27 of the Municipal Code of Chicago

The following point assigned violations will be entered on the driving record as type action - 97 - bond forfeiture or type action - 99 - conviction

NOTICE OF PROPOSED AMENDMENT(S)

CHICAGO	EDPM	ABSTRACT	DESCRIPTION	CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****	*****	*****
7-201	7201000	720100	Disregarding official traffic control device	20	Disregarding official traffic control device	20
7-202	7202000	720200	Disregarding traffic control light	20	Disregarding flashing traffic signal	20
7-203	7203000	720300	Disregarding flashing traffic signal	20	Disregarding lane control light	20
7-204	7204000	720400	Disregarding lane control light	20	Avoiding official traffic control device	20
7-205	7205000	720500	Avoiding official traffic control device	20	Driving motor-driven cycle on access roadway	10
7-210	7210000	721000	Driving motor-driven cycle on access roadway	10	Improper traffic lane usage	20
7-211	7211000	721100	Improper traffic lane usage	20	Speeding too fast for conditions	10
7-212	7212000	721200	Speeding too fast for conditions	10	1 - 10 MPH above limit	5
7-212.03	7212003	721203	11 - 14 MPH above limit	15	15 - 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
7-212.05	7212005	721205	15 - 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
7-212.07	7212007	721207	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50	Driving below minimum speed limit	5
7-213	7213000	721300	Driving below minimum speed limit	5	Improper turn at intersection	10
7-214	7214000	721400	Improper turn at intersection	10	Improper or illegal turn on red signal light	20
7-215	7215000	721500	Improper or illegal turn on red signal light	20		

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-216	7216000	7 216 00	Improper U-turn	10
7-217	7217000	7 217 00	Improper U-turn in <u>L</u> oop district	10
7-218	7218000	7 218 00	Disobeying no-turn sign	10
7-219	7219000	7 219 00	Driving wrong way on one-way street	5
7-220	7220000	7 220 00	Driving wrong way on one-way street - restrictive period	5
7-221	7221000	7 221 00	Disregarding stop sign at intersection	20
7-222	7222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-223	7223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20
7-224	7224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	7225000	7 225 00	Failure to observe yield right-of-way	20
7-226	7226000	7 226 00	Failure to stop for approaching railroad train or signal	20
7-227	7227000	7 227 00	Failure to observe bridge signal	20
7-228	7228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
7-229	7229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20
7-230	7230000	7 230 00	Failure to yield right-of-way at intersection	15

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-231	7231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	7232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	7233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	7236001	7 236 01	Improper passing on the left	20
7-236(b)	7236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	7237000	7 237 00	Improper passing on the right	20
7-238	7238000	7 238 00	Improper passing on the left	20
7-239	7239000	7 239 00	Failure to drive on right side of roadway	5
7-240	7240000	7 240 00	Passing stopped school bus receiving or discharging children	25
7-241	7241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	7244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	7247000	7 247 00	Driving in area designated as play street	20
7-248	7248000	7 248 00	Driving on sidewalk or parkway	20
7-249	7249000	7 249 00	Driving through safety zone	20
7-250	7250000	7 250 00	Driving in bus lane	20
7-251	7251000	7 251 00	Driving on left side of roadway where prohibited	20

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NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
12-603.1	#260301	# 2603 01	Violation of the seat belt act
<u>12-712(a)</u>	<u>271201</u>	<u># 2712 01</u>	<u>Violation of possession and use of a radar detecting device in a commercial motor vehicle</u>
<u>12-712(a)</u>	<u>271301</u>	<u># 2713 01</u>	<u>Violation of possession and use of a radar jamming device in a commercial motor vehicle</u>
1104	#001104	# 01104 00	Violation of the Child Passenger Protection Act, (625 ILCS 5/11-1104 formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1104) child under age 4
1104(a)	#101104	# 01104 10	Violation of the Child Passenger Protection Act, (625 ILCS 5/11-1104(a) formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 1104(a)) child age 4 but under age 6

f) City of Chicago Traffic Regulations - Chapter 27 of The Municipal Code of Chicago

The following violations will be entered on the driving record as type action -95- bond forfeiture or type action -96- conviction with no point value:

CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
7-235	7235000	7 235 00	Driving through a Funeral procession
7-246	7246000	7 246 00	Crossing fire hose
7-274	7274000	7 274 00	Driving in a Funeral procession
7-342.1	7342001	7 342 01	Violation of seat belt act

NOTICE OF PROPOSED AMENDMENT(S)

CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
7-347	7347000	7 347 00	Spot light violation
7-348	7348000	7 348 00	Other light violation
7-349	7349000	7 349 00	Front red or flashing light

g) Case Review

1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, ~~or~~ revocation, or disqualification by automated computer programs using criteria set forth in 92 Ill. Adm. Code 1040/10(1).

2) Driver control action shall be entered upon the driver's record by classification (type action).

- A) Classification for driver control actions:
 - Type action 01 Mandatory Revocation
 - Type action 02 Discretionary Revocation
 - Type action 03 Discretionary Suspension
 - Type action 04 Safety Responsibility Suspension
 - Type action 05 Financial Responsibility Suspension
 - Type action 06 Unsatisfied Judgment Suspension
 - Type action 07 Mandatory Suspension
 - Type action 08 Cancellation of License
 - Type action 09 Mandatory Suspension
 - Type action 17 Statutory Summary Suspension
 - Type action 18 Vehicle Emissions Suspension
 - Type action DQ Discretionary/Mandatory Disqualification
 - Type action OS Out of Service Law Enforcement History Item

B) Description of driver control action:

The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation - Type Action 01

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE	EDPM OFFENSE DESCRIPTION	ABSTRACT	DESCRIPTION OF OFFENSE
6-205(a)1	6 205 A1	\$205201	6 205 B1
6-205(a)2	6 205 A2		6 205 B1
6-205(a)3	6 205 A3		6 205 B1
6-205(a)4	6 205 A4	\$2052042	6 205 B42
6-205(a)5	6 205 A5	\$205300	6 205 C0
6-205(a)6	6 205 A6	\$205400	6 205 D0
6-205(a)7	6 205 A7		
6-205(a)8	6 205 A8		
6-205(a)9	6 205 A9	\$206101	6 206 A1
6-205(a)10	6 205 A10	\$206102	6 206 A2
6-205(a)11	6 205 A11	\$206103	6 206 A3
6-205(a)12	6 205 A12	\$206104	6 206 A4
		\$206105	6-206 AS

Notice provided for in Section 218 of the Juvenile Court Act, that a minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code

When any other law of this State requires either the revocation or suspension of such license or permit

Revocation of a restricted driving permit

Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof

1) Discretionary Revocations and Suspensions - Type Action 02 or 03

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE	EDPM OFFENSE DESCRIPTION	ABSTRACT	DESCRIPTION OF OFFENSE
6-205(a)1	6 205 A1		6 205 A1
6-205(a)2	6 205 A2		6 205 A2
6-205(a)3	6 205 A3		6 205 A3
6-205(a)4	6 205 A4		6 205 A4
6-205(a)5	6 205 A5		6 205 A5
6-205(a)6	6 205 A6		6 205 A6
6-205(a)7	6 205 A7		6 205 A7
6-205(a)8	6 205 A8		6 205 A8
6-205(a)9	6 205 A9		6 205 A9
6-205(a)10	6 205 A10		6 205 A10
6-205(a)11	6 205 A11		6 205 A11
6-205(a)12	6 205 A12		6 205 A12

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1) Discretionary Revocations and Suspensions - Type Action 02 or 03

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE	EDPM OFFENSE DESCRIPTION	ABSTRACT	DESCRIPTION OF OFFENSE
6-205(a)1	6 205 A1		6 205 A1
6-205(a)2	6 205 A2		6 205 A2
6-205(a)3	6 205 A3		6 205 A3
6-205(a)4	6 205 A4		6 205 A4
6-205(a)5	6 205 A5		6 205 A5
6-205(a)6	6 205 A6		6 205 A6
6-205(a)7	6 205 A7		6 205 A7
6-205(a)8	6 205 A8		6 205 A8
6-205(a)9	6 205 A9		6 205 A9
6-205(a)10	6 205 A10		6 205 A10
6-205(a)11	6 205 A11		6 205 A11
6-205(a)12	6 205 A12		6 205 A12

Notice provided for in Section 218 of the Juvenile Court Act, that a minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code

When any other law of this State requires either the revocation or suspension of such license or permit

Revocation of a restricted driving permit

Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof

1) Discretionary Revocations and Suspensions - Type Action 02 or 03

Violation of Sec. 6-507(b) relating to the unlawful operation of a commercial motor vehicle

Violation of financial responsibility in operation of a motor vehicle for the purpose of hire, Chapter 8 or for rent, Chapter 9

Reckless conduct, Section 12-5 Illinois Criminal Code of 1961

Conviction of aggravated fleeing or eluding a police officer

Conviction of drag racing under Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code

Conviction of motor vehicle theft as defined in Section 4-102

Conviction of reckless driving committed within a 12-month period

Conviction of motor vehicle ownership or operation of a motor vehicle

Perjury under oath relating to ownership or operation of a motor vehicle

Three convictions of reckless driving committed within a 12-month period

Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof

1) Discretionary Revocations and Suspensions - Type Action 02 or 03

Violation of financial responsibility in operation of a motor vehicle for the purpose of hire, Chapter 8 or for rent, Chapter 9

Reckless conduct, Section 12-5 Illinois Criminal Code of 1961

Conviction of aggravated fleeing or eluding a police officer

Conviction of drag racing under Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code

Conviction of motor vehicle theft as defined in Section 4-102

Conviction of reckless driving committed within a 12-month period

Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof

Conviction of motor vehicle ownership or operation of a motor vehicle

Perjury under oath relating to ownership or operation of a motor vehicle

Three convictions of reckless driving committed within a 12-month period

Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof

1) Discretionary Revocations and Suspensions - Type Action 02 or 03

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)6	§206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State <u>including authorization contained in Section 6-203.1</u>
6-206(a)7	§206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	§206108	6 206 AS	Ineligible for license or permit under Section 6-103
6-206(a)9	§206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, <u>ID card</u> or permit
6-206(a)10	§206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, <u>ID card</u> or permit not issued to such person
6-206(a)11	§206111	6 206 A11	Driving while license or permit has been revoked of suspended
6-206(a)12	§206112	6 206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, <u>ID card</u> or permit for some other person
6-206(a)13	§206113	6 206 A13	Violation of Curfew Act
6-206(a)14	§206114	6 206 A14	Unlawful use of license or permit under Section 6-301 or 6-301.1 <u>or 6-301.2</u>
6-206(a)15	§206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 (<u>725 ILCS 5/100-1 et seq. formerly Ill. Rev. Stat. 1991, ch. 38, pars. 100-1 et seq.</u>)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-206(a)16	§206116	6 206 A16	Violation of Section 11-204, fleeing from a police officer
6-206(a)17	§206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	§206118	6 206 A18	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)19	§206119	6 206 A19	Has violated Section 6-101 - driving without a valid license
6-206(a)20	§206120	6 206 A20	Has violated Section 6-104 - driving without a proper classification on a driver's license
6-206(a)21	§206121	6 206 A21	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)22	§206122	6 206 A22	Has used a motor vehicle in violation of Section 24-1(a) (3), (4), (7), or (9) of the Criminal Code of 1961 (<u>Ill. Rev. Stat. 1989, ch. 38, par. 24-1(a)(3), (4), (7) et (9)</u>)
6-206(a)23	§206123	6 206 A23	Has been convicted of violating Paragraph (a) of Section 11-502 for a second or subsequent time within one year
6-206(a)24	§206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense which is the same or similar to an offense specified under Section 6-205 or 6-206

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

k) Cancellation - Type Action 08

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-108(1)	§108001	6 108 01	Request for withdrawal of consent
6-108(2)	§108002	6 108 02	Death of person giving consent
6-108(3)	§108003	6 108 03	Person giving consent no longer has legal custody
6-113(d)	§113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	§201101	6 201 A1	Not entitled to the issuance of the license or permit
6-201(a)2	§201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	§201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	§201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	§201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	§201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)(7)	201107	6 201 A7	<u>Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle</u>
6-205(c)	§205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205
6-206(c)3	§206303	6 206 C3	Cancellation of a permit subsequent

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			to a discretionary revocation or suspension pursuant to Section 6-206
l) <u>Discretionary/Mandatory Disqualification - Type Action - DQ</u>			
<u>IVC VIOLATION CODE *****</u>	<u>EDPM OFFENSE CODE *****</u>	<u>ABSTRACT DESCRIPTION CODE *****</u>	<u>DESCRIPTION OF OFFENSE *****</u>
<u>6-514(a)1</u>	<u>514101</u>	<u>6 514 A1</u>	<u>Refusal to submit/failure to complete chemical test</u>
<u>6-514(a)2</u>	<u>514102</u>	<u>6 514 A2</u>	<u>Operating commercial motor vehicle/alcohol concentration .04 or more</u>
<u>6-514(a)3I</u>	<u>514131</u>	<u>6 514 A31</u>	<u>Driving under influence of alcohol/other drug(s)</u>
<u>6-514(a)3II</u>	<u>514132</u>	<u>6 514 A32</u>	<u>Leaving scene of accident while operating commercial motor vehicle</u>
<u>6-514(a)3III</u>	<u>514133</u>	<u>6 514 A33</u>	<u>Driving commercial motor vehicle while committing any felony</u>
<u>6-514(b)</u>	<u>514200</u>	<u>6 514 B</u>	<u>Second conviction of violation Sec. 6-514(a)</u>
<u>6-514(c)</u>	<u>514300</u>	<u>6 514 C</u>	<u>Conviction of felony drug offense(s) using commercial motor vehicle</u>
<u>6-514(e)</u>	<u>514500</u>	<u>6-514 E</u>	<u>Conviction of 2 or more serious traffic violations within 3 years</u>

m) Out-Of-Service - Law Enforcement Sanction History Item - Type Action OS

NOTICE OF PROPOSED AMENDMENT(S)

DHR	CONVICTION	CODE
FR 4	FR 4	FR 4

Failure to file future proof of financial responsibility as required under any other provision of the Financial Responsibility Law

Failure to maintain required compulsory liability insurance

Littering

Misrepresentation contribution violation

Obtaining or applying for a duplicate driver's license during withdrawal

Misrepresentation of identity or other facts to avoid arrest or prosecution

Miscellaneous

Sex offense in vehicle

Required reports, appearances, or documents

Failure to file report of accident as required

Failure to appear for hearing or trial

Failure to surrender driver's license, registration, or title documents as required

Registration and titling

Misrepresentation of identity or other facts to obtain a vehicle registration or title

Displaying a registration or title which is invalid because of, alteration, counterfeiting or withdrawal (revocation, suspension, etc.)

Recurrence of violations requiring mandatory action of the licensing authority as specified by law

Accumulation of violations resulting in mandatory action of the licensing authority because of a statutory point system

NOTICE OF PROPOSED AMENDMENT(S)

IVC	VIOLATION	EDPM	OFFENSE	CODE	DESCRIPTION	ABSTRACT	DESCRIPTION OF OFFENSE	CODE	DESCRIPTION OF OFFENSE
6-515	6-515	515000	6 515	24 Hour out-of-service order	*****	*****	*****	*****	*****

n) The following violations will not be assigned points but will be entered on the driving record as type action -68- record history item conviction:

DHR	CONVICTION	CODE
DE 0	DE 0	DE 0
DS 0	DS 0	DS 0
DS 1	DS 1	DS 1
EM 0	EM 0	EM 0
EM 1	EM 1	EM 1
ER 0	ER 0	ER 0
ER 2	ER 2	ER 2
FA 2	FA 2	FA 2
FA 3	FA 3	FA 3
FE 0	FE 0	FE 0
FR 0	FR 0	FR 0
FR 1	FR 1	FR 1
FR 2	FR 2	FR 2
FR 3	FR 3	FR 3

Defective equipment

Disability

Inability to pass one or more tests required for driver's license

Equipment misuse

Leaving a vehicle unattended with engine running

Equipment regulations

Use of equipment prohibited by law

Violation of a motor vehicle law resulting in one's own death

Suicide by motor vehicle

Felony

Financial responsibility

Unsatisfied judgment

Failure to meet requirements of the security following accident provisions of the Financial Responsibility Law

Failure to file future proof of financial responsibility following conviction for violation of motor vehicle laws

NOTICE OF PROPOSED AMENDMENT(S)

<u>DHR CONVICTION CODE</u>	<u>DESCRIPTION OF OFFENSE</u>
*****	*****
<u>RV 3</u>	<u>Accumulation of violations resulting in discretionary action by the license authority</u>
<u>SC 6</u>	<u>Obscuring, tampering with, or illegally displaying traffic control devices, warning, or instructions</u>
<u>VR 0</u>	<u>Violation of restriction licensing requirements</u>
<u>VR 6</u>	<u>Allowing an unlicensed operator to drive</u>

o) The following violations will not be assigned points but will be entered on the driving record as type action -82- conviction immediate action:

<u>DHR CONVICTION CODE</u>	<u>DESCRIPTION OF OFFENSE</u>
*****	*****
<u>C 11</u>	<u>Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more</u>
<u>C 13</u>	<u>Refusal to undergo such testing as is required by any State or jurisdiction</u>
<u>DI 0</u>	<u>Driving while intoxicated violation pertaining to intoxication</u>
<u>DI 1</u>	<u>Driving while under the intoxicating influence of alcohol, narcotics, or pathogenic drugs</u>
<u>DI 2</u>	<u>Driving while under the intoxicating influence of medication or other substances not intended to produce intoxication as a result of normal use</u>
<u>DI 3</u>	<u>Refusal to submit to a test for alcohol after arrest for driving while intoxicated or suspicion of intoxication</u>
<u>DI 6</u>	<u>Impaired</u>
<u>EM 7</u>	<u>Operating or using a vehicle without consent of the owner</u>
<u>FE 1</u>	<u>Using a motor vehicle as the device for committing a felony</u>

NOTICE OF PROPOSED AMENDMENT(S)

<u>DHR CONVICTION CODE</u>	<u>DESCRIPTION OF OFFENSE</u>
*****	*****
<u>FE 2</u>	<u>Using a motor vehicle in connection with a felony</u>
<u>HR 4</u>	<u>Evading arrest by fleeing the scene of citation or roadblock</u>
<u>HR 5</u>	<u>Evading arrest by extinguishing lights (when lights are required)</u>
<u>MR 1</u>	<u>Misrepresentation of identity or other facts to obtain a driver's license</u>
<u>MR 2</u>	<u>Displaying a driver's license which is invalid because of alteration, counterfeiting, or withdrawal (suspension, revocation, etc.)</u>
<u>MR 3</u>	<u>Displaying the driver's license of another person</u>
<u>MR 4</u>	<u>Loaning a driver's license</u>
<u>SP 1</u>	<u>Contest racing on public traffic way</u>
<u>VR 1</u>	<u>Driving while revoked</u>
<u>VR 2</u>	<u>Driving while suspended</u>
<u>VR 4</u>	<u>Operating contrary to conditions specified on driver's license</u>
<u>VR 5</u>	<u>Operating without being licensed or without license required for type of vehicle operated</u>

p) A TA 68 or TA 82 for the following offenses, additional information will be required from the reporting state to determine if the violation if committed in Illinois would result in a immediate action points assigned or, non-points assigned. The TA 68 or TA 82 will be converted to the applicable offenses of Subsections b, c, or l of this Section, respectively.

q) The following violations will not be assigned points but will be entered on the driving record as type action -83- conviction immediate action:

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NOTICE OF PROPOSED AMENDMENT(S)

<u>DHR CONVICTION CODE</u>	<u>DESCRIPTION OF OFFENSE</u>
*****	*****
<u>LI 1</u>	<u>Depositing injurious or harmful substance on traffic way</u>
<u>LI 2</u>	<u>Throwing from vehicle any burning or smoldering substance</u>
<u>LI 3</u>	<u>Littering from a motor vehicle</u>
<u>MS 3</u>	<u>Opening vehicle closure into moving traffic or while vehicle is in motion</u>
<u>MS 4</u>	<u>Crossing fire hose with vehicle</u>
<u>MS 6</u>	<u>Unsafe operation of vehicle</u>
<u>RK 0</u>	<u>Reckless, careless, or negligent driving</u>
<u>RK 2</u>	<u>Operating a motor vehicle without the exercise of care and caution required to avoid danger to persons or property</u>
<u>RK 3</u>	<u>Transporting hazardous substance without required safety devices or precautions</u>
<u>RK 4</u>	<u>Coasting or operating with gears disengaged</u>
<u>RR 4</u>	<u>Failure to keep driver's license or registration certificates in possession while driving or in vehicle as required</u>
<u>RR 5</u>	<u>Operating a motor vehicle with registration plates missing, defaced or obscured</u>
<u>RT 1</u>	<u>Operating a vehicle without registering it as required</u>
<u>RT 2</u>	<u>Operating with expired registration</u>
<u>RV 0</u>	<u>Repeated violations</u>
<u>RW 0</u>	<u>Right-of-way</u>
<u>RW 5</u>	<u>Failure to yield to school bus as required</u>
<u>SC 3</u>	<u>Passing through or around barrier positioned to prohibit or channel traffic</u>
<u>SC 4</u>	<u>Failure to observe warnings or instructions on vehicle properly displaying them</u>

NOTICE OF PROPOSED AMENDMENT(S)

<u>DHR CONVICTION CODE</u>	<u>DESCRIPTION OF OFFENSE</u>
*****	*****
<u>SI 3</u>	<u>Failure to cancel directional signals after executing maneuver</u>
<u>SP 5</u>	<u>Operating at erratic or suddenly changing speeds</u>
<u>TU 0</u>	<u>Turns</u>
<u>TU 1</u>	<u>Making right turn from left turn lane</u>
<u>TU 2</u>	<u>Making left turn from right turn lane</u>
<u>VR 3</u>	<u>Driving after license denied</u>
<u>WW 0</u>	<u>Wrong way, side or direction</u>

s) The following point assigned violations will be entered on the driving record as type action -87- conviction:

<u>DHR CONVICTION CODE</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>POINTS</u>
*****	*****	*****
<u>AC 1</u>	<u>Violation of a motor vehicle law resulting in bodily injury</u>	<u>25</u>
<u>C 15</u>	<u>Leaving the scene of an accident involving a commercial motor vehicle</u>	<u>25</u>
<u>C 18</u>	<u>Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit when operating a CMV</u>	<u>20</u>
<u>C 19</u>	<u>Driving a CMV in willful or wanton disregard for the safety of persons or property</u>	<u>55</u>
<u>C 20</u>	<u>Reckless driving, as defined by State or local law or regulation, when operating a CMV</u>	<u>55</u>
<u>C 21</u>	<u>Improper or erratic traffic lane changes when operating a CMV</u>	<u>20</u>

NOTICE OF PROPOSED AMENDMENT(S)

CONVICTION	CODE	DESCRIPTION OF OFFENSE
DHR	PA 1	Passing on a hill, curve or when prohibited by posted signs or pavement markings
	PA 2	Passing on wrong side
	PA 3	Passing with insufficient distance allowed for other vehicles or with inadequate visibility
	PA 4	Passing school bus taking on or discharging passengers or displaying warning not to pass
	PA 5	Failure to signal intention to pass
	PA 6	Failure to yield to overtaking vehicle
	RK 1	Headless, willful, wanton or reckless disregard of the rights and safety of others in operating a motor vehicle, endangering persons or property
	RW 1	Failure to yield right-of-way to emergency or other authorized vehicle
	RW 2	Failure to yield right-of-way at yield sign, after stop sign, or when emerging from private traffic way
	RW 3	Failure to yield right-of-way in a manner required at unassigned intersection
	RW 4	Failure to yield right-of-way to pedestrian, animal rider or animal-drawn vehicle as required
	SC 0	Signs and control devices
	SC 1	Failure to follow instructions of a police officer
	SC 2	Failure to obey traffic instructions stated on traffic sign or shown by traffic control device

NOTICE OF PROPOSED AMENDMENT(S)

CONVICTION	CODE	DESCRIPTION OF OFFENSE
DHR	C 22	Following the vehicle ahead too closely when operating a CMV
	C 23	A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation) when operating a CMV
	DE 2	Operating with defective brakes
	DI 4	Illegal possession of alcohol or drugs in motor vehicle
	EM 3	Towing or pushing vehicle improperly
	FA 1	Violation of a motor vehicle law resulting in the death of another person
	FO 1	Following too closely
	FO 2	Failure of a truck to leave sufficient distance for being overtaken by another vehicle
	HR 0	Hit and run; leaving the scene; evading arrest
	HR 1	Failure to stop and render aid after involvement in an accident resulting in bodily injury
	HR 2	Failure to stop and reveal identity after involvement in an accident resulting in property damage only (disqualification if committed in a commercial motor vehicle)
	IL 1	Improper lane changing
	IL 2	Failure to keep in proper lane
	IL 5	Making improper entrance to or exit from traffic way
	MS 1	Starting improperly from a parked position
	MS 2	Improper backing
	PA 0	Passing

NOTICE OF PROPOSED AMENDMENT(S)

<u>DHR</u> <u>CONVICTION</u> <u>CODE</u> *****	<u>DESCRIPTION OF OFFENSE</u> *****	
SC 5	<u>Failure to observe safety zone</u>	20
SI 0	<u>Signaling intentions</u>	15
SI 1	<u>Failure to signal intention to change vehicle direction or to reduce speed suddenly</u>	15
SI 2	<u>Giving wrong signal</u>	15
SP 0	<u>Speeding</u>	15
SP 2	<u>Prima Facie speed violation for driving too fast for conditions</u>	10
SP 3	<u>Speed in excess of posted maximum</u>	5
SP 4	<u>Speed less than posted minimum</u>	5
TU 3	<u>Making improper turn</u>	15
WW 1	<u>Driving wrong way on one-way street</u>	5
WW 2	<u>Driving on wrong side of road</u>	20
WW 3	<u>Driving in wrong direction at rotary inter-section</u>	5

t) The following withdrawals will not be assigned points but will be entered on the driving record as type action -89- withdrawal:

<u>DHR</u> <u>WITHDRAWAL</u> <u>CODE</u> *****	<u>DESCRIPTION OF WITHDRAWAL</u> *****
C 11	<u>Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more</u>
C 13	<u>Refusal to undergo such testing as is required by any State or jurisdiction</u>
C 51	<u>Disqualification for driving a CMV while the person's alcohol concentration is 0.04 percent or more</u>

NOTICE OF PROPOSED AMENDMENT(S)

<u>DHR</u> <u>CONVICTION</u> <u>CODE</u> *****	<u>DESCRIPTION OF OFFENSE</u> *****
C 52	<u>Disqualification for driving under the influence of alcohol, as prescribed by State law</u>
C 53	<u>Disqualification for refusal to undergo such testing as is required by any State or jurisdiction</u>
C 54	<u>Disqualification for driving a CMV while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))</u>
C 55	<u>Disqualification for leaving the scene of an accident involving a CMV</u>
C 56	<u>Disqualification for a felony involving the use of a CMV as in C 16</u>
C 61	<u>As in C 51; but involving hazardous materials</u>
C 62	<u>As in C 52, but involving hazardous materials</u>
C 63	<u>As in C 53, but involving hazardous materials</u>
C 64	<u>As in C 54, but involving hazardous materials</u>
C 65	<u>As in C 55, but involving hazardous materials</u>
C 66	<u>As in C 56, but involving hazardous materials</u>
C 70	<u>Disqualification for the use of a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as in C 17</u>
C 71	<u>Disqualification for 2nd offense for any combination of violations as described in C 11-C 16</u>
C 80	<u>Disqualification of a driver who during any 3-year period is convicted of two serious traffic violations in separate incidents. Disqualification period is 60 days.</u>
C 81	<u>Disqualification of a driver who during any 3-year period is convicted of three serious traffic violations in separate incidents. Disqualification period is 120 days.</u>
C 99	<u>24 Hour Out-of-Service Order</u>

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED RULES

- 1) Heading of Part: Specifications for Seat Safety Belts
- 2) Code Citation: 92 Ill. Adm. Code 453
- 3) Section Numbers: Proposed Action:

453.10	New Section
453.20	New Section
453.30	New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603 (625 ILCS 5/12-603)

5) A complete description of the subjects and issues involved: By this Notice of Proposed Rules, the Department proposes to establish performance, attachment and installation specifications for seat safety belts. This rulemaking is proposed in order to implement Section 5/12-603 of the Illinois Vehicle Code which authorized the Department to establish these standards. By this proposed rulemaking, the Department has incorporated by reference the applicable federal motor vehicle safety standards which govern the manufacturing of seat safety belts.

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

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

8) Does this proposed rule contain incorporations by reference? Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

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

10) Statement of Statewide Policy Objectives: This will affect law enforcement agencies within local governments. This rulemaking establishes guidelines in order to enforce Section 5/12-603 of the Illinois Vehicle Code.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Catherine Allen
Regulations Unit
Illinois Department of Transportation

NOTICE OF PROPOSED AMENDMENT(S)

SECRETARY OF STATE

DHR
CONVICTION
CODE

DI 3

DESCRIPTION OF OFFENSE

Refusal to submit to a test for alcohol after
arrest for driving while intoxicated or sus-
picion of intoxication

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This Part does not affect small businesses in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No reporting requirements are required for compliance.
- D) Types of professional skills necessary for compliance: No professional skills are required for compliance with this Part.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

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

PART 453
SPECIFICATIONS FOR SEAT SAFETY BELTS

Section	
453.10	Purpose
453.20	Application
453.30	Incorporation by Reference of 49 CFR 571

AUTHORITY: Implementing and authorized by Section 12-603 of the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603) [625 ILCS 5/12-603 (1992)].

SOURCE: Adopted at 17 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 453.10 Purpose

This Part establishes performance specifications for seat safety belts and for their attachment and installation.

Section 453.20 Application

- a) This Part applies to the front seat safety belts of a first division vehicle with a model year of 1965 or later sold in Illinois. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603(a)) [625 ILCS 5/12-603(a) (1992)]
- b) This Part applies to the front seat safety belts of a first division vehicle which is titled or licensed by the Secretary of State and which has a model year of 1961 or later operated in Illinois. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 12-603(b)) [625 ILCS 5/12-603(b) (1992)]

Section 453.30 Incorporation by Reference of 49 CFR 571

The Federal Motor Vehicle Safety Standards Nos. 209 (Seat Belt Assemblies) and 210 (Seat Belt Assembly Anchorages) are incorporated by reference, as those parts of the federal regulations that were in effect on October 1, 1991. No later amendments to or editions of 49 CFR 571.209 and 571.210 are incorporated.

1) Heading of Part: Lawncare Wash Water and Rinsate Collection

2) Code citation: 8 Ill. Adm. Code 256

3) Section Numbers: Adopted Action:

256.10 Adopted

256.20 Adopted

256.30 Adopted

256.40 Adopted

256.50 Adopted

256.60 Adopted

256.70 Adopted

256.80 Adopted

256.90 Adopted

4) Statutory Authority:

Ill. Rev. Stat. 1991, ch. 5, par. 851 et seq., as amended by P.A. 87-1033, effective September 11, 1992.

5) Effective Date of Rules: February 9, 1993

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

7) Does this proposed rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 3, 1993

9) Notices of Proposal Published in Illinois Register: October 2, 1992, 16 Ill. Reg. 14975

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Language referring to "loading areas" in Section 256.20 was removed. Section 256.20(c) was added to clarify that this part did not apply to wash water containment areas associated with structural pest control. Section 256.30(e) was eliminated. Language was added to Sections 256.40(a), (b) and (c) regarding underground structures, pits or piping and also sumps or wet wells used for the transfer of rinsates or washwaters. Throughout the proposed rules "wash waters and rinsates" was added where spills were referenced. Section 256.70(d) added a provision for the prevention of the release of pesticide residues on vehicles that had not been cleaned. In Section 256.90(a) and (b) the reference to a "facility" was changed to "wash water containment area".

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 this rule replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

These rules are being adopted to implement and enforce the requirements established by the Lawncare Products Application and Notice Act. Guidelines are established for wash water and rinsate containment areas and permit classes are identified.

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

Name: Barbara McGuire
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/782-7559

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER i: PESTICIDE CONTROL

PART 256
LAWNCARE WASH WATER AND RINSATE COLLECTION

Section

- 256.10 Definitions
- 256.20 Scope and Application
- 256.30 Permits
- 256.40 General Class Permits
- 256.50 Experimental Permits
- 256.60 Special Permits
- 256.70 Wash Water Containment Area Management and Operations
- 256.80 Site Closures and Discontinuation of Operations
- 256.90 Connections to the Water Supply

AUTHORITY: Implementing and authorized by the Illinois Lawncare Products Application and Notice Act (Ill. Rev. Stat. 1991, ch. 5, par. 851 et seq., as amended by P.A. 87-1033, effective September 11, 1992).

SOURCE: Adopted at 17 Ill. Reg. 2189, effective February 9, 1993.

Section 256.10 Definitions

Definitions for this Part can be located in Section 2 of the Lawncare Products Application and Notice Act (Ill. Rev. Stat. 1991, ch. 5, par. 851 et seq., as amended by P.A. 87-1033, effective September 11, 1992). The following definitions shall also apply to this Part:

"Act" means the Lawncare Products Application and Notice Act (Ill. Rev. Stat. 1991, ch. 5, par. 851 et seq., as amended by P.A. 87-1033, effective September 11, 1992).

"Alteration" means changes in structures, processes or activities at a wash water containment area which do not change the efficiency or effectiveness of the containment area.

"Impervious materials" means those substances utilized to construct wash water containment areas which can be so constructed and maintained to provide for a water permeability (hydraulic conductivity) rate not to exceed 1×10^{-6} centimeter per second.

"Modification" means changes in structures, processes or activities at a wash water containment area which change the efficiency or effectiveness of the containment area, i.e., changes in capacity.

Section 256.20 Scope and Application

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- a) This Part shall apply to wash water containment areas utilized for the capture of spills or washing or rinsing of pesticide residues from vehicles, application equipment, mixing equipment, floors, or other items used for the storage, handling, preparation for use, transport, or application of pesticides to land areas covered with turf kept closely mown or land area covered with turf and trees or shrubs. This Part shall not apply to the above described wash water containment areas associated with the application of pesticides to:
 - 1) trees and shrubs only,
 - 2) the land area utilized for research for agriculture production of turf only,
 - 3) the land area utilized for the commercial production of turf only,
 - 4) the land area located within a public or private right-of-way only, or
 - 5) the land area which is devoted to the production of any agricultural commodity, including but not limited to plants and plant parts, livestock and poultry and livestock or poultry products, seed, sod, shrubs and other products of agricultural origin raised for sale or for human or livestock consumption.
- b) This Part shall not apply to wash water containment areas associated with the handling of fertilizers only.
- c) This Part shall not apply to wash water containment areas associated with structural pest control.
- d) Any new wash water containment area shall be in compliance with all of this Part before the commencement of any operational activities or use of pesticides.

Section 256.30 Permits

- a) A lawncare containment permit (either general class, experimental, or special) issued by the Department shall be obtained for each existing and new wash water containment area as defined by the Act. Permit applications shall be submitted on forms provided by the Department. A permit shall be obtained prior to the commencement of any construction necessary to meet the requirements to the Act or these rules. When required by the provisions of the Illinois Professional Engineering Act (Ill. Rev. Stat. 1991, ch. 11, par. 5101 et seq.), all engineering plans and specifications accompanying the application for the wash water containment area shall be prepared by an Illinois Professional Engineer. A permit shall be amended before the commencement of any modification of the wash water containment area. Alterations to the wash water containment area may be done without permit amendment. A facility owner or operator may contact the Department for determinations regarding proposed alterations versus modifications. A permit shall be transferred to a new owner or operator upon written notification by the permittee to the Department. Permits shall be renewed every 5 years.
- b) An application for a permit submitted by a corporation shall be signed

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DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

specifically requires the inclusion of a sump in the structure. The use of underground structures, pits or piping for storage or transport of rinsates, wash water or recycled liquid is prohibited at a facility wishing to qualify for a General Class B lawncare containment permit. This prohibition shall not include sumps or wet wells which are used for the transfer of rinsates or wash waters provided these structures have a detention time of seventy-two (72) hours or less. Facility owners or operators desiring to construct and operate a non-portable wash water containment area adhering to these requirements shall make application to the Department for a General Class B lawncare containment permit.

- c) A General Class C lawncare containment permit shall be available for issuance by the Department for a non-portable wash water containment area for use with pesticide application devices with device capacities greater than 100 gallons of liquid product or 100 pounds of dry product. The containment area shall measure at least 1.25 times the length and 1.25 times the width of the application vehicle or device. Pesticide application devices of a lesser volume than that described in this subsection may also be used with a wash water containment area permitted under this subsection. The design of the wash water containment area shall be such that the containment volume shall be a minimum of 120 gallons or 120% of the largest applicator tank volume(s), whichever is greater. If the wash water containment area is not protected from contact with precipitation, the containment volume shall be equal to or greater than the volume generated by a 6-inch rain storm (a 25-year, 24-hour storm). The wash water containment volume requirements may be achieved with a curbed containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation or installation allows. The wash water containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the applicator. The wash water containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Sections 256.70(a) and 256.80(b) of this Part. This provision for the collection and reuse or disposal of spills, wash waters and rinsates, in the case of non-portable containment structures, includes the requirement of a sump in the containment area. The use of underground structures, pits or piping for storage or transport of rinsates, wash water or recycled liquid is prohibited at a facility wishing to qualify for a General Class C lawncare containment permit. This prohibition shall not include sumps or wet wells which are used for the transfer of rinsates or wash waters provided these structures have a detention time of seventy-two (72) hours or less. Facility owners or operators desiring to construct and operate a wash water containment area adhering to these requirements shall make application to the Department for a General Class C lawncare containment permit.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

Section 256.50 Experimental Permits

- a) To facilitate the improvement of containment technology, the Department shall issue Experimental permits for wash water containment areas that do not satisfy the requirements of this Part, provided the applicant provides proof (i.e., quality control, quality assurance, and supportive analytical data) that the process or technique has a reasonably substantial chance for success (i.e., the quality control for the experimental design will indicate if there is any malfunction).
- b) The Department shall issue a permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the wash water containment area shall be in compliance with the provisions of the Act and these rules. In addition to completed application forms, the submittal for an experimental permit shall include the following documents:
- 1) a location area map,
 - 2) detailed plot plan of the facility,
 - 3) water supply protection schematic flow diagram,
 - 4) detailed engineering plans and specifications,
 - 5) operations and management practices plan, and
 - 6) any additional information the applicant or Department deems necessary to fully describe the project.
- c) A valid Experimental permit shall constitute a prima facie defense to any action brought against the permit holder for a violation of the Rule or this Part, but only to the extent that such action is based upon the failure of the process or technique.
- d) All Experimental permits shall have a duration not to exceed two years.
- e) Application for renewal of an Experimental permit shall be submitted to the Department at least 90 days prior to the expiration of the existing permit. To the extent the information to be supplied for renewal is identical with that contained in the prior permit application, the applicant shall so note on the renewal application, and the Department shall not require the submittal of data and information submitted with the original application.

Section 256.60 Special Permits

- a) A Special lawncare containment permit shall be available for issuance by the Department to facility owners or operators for the construction and operation of wash water containment areas which do not fall within the parameters of either General Class or Experimental permits.
- b) The Department shall issue a Special lawncare containment permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the wash water containment area shall be in compliance with the provisions of the Act and these rules. In addition to the completed application forms, the submittal for a special lawncare containment permit shall include the

application rates. Rinsates and pesticide contaminated wash water may be used to make up the total spray mixture if the mixture does not exceed the pesticide label application rates. Pesticide, pesticide residues, rinsates, and pesticide contaminated wash water shall not be disposed of through storm sewers, sanitary sewer systems, public or private sewage treatment facilities or wells, waters of the State, nor to land, except as provided in this Section.

b) Pesticide spills into wash water containment areas shall be recovered promptly and the structure washed to remove pesticide contamination. Proper cleaning shall include removal, washing and rinsing of material from the area, mud pits, sump pits and all interconnected pipes or structures. These wash water containment areas shall be washed with a biodegradable cleanser, triple rinsed with a high pressure hose and all standing water removed and disposed of as provided in subsection (a) above.

c) Field washing of exterior surfaces of pesticide application equipment is acceptable at the site of the pesticide application provided no runoff from the site occurs.

d) Spray application vehicles and equipment that are not cleaned shall be parked in the wash water containment area or otherwise protected from precipitation so as to prevent the release of pesticide residues to the environment.

Section 256.80 Site Closures and Discontinuation of Operations

When a lawncare wash water containment area is closed or operations are discontinued, pesticides, rinsates, wash waters, and other materials containing pesticides, and all pesticide containers shall be removed from the site and disposed of or utilized in one of the following manners:

a) For the original intended purpose of the pesticide product, provided that the product is in a usable state, the product's registration (if required) has not been canceled, suspended, revoked, or denied by the United States Environmental Protection Agency or the Department, and label directions are followed; or

b) be disposed of as a special waste or hazardous waste as authorized by the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq.) and the rules adopted under that Act (35 Ill. Adm. Code 724, 725 and 809).

Section 256.90 Connections to the Water Supply

a) Water service lines which connect a wash water containment area to a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed proper air gap, in accordance with the Illinois Environmental Protection Act and Agency Technical Policy Statement (35 Ill. Adm. Code 653.803(c)(4)).

b) Water service lines which connect a wash water containment area to a water supply other than a community public water supply shall include either a reduced pressure principle backflow preventer or a fixed

following documents:

- 1) a location area map,
- 2) detailed plot plan of the facility,
- 3) water supply protection schematic flow diagram,
- 4) detailed engineering plans and specifications,
- 5) operations and management practice plan, and
- 6) any additional information the applicant or the Department deems necessary to fully describe the project.

c) The wash water containment area permitted by the Department under a special lawncare permit shall provide for a minimum contained volume of 25 gallons of liquid or the volume of the application device, whichever is greater. If the wash water containment area is not protected from precipitation, the containment volume shall be equal to or greater than the volume generated by a 6-inch rain storm (a 25-year, 24-hour storm). The wash water containment area and catch basin or in combination with above ground tanks connected to an automatic sump pump transfer system or by gravity flow where elevation or installation allows. The wash water containment area shall be constructed of impervious materials as required by the Act and shall be compatible with the materials applied by the application device. The wash water containment area design shall provide for the collection and reuse or disposal of the spills, wash waters and rinsates in accordance with Sections 256.70(a) and 256.80(b) of this Part. Collection and reuse or disposal of spills, wash waters and rinsates, in the case of wash water containment areas permitted under Special Lawncare containment permits, specifically requires the inclusion of a sump in the structure.

Section 256.70 Wash Water Containment Area Management and Operations

a) Precipitation and accumulation shall never exceed a level that would impair the holding capacity of the wash water containment area. Such precipitation accumulation shall be removed from the wash water containment area after each storm and shall be field applied at agronomic rates, used in a liquid mixing operation, or otherwise recycled or disposed of in accordance with these rules. Precipitation accumulation from wash water containment areas shall not be discharged from the containment area as surface runoff during the application season, except when the containment structure has been cleaned and rinsed of pesticides in compliance with subsection (b) below, and the discharge shall not cause either water quality violations pursuant to the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq.). Any pesticide laden residues, rinsates, and pesticide contaminated wash water that are to be land applied shall be handled in accordance with the products' labels. Field application of diluted pesticide solutions is an acceptable use if the total annual application amounts of the pesticide do not exceed the pesticide label

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

proper air gap, in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).

- c) A fixed proper air gap with a minimum of six (6) inches above the flood level rim of the receptacle is required for water distribution points which are pesticide product pipe connections and tank filling operations. A reduced pressure principle backflow preventer is adequate for water distribution points that wash vehicles, rinsate pads, containers or other uses that are not directly connected to product lines or tanks.
- d) Installation, maintenance and inspection of such backflow prevention devices shall be carried out in accordance with Illinois Environmental Protection Agency Technical Policy Statement (35 Ill. Adm. Code 651 and 653) or the Illinois Plumbing Code (77 Ill. Adm. Code 890), whichever is applicable.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

- 1) The heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 200
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
200.1	New Section
200.2	New Section
200.20	New Section
200.30	New Section
200.50	New Section
200.60	New Section
200.70	New Section
- 4) Statutory Authority: Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as Specified in Title II Regulation (28 C.F.R. 35.107) and Section 4 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, Ch. 127, Par. 1004).
- 5) Effective Date of Amendments: February 5, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in the Agency's principal office: February 2, 1993
- 9) Notice of Proposal published in the Illinois Register? February 7, 1992, 16 Ill. Reg. 1954.
- 10) Has JCAR issued a statement of Objection to these rules? No
- 11) Differences between proposal and final version? A number of editorial changes were made in response to the Joint Committee on Administrative Rules, and the entire Part was recodified to Title 4 of the Ill. Adm. Code.
- 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 this Amendment replace an Emergency Amendment currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of Amendment: To impliment Federally imposed mandates.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

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

John J. Pavlou
General Counsel/ADA coordinator
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Ill 62703
217-785-1031

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

Section	200.1	Purposes
	200.2	Definitions
	200.20	Procedure
	200.30	Designated Coordinator Level
	200.50	Final Level
	200.60	Accessibility
	200.70	Case-by-Case Resolution

AUTHORITY: Implementing and authorized by Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II Regulation (28 C.F.R. 35.107) and Section 4 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1004).

SOURCE: Adopted at 17 Ill. Reg. 2200, effective February 5, 1993.

Section 200.1 Purposes

- a) This Americans with Disabilities Act (ADA) Grievance Procedure ("Procedure") is established.
- b) In general, the ADA requires that each program, service and activity offered by the Office of the State Fire Marshal (Office), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Office to foster open communication with all individuals requesting readily accessible programs, services and activities. The Office encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 200.2 Definitions

"Complainant" is an individual with a disability who files a Grievance Form provided by the Office under this procedure.

"Designated Coordinator" is the person(s) appointed by the State Fire Marshal who is/are responsible for the coordination of efforts of the Office to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois 62703 (217)785-0969. See 28 CFR 25.107.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

"Grievance" is any complaint under the ADA by an individual with a disability who: meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Office, and believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Office or has been subject to discrimination by the Office.

"Office" means Office of the State Fire Marshal.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

Section 200.20 Procedure

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Office's last response.
- c) The Office shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

Section 200.30 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Office to complete the Grievance Form.
- c) The Designated Coordinator, and his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

the complainant and State Fire Marshal within ten (10) business days after receipt of the Grievance Form.

Section 200.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the State Fire Marshal for final review. The complainant shall submit these documents to the State Fire Marshal, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.
- b) The State Fire Marshal shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman by the State Fire Marshal.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representation to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the State Fire Marshal as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the State Fire Marshal in writing and shall also sign such recommendation.
- e) Upon receipt of recommendations from a panel, the State Fire Marshal shall approve, disapprove or modify the Panel recommendations, shall render a decision thereon in writing, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The State Fire Marshal's decision shall be final. If the State Fire Marshal disapproves or modifies the Panel recommendations, the State Fire Marshal shall include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the State Fire Marshal shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. 1991, ch. 116, par. 43.3 et seq.), or as otherwise required by law.

Section 200.60 Accessibility

The Office shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

Section 200.70 Case-by-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Office. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

7020.80

Amendment

Section Numbers: Adopted Action:

Code Citation: 50 Ill. Adm. Code 7020

Heading of the Part: Pre-Arbitration

1)

Statutory Authority: Sections 16 and 19(b-1) of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, pars. 138.16 and 138.19(b-1)).

4)

Effective Date of Amendment: February 16, 1993

5)

Does this rulemaking contain an automatic repeal date? No

6)

Does this rulemaking contain any incorporations by reference? No

7)

Date Filed in Agency's Principal Office: February 16, 1993

8)

Date Notice of Proposed Amendments was published in the Illinois Register:

9)

16 Ill. Reg. 14511 - September 25, 1992

10)

Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No

11)

Difference between proposal and final version:

Updated statutory citations and inserted a comma after the reference to subsection (b) (2) (A) (iii) in Section 7020.80 (b) (3) (A) (ii).

Added the following sentence at the end of Section b(3)(c)(ii):

Where the transcript of proceedings is ordered at the time a petition for Review is filed, the transcript shall be authenticated and filed pursuant to Section 7020.80(b)(4)(A)(iii).

Added the label "i)" to the first paragraph of

ILLINOIS INDUSTRIAL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

Section b)4)B).

In b)4)B)i) line 7 deleted "25" and added "15".
In line 8 deleted "Petition for Review" and added
"Appellant's statement of exception(s)
and supporting brief".

Added Section ii) to b)4)B) as follows:

ii) Timely filing shall be shown by:
the date file stamped on the document
at the time of receipt by the Commission
at its office in Chicago, Illinois; a
legible postmark date at least two (2)
calendar days prior to and exclusive of
the date on which such document was due
to be filed in accordance with this rule,
applied by the U.S. Postal Service, and
not by a party, to the envelope in which
the document is received by the Commission
at its offices in Chicago, Illinois, or
the date applied by the U.S. Postal Service
to a certified or registered mail receipt
bearing the same certification or registry
number as the envelope in which the
document was received by the Commission
at its offices in Chicago, Illinois,
showing a date of mailing which is not less
than two (2) calendar days prior to and
exclusive of the date on which document
was due to be filed. If the date required
for filing or mailing falls on a Saturday,
Sunday, or holiday, the time for filing or
mailing shall be the next date which is not
a Saturday, Sunday or holiday.

- 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? No changes were required.
- 13) Will the Amendment replace an Emergency Rule currently in effect? No
- 14) Are there any other Amendments pending on this part? No

ILLINOIS INDUSTRIAL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

15) Summary and Purpose of Amendments:

This rulemaking makes changes to the procedures governing Petitions for Immediate Hearing under Section 19(b-1) of the Workers' Compensation Act.

The rulemaking changes procedures relating to the preparation and submission of the original transcript of proceedings in a review of a decision of an Arbitrator under Section 19(b-1) of the Act.

Under the rulemaking, in Section 19(b-1) cases, instead of the Arbitrator automatically ordering the transcript at the Arbitration hearing, the transcript will be ordered at Arbitration only at the request of a party and the parties will share equally the cost of the original transcript if no Petition for Review is filed. If a Petition for Review is filed, the reviewing party shall pay for the cost of the original transcript and if the transcript is not ordered at Arbitration, the reviewing party must order the transcript when the Petition for Review is filed. The rulemaking further provides that a Petition for Review in a Section 19(b-1) case must include or be accompanied by a certification that payment for the transcript in the amount contained in the Arbitrator's decision has been made to the court reporter and must include a copy of the check(s) or money order(s) submitted to the court reporter.

In addition, changes were made to make requirements for reviews in Section 19(b-1) cases consistent with those in other cases on review. The rulemaking provides that statements of exceptions and supporting briefs and responses thereto required in Section 19(b-1) cases shall be filed in triplicate on one side of no more than 20 8 1/2" x 11" sheets of paper and shall follow the same format required for such documents in other cases pursuant to 50 Ill. Adm. Code 7040.70(a). The rulemaking provides that failure of any appellant to file timely a statement of exceptions and supporting brief may result in the denial of oral argument. The rule also states that appellee's response must be filed within 15 days from the last day allowed for the filing of appellant's statement of exceptions and supporting brief rather than 25 days from the

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INDUSTRIAL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

by the Commission. Said Petition shall set forth:

- i) a description of the attempts by parties or counsel to resolve the dispute requiring an immediate hearing, including the name of the representative of the opposing party with whom the Petitioner or his attorney has conferred, the date of the conference, and the result of the conference;
- ii) a statement that a signed physician's report of recent date relating to the employee's current inability to work, or a description of such other evidence of temporary total disability as is appropriate under the circumstances, has been delivered to the Respondent.

C) A response to said Petition shall be filed on an appropriate form provided by the Commission within 15 days of service of Petition for Immediate Hearing. Failure to respond timely or in good faith may result in the assessment of the attorneys' fees under Section 16 of the Workers' Compensation Act. The Petition for Immediate Hearing shall be filed and heard in accordance with Section 7020.70.

2) The Arbitrator to whom the case is assigned shall attempt to resolve the matter informally. If the matter cannot be resolved at that time, and the Arbitrator determines the Petitioner is not receiving temporary total disability or medical benefits, said Arbitrator shall order the case to formal hearing on a date certain as soon as possible.

b) Petition for Immediate Hearing under Section 19(b-1).

1) Filing Petition for Emergency Hearing under Section 19(b-1)

An employee alleging that:

- A) he is unable to work because of disability compensable under the Workers' Compensation Act or Workers' Occupational Diseases Act, and
- B) he is not receiving temporary total disability and/or medical, surgical, or hospital benefits to which he is entitled under Section 8(a) or 8(b) of the Workers' Compensation Act,

may file a Petition for Immediate Hearing before an Arbitrator as provided for in Section 19(b-1) of the Workers' Compensation Act, on an appropriate form provided by the Commission. Such Petition must comply with all requirements of the Workers' Compensation Act.

2) Section 19(b-1) Proceedings before Arbitrators: Pre-trial Conferences

A) The Arbitrator will hold a pre-trial conference within 20 days after the Petition for Emergency Hearing is filed. If the venue is outside of Cook County the pre-trial conference will be held at either the regularly scheduled hearing site or at another hearing site for the same Arbitrator available within that time period and located as close as practical to the original hearing site. Notice of pre-trial conference

INDUSTRIAL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

will be sent by the Commission to all parties of record.

B) Any challenges to the sufficiency of the Section 19(b-1) Petition will be heard at the pre-trial conference.

C) If the Section 19(b-1) Petition is found by the Arbitrator to be insufficient, the Arbitrator will allow the Petitioner 5 business days to cure all insufficiencies and all time limits under the statute are tolled until the Arbitrator has determined that the amended Petition is sufficient. During the aforementioned time period the amended Section 19(b-1) Petition with proof of service to opposing party shall be filed with the Commission. If the insufficiencies are not cured within the time limit, the Section 19(b-1) Petition will be dismissed without prejudice by the Arbitrator and notices of the dismissal will be sent by the Industrial Commission to all parties of record.

D) If within the time period provided above the insufficiencies are cured and the parties have not received from the Commission notices of dismissal of the Section 19(b-1) Petition, the Respondent shall have 15 days from receipt of the amended Section 19(b-1) Petition to respond thereto.

3) Section 19(b-1) Hearing, Decisions, and Transcripts

A) Hearings

i) If at the pre-trial conference the Arbitrator finds the Section 19(b-1) Petition to be sufficient he will set the case to be tried within 15 days at either the regularly scheduled hearing site or at another hearing site for the same Arbitrator available within that time period and located as closely as practical to original hearing site.

ii) If the Section 19(b-1) Petition is insufficient, the Arbitrator will set the case to be tried within 35 days of the pre-trial conference at either the regularly scheduled hearing site for the same Arbitrator or at another hearing site for the same Arbitrator available within the time period and located as closely as practical to the original hearing site. If within the time period provided in subsection (b)(2)(A)(iii) above, the insufficiencies are cured and the parties have not received from the Commission notices of dismissal of the Section 19(b-1) Petition, the trial will be held as scheduled.

iii) Proofs are to be closed within 45 days after a Section 19(b-1) Petition, or an amended Petition curing any insufficiencies as provided above is filed, unless for good cause the Arbitrator extends the time for closing proofs for an additional period of periods not to exceed a total extension period of 30 days. Good cause is defined as, but not limited to; additional medical records needed and taking of depositional

NOTICE OF ADOPTED AMENDMENT(S)

ii) where the transcript of proceedings has been ordered

pursuant to subsection (b)(3)(C)(i) above, the transcript of proceedings authenticated by the Arbitrator and copy of the statement of the final cost of the preparation of the transcript shall be filed by the Court Reporter at the Commission within 25 days after proofs are closed. Where the transcript of proceedings is ordered at the time a petition for review is filed, the transcript shall be authenticated and filed pursuant to Section 7020.80(b)(4)(A)(iii).

iii) the Commission shall pay for an original transcript of proceedings and shall be reimbursed by any party filing a petition for review, as provided in subsection (4)(i), or by any party subsequently initiating a proceeding which requires preparation and submission of a transcript of the proceedings.

4) Section 19(b-1) Proceedings before the Commission A) Perfecting a Review
A petition for review must be filed in duplicate at the Commission within the time provided by Section 19 of the Workers' Compensation Act. The petition must contain or be accompanied by the following:
i) A Certificate of Service on the opposing party by personal service or certified mail;
ii) A certification that payment for the transcript in the amount set forth in the Arbitrator's Decision in the form of cash, check or money order therefor and payable to the industrial Commission or arbitrator, has been made to the Court Reporter. The petition shall be accompanied by a copy of the check or money order sent to the Court Reporter. Where the amount paid is an estimate, the balance of the cost, if any, shall be paid upon receipt of the statement from the Court Reporter setting forth the final cost of the transcript. An order entered pursuant to Section 20 of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, par. 138.20) may be submitted for payment of the transcript;

iii) An order for the transcript of proceedings at Arbitration, where said transcript was not ordered at Arbitration. The transcript of proceedings authenticated by the Arbitrator shall be filed by the Court Reporter at the Commission within 25 days of the filing of the petition for review.

iv) A statement of Appellant's specific exception(s) to the Arbitrator's Decision; attachment of the statement of exception(s) and supporting brief required by sub-section (4)(B) below will satisfy this requirement.

NOTICE OF ADOPTED AMENDMENT(S)

B) Arbitrator Decision
evidence.

The Arbitrator's decision is to be filed with the Commission within 25 days after proofs are closed. The Arbitrator's decision shall contain the final cost of the arbitration transcript, or the estimated cost of the transcript if the final cost is not available at the time the Arbitrator's decision is issued.

C) Transcripts
i) At the beginning of each hearing at which a record is made the Arbitrator will state the following rule for the record: Upon the closing of proofs, at the request of any party, the Arbitrator shall order the Court Reporter to prepare an original transcript of this hearing, to be authenticated by the Arbitrator for use by the Commission in the event it is required for further proceedings including any proceedings for a review of the Arbitrator's decision. The parties may order copies of the transcript of today's hearing at the close of the hearing, to be charged at the rate provided in Section 16 of the Workers' Compensation Act for copies of transcript. Each party shall pay the cost of its copy. If a petition for review is filed, the appealing party shall pay the cost of the original transcript. If no petition for review is filed, the parties shall pay the cost of the original transcript, such cost to be divided equally among the parties. At the close of each day's hearing on Arbitration, the Court Reporter shall provide an estimate of the cost of preparing the transcript. The estimated cost of the transcript may not be the final cost of the transcript for which a party is liable. If the party orders a copy of the transcript at a later time, it is unlikely it will be received in sufficient time for use in preparation of the party's statement of exception(s) and supporting brief, or a response thereto, in the event either party files a petition for review of the Arbitrator's decision. If the original is not on file, in the event a transcript is ordered it will be prepared as an original and the party will be charged at a rate provided for in Section 16 of the Workers' Compensation Act. If the party wants a copy of the original transcript he will be charged at the rate provided in Section 7020-80(b)(3)(e)(i). The Commission will not consider the unavailability of a copy of the transcript good cause for the failure to file a timely statement of exception(s) and supporting brief, or a response thereto.

INDUSTRIAL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

B) Statement of Exception(s) and Supporting Brief

i) Any party filing a Petition for Review with the Commission shall file a statement of exception(s) and supporting brief with attached proof of service within 15 days of the filing of the Petition for Review. The Appellee may elect to file a response thereto, in which case the response must be filed and served on the opposing party within 25.15 days from the last day allowed for the filing of the Petition--for--Review Appellant's statement of exception(s) and supporting brief. Each party filing a statement of exception(s) and/or additions and supporting brief or response thereto shall file three (3) copies. Such statement of exception(s) and/or additions and supporting brief, or response thereto shall be written or printed on one side of no more than twenty (20) 8 - 1/2" x 11" sheets of paper and shall follow the format set forth in 50 Ill. Adm Code 7040.70(a). Failure of any appellant or petitioning party to file timely a statement of exception(s) and supporting brief may result in denial of oral argument.

ii) Timely filing shall be shown by: the date file stamped on the document at the time of receipt by the Commission at its office in Chicago, Illinois; a legible postmark date at least two (2) calendar days prior to and exclusive of the date on which such document was due to be filed in accordance with this rule, applied by the U.S. Postal Service, and not by a party, to the envelope in which the document is received by the Commission at its office in Chicago, Illinois, or the date applied by the U.S. Postal Service to a certified or registered mail receipt bearing the same certification or registry number as the envelope in which the document was received by the Commission at its offices in Chicago, Illinois, showing a date of mailing which is not less than two (2) calendar days prior to and exclusive of the date on which document was due to be filed. If the date required for filing or mailing falls on a Saturday, Sunday, or holiday, the time for filing or mailing shall be the next date which is not a Saturday, Sunday or holiday.

C) Hearing on Review and Oral Arguments

No hearing on Review will be held by the Commission. Immediately after the Petition for Review has been filed it will be assigned to a Commissioner who will promptly schedule the case for oral argument before a panel of three Commissioners as provided in Section 19(e) of the Act ~~at a time no less than 25 days nor more than 60 days after the~~

INDUSTRIAL COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

~~filing-of-the-Petition-for-Review.~~

D) The Commission shall file its decision no more than 90 days after the filing of the Petition for Review, and not later than 180 days from the filing of the Petition under Section 19(b-1), whichever is sooner.

5) Service in Section 19(b-1) Proceedings

All service required pursuant to this rule must be by personal service or certified mail with return receipt. After initial service to the employer, service shall be made on the employer's attorney or designated representative.

(Source: Amended at 17 Ill. Reg. 2206, effective February 16, 1993)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3) Section Numbers
240.131
New Section
240.132
New Section
240.133
New Section
240.160
Amended
240.170
Amended
240.180
Amended
240.190
Amended
240.195
Amended

4) Statutory Authority: Implemented and authorized by Section 9 of the Illinois Oil and Gas Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5415) (225 ILCS 725/9)

5) Effective Date of Amendments: February 8, 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: February 8, 1993

9) Notice of Proposed Amendments Published in Illinois Register: 16 Ill. Reg. 13722 - September 11, 1992

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

1) Section 240.133(a)(3), the fourth line, "Section 240.32" has been corrected to read "Section 240.132".

2) In the Table of Contents: Section 240.130: "Notices" has been changed to "Notice", Section 240.840: "Burn Off" has been changed to "Burn-Off".

3) The Main Source Note has been updated.

4) "SUBPART A: GENERAL PROVISIONS" (centered) has been added before the first Section.

5) In Section 240.131, 240.132 and 240.133, the Section source note has been changed from "New Section added" to "Added".

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

6) In Section 240.180(a), "below" has been inserted following the reference to "subsection (b)".

7) In Section 240.180(c)(3) and 240.190(c), the IAPA cite has been corrected

8) All Ill. Rev. Stat. citations have been enclosed in parentheses. In Section 240.195(c), "above" has been inserted following the reference to "subsection (b)".

12) Have all changes agreed upon by JCAR and the agency been made as indicated in the agreement letter issued by JCAR to the agency? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any amendments pending on this part? Yes

Section Number Proposed Action Illinois Register Citation

240.800	New Section	16 111. Reg. 19440
240.805	Repealed, New Section	16 111. Reg. 19440
240.810	Repealed, New Section	16 111. Reg. 19440
240.820	Repealed, New Section	16 111. Reg. 19440
240.830	Repealed, New Section	16 111. Reg. 19440
240.840	Repealed, New Section	16 111. Reg. 19440
240.850	Repealed, New Section	16 111. Reg. 19440
240.860	Repealed, New Section	16 111. Reg. 19440
240.870	Repealed, New Section	16 111. Reg. 19440
240.880	Repealed, New Section	16 111. Reg. 19440
240.890	Repealed, New Section	16 111. Reg. 19440
240.895	New Section	16 111. Reg. 19440
240.905	New Section	16 111. Reg. 19440
240.910	Repealed, New Section	16 111. Reg. 19440
240.920	Repealed, New Section	16 111. Reg. 19440
240.925	New Section	16 111. Reg. 19440
240.930	Repealed, New Section	16 111. Reg. 19440
240.940	Repealed, New Section	16 111. Reg. 19440
240.950	Repealed, New Section	16 111. Reg. 19440
240.960	Repealed	16 111. Reg. 19440
240.970	Repealed	16 111. Reg. 19440
240.980	Repealed	16 111. Reg. 19440
240.985	Repealed	16 111. Reg. 19440
240.990	Repealed	16 111. Reg. 19440
240.1181	New Section	16 111. Reg. 19440
240.1400	Amended	16 111. Reg. 19440
240.1410	Amended	16 111. Reg. 19440
240.1420	Amended	16 111. Reg. 19440
240.1430	Amended	16 111. Reg. 19440

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

240.1450	Amended	16 Ill. Reg. 19440
240.1460	Amended	16 Ill. Reg. 19440

15) Summary and Purpose of Rule(s):

Section 240.131 establishes requirements for the content and filing of unitization petitions, the conduct of hearings, and the entering of orders under Section 23.3 et seq. of the Illinois Oil and Gas Act.

Section 240.132 establishes requirements for the content and filing of integration petitions, the conduct of hearings, and the entering of orders under Section 22.2 of the Illinois Oil and Gas Act.

Section 240.133 establishes requirements for the content and filing of petitions to establish drilling units, the conduct of hearings, and the entering of orders under Section 21.1 of the Illinois Oil and Gas Act.

Section 240.160 establishes standards for the amounts of civil penalty assessments for violations of the Illinois Oil and Gas Act based on the nature of the violation, past history of violations by the permittee, actions of the permittee with respect to the violation, and seriousness of the violation.

Section 240.170 allows the Department to issue a Cessation Order against a permittee for operating a well in violation of the Department's spacing requirements or for operating wells without having paid the permittee's annual well fees.

Section 240.180 adds provisions regarding enforcement hearings to allow the hearing officer to determine the timing and scope of discovery prior to hearing and to allow motions for default judgments, summary judgments, protective orders and orders compelling discovery. Requires all settlement agreements in such hearings to be signed by the hearing officer and requires any order after a contested hearing to be reviewed by the Director, along with a review of the administrative record, who shall then enter a final administrative decision affirming, vacating or modifying the Hearing Officer's decision.

Section 240.190 makes explicit that it is the Department's hearing officer who shall issue a final administrative decision on any request for temporary relief.

Section 240.195 explicitly references new hearing sections covered by rule on subpoenas and requires that witness fees and mileage be paid at the same time that the subpoena is served.

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

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

Name: John C. Henriksen
General Counsel

Address: 300 W. Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Telephone: (217) 782-0125

The full text of the Adopted Amendments begin on

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

CHAPTER I: DEPARTMENT OF MINES AND MINERALS
TITLE 62: MINING

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

PART 240
THE ILLINOIS OIL AND GAS
ACT

SUBPART A: GENERAL PROVISIONS

240.10 Definitions

240.20 Prevention of Waste (Repealed)

240.30 Jurisdiction (Repealed)

240.40 Enforcement of Act (Repealed)

240.50 Delegation of Authority (Repealed)

240.60 Right of Inspection (Repealed)

240.70 Right of Access (Repealed)

240.80 Sworn Statements (Repealed)

240.90 Additional Reports (Repealed)

240.100 When Rules Become Effective (Repealed)

240.110 Notice of Rules (Repealed)

240.120 Forms (Repealed)

240.130 Hearings--Notice

240.131 Unitization Hearings

240.132 Integration Hearings

240.133 Drilling Unit Hearings

240.140 Violations Not Requiring Formal Action

240.150 Notice of Violation

240.160 Director's Decision

240.170 Cessation Order

240.180 Enforcement Hearings

240.190 Temporary Relief

240.195 Subpoenas

Section 240.200 Applicability

240.210 Application for Permit to Drill, Deepen or Convert to a Production Well

240.220 Contents of Application

240.230 Authority of Person Signing Application

240.240 Additional Requirements for Directional Drilling

240.250 Issuance of Permit

240.255 Underground Injection and Disposal Projects (Recodified)

240.260 Change of Well Location

240.270 Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)

240.280 Duration of Underground Injection Well Orders (Repealed)

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING
REQUIREMENTS FOR PRODUCTION WELLS
OPERATING REQUIREMENTS

Section 240.600

240.610 Applicability

240.610 Construction Requirements for Production Wells

240.620 Remedial Cementing of Leaking Wells

240.630 Operating Requirements

240.640 Reporting Requirements

240.650 Confidentiality of Well Data

240.655 Mechanical Integrity Testing for Class II Injection Wells (Repealed)

240.660 Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)

240.670 Avoidable Waste of Gas (Repealed)

Section 240.510

240.510 Rotary Drilling Procedure (Repealed)

240.520 Cable Tool Drilling Rules (Repealed)

240.530 Slush and Mud Pits

SUBPART E: DRILLING AND CASING PROCEDURES

Section 240.410

240.410 Drilling Units

240.420 Well Location Exceptions within Drilling Unit

240.430 Drilling Unit Exceptions

240.440 More Than One Well on a Drilling Unit

240.450 Directional Drilling

240.460 Special Drilling Units Based Upon Reservoir Characteristics

SUBPART D: SPACING OF WELLS

Section 240.300

240.300 Applicability

240.305 Transfer of Management (Recodified)

Section 240.310

240.310 Application for Permit to Drill, Deepen or Convert to a Class II UIC Well

240.320 Contents of Application

240.330 Authority of Person Signing Application

240.340 Proposed Well Construction and Operating Parameters

240.350 Groundwater and Potable Water Supply Information

240.360 Area of Review

240.370 Public Notice

240.380 Issuance of Permit

240.390 Permit Amendments

240.395 Update of Class II UIC Well Permits Issued Prior to July 1, 1987

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

240.680 Escape of Unburned Gas Prohibited (Repealed)

SUBPART G: WELL CONSTRUCTION, OPERATING
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section

240.700 Applicability
 240.710 Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section
 240.720 Surface and Production Casing Requirements for Conversion to Class II UIC Wells
 240.730 Surface and Production Casing Requirements for Existing Class II UIC Wells
 240.740 Other Construction Requirements for Class II UIC Wells
 240.750 Operating Requirements for Class II UIC Wells
 240.760 Internal Mechanical Integrity Testing for Class II UIC Wells
 240.770 External Mechanical Integrity Testing for Class II UIC Wells
 240.780 Reporting Requirements for Class II UIC Wells
 240.790 Confidentiality of Well Data

SUBPART H: GENERAL LEASE OPERATING REQUIREMENTS AND
AVOIDANCE OF SURFACE POLLUTION

Section

240.805 Introduction
 240.810 Disposal in Underground Stratum
 240.820 Disposal in Earthen Pits
 240.830 Pipes to be Kept in Repair
 240.840 Burn-Off Pits
 240.850 Lease Tank Reservoirs
 240.860 Fire Hazards at Well Locations
 240.870 Mining Board Supervision
 240.880 Yearly Inspection--of Pits--Revocation of Permits--Orders for Corrective Action and Other Disposal
 240.890 Lease and Well Identification

SUBPART I: OIL FIELD BRINE HAULING

Section

240.905 Introduction (Recodified)
 240.910 Authority, Policy and Purpose
 240.920 Definitions
 240.930 Oil Field Brine Haulers Permit
 240.940 Applications for Brine Hauling Permit Shall Include the Following:
 240.950 Applications for Oil Field Brine Hauling Permits--Signatures and Authorization
 240.960 Oil Field Brine Hauling Permit Conditions
 240.970 Inspection of Vehicles
 240.980 Transfer of Permits

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

240.985 Revocation of Oil Field Brine Hauling Permit
 240.990 Records and Reporting Requirements
 240.995 Bonds--Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

Section

240.1005 Requirements for Use of Vacuum Pumps
 240.1010 Application for Use of Vacuum
 240.1020 Notice and Hearing on Application
 240.1030 Mining Board Authority

SUBPART K: PLUGGING OF WELLS

Section

240.1105 Plugging of Non-Productive Wells (Repealed)
 240.1110 Definitions
 240.1120 Plugging of Uncased Wells
 240.1130 Plugging or Temporary Abandonment of Abandoned or Inactive Wells
 240.1140 General Plugging Procedures and Requirements
 240.1150 Specific Plugging Procedures
 240.1151 Procedures for Plugging Coal Seams
 240.1160 Converting to Water Well (Repealed)
 240.1170 Well Site Restoration
 240.1180 Lease Restoration
 240.1190 Filing Plugging Affidavit

SUBPART L: OTHER WELLS

Section

240.1200 Application for Permit for Geological or Structural Test Hole
 240.1205 Transfer of Management (Recodified)
 240.1210 When Bond Required--Amount (Recodified)
 240.1220 Kind of Bond--Execution (Recodified)
 240.1230 Bond of Manager (Recodified)
 240.1240 Bond Form--Approval (Recodified)
 240.1250 Surety May Cancel Bond (Recodified)
 240.1260 Mining Board May Cancel Bond (Recodified)
 240.1270 Casing Puller's Bond (Recodified)

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section

240.1300 Introduction
 240.1305 Permit Requirements in Mine Areas
 240.1310 Workable Coal Beds Defined
 240.1320 Mining Board may Determine Presence of Coal Seams
 240.1330 Well Locations Prohibited
 240.1340 Notice to Mining Board

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DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- unit production from the unit area.
- C) A procedure and basis upon which wells, equipment, and other properties of the several working interest owners within the unit area are to be taken over and used for unit operations, including the method of arriving at the compensation therefor.
- D) A plan for maintaining effective supervision and conduct of unit operations, in respect to which each working interest owner shall have a vote with a value corresponding to the percentage of unit expense chargeable against the interest of such owner. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5440.)
- E) A summary of the total cumulative production to date, the estimated additional total recoverable reserves from the proposed unit, and the estimated total development cost and operating cost of the unit;
- 5) The name and addresses of the proposed operator or operators of the unit;
- 6) A map showing the tracts or group of leases included within the proposed unit area, the location of the proposed injection well or wells and the name, permit number, and location of all oil and gas wells, including abandoned wells, active wells and dry holes and the reservoirs in which all such wells are currently completed, and the names of all operators offsetting the proposed unit area and the name, description and depth of the producing zones in those areas;
- 7) A map showing the structure of the geologic horizon that best represents the structure of the proposed reservoirs to be unitized;
- 8) A listing of the reservoirs to be unitized and a map showing the productive portion, thickness, and extent of each such reservoir;
- 9) An induction or electric log of a representative well completed in the proposed unitized reservoirs;
- 10) A description of the injection medium to be used, its source and the estimated amounts to be injected daily;
- 11) A description of the proposed plan of development of the area included within the unit;
- 12) An allegation of the facts required to be found by the Department under Section 23.5 of the Act.
- b) Execution and Filing
- 1) The petition for an order creating a unit pursuant to Section 23.3 et seq. of the Act shall be filed with the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140. The petition shall be deemed filed when it is received by the Department, Oil and Gas Division.
- 2) Every petition shall be signed by the petitioner or his representative and his address shall be stated thereon. The signature of the petitioner or his representative constitutes a

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- certificate by him that he has read the petition and that to the best of his knowledge, information and belief there is good ground to support the same.
- c) Notice of Hearing
- 1) Upon the receipt of a petition for unitization, the Department shall fix the time and place for a public hearing, which shall be no less than 30 days nor more than 60 days after the date of the filing of said petition. The Department shall prepare a notice of hearing, which shall issue in the name of the State of Illinois and shall be signed by the Director. Such notice shall specify the number and style of the proceedings, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the lands contained within the proposed unit area. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5441.) The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting such entry of appearance in writing to the Department and that thereafter such person shall be deemed a party of record in the proceeding.
- 2) The Department shall mail such notice to the Petitioner who shall then serve such notice in the following manner:
- A) By mailing such notice by certified mail, directed to the persons named in the petition at their last known addresses at least 20 days prior to the hearing; and
- B) By publication of such notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing, in a newspaper of general circulation published in each county containing some portion of the proposed unit area. (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 5441.)
- 3) Whenever the Department shall determine that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect such person's rights or property, the Department shall cause notice to be sent to such person, as provided in this subsection.
- d) Pre-Hearing Conferences
- 1) Upon his own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet with him for a conference in order to:
- A) Simplify the factual and legal issues presented by the hearing request;
- B) Receive stipulations, admissions of fact and of the contents and authenticity of documents;
- C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to

NOTICE OF ADOPTED AMENDMENT(S)

- 2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
- 1) Hearing

Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:

- A) To administer oaths and affirmations;
- B) To receive relevant evidence;
- C) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- D) To consider and rule upon procedural requests;
- E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify; and
- F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party or record. The Hearing Officer may require that relevant documents be produced to any party of record on his own motion or for good cause shown on motion of any party of record.

Every interested person wishing to participate at the hearing shall enter his appearance by stating his name and address. The latter, such person shall be deemed a party of record. All participants in the hearing shall have the right to be represented by counsel.

The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding. At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit such information as is necessary to reach a decision on the petition. Preliminary matters: Where applicable, the following shall be addressed prior to receiving evidence:

- A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.
- B) Ruling may be made on any pending motions.
- C) Any other preliminary matters appropriate for disposition prior to presentation of evidence.

1) Evidence
Admissibility: A party shall be entitled to present his case by

NOTICE OF ADOPTED AMENDMENT(S)

oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.

Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.

Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.

Record of Proceedings: Testimony reported to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department as such and included in the record.

Postponement or Continuance of hearing
A hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved

1) Evidence
Admissibility: A party shall be entitled to present his case by

NOTICE OF ADOPTED AMENDMENT(S)

expeditiously.

1) Default

If a party, after proper service of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 240.130(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the parties' control.

j) Order

1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representatives, shall prepare an order disposing of the petition, which shall be presented to the Director for entry. The Department shall render a decision within 30 days after the hearing unless all parties that have appeared agree to waive this requirement.

2) The order shall grant the petition for unitization if based on the record the Hearing Officer finds all of the following:

- A) That the unitized management and operation is economically feasible and reasonably necessary to increase the ultimate recovery of oil and gas, to prevent waste, and to protect correlative rights;
- B) That the value of the estimated ultimate additional recovery of oil and gas will exceed the estimated additional cost, if any, incident to conducting the unit operation;
- C) That the areal extent of the pool or pools, or parts thereof, has been reasonably defined and determined by drilling operations, and the unitization and operation of such will have no substantially adverse effect upon the remainder of the pool or pools, or parts thereof;
- D) That the allocation of unit production to each separately owned tract is fair, reasonable and equitable to all owners of oil and gas rights in the unit area;
- E) That the determination and allocation of unit expense is fair, reasonable and equitable to the working interest owners; and
- F) That the compensation or adjustment for wells, equipment and other properties of the working interest owners is fair, reasonable and equitable (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5442).

3) If the petition is granted the order shall provide for the authorization of the unit and unitized operation, as proposed by the petitioner, upon such terms and conditions as may be shown by the evidence to be fair, reasonable, equitable and which are

NOTICE OF ADOPTED AMENDMENT(S)

necessary or proper to protect and safeguard the respective rights and obligations of the working interest owners and royalty owners, and for the protection of correlative rights and the prevention of waste. The order shall state the time the unit operation shall become effective and the manner in which and the circumstances under which the unit operation shall terminate.

4) The order shall deny and dismiss the petition for unitization if based on the record the Hearing Officer finds that the petitioner has failed to establish the requirements for formation of a unit set forth in subsection (j)(2) above. An order denying and dismissing a petition for unitization shall be entered within thirty (30) days after the hearing. Such order shall set forth the reasons for dismissal, and the same shall be promptly filed by the petitioner, if notice was filed under paragraph (2) of Section 23.3 of the Act, in the recorder's office of the county or counties wherein the land is situated.

k) Approval of plan of unitization--effective date of order

No order of the Department providing for unit operations shall become effective unless and until the plan of unitization has been approved in writing by those persons who, under the order, will be required to pay at least 75% of the unit expense, and also by the persons owning at least 75% of the unit production or proceeds thereof that will be credited to interests which are free of unit expense, including but not limited to, royalties, overriding royalties, carried interests, net profit interests, and production payments, and the Director has made such a finding, either in the order providing for unit operations or in a supplemental order, that the plan of unitization has been so approved; provided, however, that if any person is obligated to pay 75% or more, but less than 100% of the unit expense, the approval of that person and at least one other such person shall be required; and if one person entitled to production or proceeds thereof will be credited to interests which are free of unit expense, owns 75% or more, but less than 100%, the approval of that person and at least one other such person shall be required. If the plan of unitization has not been so approved at the time the order providing for unit operations is issued, the Department shall, upon petition and notice, hold such supplemental hearings as may be required to determine if and when the plan of unitization has been so approved and shall issue a supplemental order evidencing such approval. If the requisite number of persons and the requisite percentage of interests in the unit area do not approve the plan of unitization within a period of 6 months from the date on which the order providing for unit operations is made, such order shall be revoked by the Department unless for good cause shown the Department extends said time for an additional period of time not to exceed one year. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5445.)

l) Notice of Order--Recordation

Within 10 days after an order has been issued, a copy of such order shall be mailed by the Department to each person or his attorney of

record who has entered his appearance in the matter pursuant to which such order is issued. The petitioner shall cause to be recorded in the office of the county clerk of the county or counties in which the unit is situated a copy of the order providing for unit operations. Order--Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Added at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.132 Integration Hearings

a) Commencement of Action
Where the oil or gas rights within a drilling unit are separately owned and the owners of those rights have not voluntarily agreed to integrate or pool those rights to develop the oil or gas, an owner may petition the Department for an order integrating those rights, pursuant to Section 22.2 of the Act. The petition for an order integrating interests shall contain the following:
1) The name and address of the petitioner;
2) The petitioner's reasons for desiring to integrate the separately owned interests;
3) A legal description of the drilling unit sought to be established;
4) A geologic description of the reservoir where the proposed drilling unit is to be located;
5) A description of the interest owned by the petitioner and each person named in the petition;
6) The names of all persons who have not agreed to integrate their interests owning or having an interest in the oil and gas rights in the proposed drilling unit as of the date of filing the petition, as disclosed by the records in the office of the recorder for the county or counties in which the drilling unit is situated, and their addresses, if known. If the address of any person is unknown, the petition shall so indicate;
7) A statement that the owners have not agreed to integrate their interests;
8) A statement that the petitioner has exercised due diligence to locate each owner and that a bona fide effort was made to reach an agreement with each owner as to how the unit would be developed;
9) A statement that no action has been commenced by the owners seeking permission to drill pursuant to the provisions of the Oil and Gas Rights Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 4901 et seq.)?

10) Any other information relevant to protect correlative rights of the parties sought to be affected by the order.
b) Execution and Filing

1) The petition for an order requiring integration pursuant to Section 22.2 of the Act shall be filed with the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140. The petition shall be deemed filed when it is received by the Department, Oil and Gas Division.
2) Every petition shall be signed by the petitioner or his representative and his address shall be stated thereon. The signature of the petitioner or his representative constitutes a certificate by him that he has read the petition and that to the best of his knowledge, information and belief there is good ground to support the same.
c) Notice of Hearing
1) Upon the receipt of a petition for integration, the Department shall fix the time and place for a hearing.
2) The Department shall prepare a notice of hearing which shall issue in the name of the State of Illinois and shall be signed by the Director. Such notice shall specify the number and style of the proceeding, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the lands embraced within the proposed drilling unit. The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting such entry of appearance in writing to the Department and that thereafter such person shall be deemed a party of record in the proceeding.
3) The Department shall mail such notice to the petitioner who shall then serve such notice in the following manner:
A) By mailing such notice by certified mail, directed to the persons named in the petition at their last known addresses at least 20 days prior to the hearing; and
B) By publication of such notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing in a newspaper of general circulation published in each county containing some portion of the proposed integrated unit.
4) Whenever the Department shall determine that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect such person's rights or property, the Department shall cause notice to be sent to such person, as provided in this subsection.
d) Pre-Hearing Conferences
1) Upon his own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet with him for a conference in order to:
A) Simplify the factual and legal issues presented by the hearing requests;
B) Receive stipulations, admissions of fact and the contents and authenticity of documents?

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
- D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.

2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.

e) Hearing

1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:

- A) To administer oaths and affirmations;
- B) To receive relevant evidence;
- C) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
- D) To consider and rule upon procedural requests;
- E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify; and
- F) To require the production of documents or subpoena the appearance of witnesses, either on the Hearing Officer's own motion or for good cause shown on motion of any party of record. The Hearing Officer may require that relevant documents be produced to any party of record on his own motion or for good cause shown on motion of any party of record.

2) Every person appearing shall enter his appearance by stating his name and address. Thereafter, such person shall be deemed a party of record.

3) All participants in the hearing shall have the right to be represented by counsel.

4) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

5) At least one representative of the Department shall appear at any hearing held under this Section and shall be given the opportunity to question parties or otherwise elicit such information as is necessary to reach a decision on the petition.

6) Preliminary Matters: Where applicable, the following shall be addressed prior to receiving evidence:

- A) The petitioner may offer preliminary exhibits, including documents necessary to present the issues to be heard, notices, proof of publication and orders previously entered in the cause.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- B) Ruling may be made on any pending motions.
- C) Any other preliminary matters appropriate for disposition prior to presentation of evidence.

f) Evidence

1) Admissibility: A party shall be entitled to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the presiding Hearing Officer shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.

2) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

3) Order of Proof: The petitioner shall open the proof. Other parties of record shall be heard immediately following the petitioner. The Hearing Officer or Department representatives may examine any witnesses. In all cases, the Hearing Officer shall designate the order of proof and may limit the scope of examination or cross-examination.

4) Briefs: The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within 10 days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.

g) Record of Proceedings; Testimony

The Department shall provide at its expense a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing. Any person testifying shall be required to do so under oath. However, relevant unsworn statements, comments and observations by any interested person may be heard and considered by the Department as such and included in the record.

h) Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of any emergency, motions

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

B) The nonparticipating owner shall share in a proportionate part of the production of oil and gas from the drilling unit determined by the Department, and pay a proportionate part of operation cost after the participating owners have recovered from the production of oil or gas from a well all actual costs in the drilling, testing, completing and operation of the well plus a penalty to be determined by the Department of not less than 100% nor more than 300% of such actual costs.

4) For the purpose of this Section, the owner or owners of oil and gas rights in and under an unleased tract of land shall be regarded as a lessee to the extent of a 7/8 interest in and to said rights and a lessor to the extent of the remaining 1/8 interest therein.

5) In the event of any dispute relative to costs and expenses of drilling, testing, equipping, completing and operating a well, the Department shall determine the proper costs after due notice to interested parties and a hearing thereon. The operator of such unit, in addition to any other right provided by the integration order of the Department, shall have a lien on the mineral leasehold estate or rights owned by the other owner therein and upon their shares of the production from such unit to the extent that costs incurred in the development and operation upon said unit are a charge against such interest by order of the Department or by operation of law. Such liens shall be separable as to each separate owner within such unit, and shall remain liens until the owner or owners drilling or operating the well have been paid the amount due under the terms of the integration order. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5436.)

k) Notice of Order--Recordation
Within 10 days after an order has been issued, a copy of such order shall be mailed by the Department to each person or his attorney of record who has entered his appearance in the matter pursuant to which such order is issued and to each working interest owner who has not agreed to an integration. The petitioner shall cause to be recorded in the office of the county clerk of the county or counties in which the drilling unit is situated a copy of the order providing for integration of the separate interests.
1) Order--Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Illinois Oil and Gas Act.

(Source: Added at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.133 Drilling Unit Hearings

a) Commencement of Action

requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

Default
If a party, after proper services of notice, fails to appear at the pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed to make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to an emergency situation beyond the parties' control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing, the pre-hearing conference or hearing be continued or postponed pursuant to Section 240.130(h). Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the parties' control.

1) Upon the conclusion of any hearing held under this Section, the Hearing Officer, after consultation with the Department representatives, shall prepare an order disposing of the petition, which shall be presented to the Director for entry.
2) In making the determination of integrating separately owned interests, and determining to whom the permit should be issued, the Department may consider:
A) The reasons requiring the integration of separate interests;
B) The respective interests of the parties in the drilling unit sought to be established, and the pool or pools in the field where the proposed drilling unit is located;
C) Any parties' prior or present compliance with the Act and the Department's rules; and
D) Any other information relevant to protect the correlative rights of the parties sought to be affected by the integration order.

3) Each order integrating separately owned interests shall authorize the drilling, testing, equipping, and operation of a well on the drilling unit; provide who may drill and operate the well; prescribe the time and manner in which all the owners in the drilling unit may elect to participate therein; and make provision for the payment by all those who elect to participate therein of the reasonable actual cost thereof, plus a reasonable charge for supervision and interest. Should an owner not elect to voluntarily participate in the risk and costs of the drilling, testing, completing and operation of a well as determined by the Department, the integration order shall provide either that:
A) The nonparticipating owner shall surrender a leasehold interest to the participating owners on a basis and for such terms and consideration the Department finds fair and

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Any interested person may petition the Department for a hearing to establish a drilling unit or units for the production of oil and gas or either of them for each pool to which the interested person owns some portion of the oil and gas. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5433)
 - 2) The petition for hearing to establish a drilling unit or units shall contain the following:
 - A) The name and address of the petitioner;
 - B) A description of the drilling unit or units sought to be established;
 - C) A description of the pool to which the drilling unit or units are sought to be established;
 - D) A list of the names and addresses of all owners of oil or gas interests in the pool;
 - E) An isopachous map of the pool;
 - F) A plat showing all oil and gas or water injection or storage wells completed within the pool;
 - G) A statement of the reasons supporting the proposed size of the drilling unit or units.
 - 3) If the establishment of a drilling unit or units would require the integration of separately owned interests in the drilling unit or units, the petitioner may contemporaneously file a petition under Section 240.132 and the matters shall then be consolidated and heard together.
- b) Execution and Filing
- 1) The petition to establish drilling units shall be filed with the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140. The petition shall be deemed filed when it is received by the Department, Oil and Gas Division.
 - 2) Every petition shall be signed by the petitioner or his representative and his address shall be stated thereon. The signature of the petitioner or his representative constitutes a certificate by him that he has read the petition and that to the best of his knowledge, information and belief there is good ground to support the same.
- c) Hearing--Notice
- 1) Upon the receipt of the petition to establish drilling units, the Department shall fix the time and place for a hearing.
 - 2) The Department shall prepare a notice of hearing which shall issue in the name of the State of Illinois and shall be signed by the Director. Such notice shall specify the number and style of the proceeding, the time and place of the hearing, the purpose of the hearing, the name of the petitioner, and a legal description of the affected lands. The notice shall also state that any interested person may file an entry of appearance in the hearing by submitting such entry of appearance in writing to the Department and that thereafter such person shall be deemed a party of record in the proceeding.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

- 3) The Department shall mail such notice to the Petitioner who shall then serve such notice in the following manner:
 - A) By mailing such notice by certified mail, directed to the persons named in the petition at their last known addresses at least 20 days prior to the hearing; and
 - B) By publication of such notice for service on those persons whose addresses are unknown or whose names are unknown, once each week for 2 consecutive weeks, with the first notice appearing at least 20 days prior to the hearing in a newspaper of general circulation published in each county containing some portion of the proposed integrated unit.
 - 4) Whenever the Department shall determine that a notice of hearing should be served upon a person because the granting or denying of the relief requested in the petition would materially affect such person's rights or property, the Department shall cause notice to be sent to such person, as provided in this subsection.
- d) Pre-Hearing Conferences
- 1) Upon his own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet with him for a conference in order to:
 - A) Simplify the factual and legal issues presented by the hearing request;
 - B) Receive stipulations, admissions of fact and the contents and authenticity of documents;
 - C) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - D) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.
 - 2) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
- e) Hearing
- 1) Conduct of Hearing: Every hearing shall be conducted by a Hearing Officer designated by the Director. The Hearing Officer shall take all necessary action to avoid delay, to maintain order and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing and to render a decision on the petition, including the following:
 - A) To administer oaths and affirmations;
 - B) To receive relevant evidence;
 - C) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
 - D) To consider and rule upon procedural requests;
 - E) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
 - F) To require the production of documents or subpoena the

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DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

allocation of more than 40 acres of surface area nor less than 10 acres of surface area to an individual well for production of oil from a pool the top of which lies less than 4000 feet beneath the surface (as determined by the original or discovery well in the pool) provided, however, that the Department may permit the allocation of greater acreage to an individual well and provided further that the spacing of wells in any pool the top of which lies less than 4000 feet beneath the surface (as determined by the original or discovery well in the pool) shall not include the fixing of a pattern except with respect to the 2 nearest external boundary lines of each drilling unit. (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5433.)

- 4) The drilling units established by an order under this Section shall be of approximately uniform size and shape for each entire pool, except that where circumstances reasonably require, the Department may grant exceptions to the size or shape of any drilling unit or units, in which case the order shall state the particular circumstances that require such exception.
- 5) Each order establishing drilling units shall specify the size and shape of the unit, which shall be such as will result in the efficient and economical development of the pool as a whole, and subject to the provisions of subsection (3) above, the size of no drilling unit shall be smaller than the maximum area that can be efficiently and economically drained by one well.
- 6) Each order establishing drilling units for a pool shall cover all lands determined or believed to be underlain by such pool. Each order establishing drilling units may be modified by the Department to change the size thereof, or to permit the drilling of additional wells.
- 7) Each order establishing drilling units shall prohibit the drilling of more than one well on any drilling unit for the production of oil or gas from the particular pool with respect to which the drilling unit is established and subject to the provisions of subsection (3) above shall specify the location for the drilling of such well thereon, in accordance with a reasonably uniform spacing pattern, with necessary exceptions for wells drilled or drilling at the time of the application. If the Department finds, after notice and hearing, notice being made as provided in this Section to all parties of record in the proceeding, that surface conditions would substantially add to the burden or hazard of drilling such well at the specified location, or for some other reason it would be inequitable or unreasonable to require a well to be drilled at a location other than that specified in the order establishing drilling units.
- 8) After the date of the notice for a hearing called to establish drilling units, no additional well shall be commenced for production from the pool until the order establishing drilling units has been issued unless the commencement of the well is authorized by order of the Department.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

9) After an order establishing a drilling unit or units has been issued by the Department, the commencement of drilling of any well or wells into the pool with regard to which such unit was established for the purpose of producing oil or gas therefrom, at a location other than that authorized by the order, or by order granting exception to the original spacing order is hereby prohibited. Ill Rev. Stat. 1991, ch. 96 1/2, par. 5433.

- k) Order--Final Administrative Decision
The Director's order is a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Added at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.160 Director's Decision

- a) Upon receipt of a notice of violation, the Director of the Department, or his designee, shall conduct an investigation and may affirm, vacate or modify the notice of violation. In determining whether to take action in addition to remedial action necessary to abate a violation the Director shall consider:
 - 1) the person's or permittee's history of previous violations, including violations at other locations and under other permits;
 - A) A violation shall not be counted if the notice or order is the subject of pending administrative review by the Department under Section 240.180 or if the time to request such review has not expired, and thereafter it shall be counted for only two years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision;
 - B) No violation for which the notice or order has been vacated shall be counted;
 - 2) the seriousness of the violation, including any irreparable harm to the environment or damage to property;
 - 3) the degree of culpability of the person or permittee; and
 - 4) the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the person or permittee.
- b) Modification of the notice of violation may include:
 - 1) any different or additional remedial actions necessary to abate the violation, as set forth in Section 240.150(b)(2), and the time within which the violation must be abated;
 - 2) the assessment of civil penalties not to exceed \$1,000.00 a day for each and every act of violation;
 - 3) probationary or permanent modification or conditions on the permit which may include special monitoring or reporting requirements; and
 - 4) revocation of the permit. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413)

NOTICE OF ADOPTED AMENDMENT(S)

c) The Director shall determine whether or not to assess civil penalties based on the factors set forth in subsection (a) above. If a penalty is assessed by the Department, the penalty shall be computed as follows:

- I) Administrative violations, including, but not limited to, the failure to file the reporting, permitting and bond transfer forms required by the Department, the failure to submit information required by the Department pursuant to file reviews and the failure to post lease signs, shall be assessed on an administrative violation basis. The Department may assess up to \$250.00 for an administrative violation as follows:
- A) History of Violations:
 - i) No previous violation of the same rule: add \$25.00.
 - ii) One previous violation of the same rule: add \$50.00.
 - iii) Two previous violations of the same rule: add \$100.00.
 - iv) Three or more previous violations of the same rule: add \$150.00.
- B) Permittee's Actions:
 - i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply: add \$100.00.
 - ii) If the permittee abated the violation within the specified time frame: subtract \$200.00.
 - iii) If the permittee either substantially abated the violation within the specified time frame or, if all corrective actions were not completed yet the permittee requested and received an extension of the abatement deadline: subtract \$100.00.

- 2) Operating violations, including, but not limited to, pressure on the annulus, the failure to maintain the well and flow line in a leak-free condition, the failure to maintain lined pits, the failure to configure the wellhead for the inspection of the annulus, the failure to comply with specified permit conditions and the failure to maintain required performance bond in force for the wells under permit, shall be assessed on a permittee-specific basis. The Department may assess up to \$500.00 for an operating violation against a permittee on the same occasion shall not be considered separate violations. The Department may assess up to \$500.00 for an operating violation as follows:
 - A) History of Violations:
 - i) No previous violation of the same rule: add \$50.00.
 - ii) One previous violation of the same rule: add \$100.00.
 - iii) Two or more previous violations of the same rule: add \$150.00.
 - B) Seriousness:
 - i) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$200.00.
 - ii) If the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, livestock or wildlife: add \$100.00; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, livestock or wildlife: add \$200.00.

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i) No previous violation of the same rule: add \$50.00.
ii) One previous violation of the same rule: add \$100.00.
iii) Two or more previous violations of the same rule: add \$150.00.

NOTICE OF ADOPTED AMENDMENT(S)

i) If the violation had a low degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, livestock or wildlife: add \$50.00; or, if the violation had a high degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, livestock or wildlife: add \$100.00; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, livestock or wildlife: add \$200.00.

- ii) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$200.00.
- C) Permittee's Actions:
 - i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply: add \$100.00.
 - ii) If the violation occurred as a result of the permittee's lack of reasonable care: add \$50.00; or, if the violation occurred as a result of the permittee's deliberate conduct: add \$200.00.
 - iii) If the permittee abated the violation within the specified time frame: subtract \$250.00.
 - iv) If the permittee either substantially abated the violation within the specified time frame, or, if all corrective actions were not completed yet the permittee requested and received an extension of the abatement deadline: subtract \$100.00.

- 3) Drilling or operating without a permit from the Department a well required to be permitted under the Act without first obtaining a permit from the Department, operating a well required to be permitted under the Act without first obtaining the Department's transfer of operating authority or operating an annular or casing injection/disposal well shall result in the assessment of up to a \$1,000.00 penalty for each and every such violation. The Department may assess the \$1,000.00 penalty for each day that these violations remained unabated. Assessments for these violations are computed as follows:
 - A) History of Violations:
 - i) No previous violation of the same rule: add \$100.00.
 - ii) One or more previous violation of the same rule: add \$500.00.
 - B) Seriousness:
 - i) If the violation caused environmental damage to surface water, ground water or wildlife: add \$200.00.
 - ii) If the violation created a hazard to the safety of any

History of Violations:
i) No previous violation of the same rule: add \$100.00.
ii) One or more previous violation of the same rule: add \$500.00.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

person, such as the emission of hydrogen sulfide gas: add \$200.00.

C) Permittee's Action:

- i) If the violation occurred as a result of the permittee's lack of reasonable care: add \$100.00; or, if the violation occurred as a result of the permittee's deliberate conduct: add \$500.00.
 - ii) If the permittee abated the violation within the specified time frame: subtract \$250.00.
 - iii) If all corrective actions were not completed, yet the permittee requested and received an extension of the abatement deadline: subtract \$100.00.
- d) Any responsible person who willfully or knowingly authorized, ordered, or carried out any violation cited in the Director's decision shall be subject, after notice, to the same actions, including civil penalties, which may be imposed on the person or permittee under this Section. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413)
- e) The Director or his designee shall serve the person or permittee with his decision at the conclusion of his investigation. The Director's decision shall provide that the person or permittee has the right to request a hearing in accordance with Section 240.180. The Director's decision affirming, vacating or modifying the notice of violation shall be considered served when mailed certified mail, return receipt requested, to the person or permittee at his last known address. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413)
- f) A Director's decision not appealed in accordance with Section 240.180 within 30 days of service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act. The filing of a request for hearing under Section 240.180 shall not operate as a stay of the Director's decision.
- g) If the Director's decision includes the assessment of a civil penalty, and the person or permittee named in the Director's decision does not request a hearing in accordance with Section 240.180 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days of service of the Director's decision.
- h) All civil penalties assessed and paid to the Department shall be deposited in the Underground Resources Conservation Enforcement Fund. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413)

(Source: Amended at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.170 Cessation Order

- a) The Department may issue orders requiring the cessation of operations, including the plugging of a well, for either of the following reasons:
- 1) If, at the expiration of the period of time originally fixed in the Director's decision or at the expiration of any subsequent

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

extension of time granted by the Department, the Department finds that the violation has not been abated, it may immediately order the cessation of operations or the portions thereof relevant to the violation. (Ill. Rev. Stat. 1988 1991, Supp. ch. 96 1/2, par. 5413)

- 2) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or the rules adopted thereunder or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of operations. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5426) Drilling or operating without a permit from the Department a well required to be permitted under the Act, operating an annular or casing injection/disposal well, operating a well in violation of the Department's spacing requirements, operating wells without paying annual well fees or operating wells without maintaining the required amount of performance bond in force, constitute conditions, practices or violations mandating the issuance of a cessation order under this subsection.
- b) If a responsible party cannot be readily located in the judgment of the employee or agent issuing the cessation order, the employee or agent may take any action he deems necessary to cause a cessation of operations and abatement of any violation observed. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5426)
 - c) The cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practicably possible but in no event later than 5 days after its issuance. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5426)
 - d) The cessation order shall provide that the person or permittee named in the order has the right to request a hearing in accordance with Section 240.180. The cessation order shall be considered served when personally delivered to the person or permittee named in the order or when the cessation order is mailed certified mail, return receipt requested, to the person or permittee at his last known address.
 - e) A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413) The filing of a request for a hearing under Section 240.180 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.190.
 - f) A cessation order not appealed in accordance with Section 240.180 within 30 days of service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act.

(Source: Amended at 17 III. Reg. 2217, effective February 8, 1993)

Section 240.180 Enforcement Hearings

a) A person or permittee shall have 30 days from the date of service of the Director's decision or of the cessation order to request a hearing. (Ill. Rev. Stat. §988 1991 Sapp., ch. 96 1/2, par. 5413) Except as provided in subsection (b) below, a person or permittee seeking to contest any Director's decision in which a civil penalty has been assessed shall submit the assessed amount to the Department together with a timely request for hearing. The assessed amount shall be held in an interest-bearing escrow account pending the outcome of the hearing. The assessed amount together with any interest, shall be returned to the person or permittee at the conclusion of the hearing if the Department does not prevail. All requests for hearing shall be mailed or delivered to the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson Street, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140.

b) If a civil penalty assessment is imposed against a person pursuant to Section 240.160(d), such person will not be required to prepay the penalty into escrow in order to contest either the amount of the penalty or the fact of the violation.

c) Upon receipt of a request for hearing submitted in accordance with subsections (a) or (b), the Department shall provide an opportunity for a formal hearing upon not less than 5 days written notice mailed to the permittee or person submitting the hearing request. (Ill. Rev. Stat. §988 1991 Sapp., ch. 96 1/2, par. 5413) The hearing shall be conducted by a hearing officer under contract with the Department and shall be conducted in accordance with the following procedures:

1) A pre-hearing conference shall be scheduled within 30 days of the request for hearing:

A) to define the factual and legal issues to be litigated at the administrative hearing;

B) to determine the timing and scope of discovery available to the parties;

B4C) to set a date for the parties to exchange all documents they intend to introduce into evidence during the hearing, a list of all witnesses the parties intend to have testify and a summary of the testimony of each such witness;

B4D) to schedule a date for the administrative hearing; and B4E) to arrive at an equitable settlement of the hearing request, if possible.

B4F) Pre-hearing conferences under this Section may be conducted via telephone conference if such procedure is acceptable to all parties to the hearing. In the event that a telephone conference is not acceptable to all parties, the pre-hearing conference shall be conducted the place designated by the hearing officer.

(Source: Amended at 17 III. Reg. 2217, effective February 8, 1993)

Section 240.180 Enforcement Hearings

a) A person or permittee shall have 30 days from the date of service of the Director's decision or of the cessation order to request a hearing. (Ill. Rev. Stat. §988 1991 Sapp., ch. 96 1/2, par. 5413) Except as provided in subsection (b) below, a person or permittee seeking to contest any Director's decision in which a civil penalty has been assessed shall submit the assessed amount to the Department together with a timely request for hearing. The assessed amount shall be held in an interest-bearing escrow account pending the outcome of the hearing. The assessed amount together with any interest, shall be returned to the person or permittee at the conclusion of the hearing if the Department does not prevail. All requests for hearing shall be mailed or delivered to the Illinois Department of Mines and Minerals, Oil and Gas Division, 300 West Jefferson Street, Suite 300, P.O. Box 10140, Springfield, Illinois 62791-0140.

b) If a civil penalty assessment is imposed against a person pursuant to Section 240.160(d), such person will not be required to prepay the penalty into escrow in order to contest either the amount of the penalty or the fact of the violation.

c) Upon receipt of a request for hearing submitted in accordance with subsections (a) or (b), the Department shall provide an opportunity for a formal hearing upon not less than 5 days written notice mailed to the permittee or person submitting the hearing request. (Ill. Rev. Stat. §987 1991, ch. 127, pars. 1010-35, 1010-40, 1010-50 and 1010-60). All hearings under this Section shall be conducted in the Department's offices located at 300 West Jefferson Street, Suite 300, Springfield, Illinois. However, the Department may conduct a hearing under this Section at a site located closer than Springfield, Illinois, to the production, and/or injection/disposal well identified in the Director's decision or cessation order being contested if facilities are available and convenient satisfactory to the Department.

4) At the hearing the Department shall have the burden of proving the facts of the violation alleged in the notice of violation or cessation order at issue. The amount of any civil penalty assessed shall be presumed to be proper; however, the operator may offer evidence to rebut this presumption. The standard of proof shall be a preponderance of the evidence. The person or permittee shall have the right to challenge the hearing officer if the person or permittee believes the hearing officer is prejudiced against him or has a conflict of interest. If the hearing officer disqualifies himself, the Director shall designate a new hearing officer. The hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case.

5) The Director shall review the administrative record in a contested case, in conjunction with the hearing officer's

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

- d) *The person or permittee's failure to request a hearing in accordance with subsection (a) shall constitute a waiver of all legal rights to contest the Director's decision or the cessation order, including the amount of any civil penalty assessed. Within 30 days of the close of the hearing record or expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.*

(Source: Amended at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.190 Temporary Relief.

- a) *Pending the holding of a hearing or entry of a final administrative decision relating to a cessation order issued under Section 240.170, the person or permittee affected by the Department's action may file a written request for temporary relief from the cessation order, together with a detailed statement giving reasons for granting such relief. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5413) The person or permittee shall serve the request for temporary relief within 14 days of service of the cessation order.*
- b) *The Department shall commence a hearing within 5 days after receipt of a timely request for temporary relief and may grant such relief, under such conditions as it may prescribe, if the person or permittee requesting temporary relief shows a substantial likelihood that the findings of the Department will be favorable to him and such relief will not adversely affect the health or safety of the public or cause significant environmental harm or significant damage to property. (Ill. Rev. Stat. 1988 1991 Supp., ch. 96 1/2, par. 5426)*
- c) *All hearings under this Section shall be conducted in accordance with Sections ~~107-117-127-14-and-15~~ 10-25, 10-35, 10-40, 10-50 and 10-60 of the Illinois Administrative Procedure Act. All hearings under this Section shall be conducted in the Department's offices located at 300 West Jefferson Street, Suite 300, Springfield, Illinois.*
- d) *The ~~Department~~ Department's hearing officer shall issue a final administrative decision granting or denying temporary relief from the cessation order within 7 days of the close of the administrative record, pursuant to Section 10 of the Act.*

(Source: Amended at 17 Ill. Reg. 2217, effective February 8, 1993)

Section 240.195 Subpoenas

- a) *Any party to proceedings brought under Sections 240.130, 240.131,*

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

240.132, 240.133 240.180 and 240.190 of the Department's rules may apply for subpoenas to compel the attendance of witnesses and the production of relevant documents.

- b) *The applicant shall submit the subpoena request to the Department's hearing officer. The subpoena request shall specifically identify the witness or relevant documents sought to be produced.*
- c) *The hearing officer shall issue subpoenas within 7 calendar days from receipts of a request made in accordance with subsection (b) above and deliver the subpoena to the Petitioner who shall serve all subpoenas issued by certified mail, return receipt requested, at least 7 days before the date set for the hearing. Any witness shall respond to any lawful subpoena of which he has actual knowledge, if payment of the witness fee and mileage applicable in the State circuit courts has been tendered. Service of a subpoena may be proved prima facie by a return receipt signed by the witness or his authorized agent and an affidavit showing that the mailing was prepaid and was addressed to the witness, restricted delivery, with a check or money order for the fee and mileage enclosed.*
- d) *Any person served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena, in whole or in part. All motions to quash filed under this subsection shall set forth a factual and/or legal basis for granting such relief.*
- e) *The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days from receipt of the motion.*

(Source: Amended at 17 Ill. Reg. 2217, effective February 8, 1993)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aid To Families With Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Adopted Action:

112.330

Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13)

16) Information and questions regarding these Adopted Amendments shall be directed to:

5) Effective Date of Amendments: February 15, 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: February 15, 1993

9) Notice of Proposal Published in Illinois Register:

October 9, 1992 (16 Ill. Reg. 15277)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: Based on comments received from the Legal Assistance Foundation of Chicago, in Section 112.330(b)(3), the phrase "Standard of Need" was changed to "poverty line." No other substantive changes were made to the text of the 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? Yes

Sections Proposed Action Illinois Register Citation

112.127	Amendment	December 18, 1992 (16 Ill. Reg. 19642)
112.153	Amendment	December 4, 1992 (16 Ill. Reg. 18216)
112.250	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.252	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.253	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.254	Amendment	January 4, 1993 (17 Ill. Reg. 46)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: This rule change conforms agency policy to federal requirements. Families cancelled for increased earnings or increased hours of employment will now receive a six month medical extension. Eligibility may exist for a further extension, beyond the six month period, to a maximum of twelve months. Eligibility for this additional extension period is determined based on the completion and submital of report forms by the client and a determination of eligibility based on level of earnings.

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

Name: Judy Umuna

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Description of the Assistance Program
112.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	Description of the Assistance Program
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section	Description of the Assistance Program
112.70	Participation Requirements For Project Chance
112.71	Individuals Exempt From Project Chance
112.72	Project Chance Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Initial Assessment Process/Development of an Employability Plan
112.76	Project Chance Orientation
112.77	Conciliation and Fair Hearings
112.78	Project Chance Components
112.79	Project Chance Sanctions
112.80	Good Cause for Failure to Comply With Project Chance Participation Requirements
112.81	Responsible Relative Eligibility For Project Chance

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

112.82	Project Chance Supportive Services
112.83	Young Parents Program
112.84	Work Experience Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section	Description of the Assistance Program
112.86	Project Advance
112.87	Project Advance Experimental and Control Groups
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section	Description of the Assistance Program
112.98	Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	Description of the Assistance Program
112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump Sum Payments
112.128	Protected Income
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

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 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H

Section 112.330 (continued)

b) The initial six (6) month medical assistance period can be extended for a total of six (6) additional months. Eligibility for an extension beyond the initial six (6) month period shall exist if:

- 1) the Medical Extension Report Forms are returned by the due date;
 - 2) an eligible child is still in the home;
 - 3) the client's earnings from the past three (3) months minus child care costs are less than 185% of the poverty line; and
 - 4) the client has not quit employment without good cause.
- (Source: Amended at 17 Ill. Reg. 2253, effective February 15, 1993)

and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART I: OTHER PROVISIONS

Section 112.330 Twelve-Month-Extension of Medical Assistance Due to Increased Income from Employment

a) A twelve-(12)-six (6) month extension of medical assistance shall be provided for AFDC cases when AFDC assistance is terminated due to increased hours or increased income from employment. This extension shall begin with the AFDC case's first month of ineligibility. Ineligibility may result from initial or increased earnings.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED 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

113.140 Services

113.141 Assets

113.142 Exempt Assets

113.143 Asset Disregard

113.154 Deferral of Consideration of Assets

113.155 Property Transfers For Applications Filed Prior To October 1, 1989

113.156 (Repealed)

113.157 Property Transfers For Applications Filed On Or After October 1, 1989

113.158 Court Ordered Child Support Payments of Parent/Step-Parent

113.159 Sponsors of Aliens

113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section

113.245 Payment Levels for ABD

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 ABD 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 ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

113.1 Description of the Assistance Program

113.5

Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

113.9 Client Cooperation

113.10

Citizenship

113.20

Residence

113.30

Age

113.40

Blind

113.50

Disabled

113.60

Living Arrangement

113.70

Institutional Status

113.80

Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

113.100 Unearned Income

113.101

Budgeting Unearned Income

113.102

Budgeting Unearned Income of Applicants Receiving Income On Date of

Application And/Or Date of Decision

113.103

Initial Receipt of Unearned Income

113.104 Termination of Unearned Income

113.105

Unearned Income In-Kind

113.106

Farmlinked Income

113.107

Lump Sum Payments and Income Tax Refunds

113.108

Protected Income (Repealed)

113.109

Earned Income (Repealed)

113.110

Budgeting Earned Income (Repealed)

113.111

Protected Income

113.112

Earned Income

113.113

Exempt Unearned Income

113.114

Budgeting Earned Income of Applicants Receiving Income On Date of

Application And/Or Date of Decision

113.115

Initial Employment

113.116

Budgeting Earned Income For Contractual Employees

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED 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
EMERGENCY	
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants
EMERGENCY	

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
EMERGENCY	
113.415	Non-Financial Factors of Eligibility
113.420	Financial Factors of Eligibility
113.425	Payment Levels for Chicago Interim Assistance Cases
EMERGENCY	
113.430	Payment Levels for all Interim Assistance Cases Outside Chicago
EMERGENCY	
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
EMERGENCY	
113.500	Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 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

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Section 113.154(b)(4) (continued)

~~or when the client and the client's spouse divide their assets in half without a court order;~~

- 5) ~~the transfer was a change from an individual to joint bank account;~~
- 6) ~~the transfer was of exempt assets;~~
- 7) ~~the transfer was an equal division of marital assets.~~
- e) ~~If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:~~
- 1) ~~the asset is returned; or~~
- 2) ~~a fair market value is paid to the client; or~~
- 3) ~~the period of time the asset would meet the client's needs has passed; or~~
- 4) ~~two years has passed.~~
- d) ~~If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).~~
- e) ~~The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to two (2) years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the client's unmet need based on the AABD Assistance Standard plus incurred medical expenses. However, Shelter Care payments are allowed at the private pay rate.)~~
- 1) ~~For applicants, the first month of ineligibility is the month of application.~~
- 2) ~~For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.~~

(Source: Repealed at 17 Ill. Reg. 2263, effective February 15, 1993)

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Numbers: Adopted Action:
160.85 New Section
- 4) Statutory Authority: Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13) [305 ILCS 5/4-1.7, 5/10-1 et seq., 5/12-4.3 and 5/12-13]
- 5) Effective Date of Amendments: February 11, 1992
- 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: February 11, 1992
- 9) Notice of Proposal Published in Illinois Register:
June 12, 1992 (16 Ill. Reg. 8892)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No substantive changes have been made in the text of new Section 160.85 between the proposal and the final version. The proposed addition of Section 160.77 was deleted from the amendments. This proposed new Section, which was intended to implement Section 10-17.6 of the Illinois Public Aid Code which was added by Public Act 87-412 (House Bill 2486), provided for reporting information concerning past due support to State licensing agencies. The Department determined that changes in the proposed provisions were required and will propose a revised version of these provisions in the near future.
- 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:

The Department is adopting an addition to its rules governing child support enforcement. New Section 160.85 defines the efforts which the

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
- 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
- 160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments
- 160.132 Distribution of Child Support for Non-AFDC Clients
- 160.134 Distribution of Child Support For Interstate Cases
- 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
- 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

- 160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
- 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991 1989, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3 and 12-13) [305 ILCS 5/4-1.7, 5/10-1 et seq., 5/12-4.3 and 5/12-13]

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 16 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.85 Diligent Efforts to Serve Process

The Department shall make diligent efforts to serve process upon a responsible relative when necessary to establish, modify or enforce support under Sections 160.60, 160.65 and 160.70, as follows:

- a) The Department shall obtain information concerning:
 - 1) the responsible relative's whereabouts, including without limitation:
 - A) the relative's home address;
 - B) the address of the relative's employer;
 - C) the addresses of family and friends who might know of the relative's whereabouts; or
 - D) places frequented by the relative; and
 - 2) the responsible relative's identification, including without limitation:
 - A) the relative's Social Security Number; or
 - B) the relative's physical description;
- b) The Department shall furnish such information to the Sheriff or other process server; and
- c) When sufficient whereabouts and identification information for service continue to exist, the Department shall cause an alias summons to issue:
 - 1) as soon as practicable after the first "not found" return; and
 - 2) anytime new information is obtained; and
 - 3) six months after each "not found" return, until service is effected.

(Added at 17 Ill. Reg. 2272; effective February 11, 1993)

1) Heading of the Part: General Assistance

2) Code Citation: 89 III. Adm. Code 114

3) Section Numbers: Adopted Action:

114.270	Repeal
114.420	Amendment
114.430	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1991, ch. 23, pars. 6-1 et seq. and 12-13)

5) Effective Date of Amendments: February 15, 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: February 15, 1993

9) Notice of Proposal Published in Illinois Register:

89 III. Adm. Code 114.270 and 114.420

October 2, 1992 (16 III. Reg. 15008)

89 III. Adm. Code 114.430

October 9, 1992 (16 III. Reg. 15287)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version:

89 III. Adm. Code 114.270 and 114.420

No substantive changes were made to the text of the amendments.

89 III. Adm. Code 114.430

Based on comments received from the Legal Assistance Foundation of Chicago, in Section 114.430 (b)(3), the phrase "Standard of Need" was changed to "poverty line." No other substantive changes were made to the text of the 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

Families cancelled for increased earnings or increased hours of employment will now receive a six month medical extension. Eligibility may exist for a further extension, beyond the six month period, to a maximum of twelve months. Eligibility for this additional extension period is determined

This rule change aligns the General Assistance medical extension provisions with the changes being made in the AFDC program. The AFDC changes are being made to conform to federal law.

89 III. Adm. Code 114.430

regardless of Project Change status.

All General Assistance cases will now be redetermined every five months the elimination of the Transitional Assistance Program for employables. This rulemaking changes the redetermination of eligibility schedule due to

89 III. Adm. Code 114.420

This rulemaking is necessary to delete provisions regarding the transfer of assets for applications filed prior to October 1, 1989. Transfer of asset policy was obsoleted with the implementation of the Medicare Catastrophic Coverage Act of 1988. Regardless of the reason for the transfer, eligibility is not affected because of a transfer of assets.

89 III. Adm. Code 114.270

15) Summary and Purpose of Amendments:

114.120	Amendment	October 16, 1992 (16 III. Reg. 15810)
114.121	Repeal	October 16, 1992 (16 III. Reg. 15810)
114.124	Repeal	October 16, 1992 (16 III. Reg. 15810)
114.125	Repeal	October 16, 1992 (16 III. Reg. 15810)
114.126	Repeal	October 16, 1992 (16 III. Reg. 15810)
114.127	Repeal	October 16, 1992 (16 III. Reg. 15810)
114.128	Repeal	October 16, 1992 (16 III. Reg. 15810)
114.129	Repeal	October 16, 1992 (16 III. Reg. 15810)
114.130	Repeal	October 16, 1992 (16 III. Reg. 15810)
114.135	Repeal	October 16, 1992 (16 III. Reg. 15810)
114.223	Amendment	December 18, 1992 (16 III. Reg. 19654)
114.252	Amendment	December 4, 1992 (16 III. Reg. 18226)
114.406	New Section	November 20, 1992 (16 III. Reg. 17459)
114.440	New Section	September 25, 1992 (16 III. Reg. 14538)

Sections Proposed Action Illinois Register Citation

14) Are there any amendments pending on this Part? Yes

13) Will these amendments replace Emergency Amendments currently in effect? No

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

based on the completion and submittal of report forms by the client and a determination of eligibility based on level of earnings.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
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:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.2	Determination of Not Employable
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
114.30	Age
114.40	Relationship
114.50	Living Arrangement
114.52	Social Security Numbers
114.60	Work Registration Requirements (Outside City of Chicago only)
114.61	Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
114.62	Job Service Registration (Outside City of Chicago only)
114.63	Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.64	Responsibility to Seek Employment (Outside City of Chicago only)
114.70	Initial Employment Expenses (Outside City of Chicago only)
114.80	Downstate General Assistance Work and Training Programs
114.85	Downstate General Assistance - Food Stamps Employment and Training Pilot Project
114.90	Project Chance Participation/Cooperation Requirements (Renumbered)
114.100	General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section	
114.108	Project Advance
114.109	Project Advance Participation Requirements of Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision	
114.228	Initial Employment	
114.229	Termination of Employment	
114.230	Exempt Earned Income	
114.235	Recognized Employment Expenses	
114.240	Income From Work/Study/Training Program (Repealed)	
114.241	Earned Income From Self-Employment	
114.242	Earned Income From Roomer and Boarder	
114.243	Earned Income From Rental Property	
114.244	Earned Income In-Kind	
114.245	Payments from the Illinois Department of Children and Family Services	
114.246	Budgeting Earned Income For Contractual Employees	
114.247	Budgeting Earned Income For Non-contractual School Employees	
114.250	Assets	
114.251	Exempt Assets	
114.252	Asset Disregards	
114.260	Deferral of Consideration of Assets (Repealed)	
114.270	Property Transfers (Repealed)	
114.280	Supplemental Payments	
SUBPART F: PAYMENT AMOUNTS		
Section		
114.350	Payment Levels for General Assistance	
114.351	Payment Levels in Group I Counties	
114.352	Payment Levels in Group II Counties	
114.353	Payment Levels in Group III Counties	
SUBPART G: OTHER PROVISIONS		
Section		
114.400	Persons who May Be Included in the Assistance Unit	
114.401	Eligibility of Strikers	
114.402	Special Needs Authorizations	
114.403	Institutional Status	
114.404	Retrospective Budgeting	
114.405	Budgeting Schedule	
114.406	Limitation on Amount of General Assistance to Recipients from Other States	
114.420	Redetermination of Eligibility	
114.430	Twelve-Month Extension of Medical Assistance Due to Increased Income from Employment	
114.440	Attorney's Fees for VA Appellants	EMERGENCY

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision	
114.228	Initial Employment	
114.229	Termination of Employment	
114.230	Exempt Earned Income	
114.235	Recognized Employment Expenses	
114.240	Income From Work/Study/Training Program (Repealed)	
114.241	Earned Income From Self-Employment	
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114.244	Earned Income In-Kind	
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114.246	Budgeting Earned Income For Contractual Employees	
114.247	Budgeting Earned Income For Non-contractual School Employees	
114.250	Assets	
114.251	Exempt Assets	
114.252	Asset Disregards	
114.260	Deferral of Consideration of Assets (Repealed)	
114.270	Property Transfers (Repealed)	
114.280	Supplemental Payments	
SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS		
Section		
114.120	Employment and Training Requirements	
114.121	Persons Required to Participate in Project Chance (Repealed)	EMERGENCY
114.122	Advocacy Program for Persons who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)	EMERGENCY
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)	EMERGENCY
114.124	Employment and Training Participation/Cooperation Requirements (Repealed)	EMERGENCY
114.125	Employment and Training Program Orientation (Repealed)	EMERGENCY
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)	EMERGENCY
114.127	Employment and Training Program Components (Repealed)	EMERGENCY
114.128	Employment and Training Sanctions (Repealed)	EMERGENCY
114.129	Good Cause for Failure to Cooperate with Work and Training	EMERGENCY
114.130	Employment and Training Supportive Services (Repealed)	EMERGENCY
114.135	Conciliation and Fair Hearings (Repealed)	EMERGENCY
114.140	Employment Child Care (Repealed)	EMERGENCY
SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY		
Section		
114.200	Unearned Income	
114.201	Budgeting Unearned Income	
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision	
114.203	Initial Receipt of Unearned Income	
114.204	Termination of Unearned Income	
114.210	Exempt Unearned Income	
114.220	Education Benefits	
114.221	Unearned Income In-Kind	
114.222	Farmarked Income	
114.223	Lump Sum Payments	
114.224	Protected Income	
114.225	Earned Income	
114.226	Budgeting Earned Income	EMERGENCY

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: CHILD CARE

Section	
114.450	Child Care
114.452	Child Care Eligibility
114.454	Qualified Provider
114.456	Notification of Available Services
114.458	Participant Rights and Responsibilities
114.462	Additional Service to Secure or Maintain Child Care Arrangements
114.464	Rates of Payment for Child Care
114.466	Method of Providing Child Care

SUBPART I: TRANSITIONAL CHILD CARE

Section	
114.500	Transitional Child Care Eligibility
114.504	Duration of Eligibility for Transitional Child Care
114.506	Loss of Eligibility for Transitional Child Care
114.508	Qualified Provider
114.510	Notification of Available Services
114.512	Participant Rights and Responsibilities
114.514	Child Care Overpayments and Recoveries
114.516	Fees for Service for Transitional Child Care
114.518	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 6-1 et seq. and 12-13)

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 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; preemptory 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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

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; preemptory 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; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory 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; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory 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; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory 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 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg.

15800, effective October 16, 1985; amended at 10 111. Reg. 1924, effective January 17, 1986; amended at 10 111. Reg. 3660, effective January 30, 1986; emergency amendment at 10 111. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 111. Reg. 4896, effective March 7, 1986; amended at 10 111. Reg. 10681, effective June 3, 1986; amended at 10 111. Reg. 11041, effective June 5, 1986; amended at 10 111. Reg. 12662, effective July 11041, effective June 5, 1986; amended at 10 111. Reg. 12662, effective July 11 111. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 111. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 111. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 111. Reg. 18689, effective November 1, 1987; emergency amendment at 11 111. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 111. Reg. 20129, effective December 4, 1987; amended at 11 111. Reg. 20889, effective December 14, 1987; amended at 12 111. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 111. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 111. Reg. 2984; amended at 12 111. Reg. 3505, effective January 22, 1988; amended at 12 111. Reg. 6170, effective March 18, 1988; amended at 12 111. Reg. 6719, effective March 22, 1988; amended at 12 111. Reg. 9108, effective May 20, 1988; amended at 12 111. Reg. 9699, effective May 24, 1988; amended at 12 111. Reg. 9940, effective May 31, 1988; amended at 12 111. Reg. 11474, effective June 30, 1988; amended at 12 111. Reg. 14255, effective August 30, 1988; emergency amendment at 12 111. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 111. Reg. 16729, effective September 30, 1988; amended at 12 111. Reg. 20171, effective November 28, 1988; amended at 13 111. Reg. 89, effective January 1, 1989; amended at 13 111. Reg. 1546, effective January 20, 1989; amended at 13 111. Reg. 3900, effective March 10, 1989; amended at 13 111. Reg. 8580, effective May 20, 1989; emergency amendment at 13 111. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 111. Reg. 16015, effective October 6, 1989; amended at 14 111. Reg. 746, effective January 1, 1990; amended at 14 111. Reg. 3640, effective February 23, 1990; amended at 14 111. Reg. 6360, effective April 16, 1990; amended at 14 111. Reg. 10929, effective June 20, 1990; amended at 14 111. Reg. 13215, effective August 6, 1990; amended at 14 111. Reg. 13777, effective August 17, 1990; amended at 14 111. Reg. 14162, effective August 17, 1990; amended at 14 111. Reg. 17111, effective September 30, 1990; amended at 15 111. Reg. 288, effective January 1, 1991; amended at 15 111. Reg. 5710, effective April 10, 1991; amended at 15 111. Reg. 11164, effective August 1, 1991; emergency amendment at 15 111. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 111. Reg. 3512, effective February 20, 1992; emergency amendment at 16 111. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 111. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 111. Reg.

13297, effective August 15, 1992; emergency amendment at 16 111. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 111. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 111. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; amended at 16 111. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 111. Reg. 18815, effective November 24, 1992; amended at 17 111. Reg. 1091, effective January 15, 1993; amended at 17 111. Reg. 2277, effective February 15, 1993.

Section 114.270 Property Transfers (Repealed)

- a) The provisions of the amendments to the property tax assessment code are effective on the date of the amendments to the property tax assessment code. The amendments to the property tax assessment code are effective on the date of the amendments to the property tax assessment code. The amendments to the property tax assessment code are effective on the date of the amendments to the property tax assessment code.
- b) The provisions of the amendments to the property tax assessment code are effective on the date of the amendments to the property tax assessment code. The amendments to the property tax assessment code are effective on the date of the amendments to the property tax assessment code. The amendments to the property tax assessment code are effective on the date of the amendments to the property tax assessment code.

- 1) The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code.
- 2) The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code.

- A) The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code.

- B) The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code.

- G) The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code. The amendments to the assessment code are effective on the date of the amendments to the assessment code.

Section 114.270(b)(2) (continued)

D) ~~the transfer was due to separation, divorce or other settlement (i.e., when the court orders a settlement of a client's assets or when the client and the client's spouse divide their assets in half without a court order),~~

E) ~~the transfer was a change from an individual to joint bank account,~~

F) ~~the transfer was of exempt assets,~~

G) ~~the transfer was an equal division of marital assets,~~

3) ~~If the transfer does not fall within the listing of subsection (b) above, the transfer will be reviewed to determine if the transfer was made to qualify for or increase the need for assistance. If the transfer was made to qualify for or increase the need for assistance, the client is ineligible until whichever occurs first:~~

A) ~~the asset is returned, or~~

B) ~~a fair market value is paid to the client, or~~

G) ~~the period of time the asset would meet the client's needs has passed, or~~

D) ~~two years has passed.~~

e) ~~If a client transfers an asset which is not allowable the client must verify that the transfer was not made to qualify for assistance (e.g., a bank repossesses the property. The client must provide a copy of the repossession paper(s) to the Department).~~

d) ~~Length of Ineligibility~~

1) ~~The client is ineligible for assistance for the number of months that the asset would have met his/her needs up to 2 years from the date of the transfer. (To determine the number of months the asset would have met the client's need, divide the amount of the asset by the GA Standard of Need plus incurred medical expenses.)~~

2) ~~For applicants, the first month of ineligibility is the month of application.~~

Section 114.270(d) (continued)

3) ~~For recipients, the first month of ineligibility is the month assistance was discontinued because of the transfer.~~

(Source: Repealed at 17 Ill. Reg. 2277, effective February 15, 1993)

SUBPART G: OTHER PROVISIONS

Section 114.420 Redetermination of Eligibility

a) ~~For Family Children and Family Children Assistance cases and Transitional Assistance cases, outside the City of Chicago a redetermination of eligibility shall be conducted every five months.~~

b) ~~For Child and Family Assistance cases in the City of Chicago, a redetermination of eligibility shall be conducted every five months unless a person(s) included in the case is participating in Project Change. For such cases participating in Project Change a redetermination shall be conducted every ten months.~~

e) ~~Transitional Assistance cases in the City of Chicago shall be redetermined as follows:~~

1) ~~For cases in which the individual has been determined to be not employable, a redetermination shall be completed at least every five months.~~

2) ~~For cases receiving GA on July 1, 1991, and participating in Project Change, during the fiscal year beginning July 1, 1991, a redetermination shall be completed every ten months.~~

db) ~~For all cases, when information is received which indicates a change in eligibility or amount of assistance or change of address, a review of eligibility will be conducted within 30 days.~~

(Source: Amended at 17 Ill. Reg. 2277, effective February 15, 1993)

Section 114.430 Twelve-Month Extension of Medical Assistance Due to Increased Income from Employment

a) ~~A twelve-(12)six (6) month extension of medical assistance (i.e., full-Medicaid-benefits) shall be provided for General Assistance cases consisting of at least one adult and one child when General Assistance is terminated due to increased income from employment.~~

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.82	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.84	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.94	Amendment	October 2, 1992 (16 Ill. Reg. 15019)
140.95	Amendment	October 2, 1992 (16 Ill. Reg. 15019)
140.485	Amendment	October 30, 1992 (16 Ill. Reg. 16495)
140.488	Amendment	October 30, 1992 (16 Ill. Reg. 16495)
140.492	Amendment	September 4, 1992 (16 Ill. Reg. 13397)
140.511	Amendment	November 27, 1992 (16 Ill. Reg. 17461)
140.539	Amendment	December 18, 1992 (16 Ill. Reg. 19665)
140.642	Amendment	November 30, 1992 (16 Ill. Reg. 17956)
140.648	Amendment	November 13, 1992 (16 Ill. Reg. 17209)
140.TABLE K	Amendment	October 9, 1992 (16 Ill. Reg. 15296)

15) Summary and purpose of amendments: These amendments authorize the Department, rather than the provider, to determine taxicab reimbursement rates in non-regulated areas. Under current rules, providers set their own rates simply by notifying the Department of their rates. In some areas of the State, this has resulted in unreasonably high rates. In addition, the amendments clarify that the Department does not provide separate reimbursement for oxygen when billed in conjunction with Advanced Life Support services.

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:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
 MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

NOTICE OF ADOPTED AMENDMENTS

140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates. (Recodified)
SUBPART C: PROVIDER PARTICIPATION FEES	
Section	Hospital Provider Fund
140.80	EMERGENCY
140.82	EMERGENCY
140.82	Developmentally Disabled Care Provider Fund
140.84	EMERGENCY
140.84	Long Term Care Provider Fund
140.94	EMERGENCY
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	EMERGENCY
140.95	Hospital Services Trust Fund
Section	General Requirements (Recodified)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)

NOTICE OF ADOPTED AMENDMENTS

140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	Payment to Practitioners, Nurses and Laboratories
140.400	Physicians' Services
140.410	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy
 Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items -
 Podiatry
 140.428 Chiropractic Services
 140.429 Limitations on Chiropractic Services (Repealed)
 140.430 Independent Laboratory Services
 140.431 Services Not Covered by Independent Laboratory
 140.432 Limitations on Independent Laboratory Services
 140.433 Payment for Laboratory Services
 140.434 Record Requirements for Independent Laboratories
 140.435 Nurse Services
 140.436 Limitations on Nurse Services
 140.440 Pharmacy Services
 140.441 Pharmacy Services Not Covered
 140.442 Prior Approval of Prescriptions
 140.443 Filling of Prescriptions
 140.444 Compounded Prescriptions
 140.445 Prescription Items (Not Compounded)
 140.446 Over-the-Counter Items
 140.447 Reimbursement
 140.448 Returned Pharmacy Items
 140.449 Payment of Pharmacy Items
 140.450 Record Requirements for Pharmacies
 140.452 Mental Health Clinic Services
 140.453 Definitions
 140.454 Types of Mental Health Clinic Services
 140.455 Payment for Mental Health Clinic Services
 140.456 Hearings
 140.457 Therapy Services
 140.458 Prior Approval for Therapy Services
 140.459 Payment for Therapy Services
 140.460 Clinic Services
 140.461 Clinic Participation Requirements
 140.462 Covered Services in Clinics
 140.463 Clinic Service Payment
 140.464 Psychiatric Clinics (Hospital-based)
 140.465 Speech and Hearing Clinics (Repealed)
 140.466 Rural Health Clinics
 140.467 Independent Clinics
 140.469 Hospice
 140.470 Home Health Services
 140.471 Home Health Covered Services
 140.472 Types of Home Health Services
 140.473 Prior Approval for Home Health Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.474 Payment for Home Health Services
 140.475 Medical Equipment, Supplies and Prosthetic Devices
 140.476 Medical Equipment, Supplies and Prosthetic Devices for Which
 Payment Will Not Be Made
 140.477 Limitations on Equipment, Supplies and Prosthetic Devices
 140.478 Prior Approval for Medical Equipment, Supplies and Prosthetic
 Devices
 140.479 Limitations, Medical Supplies
 140.480 Equipment Rental Limitations
 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices
 140.482 Family Planning Services
 140.483 Limitations on Family Planning Services
 140.484 Payment for Family Planning Services
 140.485 Healthy Kids Program
 140.486 Limitations on Medichek Services (Repealed)
 140.487 Healthy Kids Program Timeliness Standards
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory
 Procedures
 140.490 Medical Transportation
 140.491 Limitations on Medical Transportation
 140.492 Payment for Medical Transportation
 140.495 Psychological Services
 140.496 Payment for Psychological Services
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section
 140.500 Group Care Services
 140.502 Cessation of Payment at Federal Direction
 140.503 Cessation of Payment for Improper Level of Care
 140.504 Cessation of Payment Because of Termination of Facility
 140.505 Continuation of Payment Because of Threat To Life
 140.506 Provider Voluntary Withdrawal
 140.507 Continuation of Provider Agreement
 140.510 Determination of Need for Group Care
 140.511 Services Provided Without Charge
 140.512 Utilization Control
 140.513 Utilization Review Plan (Repealed)
 140.514 Certifications and Recertifications of Care
 140.515 Management of Recipient Funds--Personal Allowance Funds
 140.516 Recipient Management of Funds
 140.517 Correspondent Management of Funds
 140.518 Facility Management of Funds
 140.519 Use or Accumulation of Funds
 140.520 Management of Recipient Funds--Local Office Responsibility
 140.521 Room and Board Accounts
 140.522 Reconciliation of Recipient Funds

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

- Section
- 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
- 140.901 Functional Areas of Needs (Recodified)
- 140.902 Service Needs (Recodified)
- 140.903 Definitions (Recodified)
- 140.904 Times and Staff Levels (Repealed)
- 140.905 Statewide Rates (Repealed)
- 140.906 Reconsiderations (Recodified)
- 140.907 Midnight Census Report (Recodified)
- 140.908 Times and Staff Levels (Recodified)
- 140.909 Statewide Rates (Recodified)
- 140.910 Referrals (Recodified)
- 140.911 Basic Rehabilitation Aide Training Program (Recodified)
- 140.912 Interim Nursing Rates (Recodified)

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

- Section
- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
- 140.942 Definition of Terms (Recodified)
- 140.944 Notification of Negotiations (Recodified)
- 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
- 140.948 Negotiation Procedures (Recodified)
- 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
- 140.952 Closing an ICARE Area (Recodified)
- 140.954 Administrative Review (Recodified)
- 140.956 Payments to Contracting Hospitals (Recodified)
- 140.958 Admitting and Clinical Privileges (Recodified)
- 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
- 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
- 140.964 Contract Monitoring (Recodified)
- 140.966 Transfer of Recipients (Recodified)
- 140.968 Validity of Contracts (Recodified)
- 140.970 Termination of ICARE Contracts (Recodified)
- 140.972 Hospital Services Procurement Advisory Board (Recodified)
- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
- 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 140.TABLE A Medicare Recommended Screening Procedures (Repealed)
- 140.TABLE B Health Service Areas
- 140.TABLE C Capital Cost Areas
- 140.TABLE D Schedule of Dental Procedures
- 140.TABLE E Time Limits for Processing of Prior Approval Requests
- 140.TABLE F Podiatry Service Schedule
- 140.TABLE G Travel Distance Standards
- 140.TABLE H Areas of Major Life Activity
- 140.TABLE I Staff Time and Allocation for Training Programs (Recodified)
- 140.TABLE J HSA Grouping (Repealed)
- 140.TABLE K Services Qualifying for 10% Add-On
- 140.TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/3-1 et seq.] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. 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 et seq., 5/4-1 et seq., 5/5-1 et seq., 5/6-1 et seq., 5/7-1 et seq. and 5/12-13]

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.492 Payment for Medical Transportation

Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare charge level, where applicable, or the rates charged to the general public.

- a) Medicars shall be paid a base rate, mileage rate and a fixed amount for nonroutine services (e.g., an additional attendant). Loaded miles after ten (10) miles (twenty [20] miles round trip) shall be reimbursed.
 - b) Service cars shall be paid a base rate and a mileage rate. Loaded miles after ten (10) miles (twenty [20] miles round trip) shall be reimbursed.
 - c) Private autos shall be paid for loaded miles at a mileage rate.
 - d) Payment for transportation services provided by common carrier, (e.g., taxicabs, air lines, buses, trains) shall be at the usual community rate. Taxicabs shall be reimbursed at the community rate, if in an area regulated by a municipality or township. Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department. This rate will be effective July 1, 1992 and will be reviewed on an annual basis each July.
 - e) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. ~~base-rate, loaded-miles, oxygen, and Advanced-Life-Support-services-when required. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (1) through (4) below. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.~~ Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate which includes the base rate, oxygen, supplies, and all other services, excluding mileage. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (e)(1) through (4) of this Section. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.
- 1) Payment shall be made at a basic rate which is provider specific. The basic rate shall be the lesser of the provider's

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Yes

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 amendments modify the Tetanus-Diphtheria (Td) and Mumps proof of immunity requirements and repeal Appendix A (Certificate of Immunity) and Appendix B (Summary Report of the Immunization Status of College/University Students). The rulemaking reduces, for most students, the Tetanus-Diphtheria (Td) requirement from three doses to one dose, and allows proof of immunity to mumps through laboratory testing. Appendices A and B are repealed and the forms that were contained in the Appendices will be made available to post-secondary institutions by the Department.

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:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

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

PART 694
COLLEGE IMMUNIZATION CODE

SUBPART A: GENERAL PROVISIONS

Section
694.10 Purpose
694.20 Definitions

SUBPART B: IMMUNIZATION REQUIREMENTS

Section
694.100 Proof of Immunity
694.110 Record Keeping Recordkeeping
694.120 Completion and Submission of the Summary Report

SUBPART C: EXEMPTIONS

Section
694.200 Medical Exemption
694.210 Religious Exemption
694.220 Classification Exemption

APPENDIX A Certificate of Immunity Form (Repealed)
APPENDIX B Summary Report of the Immunization Status of College/University Students (Repealed)
APPENDIX C Required Elements of Health Record

AUTHORITY: Implementing and authorized by the College Student Immunization Act (Ill. Rev. Stat. 1991, ch. 144, par. 2601 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 1609, effective January 19, 1990; emergency amendment at 14 Ill. Reg. 5882, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14551, effective August 27, 1990; amended at 16 Ill. Reg. 5916, effective March 31, 1992; amended at 17 Ill. Reg. 2306, effective February 11, 1993.

Section 694.20 Definitions

"Act" means the College Student Immunization Act "~~AN-ACT-concerning education-and-amending-an-Act-herein-named~~" (Ill. Rev. Stat. 1991 ~~1988~~, ch. 144, par. ~~2601~~ 2600 et seq.).

"Certificate of immunity" means a form acceptable to a post-secondary educational institution signed by a health care provider who has

administered an immunizing agent to a student (or has reviewed health records evidencing such administration), specifying the vaccine administered and the date of administration.

"Department" means the Illinois Department of Public Health. (Section 1(a) of the Act)

"Designated record keeping office" means the office designated by a post-secondary educational institution as responsible for maintaining student immunization records. In institutions with health services, that office shall be the designated office of record.

"Enroll" means the student is a bona fide member of the post-secondary educational institution's student body receiving academic credit for on-campus instruction.

"Health care provider" means a physician licensed to practice medicine in all of its branches (M.D. or D.O.), local health authority, registered nurse employed by a school, college or university or a Department recognized vaccine provider.

"Physician" means a physician licensed to practice medicine in all of its branches (M.D. or D.O.).

"Post-secondary educational institution" means a public or private college or university offering degrees and instruction above the high school level, and shall include, but not be limited to,

Any and all private colleges and universities; the University of Illinois; Southern Illinois University; the several universities and colleges under the governance of the Board of Governors of State Colleges and Universities; the several reGENCY universities and colleges under the governance of the Board of Regents; and any other public university now or hereafter established or authorized by the General Assembly.

The term shall not include any public or private junior or community college (i.e., any public or private degree-granting institution at which the highest degree offered is an associate degree or an undergraduate certificate of two years or less), or any post-secondary educational institution at which the highest award offered is a diploma or certificate of two years or less, or any institution offering degrees and instruction which utilizes correspondence as its primary mode of student instruction. (Section 1(b) of the Act)

"Proof of immunity" means evidence of appropriate immunization, physician diagnosed disease, or laboratory evidence of immunization documented in writing by a health care provider in accordance with the requirements of this Part. The content of the immunization record form utilized by an institution shall include, as a minimum, the

basic elements listed in Appendix C, and in an outline form similar to that as prescribed on the Certificate of Immunity Form provided by the Department. (See Appendix A-7)

"Student health record" means a record containing the immunization status of a student relating to the vaccine-preventable diseases covered by this Part. The content of the immunization record form utilized by an institution shall include, as a minimum, the basic elements listed in Appendix C, and in an outline form similar to that as prescribed on the Certificate of Immunity Form provided by the Department. (See Appendix A-7)

"Summary report" means a form developed by the Department for gathering statistical information on the number of students enrolled at a post-secondary educational institution, the number with proof of immunity, the number with medical or religious exemptions, and the number otherwise without proof of immunity or such exemptions.

"Term" means any period of on-campus instruction offered by a post-secondary educational institution. Students enrolling for the first time during a special term of less than the traditional duration (Summer Session, Interim, Intersession, etc.) may be permitted to enroll in an immediate following term of traditional length before providing proof of immunity in accordance with this Part.

(Source: Amended at 17 Ill. Reg. 2306, effective February 11, 1993)

SUBPART B: IMMUNIZATION REQUIREMENTS

Section 694.100 Proof of Immunity

a) Beginning with the Fall term, students who enroll at a post-secondary educational institution shall present to the designated record-keeping office proof of immunity evidencing the following immunizations:

1) Diphtheria, Tetanus

A) Students not considered international students, pursuant to

subsection (b) below, are required to provide proof of at least one dose of Tetanus and Diphtheria (Td) vaccine having been received within 10 years of the term of current enrollment. (It is recommended that the student provide dates of at least two previous doses of any combination of Diphtheria, Tetanus, and Pertussis (DTP), Diphtheria and Tetanus (DT) or Tetanus and Diphtheria (Td) vaccine.) Any combination of three or more doses of Diphtheria-Tetanus and Pertussis (DTP), Diphtheria and Tetanus (DT) or Tetanus and Diphtheria (Td) vaccine, with the most recent dose having been received within 10 years prior to enrollment; or international students are required to provide dates of any

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

combination of three or more doses of Diphtheria, Tetanus, and Pertussis (DTP), Diphtheria and Tetanus (DT) or Tetanus and Diphtheria (Td) vaccine, with the most recent dose having been received within 10 years of the term of current enrollment.

CB) The minimum time interval between the first and second dose must have been at least four weeks; with the third dose having been received at least six months after the second or last dose of the basic series.

DE) Receipt of Tetanus Toxoid (T,T.) vaccine is not acceptable in fulfilling this requirement.

2) Measles

A) Students must provide Documentation documentation of receipt of two doses of live measles virus vaccine on or after the first birthday. The minimum time interval between each dose must have been at least 30 days. If either dose was received prior to 1968, proof must be provided that a live virus vaccine, without gamma globulin, was administered.

B) Those students attending a post-secondary educational institution prior to the Fall 1990 term, who have had at least 1 dose of live measles virus vaccine at one year of age or older, may be considered protected and in compliance. If a student transfers to another post-secondary educational institution beginning with the Fall 1990 term, documentation of 2 doses of live measles virus vaccine shall be required.

C) Students who cannot provide proof of immunization may provide Laboratory laboratory (serologic) evidence of measles immunity; or Aa physician's signed confirmation of disease history and date of conclusive diagnosis.

B)

3) Rubella

A) Immunization with rubella vaccine on or after the first birthday; or

B) Laboratory (serologic) evidence of rubella immunity.

C) History of disease is not acceptable as proof of immunity.

4) Mumps

A) Immunization with live mumps vaccine on or after the first birthday; or

B) A physician's signed confirmation of disease history and date of conclusive diagnosis.

C) Laboratory (serologic) evidence of mumps is only not acceptable if the diagnostic test utilized to assess immunity is one with demonstrable reliability, including neutralization, enzyme-linked immunosorbent assay (ELISA or EIA), or radical hemolysis antibody test as--proof--of immunity. A four-fold rise in mumps antibody titer between appropriately spaced acute and convalescent sera is also acceptable as proof of immunity.

b) Proof of immunity may be provided by a certificate of immunity

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

containing the following information:

1) The month, day and year of vaccine receipt for measles, mumps, and rubella. Whole year dates (e.g., 1969) are acceptable only when it is clear that the student was at least twelve months of age when the vaccine was received.

2) The month, day and year of vaccine receipt for diphtheria and tetanus.

c) Proof of immunity may also be provided by one of the following:

1) A copy of the student's Illinois high school health record which complies with the immunization requirements of this Part;

2) In lieu of proof of immunity as defined in this Part, evidence of birth on or before January 1, 1957, such as a birth certificate, drivers license, or personal identification card issued by the Secretary of State.

d) Additional immunization entries made in a student health record by a post-secondary educational institution shall be based upon a certificate of immunity which complies with the requirements of this Part.

e) A student who enrolls at a post-secondary educational institution without providing proof of immunity shall be precluded from enrolling at that institution in a subsequent term unless the student provides proof of immunity acceptable to the designated record keeping office or is granted a medical or religious exemption by the institution.

f) Students shall provide proof of immunity each time they transfer to another post-secondary educational institution.

(Source: Amended at 17 Ill. Reg. 2306, effective February 11, 1993)

Section 694.110 Record Keeping RecordKeeping

a) The designated record keeping office shall maintain records containing the required elements (as in Appendix C) of the immunization status of each student. The required elements shall be in accordance with the Certificate of Immunity Form provided by the Department, (Appendix-A). The student health records shall be maintained by the post-secondary educational institution.

b) If an exemption has been granted for medical or religious reasons, or if laboratory evidence of immunity has been submitted, a copy of the request for exemption or the laboratory report must be kept with the student health record.

c) A post-secondary educational institution shall keep susceptibility lists by disease category indicating the names of all students who have not provided proof of immunity. Such lists shall be disclosed to the Department in health and safety emergencies in accordance with the Family Educational Rights and Privacy Act of 1974, Section-99-36 (20 U.S.C. 1232g) and 34 CFR 99.36 EPR-34.

(Source: Amended at 17 Ill. Reg. 2306, effective

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

~~MUST BE COMPLETED AND RETURNED PRIOR TO THE STUDENT'S FIRST ENROLLMENT~~

~~Note: Illinois law requires incoming new students to document immunity to measles, rubella, mumps and tetanus/diphtheria~~

~~The following rules will apply:--~~

- ~~1: All dates must include Month, Day and Year.~~
- ~~2: Part II:--Proof of immunity may be provided by a copy of the student's Certificate of Child Health Examination from an Illinois high school which provides the complete information necessary to assure compliance with the Act. The Certificate of Child Health Examination must be reviewed for compliance and attached to this form. Part III need not be completed.~~
- ~~3: Part III:--must be completed and signed by a health care provider*.~~
- ~~4: All laboratory evidence of immunity must be accompanied by a copy of the laboratory report.~~
- ~~5: History of disease is not acceptable as proof of immunity for rubella.~~
- ~~6: All live virus vaccines must have been given on or after the first birthday.~~
- ~~7: Mumps titer is not acceptable as proof of immunity.~~
- ~~8: Only the following exemptions will be accepted and statements must accompany this record:--
Medical--Contraindications--A written signed and dated statement from a physician stating the specific vaccine or vaccines contraindicated and duration or medical condition that contraindicates the vaccine(s).
Religious--Exemption--A written, signed and dated statement by the student (or parent/guardian if the student is a minor) describing his/her objection to immunization on the ground that they conflict with the tenet and practices of a recognized church or religious organization, of which the student is an adherent or member.
Pregnancy or Suspected Pregnancy--A signed statement from a physician stating the student is pregnant or pregnancy is suspected.~~
- ~~9: Anyone with a vaccine exemption may be excluded from the college/university in the event of a measles, rubella, mumps or diphtheria outbreak in accordance with public health recommendations.~~
- ~~10: All records not in English must be accompanied by a certified translation.~~

~~*Physician licensed to practice medicine in all of its branches (M.D. or D.O.); a local health authority; registered nurse employed by a school, college or university; or a Department recognized vaccine provider.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Repealed at 17 Ill. Reg. 2306, effective February 11, 1993)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Summary Report of the Immunization Status of College/University Students (Continued) (Repealed)

Section 694, Appendix B

Part I - Immunization Status of Students by Disease Category			
Disease Category	Number of students present and in compliance with immunization requirements	Number of students immunized but in compliance with immunization requirements (Total of 1, 2 and 3 below)	Documentation of religious objections
Part II - Student Enrollment and Compliance Summary			
A - Total official head count enrollment			
B - Total head count required to provide proof of immunity			
C - Total number of students currently enrolled not in compliance			
Part III - Certificates			
Name of person completing report	Title	Telephone Number	Room - Day
I certify that the foregoing information is correct and complete in accordance with the immunization records as of this date.			
Signature of Designated Record Keeper			

(Source: Repealed at 17 Ill. Reg. 2306, effective February 11, 1993)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Summary Report of the Immunization Status of College/University Students (Repealed)

Section 694, Appendix B

Illinois Department of Public Health
 Division of Infectious Disease
 Immunization Program

Summary Report of the Immunization Status of College/University Students
 Academic Year _____

Name of College/University
 Name of Designated Record Keeping Office
 Telephone Number
 Address
 City/State/Zip Code

Instructions:
 The summary report should provide the immunization status of the institution's students as of the 10th day of enrollment; the completed report must be returned directly to the Illinois Department of Public Health within 8 weeks of the beginning of the fall term of the academic year. For additional instructions see the attachment.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part:
Illinois Health and Hazardous Substances Registry
- 2) Code Citation:
77 Ill. Adm. Code 840
- 3) Section Numbers:

840.20	Amendment
840.115	Amendment
840.210	Amendment
840.215	Amendment
840.305	Amendment
840.310	Amendment
840.Appendix B	
Exhibit A	Amendment
Illustration A	Repealer
Exhibit B	New Section
Illustration B	Repealer
840.Appendix C	
Exhibit B	Amendment
- 4) Statutory Authority:
Illinois Health and Hazardous Substances Registry Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6701 et seq.), Section 55.31b of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55.31b), the Developmental Disabilities Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 2101 et seq.), the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1301 et seq.)
- 5) Effective Date of Amendments: February 10, 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: February 10, 1993
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register:
16 Ill. Reg. 4329 - March 20, 1992

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 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 JCAR:

Date Statement of Objection was Published in the Illinois Register:
- 11) Difference Between Proposal and Final Version:

The citations to the Illinois Revised Statutes in the Authority Note and in Section 840.20(a) have been updated to the 1991 edition.

In Section 849.20(b) the referenced edition of the Code of Federal Regulations has been updated to the 1990 edition.

In the first sentence of Section 840.215(d), "Appendix B, Exhibit B" has been added after "supplement".

In the second sentence of Section 840.215(d) "to the Department" has been added after "information".
- 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?

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:

This rulemaking updates, from the 1976 edition to the 1990 edition, an incorporation of the International Classification of Diseases for Oncology. The rulemaking adds and deletes diagnosis codes which, if identified on a patient's record, will trigger a review of the record for reportability to the Illinois State Cancer Registry. Methods of reporting to the Adverse Pregnancy Outcomes Reporting System (APORS) are revised to include the completion of the maternal supplement by Department field abstractors. This provision specifies that when the extended electronic birth certificate is implemented, the maternal information will be submitted by the hospital as part of the electronic birth certificate. In addition, the rulemaking modifies instructions for reporting to the APORS and the Occupational Disease Registry.

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 840.Appendix C Forms and Instructions for Occupational Disease Registry
 Exhibit A Instructions for completing the Laboratory Based Report of Adult Blood Lead Analysis
 Exhibit B Instructions for completing the Health Department Follow-Up Report of Adult Blood Lead Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form)
 Illustration A Health Department Laboratory Report of Adult Elevated Blood Lead Analysis 25 mcg/dl and Above
 Illustration B Health Department Follow-up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above
 Illustration C Occupational Disease Registry Abstract Information from the Illinois Health Care Cost Containment Council

AUTHORITY: Implemented and authorized by the Illinois Health and Hazardous Substances Registry Act (Ill. Rev. Stat. 199189, ch. 111 1/2, par. 6701 et seq.), Section 55.31b of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 199189, ch. 127, par. 55.31b), The Developmental Disabilities Prevention Act "~~AN ACT relating to the prevention of developmental disabilities~~" (Ill. Rev. Stat. 199189, ch. 111 1/2, par. 2101 et seq.), and the Lead Poisoning Prevention Act (Ill. Rev. Stat. 199189, ch. 111 1/2, par. 1301 et seq., specifically par. 1307).

SOURCE: Adopted at 10 Ill. Reg. 7842, effective May 19, 1986; amended at 12 Ill. Reg. 13173, effective August 1, 1988; amended at 14 Ill. Reg. 5495, effective April 1, 1990; amended at 17 Ill. Reg. 2319, effective February 10, 1993.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL REGISTRY PROVISIONS

Section 840.20 Incorporated Materials

- a) The following materials are incorporated and referenced in this Part:
- 1) State of Illinois Statutes
 - A) Illinois Health and Hazardous Substances Registry Act (Ill. Rev. Stat. 199187, ch. 111 1/2, par. 6701 et seq.) (See Sections 840.5, 840.10 definition of "Act-")
 - B) The Developmental Disabilities Prevention Act "~~AN ACT relating to the prevention of developmental disabilities~~" (Ill. Rev. Stat. 199187, ch. 111 1/2, par. 2101 et seq.) (See Section 840.10 definition of "Perinatal Act.")
 - C) Section 55.316 of the Civil Administrative Code of Illinois (Ill. Rev.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Stat. 199187, ch. 127, par. 55.316).

- D) Lead Poisoning Prevention Act (Ill. Rev. Stat. 199187, ch. 111 1/2, par. 1301 et seq.).
 - E) Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 199187, ch. 111 1/2, par. 157-8.1 et seq.) (See Section 840.10 definition of "Ambulatory Surgical Treatment Center.")
 - F) Illinois Clinical Laboratory Act (Ill. Rev. Stat. 199187, ch. 111 1/2, par. 621-101 et seq.) (See Section 840.10 definition of "Clinical Laboratory.")
 - G) Hospital Licensing Act (Ill. Rev. Stat. 199187, ch. 111 1/2, par. 142 et seq.) (See Section 840.10 definition of "Hospital.")
 - H) Freedom of Information Act (Ill. Rev. Stat. 199187, ch. 116, par. 201 et seq.) (See Section 840.306).
 - I) Part 21 of Article 8 of the Code of Civil Procedure, commonly known as the "Medical Studies Act" (Ill. Rev. Stat. 199187, ch. 110, par. 8-2101 et seq.) (See Section 840.30 (g) and 840.200 (a)).
 - J) State Records Act (Ill. Rev. Stat. 199187, ch. 116, par. 43.4 et seq.) (See Section 840.30 (h)).
 - K) Vital Records Act (Ill. Rev. Stat. 199187, ch. 111 1/2, par. 73-1 et seq.) (See Section 840.210 (e)).
- 2) State of Illinois Regulation:
- A) Freedom of Information Code (2 Ill. Adm. Code 1126) (See Section 840.30 (a)).
 - B) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See Section 840.40).
 - C) Hospital Licensing Requirements (77 Ill. Adm. Code 250) (See Section 840.215 (b)).
 - D) Regionalized Perinatal Care (77 Ill. Adm. Code 640) (See Section 840.200 (a) and 840.215 (b)).
- 3) Federal Rules

NOTICE OF ADOPTED AMENDMENTS

- A) 42 CFR 2A, pars. 4 a-j, 6 a-b, 7 a-b1 (See Section 840.30 (b) and 840.110 (f)).
- B) 29 CFR 1910.1025 (See Section 840.10 definition of "Emergency Removal of Worker With an Elevated Blood Lead Level" and 840.30).

- 4) Other Guidelines and Materials
 - A) International Classification of Diseases, 9th Revision Clinical Modification, World Health Organization, Geneva, Switzerland (1986) (See Section 840.10 definition of "ICD-9-CM.")
 - B) International Classification of Diseases for Oncology, 1990 (1976, World Health Organization, Geneva, Switzerland (See Section 840.115).

- b) All citations to federal regulation in this Part concern the specified regulations in the 1990 (1989 Code of Federal Regulations, unless another date is specified.
- c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

SUBPART B: ILLINOIS STATE CANCER REGISTRY

Section 840.115 Methods of Reporting Cancer Registry Information

- a) All patients identified at a reporting facility, whether as an inpatient or outpatient, who meet one of the two following criteria are reportable to the Registry:
 - 1) Patients with a newly diagnosed cancer, who have within six months after diagnosis, received cancer directed treatment or refused treatment.
 - 2) (AGENCY NOTE: Because of the possibility of one patient being diagnosed or treated in more than one facility, it is necessary to make the determination if the patient is still classified as "newly diagnosed." For example, if a patient is first diagnosed and definitively treated in Hospital A in February, 1986, but was then referred to Hospital B in April, 1986, for further definitive treatment for that cancer, that patient would be a reportable case for Hospital A and B.)
- 2) Patient with cancer diagnosed through autopsy.

NOTICE OF ADOPTED AMENDMENTS

- b) A patient is considered to have a malignant neoplasm when a licensed physician, or dentist, indicates that he/she does. Otherwise, the following terminology, when applied to a malignancy, shall be interpreted as indicating involvement by a cancerous tumor:
 - 1) Probable,
 - 2) Consistent with,
 - 3) Compatible with,
 - 4) Suspected,
 - 5) Extension or invasion 'to', 'onto', 'into', 'out onto',
 - 6) Most likely,
 - 7) Presumed,
 - 8) Cannot rule out,
 - 9) Apparently,
 - 10) Suspicious.

c) The following terminology, when applied to a malignancy, shall be interpreted as indicating non-involvement by a cancerous tumor:

1) Questionable,

2) Possible,

3) Suggests,

4) Equivocal,

5) Rule out,

6) Very close to,

7) Worrisome.

d) Determination of whether or not a given primary tumor is reportable shall be made by reference to the morphology codes (M-codes) of the Second Edition of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

~~INTERNATIONAL CLASSIFICATION OF DISEASES FOR ONCOLOGY~~
International Classification of Diseases for Oncology (ICD-O).

- e) The specified cases of tumorous or precancerous diseases which shall be reported to the Registry are:
- 1) benign intracranial tumors, and
 - 2) other conditions which the facility wishes to report.
- f) Cases of basal or squamous cell neoplasms of the skin (i.e., ICD-O codes C44.0 - C44.9 ~~† 173.0 - 173.9~~ with M8050 through M8110) shall only be reported when located in the following areas: penis, scrotum, anus, eyelid, and muco-cutaneous junctions of the lips, labia and vulva.
- g) There are two mechanisms by which a reporting facility can report cancer cases. These depend on whether or not the reporting facility maintains a cancer program and tumor registry:
- 1) Option ~~OPTION~~ #1. Facilities that maintain a cancer program and a tumor registry shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These facilities shall code the shaded boxes for primary site and morphology and shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology.
 - 2) Option ~~OPTION~~ #2. All other facilities shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These reporting facilities shall staple the patient's cancer-confirming pathology report to the incidence report form, shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology, and shall not code the primary site or morphology.
- h) All reporting facilities are responsible for complete casefinding, which means identifying all first time reported cancer patients and completing an incidence report form for the Registry. Casefinding techniques shall be implemented through the review of the clinical record and pathology and cytology reports.
- 1) Any patient's clinical record identified with any of the following ICD-9-CM Diagnosis Codes by the Medical Record Department shall be reviewed for reportability to the Registry:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- | | | |
|-----|--------------|---|
| A) | 140-208 | Malignancies (1° & 2°). |
| B) | 211.8 | Mesothelioma of Peritoneum. |
| C) | 212.3 | Adenoma of lung or bronchus. |
| D) | 212.4 | Mesothelioma of Pleura. |
| E) | 230-234 | Carcinoma-in-situ - all sites. |
| F) | 235-238 | Neoplasms of uncertain behavior. |
| G) | 239 | Neoplasms of unspecified nature. |
| H) | <u>273.1</u> | <u>Monoclonal Gammopathy.</u> |
| I) | <u>273.2</u> | <u>Alpha Heavy Chain Disease.</u> |
| JH) | 273.3 | Waldenstrom's macroglobulinemia. |
| K) | <u>279.9</u> | <u>Unspecified Disorder of Immune Mechanism.</u> |
| LI) | V10.0-V10.9 | Personal history of malignant neoplasms. |
| MJ) | V58.0 | Radiation therapy for malignancy. |
| NK) | V58.1 | Maintenance chemotherapy. |
| OL) | V66.1 | Convalescence following radiotherapy. |
| PM) | V66.2 | Convalescence following <u>radiation therapy</u> chemotherapy. |
| QN) | V67.1 | Follow-up exam following radiation therapy. |
| RΘ) | V67.2 | Follow-up exam following chemotherapy. |
| SP) | V76 | Special screening for malignant neoplasms. |
- 2) All pathology and cytology reports from the facility with a positive morphologic diagnosis of cancer shall be reviewed for reportable neoplasms, including reports on inpatient and outpatient surgical resections and biopsy specimens, bone marrow biopsies, cytology specimens and autopsies.

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 8) A birth weight ~~birthweight~~ of less than 1501 grams; or
- 9) Diagnosis as a perinatal or neonatal death.
- 10) (AGENCY NOTE: Fetal death (gestation greater than 20 weeks) is considered an adverse pregnancy outcome and will be included in the APORS database. However, fetal deaths do not have to be reported through APORS, because these deaths are already reported and compiled in the Department's Vital Records database. In addition, the products of induced abortions shall not be reported to APORS.)

- c) The APORS will also be complemented with information from the Department's Vital Records database under the Vital Records Act and other Maternal and Child Health reports and submissions.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

Section 840.215 Methods of Reporting APORS Information

- a) The Adverse Pregnancy Outcomes Reporting System consists of one form of reporting. This reporting shall be on the forms provided by the Department or through electronic means compatible with the Department's data processing system. Every hospital shall develop procedures and policies for identifying reportable infant cases to APORS. (See Appendix B, Exhibit Illustration A.)
- b) The Infant Discharge Record (Appendix B, Exhibit Illustration A) shall be completed by the hospital providing the highest level of care and distributed within seven days of discharge (See 77 Ill. Adm. Code 250.1820 and 77 Ill. Adm. Code 640 for explanation of levels of care). The form must be typed or completed in ball point pen. In addition, all dates must be entered in numeric form.
- c) The Infant Discharge Record shall be distributed in the following manner:
- 1) The original form (white copy) of the Infant Discharge Record must be sent to the Department's Division of Epidemiologic Studies, 605 West Jefferson, Springfield, Illinois 62702-9986;
 - 2) The canary copy of each form must be sent to the Local Health Department or Health Agency in the county of the mother's residence;
 - 3) The pink copy of each form must be sent to the patient's primary care physician;
 - 4) The goldenrod copy may be retained by the reporting facility.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- d) The maternal supplement (Appendix B, Exhibit B) will be completed by Department field abstractors. The abstractors will go to hospitals and abstract the maternal information from the mother's delivery record. When the extended electronic birth certificate system is implemented, the hospital will submit the maternal information to the Department as part of the infant's extended electronic birth certificate.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

Section 840.305 Information Required to be Reported

- a) Occupational Disease Registry shall consist of information on the following occupational disease incidence(s):
- 1) Asbestosis;
 - 2) Silicosis;
 - 3) Coal Worker's Pneumoconiosis; and
 - 4) Elevated Blood Lead Levels (Lead Poisoning).
- b) Information of the occupational disease incidence(s) shall be collected in two ways.
- 1) Information concerning elevated blood lead levels (lead poisoning) shall be reported to the Department by the facilities specified in Section 840.300 of this Part.
 - A) The Department will contract with the local health authorities which agree to conduct interviews with patients/cases, or attending physicians as needed, to assure the accuracy and completeness of reports and will perform the activities or case follow-up for elevated blood lead levels above 25 mcg/dl set forth in subsection (b)(1)(B) below.
 - B) This agreement will contain requirements for the performance of the following activities or patient or case follow-up:
 - i) trace the patient or case,
 - ii) counsel the patient or case,
 - iii) educate the patient or case, and

NOTICE OF ADOPTED AMENDMENTS

iv) interview the patient or case for purposes of collecting, verifying or completing the information identified in subsection (b)(1) of this Section; and

v) submit completed reports to the Department within 30 45 business days after receipt of the laboratory report for adult elevated blood lead analysis form.

2) Information concerning Asbestosis, Sillcosis, and Coal Worker's Pneumoconiosis shall be collected from existing reporting sources such as the Illinois Health Care Cost Containment Council data base through abstracts of medical records.

c) The information to be reported shall be provided upon forms supplied by the Department. The facility shall abstract information for the occupational disease case's record onto the standard forms supplied by the Department. (See Appendix C) The information required in this Section does not apply to data supplied through existing data base sources.

d) All completed forms are to be mailed to the Illinois Department of Public Health, Division of Epidemiologic Studies, Occupational Disease Registry, 605 West Jefferson Street, Springfield, Illinois 62761.

e) Each case's occupational disease incidence report form shall be sent to the Department within 7 business days of the date of laboratory results. All data received from a registered, permitted or licensed clinical laboratory or hospital laboratory sent to a local health authority in Illinois or other facility shall be submitted to the Department within 3 business days of the date it is received by the local health authority or other facility.

f) Every hospital, clinical or hospital laboratory, or other facility shall provide representatives of the Department with access to information including specified occupational disease cases or other cases specified for research studies related to occupational disease prevention and control. The Department will conduct studies of all medical, pathological, or other pertinent records and logs related to occupational disease incidence.

g) Every hospital, clinical or hospital laboratory, or other facility shall provide the Department representatives with patient's name and attending physician's name for the purposes of follow-up on all laboratory and existing data base reports received by the Department.

h) The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital, other reporting facilities and the Department.

NOTICE OF ADOPTED AMENDMENTS

The Department shall not require hospitals and other reporting facilities to provide information on cases which are dated more than two years before the Department's request for further information. Any disputes regarding access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

Section 840.310 Methods of Reporting Occupational Disease

a) All registered, permitted or licensed hospital laboratories, clinical laboratories, local health authorities or other facilities shall provide the Department with information on elevated blood lead level cases within 7 business days of receipt of results.

b) Any person, clinical or hospital laboratory, hospital, or other facility required to report to the Department the specified occupational diseases shall use the terminology the Department has established. Otherwise, the following terminology shall be interpreted as indicating a reportable occupational disease:

1) Probable;

2) Consistent with;

3) Compatible with;

4) Suspected;

5) Extension or invasion 'to', 'onto', 'into', 'out onto'.

c) If the following terminology is used to report occupational disease specified by the Department to be collected and submitted on forms in Appendix C, it shall be interpreted as being of a nature that is not necessary for reporting to the Department:

1) Questionable;

2) Possible;

3) Suggests;

4) Equivocal;

5) Rule out;

6) Very close to: -

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS7) Worrisome.

- d) Determination of whether or not a given condition is reportable shall be made by the use of the International Classification of Diseases - 9th Revision - Clinical Modification (ICD-9-CM) codes.
- e) The specified diagnosis of occupationally related diseases which shall be collected from existing sources data base are:
- 1) Asbestosis, ICD-9-CM code 501;~~;~~
 - 2) Coal Worker's Pneumoconiosis, ICD-9-CM code 500;~~;~~
 - 3) Lead Poisoning - (Elevated Blood Lead Level), ICD-9-CM code 984.0 - 984.9;~~and;~~
 - 4) Silicosis, ICD-9-CM code 502.
- f) All existing reporting sources data base provided to the Department shall use these ICD-9-CM codes for the purpose in consistency of data collection.

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

Section 840. Appendix B ~~Forms and~~ Instructions for APORS Reporting
Exhibit A Instructions for Completing Infant Discharge Record

- a) Reporting hospital and city. Print the name and city of your hospital. Do not enter the code; it will be entered by the Department.
- b) Delivery hospital and city. Print the name of the hospital or other location at which the birth occurred. For out-of-hospital births, identify the location by address or by description, e.g., "enroute to hospital". Print the city (and the state if not in Illinois) in which the birth occurred. Do not enter the code; it will be entered by the Department.
- c) Patient ID #. Enter the patient number used by your hospital which is unique to each admission. This number is usually assigned by the business office and may be different from the medical record number.
- d) (Infant's) Med Rec # (Medical Record Number). Enter the infant's medical record number.
- e) Adm date (admission date). Enter the date the infant was admitted to your facility. For deliveries which occurred within your facility, the admission date and delivery

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

date will be identical.

- f) (Infant's) last name and first name. Print the name of the infant, last name first. The name entered here should be identical with the name on the birth certificate.
- g) Delivery (date). Enter the date of birth.
- h) AKA name (Also Known As). Print any other last name by which the infant is known.
- i) D/C Date (Discharge Date). Enter the date the infant was discharged from your facility. For infant deaths which occur within the hospital, use the date of death as the discharge date. Transfers should be treated as follows:
 - 1) For an infant transferred from one unit to another within your hospital (e.g., from newborn nursery to designated patient care unit to intermediate nursery), enter the date the infant was discharged from the facility.
 - 2) For an infant transferred from a Level III hospital to either a Level II or I, or from a Level II to a Level I, enter the date of transfer.
 - 3) For an infant transferred from one Level III to another, from one Level II to another, or from one Level I to another, only the hospital providing the higher level of care completes the Infant Discharge Record (at the time of discharge from their facility).
 - 4) For an infant transferred from a Level I hospital to a Level II or III, or from a Level II to a Level III, only the higher-level facility completes the Infant Discharge Record (at the time of discharge from their facility).
- j) Sex. Check the appropriate box.
- k) Race. Check the appropriate box. Whenever possible, use the designation the parents feel is most appropriate for their infant.
- l) Hispanic. Check the appropriate box. The infant should be designated as Hispanic if either parent is identified with that ethnic group. If no information is available, then check N/A, not available. Note: Be sure to mark both "Race" and "Hispanic" for all infants. Hispanic persons may belong to any race.
- m) Diagnoses. List all infant diagnoses and/or conditions including all congenital anomalies and genetic disorders. At least one entry must be made here. Do not enter the codes; they will be entered by the Department.

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ii) Para. Complete each line as instructed:

- F - Number of full term births.
 P - Number of premature births.
 A - Number of abortions, spontaneous and induced.
 L - Number of living children.

All deliveries, including the newborn, are to be included in F, P, or A. The newborn must also be included in L if discharged alive from the reporting hospital.

jj) Age. Enter the mother's age at last birthdate.

kk) Complications of pregnancy. Print all complications that were recorded as occurring during or as a result of the pregnancy. The following list provides examples of acute complication narratives. It is not inclusive of all pregnancy complications:

- 1) Chronic hypertension
- 2) Gestational diabetes
- 3) Juvenile onset diabetes
- 4) Third trimester uterine bleeding
- 5) Toxemia of all classes
- 6) Polyhydramnios or oligohydramnios
- 7) Thrombo-embolic disease
- 8) Multiple pregnancy
- 9) Inappropriate fetal growth for gestational age
- 10) Persistent abnormal presentation
- 11) Postdate pregnancy
- 12) Premature rupture of membranes
- 13) Premature labor
- 14) Tumor or other obstruction of birth canal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 15) Feto-pelvic disproportion
 - 16) Active genital herpes
- ll) Discharge information.
- 1) Check Box 1 for infant death. List the cause of death under Diagnoses.
 - 2) (Do not use Box 2; Department will identify fetal deaths from Fetal Death Certificates.)
 - 3) Check Box 3 for an infant discharged to the mother's home or to any other family setting. If the infant is discharged to a family setting other than the mother's, as shown in "Address" above, please explain in "Other Concerns" space below.
 - 4) Check Box 4 to report transfer to another hospital, and specify the name and location (city) of that hospital. Do not enter the code; it will be entered at IDPH.
 - 5) Check Box 5 to report discharge to any long-term care facility. Print the name and location of the facility.
 - 6) Check Box 6 to report discharge to any public or private child services or welfare agency such as the Illinois Department of Children and Family Services (DCES). Print the name and location of the agency. Send the first three copies of the Infant Discharge Record to IDPH. DO NOT distribute copies to the local health department or primary care physician.
- mm) Feedings. Check the appropriate box. If the infant is bottle feeding or on a nasogastric tube, specify formula type, frequency and amount of feeding.
- nn) Infant D/C treatment (infant discharge treatment). Print all specific treatments, excepting medications, for the infant upon discharge.
- oo) Infant medication. Print the names, dosages and route of administration of all medications the infant is receiving upon discharge.
- pp) Other concerns. Describe any other concerns -- health, social, developmental -- the local public health nurse should know about when making a home visit. If the infant was discharged to a home other than the mother's, please specify the address and the name of the caretaker.
- qq) RN contact at hospital and phone. Print the name and telephone number, including

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

area code, of the reporting hospital nurse who can be contacted regarding the infant by the public health nurse making home visits to the patient.

(rr) Print the name of a friend, relative or other person who would know how to reach the infant's parents. Specify the exact relationship (mother, father, sister, uncle, friend, pastor) of the contact person to the infant's parents.

(ss) Address and phone. Print the contact person's house number, street name, city, state and telephone number, including area code in parentheses.

(tt) Family informed of LHN visit. Check whether the family has been informed that a local public health nurse will visit their home.

(uu) LHN Agency. Print the name of the local health agency to whom the infant was referred for follow-up services. Refer to the local health agency in the county of the mother's residence. See the list of such agencies and the areas they serve, provided by the Department. Do not enter the code; it will be entered by the Department.

(vv) Current support services. Check the appropriate box(es) to indicate the social services the infant's family is receiving, or will receive upon discharge, for this infant.

1) Check Box 1 if the family is receiving services for this infant from a community social service agency, or if a referral for such services has been made.

2) Check Box 2 if the Division of Services to Crippled Children is providing services to this infant, or if a referral to DSCC has been made.

3) Check Box 3 if the Department of Children and Family Services is providing services to the family for this infant, or if a referral to DCFS has been made.

4) Check Box 4 if the family is receiving services for this infant from any other agency, or if a referral for such services has been made. Specify the agency by name.

5) Check Box 5 if the family is receiving no support services for this infant.

(wx) Primary care physician's name. Print the name of the infant's local primary care physician.

(xx) Signature and title. Enter your name and title.

(yy) Report date. Print the date the form is completed.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993.)

Section 840 Appendix B ~~Forms and~~ Instructions for APORS Reporting Infant Discharge Record (Repealed) Illustration A

(Source: Repealed at 17 Ill. Reg. 2319, effective February 10, 1993.)

Section 840 Appendix B ~~Instructions for APORS Reporting~~ Instructions for Completing Maternal Supplement Exhibit B

a) Social security number. Enter the mother's social security number. If the mother's social security number is unknown, enter 9's.

b) Date of birth. Enter the month, day and last two digits of the mother's year of birth. If any portion of the date is missing, leave the space blank.

c) Public funding. Check the appropriate box to indicate if public funds were used for the hospitalization of the mother or if the mother had applied for public funds during the time of hospitalization.

1) Check code 1 if mother's payment source is Medicaid, Medicare, IPA, IPAC or state funded HMO (health maintenance organization) or when application for any of these funds is documented.

2) Check code 2 if mother's payment source is private insurance, self pay, Champus, or HMO (other than state funded HMO).

3) Check code 8 if mother's medical record is not available for review.

4) Check code 9 when no documentation of mother's method of payment is on the medical record.

d) Weight Chg LBS (weight change). Enter the number of pounds the mother gained or lost from the time of conception to the time of delivery. If code 8 or 9 is used, leave the number of pounds blank.

1) Check code 1 if number of pounds is weight gain.

2) Check code 2 if number of pounds is weight loss.

3) Check code 8 if mother's medical record is not available for review.

4) Check code 9 if unable to determine weight change from the mother's medical

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

record.

- e) LMP date (last menstrual period). Enter the month, day, and last two digits of year of mother's last menstrual period. If any period of the date is missing, leave the space blank.
- f) Cigarettes used. This element is limited to the usage of tobacco. Marijuana usage is recorded in the element, "mother used drugs".
- 1) Check code 1 if the mother has smoked cigarettes during this pregnancy.
 - 2) Check code 2 if the mother stopped smoking during this pregnancy.
 - 3) Check code 3 if the mother smoked in the past but stopped smoking prior to this pregnancy.
 - 4) Check code 4 if the mother does not smoke or denies smoking.
 - 5) Check code 8 if the mother's medical record is not available for review.
 - 6) Check code 9 when there is no mention of cigarette usage in the medical record or when a pre-printed form with smoking or tobacco usage is blank.
- g) Alcohol used.
- 1) Check code 1 if the mother has consumed alcohol during this pregnancy.
 - 2) Check code 2 if the mother has not consumed alcohol during this pregnancy.
 - 3) Check code 8 if the mother's medical record is not available for review.
 - 4) Check code 9 if there is no mention of alcohol consumption in the mother's medical record.
- h) Prenatal ultrasound.
- 1) Check code 1 if the mother received ultrasound, sonogram, or echogram during this pregnancy prior to delivery.
 - 2) Check code 2 if the mother did not receive ultrasound, sonogram, or echogram prior to delivery. Also use this code if the record states no prenatal care, unless there is an ultrasound documented after admission and before delivery.
 - 3) Check code 8 if the mother's medical record is not available for review.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 4) Check code 9 if there is no mention of ultrasound, sonogram, or echogram in the mother's medical record.
- i) Assistance (chem stimul) (chemical stimulation).
- 1) Check code 1 if chemical stimulation was used to begin or augment labor (i.e. pitocin, oxytocin).
 - 2) Check code 2 if no chemical stimulation was used to begin or augment labor, or when there is no mention of chemical stimulation.
 - 3) Check code 8 if the mother's medical record is not available for review.
- j) EFM during dlrvy (delivery).
- 1) Check code 1 if an internal monitor or transducer was used to monitor the fetus during the course of labor and delivery.
 - 2) Check code 2 if an external monitor or transducer was used to monitor the fetus during the course of labor and delivery.
 - 3) Check code 3 if both internal and external monitors of any type were used to monitor the fetus during labor and delivery.
 - 4) Check code 4 if no monitoring was done during the course of labor and delivery.
 - 5) Check code 8 if the mother's medical record is not available for review.
- k) Delivery type.
- 1) Check code 1 if the mother had a spontaneous vaginal delivery.
 - 2) Check code 2 if the delivery was done with mid-low forceps.
 - 3) Check code 3 if delivery was a vacuum extraction.
 - 4) Check code 4 if the delivery was vaginal breach.
 - 5) Check code 5 if a primary cesarean section was performed.
 - 6) Check code 6 if a secondary or repeat cesarean section was performed.
 - 7) Check code 7 if other type of delivery not listed in codes 1 through 6 was performed.

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 2. **DATE OF REPORT:** Enter the month, day and year the form is being completed, e.g., 08/03/1989. Use two digits for month and date and four digits for the year.
- 3. **HEALTH DEPARTMENT FOLLOW-UP:** If not already computer printed, enter the name of the health department completing the report, e.g., Cook County Health Department.

CASE DATA

- 4. **NAME:** Information for the case name will be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct or complete the information at the time of the case interview.

- . **LAST NAME:** Enter the complete last name of the case.
- . **FIRST NAME:** Enter the complete first name of the case.
- . **MIDDLE INITIAL:** Enter the middle initial of the case.
- . **MAIDEN NAME:** If applicable, enter the maiden name of the case.

ADDRESS: ~~If available,~~ information for the case address will ~~can~~ be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct, or complete the information at the time of the case interview. All elements refer to domicile, i.e., the address from which the case may lawfully register to vote if proper age is attained.

- . **NUMBER:** Enter the number of case's current street address.
- . **DIRECTION:** Enter the direction which appears in the case's current street address, e.g., North, West.
- . **STREET NAME:** Enter the name of the case's current street address.
- . **APARTMENT NUMBER:** If applicable, enter the apartment number of the case's current address.
- . **TYPE:** Enter the applicable type of street address, e.g. avenue, street, boulevard.
- . **LOCATION:** If applicable, enter the location of the street address, e.g., N.E., N.W.
- . **CITY:** Enter the complete name of the city where the case currently is domiciled.
- . **STATE:** Enter the two digit state abbreviation where the case currently is domiciled.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- . **ZIP CODE:** Enter the five digit zip code where the case's currently domiciled address applies.
- . **COUNTY NAME AND CODE:** Enter the name of county where the case is domiciled. The Illinois Department of Public Health will enter the county code of the case's current address.

PERSONAL DATA

- 5. **PHONE NUMBER:** Enter case's telephone number (area code and seven digit number). Enter slashes if unknown.
- 6. **SOCIAL SECURITY NUMBER:** Enter the case's nine digit social security number. If unknown, enter slashes in the boxes provided.
- 7. **DATE OF BIRTH:** Enter the case's month, day and year of birth, e.g. 08/03/1989. Use 2 digits for month & date and 4 digits for year.
- 8. **SEX:** Enter the case's sex in the box. Mark 1 if male, 2 if female, and 3 if other (includes hermaphrodites and instances of definitive sex changes), and 9 if unknown.
- 9. **RACE:** Enter the case's race in the box. Mark 1 if White, 2 if Black, 3 if Asian American/Pacific Islander, 4 if American Indian/Alaskan Native, 5 if other and identify what type on the line provided and box 9 if unknown.

Black is defined as a person having origins in any of the black racial groups of the original people of Africa, and is not of Hispanic origin.

Asian American or Pacific Islander is defined as a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, i.e., China, Korea, the Philippine Islands or Samoa.

American Indian or Alaskan Native is defined as a person having origins in any of the original peoples of North America and who maintains culture identification through tribal affiliation or community organization.

White is defined as a person who is considered to be Caucasian.

- 10. **HISPANIC ORIGIN:** Hispanic is not considered a race. It is an ethnicity. Enter the appropriate number in the box identifying whether or not case is Hispanic. Mark 1 for yes, if yes, specify ancestry on line provided, mark 2 for no, and mark 9 for unknown. Hispanic Origin includes all Mexican, Puerto Rican, Cuban, South or Central America, and other Spanish people. Brazilians and Portuguese are not considered of Hispanic origin.

11. NUMBER OF CHILDREN UNDER 16 YEARS OF AGE LIVING IN THE CASE'S HOUSEHOLD: Enter the appropriate number of children living in the case's household in the box provided.

12. CASE OR OTHER IN HOUSEHOLD PREGNANT AT TIME OF DIAGNOSIS: If the case or other in household is pregnant at the time the elevated blood level sample is taken indicate by entering a 0 for not applicable (N/A), 1 for yes, if not pregnant enter a 2 for no, or if unknown enter a 9.

13. TRIMESTER OF PREGNANCY: If the case or other in household is pregnant at the time the elevated blood level sample is drawn enter the trimester by marking 1 for first, 2 for second, 3 for third. If not applicable, enter 0 ~~do not complete this element.~~

CASE OCCUPATION DATA

14. OCCUPATION: Enter the type of occupation which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.

15. INDUSTRY: Enter the type of industry which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.

16. IF CASE OR OTHER IN HOUSEHOLD IS PREGNANT, LIST CASE'S OCCUPATION DURING: (If applicable)

Prior 3 months: Enter type of occupation case held 3 months before pregnancy. The Illinois Department of Public Health will complete the code.

1st Trimester: Enter the type of occupation case held at 1st trimester of pregnancy. The Illinois Department of Public Health will complete the code.

2nd Trimester: Enter the type of occupation case held at 2nd trimester of pregnancy. The Illinois Department of Public Health will complete the code.

3rd Trimester: Enter the type of occupation case held at 3rd trimester of pregnancy. The Illinois Department of Public Health will complete the code.

17. CASE REMOVED FROM WORK ENVIRONMENT: Enter 1 for yes - case was removed from work environment or 2 for no - case was not removed from work environment. Enter 9 if it is unknown whether case was removed from work environment.

CASE EMPLOYER DATA

18. COMPANY NAME AND ADDRESS: Enter the name of the case's current or most recent employer at the time the blood test was drawn. The Illinois Department of Public Health

will complete the code.

EMPLOYER'S ADDRESS (The work site of the case):

NUMBER: Enter the number and direction of the case's current or most recent employer.
 STREET NAME: Enter the street name of the case's current or most recent employer.
 CITY: Enter the complete name of the city of the case's current or most recent employer.
 STATE: Enter the two letter abbreviation of the state (see attached list) of the case's current or most recent employer.

ZIP CODE: Enter the five digit zip code of the case's current or most recent employer.

COUNTY NAME AND CODE: Enter the county name of the case's current or most recent employer. Illinois Department of Public Health will complete the county codes.

19. EMPLOYER'S PHONE NUMBER: Enter the telephone number of the case's current or most recent employer (includes area code and seven digits).

SIGNATURE LINE: Enter the name (first and last) of the person completing the report. Enter the title of the person completing the report. Record on the line provided the date the completed report is mailed.

Mail completed form within 30-45 business days after upon receipt of the Adult Elevated Blood Lead Report to: Illinois Department of Public Health
 Division of Epidemiologic Studies
 Occupational Disease Registry
 605 W. Jefferson Street
 Springfield, IL 62761

(Source: Amended at 17 Ill. Reg. 2319, effective February 10, 1993)

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section

350.1410 Medication Policies and Procedures
 350.1420 Conformance with Physician's Orders
 350.1430 Administration of Medication
 350.1440 Labeling and Storage
 350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

350.1610 Resident Record Requirements
 350.1620 Content of Medical Records
 350.1630 Confidentiality of Resident's Records
 350.1640 Records Pertaining to Residents' Property
 350.1650 Retention and Transfer of Resident Records
 350.1660 Other Resident Record Requirements
 350.1670 Staff Responsibility for Medical Records
 350.1680 Retention of Facility Records
 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

350.1810 Director of Food Services
 350.1820 Dietary Staff in Addition to Director of Food Services
 350.1830 Hygiene of Dietary Staff
 350.1840 Diet Orders
 350.1850 Adequacy of Diet and Meal Pattern
 350.1860 Therapeutic Diets
 350.1870 Scheduling Meals
 350.1880 Menu Planning
 350.1890 Food Preparation and Service
 350.1900 Food Handling Sanitation
 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

350.2010 Maintenance
 350.2020 Housekeeping
 350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

350.2210 Furnishings
 350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section

350.2410 Codes
 350.2420 Water Supply
 350.2430 Sewage Disposal
 350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2610 Applicability of Standards
 350.2620 Codes and Standards
 350.2630 Preparation of Drawings and Specifications
 350.2640 Site
 350.2650 Administration and Public Areas
 350.2660 Nursing Unit
 350.2670 Dining, Living, Activities Rooms
 350.2680 Therapy and Personal Care
 350.2690 Service Departments
 350.2700 General Building Requirements
 350.2710 Structural
 350.2720 Mechanical Systems
 350.2730 Plumbing Systems
 350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910 Applicability
 350.2920 Codes and Standards
 350.2930 Preparation of Drawings and Specifications
 350.2940 Site
 350.2950 Administration and Public Areas
 350.2960 Nursing Unit
 350.2970 Living, Dining, Activities Rooms
 350.2980 Treatment and Personal Care
 350.2990 Service Departments
 350.3000 General Building Requirements
 350.3010 Structural
 350.3020 Mechanical Systems
 350.3030 Plumbing Systems
 350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

350.3210 General
 350.3220 Medical and Personal Care Program

350.3230 Restraints

350.3240 Abuse and Neglect

350.3250 Communication and Visitation

350.3260 Resident's Funds

350.3270 Residents' Advisory Council

350.3280 Contract with Facility

350.3290 Private Right of Action

350.3300 Transfer or Discharge

350.3310 Complaint Procedures

350.3320 Confidentiality

350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OR 16 BEDS OR LESS

350.3710 Section
350.3720 Applicability of Other Provisions of this Part
350.3730 Administration
350.3740 Admission and Discharge Policies
350.3750 Personnel
350.3760 Consultation Services and Nursing Services
350.3770 Medication Policies
350.3780 Food Services
350.3790 Codes and Standards
350.3800 Administration and Public Areas
350.3810 Bedrooms
350.3820 Nurses Station
350.3830 Bath and Toilet Rooms
350.3840 Utility Rooms
350.3850 Living, Dining, Activity Rooms
350.3860 Therapy and Personal Care
350.3870 Kitchen
350.3880 Laundry Room
350.3890 General Building Requirements
350.3900 Corridors
350.3910 Special Care Room
350.3920 Exit Facilities and Subdivision of Floor Areas
350.3930 Stairways, Vertical Openings and Doorways
350.3940 Hazardous Areas and Combustible Storage
350.3950 Mechanical Systems
350.3960 Heating, Cooling, and Ventilating Systems
350.3970 Plumbing Systems
350.3980 Electrical Systems
350.3990 Fire Alarm and Detection System
350.4000 Emergency Electrical System
350.4010 Fire Protection
350.4020 Construction Types
350.4030 Equivalencies
350.4040 New Construction Requirements

TABLE A	Classification of Distinct Part of a Facility for Different Levels of Service
APPENDIX B	Federal Requirements Regarding Residents' Rights
APPENDIX C	Seismic Zone Map
APPENDIX D	Forms for Day Care in Long-Term Care Facilities
TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
TABLE D	Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less
TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
TABLE F	Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993.

Section 350.3730 Admission and Discharge Policies

- a) Residents shall only be admitted who have had a comprehensive evaluation covering physical, emotional, social and cognitive factors, reviewed conducted by an appropriately constituted interdisciplinary team (IDT). As part of this evaluation, ~~the team shall determine the capabilities of the resident's capabilities ability for self-preservation shall be determined.~~ (B)
- b) No residents shall be admitted to, ~~nor or~~ kept in, the facility who ~~is~~ are not independently, with or without devices, mobile ambulatory; in addition, all residents must be able to move about without assistance from other persons and must be able to take action for self-preservation under emergency situations, unless:
 - 1) The interdisciplinary team in the comprehensive evaluation concludes and documents that:
 - A) the person's needs (medical, social, psychological, and developmental) can be met at the facility; and
 - B) admission to the facility is in the best interest of the person; and
 - C) admission of the person to the facility will not adversely affect any resident currently at the facility.
 - 2) The physical plant and equipment will not be a barrier to the person's achieving all adjudged capabilities.
 - 3) The physical plant is built to "impractical" standards as defined in Chapter 24 of the Life Safety Code (National Fire Protection Association Standard Number 101, 1985 edition); or there is adequate available trained staff, as evaluated by the Department and as determined by the calculation of the Level of Evacuation Difficulty as defined in Appendix F of the Life Safety Code (NFPA 101, 1985 edition) so as to meet "slow or prompt building standards."
- c) Each resident of an ICF/DD of 16 Beds or Less shall be either employed or enrolled in an external day program, off the grounds of the facility, at least 200 240 days per year, five hours per day. A resident may participate in more than one program to meet this requirement.
 - 1) The provision of employment or enrollment in a day program shall be documented in the resident's individual habilitation plan.
 - 2) Each interdisciplinary team review shall include a review of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

resident's day program to assure consistent program planning and implementation.

- 3) When possible, representatives from the resident's employment or day program shall participate in the interdisciplinary team review.

(Source: Amended at 17 Ill. Reg. 2351, effective February 10, 1993)

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

Section
5000.500 Space Inspections and Surveys
5000.510 Responsibility of Agencies
5000.520 Release of Space Not Fully Utilized
5000.530 Notice of DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section
5000.600 Excess Real Property Defined
5000.610 Reports of Excess Real Property
5000.620 Utilization of Excess Real Property
5000.630 Charges for Use of Excess Property
5000.640 Temporary Occupancy
5000.650 Disputes
5000.660 Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section
5000.700 Surplus Real Property Defined
5000.710 Declaration of Surplus
5000.720 Reporting Surplus Real Property
5000.730 Notice of Availability to State Agencies
5000.740 State Agency Requests for Surplus Real Property
5000.750 Transfer Decisions
5000.760 Transfer Procedures
5000.770 Transfer to Department of Central Management Services
5000.780 Subsequent Disposal
5000.790 Sale of Surplus
5000.800 Notice of Sale to Local Governments
5000.810 Local Government Offer to Purchase
5000.820 Public Sale
5000.830 Public Sale Procedures
5000.840 Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDINGS

Section
5000.900 Applicability
5000.910 Definitions
5000.920 Business Hours and Public Access
5000.930 Prohibited Activities
5000.940 Demonstrations
5000.950 Exhibits and Special Events
5000.960 Distribution of Leaflets and Solicitations of Funds, Voter Registration and Signatures

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

5000.970 Severability
APPENDIX A Space Standards
APPENDIX B Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act (Ill. Rev. Stat. 1991, ch. 127, par. 133b10.1) [30 ILCS 605/7.1], implementing and authorized by Sections 51, 67.02, 67.06, 67.07, 67.22 and 67.24 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 51, 63b13.2, 63b13.6, 63b13.7, 63b13.22 and 63b13.24) [20 ILCS 5/51, 20 ILCS 405/67.02, 20 ILCS 405/67.06, 20 ILCS 405/67.07, 20 ILCS 405/67.22 and 20 ILCS 405/67.24] and authorized by Section 6 of the State Property Control Act (Ill. Rev. Stat. 1991, ch. 127, par. 133b9) [30 ILCS 605/6].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984 for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days.

Section 5000.230 Acquisition Procedures
EMERGENCY

- a) DCMS will review State-owned space and space leased by other agencies which may be suitable to fill the agency space request. Such space, because it involves no outside expenditure or because use would avoid unnecessary lease costs, will be used in preference to newly acquired leased space. Exceptions will only be granted upon strong justification submitted by the head of the agency requesting space.
- b) If no suitable State-owned or controlled space is available, DCMS will so advise the requesting agency.
- c) To help ensure that DCMS personnel have awareness of comparable facilities, DCMS will periodically solicit information from property owners and managers regarding space that might be available for State use.
- d) DCMS will maintain proposals received from solicitations for at least twelve months from date of receipt. These proposals will be reviewed to determine whether any locations are suitable to fill a particular space request.
- e) Acquisition of leased space will be by negotiation. In acquiring space DCMS will negotiate with multiple lessors of comparable facilities to the maximum extent practical.

f) Acquisition of space by lease will be on the basis most favorable to the State, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales in the community for comparable facilities. In those instances where alterations to a property are needed, DCMS will review and approve the scope of work and method of payment prior to the commencement of work. Agencies are not to perform alterations to leased properties or enter into contracts for alterations without DCMS approval. DCMS will not, however, approve any lease or renovations therein without the agency desiring the space making a positive recommendation. Factors that could influence the decision to approve alterations include but are not limited to: length of term, cost relative to base cost, cost of base plus alterations compared to other site costs, degree of permanency of alterations, and demonstrated program need for alterations.

g) DCMS shall determine the appropriate term for a given lease (not to exceed 5 years unless paid solely by federal funds) and negotiate accordingly. The particular terms and conditions of a given lease will in general conform to DCMS standard lease form provisions. Changes, additions or deletions to these terms shall be at DCMS' discretion. Agency input will be solicited prior to negotiation.

h) DCMS will attempt to negotiate a favorable renewal option, State-option cancellation clause, and purchase option provision when appropriate.

i) All leases shall be accompanied by a full written disclosure of the identity of every owner and beneficiary having any interest in the premises being leased.

1) Such disclosure shall be subscribed and sworn or otherwise affirmed on oath by an owner, authorized trustee, corporate official, or managing agent.

2) Such disclosure shall set forth all ownership interests. By way of example, the disclosure should identify the names of the beneficiaries of a land trust in addition to the trustee, the names of all partners whether general or limited in nature, and the names of all shareholders in a corporation who are entitled to receive more than 7 1/2 % of the total distributable income of the corporation. If stock in a corporation is publicly traded and no readily known individual owns more than a 7 1/2 % interest, then the requirements of this rule may be met by an officer or managing agent of the corporation making an affirmative statement to this effect under oath.

3) Such disclosure shall set forth the identity of any State officer, employee or elected official, or the wife, husband, or minor child of such person having an ownership or beneficial interest under the lease. In the event such person is so set forth, the disclosure shall include a specific designation of the percentage of the total distributable income such person, together with that of the wife, husband, or minor child of such person, is entitled to receive from any firm, partnership, association, or corporation which is the lessor.

4) It shall be the responsibility of the lessor to notify DCMS of any changes in ownership or beneficial interest and submitting updated disclosure statements reflecting such changes within 30 days of such change.

5) Updated disclosure is required for all existing leases in effect on the effective date of this rule. For all such leases, a report must be submitted within 30 days of the effective date of these rules which

1) discloses any changes of ownership or beneficial interests from those previously reported, or

1) confirms that there have been no changes.

6) The failure of a lessor to provide the disclosure required under the provisions of this Section shall be deemed a material breach of the lease and shall constitute grounds for termination of the lease agreement.

1) There shall be a standardized record keeping and investigative procedure employed by DCMS personnel between the initial request by an agency for leasehold facilities and the time of executing a lease. This procedure is as follows:

1) The request for space by an agency shall be assigned to a DCMS leasing representative whose responsibility it shall be to assemble potential leasing facilities.

A) In doing so, the leasing representative shall view prospectively facilities, gather necessary leasehold data, photograph potential sites, detail name of owner of building and prospective terms of lease, obtain copy of multiple listing sheet if property has been placed on the market, obtain comparable square foot costs in the immediate vicinity and prepare written memorandum to immediate superior detailing such above information. All documentary information shall be a permanent of the DCMS file.

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DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Reg. 2368, effective February 8, 1993, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 117.15 Reinstatement Upon Agreement to Cooperate
EMERGENCY

- a) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten (10) working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.
- b) Failure to cooperate includes but is not limited to:
- 1) failure to keep an appointment;
 - 2) failure to attend a meeting;
 - 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
 - 4) failure to be available for a home visit.
- c) Whenever a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten (10) working days after the first day the financial aid would have been available, the Department shall inform the client that his/her financial assistance will be reinstated if he/she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when he/she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.
- d) The client's willingness to cooperate shall be demonstrated by his/her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.
- e) If the client fails to cooperate a second time for the same reason after being reinstated once under this Section, assistance will not be reinstated again until the client actually cooperates. If the

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 117.15(e) (continued)

client expresses a willingness to cooperate within ten (10) working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (a) above.

- f) The policy in this Section does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational, training or employment program conducted through the Department.

(Source: Emergency rule added at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days)

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation: 77 Ill. Adm. Code 350

3) Section Numbers: 350.260
350.271
350.278
350.290
Emergency Actions:

4) Statutory Authority: Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq. (1992)
210 ILCS 45/1-101 et seq. (1992)
Effective Date of Emergency Amendments: February 3, 1993

5) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire: February 3, 1993

6) Date Filed in Agency's Principal Office: N/A

7) Reason for Emergency: February 3, 1993

8) Reason for Emergency:

The Department of Public Health has adopted these amendments to implement a consent decree in the case of Somerset House, Inc., v. John R. Lumpkin and Phil Bradley. The settlement agreement requires the Department to propose amendments to Parts 300, 330, 350, and 390 of the Illinois Administrative Code within 7 days of the date the agreement is signed by all parties. Because other provisions of the Settlement Agreement cannot be implemented until amendments are adopted, the Department has determined that emergency rulemaking is necessary to implement the terms of the Agreement as quickly as possible. The amendments, which concern the presentation of findings as a result of a survey and the issuance of conditional licenses, are designed to provide due process to long-term care facilities during the

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Effective Date of Emergency Amendments: February 3, 1993

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6) Date Filed in Agency's Principal Office: N/A

7) Reason for Emergency: February 3, 1993

8) Reason for Emergency:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

survey process.

9) A Complete Description of the Subjects and Issues Involved:

Section 350.260 - Subsection (d) of this Section is being amended to state that the terms of a conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing and that the facility may operate in the same manner as with an unrestricted license. In addition, subsection (c) is amended to state that the effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed.

Section 350.271 - This is a new Section concerning the presentation of findings at the conclusion of a survey. The rule will require the Department to conduct an exit conference at the conclusion of each on-site inspection, whether or not the investigation is completed. If the investigation has been completed, findings will be presented during the exit conference. The rule also provides a procedure for the submission of additional comments to the Department by the facility.

Section 350.278 - Subsection (g) has been amended to state that an approved plan of correction will be imposed by the Department anytime the Department issues a Type A or Repeat B violation.

Section 350.290 - Subsection (a)(5) has been amended to state that a facility will not be included on the Quarterly List of Violators if the terms of a conditional license issued to the facility have been stayed pursuant to Section 350.260(d).

The Department plans to propose identical amendments in accordance with the regular rulemaking requirements of the Illinois Administrative Procedure Act following the consideration of the rules by the Long-Term Care Facility Advisory Board at its February 9, 1993 meeting, as required by Section 2-204 of the Nursing Home Care Act.

10) Are there any proposed amendments to this Part pending?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
350.1235	New Section	16 Ill. Reg. 15044
350.640	Amendments	16 Ill. Reg. 17500
350.175	Amendments	17 Ill. Reg. 1269
350.180	Amendments	17 Ill. Reg. 1269
350.270	Amendments	17 Ill. Reg. 1269
350.640	Amendments	17 Ill. Reg. 1269
350.680	Amendments	17 Ill. Reg. 1269

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
350.685	Amendments	17 Ill. Reg. 1269
350.3210	Amendments	17 Ill. Reg. 1269
350.3330	Amendments	17 Ill. Reg. 1269
350.Appendix A	Repealer	17 Ill. Reg. 1269

11) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

12) Information and questions regarding this amendment shall be directed to:

Name: Gail M. DeVito
Address: Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson Street, Fifth Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

SUBPART F: HEALTH SERVICES

- 350.1210 Health Services
- 350.1220 Physician Services
- 350.1225 Tuberculin Skin Test Procedures
- 350.1230 Nursing Services
- 350.1240 Dental Services
- 350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

- 350.1410 Medication Policies and Procedures
- 350.1420 Conformance with Physician's Orders
- 350.1430 Administration of Medication
- 350.1440 Labeling and Storage
- 350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Adequacy of Diet and Meal Pattern
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- 350.1870 Scheduling Meals
- 350.1880 Menu Planning
- 350.1890 Food Preparation and Service
- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

- 350.2010 Maintenance
- 350.2020 Housekeeping
- 350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- 350.2210 Furnishings
- 350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- 350.2410 Codes
- 350.2420 Water Supply
- 350.2430 Sewage Disposal
- 350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

- 350.2610 Applicability of These Standards
- 350.2620 Codes and Standards
- 350.2630 Preparation of Drawings and Specifications
- 350.2640 Site
- 350.2650 Administration and Public Areas
- 350.2660 Nursing Unit
- 350.2670 Dining, Living, Activities Rooms
- 350.2680 Therapy and Personal Care
- 350.2690 Service Departments
- 350.2700 General Building Requirements
- 350.2710 Structural
- 350.2720 Mechanical Systems
- 350.2730 Plumbing Systems
- 350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

- 350.2910 Applicability
- 350.2920 Codes and Standards
- 350.2930 Preparation of Drawings and Specifications
- 350.2940 Site

Living, Dining, Activity Rooms	350.3840
Therapy and Personal Care	350.3850
Kitchen	350.3860
Laundry Room	350.3870
General Building Requirements	350.3880
Corridors	350.3890
Special Care Room	350.3900
Exit Facilities and Subdivision of Floor Areas	350.3910
Stairways, Vertical Openings and Doorways	350.3920
Hazardous Areas and Combustible Storage	350.3930
Mechanical Systems	350.3940
Heating, Cooling, and Ventilating Systems	350.3950
Plumbing Systems	350.3960
Electrical Systems	350.3970
Fire Alarm and Detection System	350.3980
Emergency Electrical System	350.3990
Fire Protection	350.4000
Construction Types	350.4010
Equivalencies	350.4020
New Construction Requirements	350.4030

SUBPART Q: DAY CARE PROGRAMS

Day Care in Long-Term Care Facilities	350.4210
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350.APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service

350.APPENDIX B Federal Requirements Regarding Residents' Rights

350.APPENDIX C Seismic Zone Map

350.APPENDIX D Forms for Day Care in Long-Term Care Facilities

350.TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled

350.TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled

350.TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled

350.TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983
Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less

350.TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less

350.TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch.

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Administration and Public Areas	350.2950
Nursing Unit	350.2960
Living, Dining, Activities Rooms	350.2970
Treatment and Personal Care	350.2980
Service Departments	350.2990
General Building Requirements	350.3000
Structural	350.3010
Mechanical Systems	350.3020
Plumbing Systems	350.3030
Electrical Requirements	350.3040

SUBPART O: RESIDENT'S RIGHTS

General	350.3210
Medical and Personal Care Program	350.3220
Restraints	350.3230
Abuse and Neglect	350.3240
Communication and Visitation	350.3250
Resident's Funds	350.3260
Residents' Advisory Council	350.3270
Contract With Facility	350.3280
Private Right of Action	350.3290
Transfer or Discharge	350.3300
Complaint Procedures	350.3310
Confidentiality	350.3320
Facility Implementation	350.3330

350.3710 Applicability of Other Provisions of this Part

350.3730 Admission and Discharge Policies

350.3740 Personnel

350.3750 Consultation Services and Nursing Services

350.3760 Medication Policies

350.3770 Food Services

350.3780 Codes and Standards

350.3790 Administration and Public Areas

350.3800 Bedrooms

350.3810 Nurses Station

350.3820 Bath and Toilet Rooms

350.3830 Utility Rooms

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days.

NOTE: Italics and capitalization denote statutory language.

Section 350.260 Issuance of Conditional Licenses
EMERGENCY.

- a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE UNDER SECTION 3-305 of the Act TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)
- b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSURE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON ON THE TIMELY CORRECTION OF THE DEFICIENCIES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act)

- c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF ~~THE ACT AND THIS PART~~ the Act and this Part WHICH PREVENT FULL LICENSURE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER SECTION 3-315 ~~OF THE ACT~~ of the Act TO CONTEST THE ISSUANCE OF THE CONDITIONAL LICENSE. (Section 3-313 of the Act)
- d) IF THE APPLICANT OR LICENSEE DESIRES TO PROTECT THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERMS OF THE PLAN OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN DAYS AFTER RECEIPT BY THE APPLICANT OR LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER ~~THE ACT~~ Section 3-703 of the Act. The terms of the conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing, and the facility may operate in the same manner as with an unrestricted license. (Section 3-315 of the Act)
- e) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE YEAR. The effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed as provided for in subsection (d) of this Section. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO TIMELY CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSURE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER ~~THE ACT~~ Section 3-119 of the Act. (Section 3-316 of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days)

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
 - 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
 - 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
- e) The Department shall review each plan of correction to insure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
- 1) The plan does not appear to address the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences.
 - 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
 - 3) The plan does not provide for measures which will abate or eliminate, or correct the violation.
 - 4) The plan does not provide steps which will avoid future occurrences of the same and similar violations.
 - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.
- f) When the Department rejects a submitted plan of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify the REASON FOR THE REJECTION. THE FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION IN WHICH TO SUBMIT A MODIFIED PLAN. (Section 3-303(b) of the Act)
- g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), or anytime the Department issues a Type A or repeat B violation, AN APPROVED PLAN OF CORRECTION WILL BE IMPOSED BY THE DEPARTMENT. ~~(Section 3-303(b) of the Act)~~ an approved plan of correction will be imposed by the Department.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- h) The Department shall verify the completion of the correction action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days)

Section 350.290
EMERGENCY

Quarterly List of Violators

- a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:
- 1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 350.286 of this Part and Section 3-305(1) of the Act.
 - 2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 350.180 of this Part and Section 3-119 of the Act.
 - 3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 350.175 of this Part and Section 3-119 of the Act.
 - 4) Issued a NOTICE TO SUSPEND the facility's license as provided in Section 3-119 of the Act.
 - 5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were not corrected as provided in Section 350.260 of this Part and Section 3-313 of the Act, except where the terms of the conditional license have been stayed pursuant to Section 350.260(d).
 - 6) PLACED A MONITOR ~~IN THE FACILITY~~ in the facility as provided in Section 350.270 of this Part and Section 3-501 of the Act for one of the following reasons:
 - A) The facility is operating without a license.
 - B) The Department has revoked or refused to renew the license of the facility.
 - C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.

NOTICE OF EMERGENCY AMENDMENTS

D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.

7) INITIATED AN ACTION TO APPOINT A RECEIVER.

8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DEPARTMENT FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act)

b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days)

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation: 77 Ill. Adm. Code 390

3) Section Numbers: Emergency Amendments:

390.260 Amendments

390.271 New Section

390.278 Amendments

390.290 Amendments

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.

[210 ILCS 45/1-101 et seq. (1992)]

5) Effective Date of Emergency Amendments:

February 3, 1993

6) If this emergency amendments is to expire before the end of the 150 day period, please specify the date on which it is to expire:

N/A

7) Date Filed in Agency's Principal Office:

February 3, 1993

8) Reason for Emergency:

The Department of Public Health has adopted these amendments to implement a consent decree in the case of Somerset House, Inc., v. John R. Lumpkin and Phil Bradley. The settlement agreement requires the Department to propose amendments to Paris 300, 330, 350, and 390 of the Illinois Administrative Code within 7 days of the date the agreement is signed by all parties. Because other provisions of the Settlement Agreement cannot be implemented until amendments are adopted, the Department has determined that emergency rulemaking is necessary to implement the terms of the Agreement as quickly as possible. The amendments, which concern the presentation of findings as a result of a survey and the issuance of conditional licenses, are designed to provide due process to long-term care facilities during the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

survey process.

9) A Complete Description of the Subjects and Issues Involved:

Section 390.260 - Subsection (d) of this Section is being amended to state that the terms of a conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing and that the facility may operate in the same manner as with an unrestricted license. In addition, subsection (c) is amended to state that the effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed.

Section 390.271 - This is a new Section concerning the presentation of findings at the conclusion of a survey. The rule will require the Department to conduct an exit conference at the conclusion of each on-site inspection, whether or not the investigation is completed. If the investigation has been completed, findings will be presented during the exit conference. The rule also provides a procedure for the submission of additional comments to the Department by the facility.

Section 390.278 - Subsection (g) has been amended to state that an approved plan of correction will be imposed by the Department anytime the Department issues a Type A or Repeat B violation.

Section 390.290 - Subsection (a)(5) has been amended to state that a facility will not be included on the Quarterly List of Violators if the terms of a conditional license issued to the facility have been stayed pursuant to Section 390.260(d).

The Department plans to propose identical amendments in accordance with the regular rulemaking requirements of the Illinois Administrative Procedure Act following the consideration of the rules by the Long-Term Care Facility Advisory Board at its February 9, 1993 meeting, as required by Section 2-204 of the Nursing Home Care Act.

10) Are there any proposed amendments to this Part pending?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
390.1025	New Section	16 Ill. Reg. 16520
390.640	Amendments	16 Ill. Reg. 17515
390.175	Amendments	17 Ill. Reg. 1296
390.180	Amendments	17 Ill. Reg. 1296
390.270	Amendments	17 Ill. Reg. 1296
390.640	Amendments	17 Ill. Reg. 1296
390.680	Amendments	17 Ill. Reg. 1296

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
390.685	Amendments	17 Ill. Reg. 1296
390.3210	Amendments	17 Ill. Reg. 1296
390.3330	Amendments	17 Ill. Reg. 1296

11) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

12) Information and questions regarding this amendment shall be directed to:

Name: Gail M. DeVito
Address: Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson Street, Fifth Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 390.1080 Social Services
- 390.1090 Speech Pathology and Audiology Services
- 390.1100 Recreational and Activity Services
- 390.1110 Educational Services
- 390.1120 Work Activity and Prevocational Training Services

SUBPART F: RESTRAINTS AND SAFETY DEVICES,
BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES

- 390.1310 Restraints and Safety Devices
- 390.1320 Behavior Management
- 390.1330 Behavior Emergencies

SUBPART G: MEDICATIONS

- 390.1410 Medication Policies and Procedures
- 390.1420 Conformance with Physician's Orders
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- 390.1610 Resident Record Requirements
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SUBPART I: FOOD SERVICE

- 390.1810 Director of Food Services
- 390.1820 Dietary Staff in Addition to Director of Food Services
- 390.1830 Hygiene of Dietary Staff
- 390.1840 Diet Orders
- 390.1850 Adequacy of Diet and Meal Pattern
- 390.1860 Infant and Therapeutic Diets
- 390.1870 Scheduling Meals
- 390.1880 Menu Planning

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 390.1890 Food Preparation and Service
- 390.1900 Preparation of Infant Formula
- 390.1910 Food Handling Sanitation
- 390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

- 390.2010 Maintenance
- 390.2020 Housekeeping
- 390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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- 390.2220 Equipment and Supplies
- 390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- 390.2410 Codes
- 390.2420 Water Supply
- 390.2430 Sewage Disposal
- 390.2440 Plumbing

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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

NOTICE OF EMERGENCY AMENDMENTS

390.2910 Applicability
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390.2950 Administration and Public Areas

390.2960 Nursing Unit

390.2970 Play, Dining, Activity/Program Rooms

390.2980 Treatment and Personal Care

390.2990 Service Department

390.3000 General Building Requirements

390.3010 Structural

390.3020 Mechanical Systems

390.3030 Plumbing Systems

390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

390.3210 General
 390.3220 Medical and Personal Care Program

390.3230 Restraints

390.3240 Abuse and Neglect

390.3250 Communication and Visitation

390.3260 Resident's Funds

390.3270 Residents' Advisory Council

390.3280 Contract With Facility

390.3290 Private Right of Action

390.3300 Transfer or Discharge

390.3310 Complaint Procedures

390.3320 Confidentiality

390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

390.3510 Day Care in Long-Term Care Facilities

390.APPENDIX A

Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age

390.APPENDIX B

Forms for Day Care in Long-Term Care Facilities

390.TABLE A

Infant Feeding

390.TABLE B

Daily Nutritional Requirements By Age Group

390.TABLE C

Sound Transmissions Limitations

390.TABLE D

Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of

NOTICE OF EMERGENCY AMENDMENTS

390.TABLE E Age
 Sprinkler Requirements
 390.TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.)(210 ILCS 45/1-101 et seq. (1992)).

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 19823, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days.

NOTE: Italics and capitalization denote statutory language.

Section 390.260 Issuance of Conditional Licenses
 EMERGENCY

a)

THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE UNDER SECTION 3-305 of the Act TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)

b)

PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSURE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

THE LICENSE SHALL BE CONDITIONAL ~~UPON~~ ON THE TIMELY CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act)

- c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF ~~THE ACT AND THE RULES PROMULGATED THEREUNDER~~ the Act and this Part WHICH PREVENT FULL LICENSURE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER SECTION 3-315 OF THE ACT of the Act TO CONTEST THE ISSUANCE OF THE CONDITIONAL LICENSE. (Section 3-313 of the Act)
- d) IF THE APPLICANT OR LICENSEE DESIRES TO PROTECT THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERMS OF THE PLAN OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN DAYS AFTER RECEIPT BY THE APPLICANT OR LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER ~~THE ACT~~ Section 3-703 of the Act. The terms of the conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing, and the facility may operate in the same manner as with an unrestricted license. (Section 3-315 of the Act)
- e) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE YEAR. The effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed as provided for in subsection (d) of this Section. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO TIMELY CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSURE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER THE ACT Section 3-119 of the Act. (Section 3-316 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days)

Section 390.271 Presentation of Findings
EMERGENCY

- a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, surveyors shall notify the administrator or designee during the course of the survey of such possible findings.
- b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed. If the investigation has been completed, findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.
- c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.
- d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.
- e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.
- f) If the Department determines, after review of the comments submitted pursuant to subsection (d), that the facility may have committed violations of the Act or this Part different than or in addition to those presented at the exit conference and the violations may be cited as either Type A or repeat Type B violations, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyors will be advised of any code changes made after their recommendations are submitted.

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

MODIFIED PLAN. (Section 3-303(b) of the Act)

- g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), or anytime the Department issues a Type A or repeat B violation, AN APPROVED PLAN OF CORRECTION WILL BE IMPOSED BY THE DEPARTMENT. ~~(Section 3-303(b) of the Act)~~ an approved plan of correction will be imposed by the Department.
- h) The Department shall verify the completion of the correction action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days)

Section 390.290 Quarterly List of Violators
EMERGENCY

- a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:
 - 1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 390.286 of this Part and Section 3-305(1) of the Act.
 - 2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 390.180 of this Part and Section 3-119 of the Act.
 - 3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 390.175 of this Part and Section 3-119 of the Act.
 - 4) Issued a NOTICE TO SUSPEND the facility's license as provided in Section 3-119 of the Act.
 - 5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were not corrected as provided in Section 390.260 of this Part and Section 3-313 of the Act, except where the terms of the conditional license have been stayed pursuant to Section 390.260(d).
 - 6) PLACED A MONITOR ~~IN THE FACILITY~~ in the facility as provided in Section 390.270 of this Part and Section 3-501 of the Act for one of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

following reasons:

- A) The facility is operating without a license.
 - B) The Department has revoked or refused to renew the license of the facility.
 - C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.
 - D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.
- 7) INITIATED AN ACTION TO APPOINT A RECEIVER.
 - 8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act)
- b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) The Heading of the Part:

Sheltered Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 330

3) Section Numbers: Emergency Action:

330.260 Amendments

330.271 New Section

330.278 Amendments

330.290 Amendments

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq. 210 ILCS 45/1-101 et seq. (1992)

5) Effective Date of Emergency Amendments:

February 3, 1993

6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire:

N/A

7) Date Filed in Agency's Principal Office:

February 3, 1993

8) Reason for Emergency:

The Department of Public Health has adopted these amendments to implement a consent decree in the case of Somerset House, Inc., v. John R. Lumpkin and Phil Bradley. The settlement agreement requires the Department to propose amendments to Parts 300, 330, 350, and 390 of the Illinois Administrative Code within 7 days of the date the agreement is signed by all parties. Because other provisions of the Settlement Agreement cannot be implemented until amendments are adopted, the Department has determined that emergency rulemaking is necessary to implement the terms of the Agreement as quickly as possible. The amendments, which concern the presentation of findings as a result of a survey and the issuance of conditional licenses, are designed to provide due process to long-term care facilities during the survey process.

9) A Complete Description of the Subjects and Issues Involved:

Section 330.260 - Subsection (d) of this Section is being amended to state that the terms of a conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing and that the facility may operate in the same manner as with an unrestricted license. In addition, subsection (c) is amended to state that the effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed.

Section 330.271 - This is a new Section concerning the presentation of findings at the conclusion of a survey. The rule will require the Department to conduct an exit conference at the conclusion of each on-site inspection, whether or not the investigation is completed. If the investigation has been completed, findings will be presented during the exit conference. The rule also provides a procedure for the submission of additional comments to the Department by the facility.

Section 330.278 - Subsection (g) has been amended to state that an approved plan of correction will be imposed by the Department anytime the Department issues a Type A or Repeat B violation.

Section 330.290 - Subsection (a)(5) has been amended to state that a facility will not be included on the Quarterly List of Violators if the terms of a conditional license issued to the facility have been stayed pursuant to Section 330.260(d).

The Department plans to propose identical amendments in accordance with the regular rulemaking requirements of the Illinois Administrative Procedure Act following the consideration of the rules by the Long-Term Care Facility Advisory Board at its February 9, 1993 meeting, as required by Section 2-204 of the Nursing Home Care Act.

10) Are there any proposed amendments to this Part pending?

Section Numbers Proposed Action Illinois Register Citation

330.1125	New Section	16 Ill. Reg. 16531
330.730	Amendment	16 Ill. Reg. 17540
330.175	Amendment	17 Ill. Reg. 1321
330.180	Amendment	17 Ill. Reg. 1321
330.270	Amendment	17 Ill. Reg. 1321
330.730	Amendment	17 Ill. Reg. 1321
330.916	Amendment	17 Ill. Reg. 1321
330.4210	Amendment	17 Ill. Reg. 1321
330.4330	Amendment	17 Ill. Reg. 1321

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

11) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

12) Information and questions regarding this amendment shall be directed to:

Name: Gail M. DeVito
Address: Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson Street, Fifth Floor
Springfield, Illinois 62761
Telephone: (217) 782-6187

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330
SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
	EMERGENCY
330.270	Monitor and Receivership
<u>300.271</u>	<u>Presentation of Findings</u>
	EMERGENCY
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
	EMERGENCY
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

- 330.2620 Water Supply
- 330.2630 Sewage Disposal
- 330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

- 330.2810 Applicable Requirements (Repealed)
- 330.2820 Applicability of These Standards
- 330.2830 Submission of a Program Narrative
- 330.2840 New Constructions, Additions, Conversions, and Alterations
- 330.2850 Preparation and Submission of Drawings and Specifications
- 330.2860 First Stage Drawings
- 330.2870 Second Stage Drawings
- 330.2880 Architectural Drawings
- 330.2890 Structural Drawings
- 330.3000 Mechanical Drawings
- 330.3010 Electrical Drawings
- 330.3020 Additions to Existing Structures
- 330.3030 Specifications
- 330.3040 Building Codes
- 330.3050 Site
- 330.3060 General Building Requirements
- 330.3070 Administration
- 330.3080 Corridors
- 330.3090 Bath and Toilet Rooms
- 330.3100 Living, Dining, Activity Rooms
- 330.3110 Bedrooms
- 330.3120 Special Care Room
- 330.3130 Kitchen
- 330.3140 Laundry
- 330.3150 Housekeeping, Service, and Storage
- 330.3160 Plumbing
- 330.3170 Heating
- 330.3180 Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

- 330.3310 Applicable Requirements (Repealed)
- 330.3320 Applicability of These Standards
- 330.3330 Fire Protection
- 330.3340 Fire Department Service and Water Supply
- 330.3350 General Building Requirements
- 330.3360 Exit Facilities and Subdivision of Floor Areas

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

- 330.3370 Stairways, Vertical Openings, and Doorways
- 330.3380 Corridors
- 330.3390 Exit Lights and Directional Signs
- 330.3400 Hazardous Areas and Combustible Storage
- 330.3410 Fire Alarm and Detection System
- 330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
- 330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

- 330.3610 Site
- 330.3620 General Building Requirements
- 330.3630 Administration
- 330.3640 Corridors
- 330.3650 Bath and Toilet Rooms
- 330.3660 Living, Dining, and Activity Rooms
- 330.3670 Bedrooms
- 330.3680 Special Care Room
- 330.3690 Kitchen
- 330.3700 Laundry Room
- 330.3710 Housekeeping and Service Rooms and Storage Space
- 330.3720 Plumbing and Heating
- 330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

- 330.3910 Fire Protection
- 330.3920 Fire Department Service and Water Supply
- 330.3930 Occupancy and Fire Areas
- 330.3940 Exit Facilities and Subdivision of Floor Areas
- 330.3950 Stairways, Vertical Openings, and Doorways
- 330.3960 Exit and Fire Escape Lights and Directional Signs
- 330.3970 Hazardous Areas and Combustible Storage
- 330.3980 Fire Alarm and Detection System
- 330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
- 330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

- 330.4210 General
- 330.4220 Medical and Personal Care Program
- 330.4230 Restraints

NOTICE OF EMERGENCY AMENDMENTS

330.4240 Abuse and Neglect
 330.4250 Communication and Visitation
 330.4260 Resident's Funds
 330.4270 Residents' Advisory Council
 330.4280 Contract With Facility
 330.4290 Private Right of Action
 330.4300 Transfer or Discharge
 330.4310 Complaint Procedures
 330.4320 Confidentiality
 330.4330 Facility Implementation

SUBPART R: DAY CARE PROGRAMS

330.4510 Day Care in Long-Term Care Facilities

330.APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities
 330.APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
 330.APPENDIX C Forms for Day Care in Long-Term Care Facilities
 330.APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
 330.TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days.

NOTICE OF EMERGENCY AMENDMENTS

NOTE: Italics and capitalization denote statutory language.
 Section 330.260 Issuance of Conditional Licenses
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a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE UNDER SECTION 3-305 OF THE ACT TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)

b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSURE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON ON THE TIMELY CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act)

c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF THIS ACT AND THE RULES PROMULGATED THEREUNDER the Act and this Part WHICH PREVENT FULL LICENSURE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER SECTION 3-315 OF THE ACT TO CONTEST THE ISSUANCE OF THE CONDITIONAL LICENSE. (Section 3-313 of the Act)

d) IF THE APPLICANT OR LICENSEE DESIRES TO PROTECT THE BASIS FOR AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER THE ACT Section 3-703 of the Act. The terms of the conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing, and the facility may operate in the same manner as with an unrestricted license. (Section 3-315 of the Act)

e) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE YEAR. The effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed as provided for in subsection (d) of this Section. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO TIMELY CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSURE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER ~~THE ACT~~ Section 3-119 of the Act. (Section 3-316 of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days)

Section 330.271 Presentation of Findings
EMERGENCY

- a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, surveyors shall notify the administrator or designee during the course of the survey of such possible findings.
- b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed. If the investigation has been completed, findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.
- c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.
- d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.
- e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- f) If the Department determines, after review of the comments submitted pursuant to subsection (d), that the facility may have committed violations of the Act or this Part different than or in addition to those presented at the exit conference and the violations may be cited as either Type A or repeat Type B violations, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyors will be advised of any code changes made after their recommendations are submitted.
- g) The facility shall have 5 (five) working days from receipt of the notice required by subsection (f) of this Section to submit its additional comments to the Department. The Department shall consider such additional comments in determining the existence and level of violation of the Act and/or this Part in the same manner as the Department considers the facility's original comments.
- h) If desired by the facility, an audio-taped recording may be made of the exit conference provided that a copy of such recording be provided, at facility expense, to the surveyors at the conclusion of the exit conference. Video-taped recordings shall not be allowed.
- i) Surveyors shall not conduct an exit conference for the following reasons:
 - 1) The facility administrator or designee requests that an exit conference not be held;
 - 2) During a scheduled exit conference, facility staff and/or their guests create an environment that is not conducive to a meaningful exchange of information.

(Source: Emergency rule added at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days)

Section 330.278 Plans of Correction
EMERGENCY

- a) A FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION ~~FOR A LEVEL B VIOLATION~~ for a Type B violation, or after receipt of a notice under Section 330.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)
- b) Within the ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- B) The Department has revoked or refused to renew the license of the facility.
- C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.
- D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.
- 7) INITIATED AN ACTION TO APPOINT A RECEIVER.
- 8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act)
- b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part:
Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Numbers: Emergency Action:
300.260 Amendments
300.271 New Section
300.278 Amendments
300.290 Amendments
- 4) Statutory Authority:
Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.
[210 ILCS 45/1-101 et seq. (1992)]
- 5) Effective Date of Emergency Amendments:
February 3, 1993
- 6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire:
N/A
- 7) Date Filed in Agency's Principal Office:
February 3, 1993
- 8) Reason for Emergency:
The Department of Public Health has adopted these amendments to implement a consent decree in the case of Somerset House, Inc., v. John R. Lumpkin and Phil Bradley. The settlement agreement requires the Department to propose amendments to Parts 300, 330, 350, and 390 of the Illinois Administrative Code within 7 days of the date the agreement is signed by all parties. Because other provisions of the Settlement Agreement cannot be implemented until amendments are adopted, the Department has determined that emergency rulemaking is necessary to implement the terms of the Agreement as quickly as possible. The amendments, which concern the presentation of findings as a result of a survey and the issuance of conditional licenses, are designed to provide due process to long-term care facilities during the

DEPARTMENT OF PUBLIC HEALTH

EMERGENCY AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
300.665	Amendments	17 Ill. Reg. 1346
300.3210	Amendments	17 Ill. Reg. 1346
300.3330	Amendments	17 Ill. Reg. 1346

Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

Information and questions regarding this amendment shall be directed to:

Name: Gail M. DeVito
 Address: Division of Governmental Affairs
 Illinois Department of Public Health
 535 West Jefferson Street, Fifth Floor
 Springfield, Illinois 62761
 Telephone: (217) 782-6187

The full text of the emergency amendments begins on the next page:

0.260 - Subsection (d) of this Section is being amended to state that the terms of a license shall be stayed pending the issuance of the Final Order at the conclusion of 3 and that the facility may operate in the same manner as with an unrestricted 1 addition, subsection (c) is amended to state that the effective date of the 1 license shall not begin until such time as the applicant or licensee has had the 1 y to request a hearing pursuant to subsection (d), and if a hearing is requested in a 1 ncer, then the terms of the conditional license shall be stayed.

0.271 - This is a new Section concerning the presentation of findings at the 1 of a survey. The rule will require the Department to conduct an exit conference at 1 sion of each on-site inspection, whether or not the investigation is completed. If the 1 on has been completed, findings will be presented during the exit conference. The 1 rovides a procedure for the submission of additional comments to the Department 1 ility.

0.278 - Subsection (g) has been amended to state that an approved plan of 1 will be imposed by the Department anytime the Department issues a Type A or 1 violation.

0.290 - Subsection (a)(5) has been amended to state that a facility will not be 1 n the Quarterly List of Violators if the terms of a conditional license issued to the 1 ve been stayed pursuant to Section 300.260(d).

1ment plans to propose identical amendments in accordance with the regular 1 3 requirements of the Illinois Administrative Procedure Act following the 1 on of the rules by the Long-Term Care Facility Advisory Board at its February 9, 1 ng, as required by Section 2-204 of the Nursing Home Care Act.

a to used amendments to this Part ?

Proposed Action	Illinois Register Citation
New Section	16 Ill. Reg. 16541
Amendments	16 Ill. Reg. 17555
Amendments	17 Ill. Reg. 1346
Amendments	17 Ill. Reg. 1346
Amendments	17 Ill. Reg. 1346
Amendments	17 Ill. Reg. 1346
Amendments	17 Ill. Reg. 1346
Amendments	17 Ill. Reg. 1346
Amendments	17 Ill. Reg. 1346

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300
 SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

General Requirements
 Application for License
 Licensee
 Issuance of an Initial License for a New Facility
 Issuance of an Initial License Due to a Change of Ownership
 Issuance of a Renewal License
 Criteria for Adverse Licensure Actions
 Denial of Initial License
 Denial of Renewal of License
 Revocation of License
 Experimental Program Conflicting With Requirements
 Inspections, Surveys, Evaluations and Consultation
 Filing an Annual Attested Financial Statement
 Information to Be Made Available to the Public By the Department
 Information to Be Made Available to the Public By the Licensee
 Municipal Licensing
 Ownership Disclosure
 Issuance of Conditional Licenses
 ENCY
 Monitor and Receivership
Presentation of Findings
 ENCY
 Determination to Issue a Notice of Violation or Administrative Warning
 Determination of the Level of a Violation
 Notice of Violation
 Administrative Warning
 Plans of Correction
 ENCY
 Reports of Correction
 Conditions for Assessment of Penalties
 Calculation of Penalties
 Determination to Assess Penalties
 Reduction or Waiver of Penalties

300.290 Quarterly List of Violators
 EMERGENCY
 300.300 Alcoholism Treatment Programs In Long-Term Care Facilities
 300.310 Department May Survey Facilities Formerly Licensed
 300.320 Waivers
 300.330 Definitions
 300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

300.510 Administrator

SUBPART C: POLICIES

300.610 Resident Care Policies
 300.620 Admission and Discharge Policies
 300.630 Contract Between Resident and Facility
 300.640 Residents' Advisory Council
 300.650 Personnel Policies
 300.655 Initial Health Evaluation for Employees
 300.660 Nursing Assistants
 300.665 Student Interns
 300.670 Disaster Preparedness
 300.680 Restraints and Safety Devices
 300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

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

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

300.1010 Medical Care Policies
 300.1020 Communicable Disease Policies
 300.1025 Tuberculin Skin Test Procedures
 300.1030 Medical Emergencies
 300.1040 Behavior Emergencies
 300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 300.3040 Site
- 300.3050 Administration and Public Areas
- 300.3060 Nursing Unit
- 300.3070 Living, Dining, Activities Rooms
- 300.3080 Treatment and Personal Care
- 300.3090 Service Departments
- 300.3100 General Building Requirements
- 300.3110 Structural
- 300.3120 Mechanical Systems
- 300.3130 Plumbing Systems
- 300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

- 300.3210 General
- 300.3220 Medical and Personal Care Program
- 300.3230 Restraints
- 300.3240 Abuse and Neglect
- 300.3250 Communication and Visitation
- 300.3260 Resident's Funds
- 300.3270 Residents' Advisory Council
- 300.3280 Contract With Facility
- 300.3290 Private Right of Action
- 300.3300 Transfer or Discharge
- 300.3310 Complaint Procedures
- 300.3320 Confidentiality
- 300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

- 300.3410 Application of Other Divisions of These Minimum Standards
- 300.3420 Administrator
- 300.3430 Policies
- 300.3440 Personnel
- 300.3450 Resident Living Services Medical and Dental Care
- 300.3460 Resident Services Program
- 300.3470 Psychological Services
- 300.3480 Social Services
- 300.3490 Recreational and Activities Services
- 300.3500 Individual Treatment Plan
- 300.3510 Health Services
- 300.3520 Medical Services
- 300.3530 Dental Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 300.3540 Optometric Services
- 300.3550 Audiometric Services
- 300.3560 Podiatric Services
- 300.3570 Occupational Therapy Services
- 300.3580 Nursing and Personal Care
- 300.3590 Resident Care Services
- 300.3600 Record Keeping
- 300.3610 Food Service
- 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)
- 300.3630 Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAYCARE PROGRAMS

- 300.3710 Day Care in Long-Term Care Facilities
- 300.APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
- 300.APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
- 300.APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights
- 300.APPENDIX D Forms for Day Care in Long-Term Care Facilities
- 300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation
- 300.TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
- 300.TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
- 300.TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
- 300.TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983;

amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 544, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days.

NOTE: Italics and capitalization denote statutory language.

Section 300.260
EMERGENCY

Issuance of Conditional Licenses

- a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE UNDER SECTION 3-305 of the Act TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)
- b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSURE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON ON THE TIMELY CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act)
- c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION OF ALL VIOLATIONS OF THE ACT AND THIS PART OF THE ACT and this Part WHICH PREVENT FULL LICENSURE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING

UNDER SECTION 3-315 OF THE ACT OF THE ACT TO CONTEST THE ISSUANCE OF THE CONDITIONAL LICENSE. (Section 3-313 of the Act)

- d) IF THE APPLICANT OR LICENSEE DESIRES TO PROTECT THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERMS OF THE PLAN OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN DAYS AFTER RECEIPT BY THE APPLICANT OR LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER THE ACT Section 3-703 of the Act. The terms of the conditional license shall be stayed pending the issuance of the Final Order at the conclusion of the hearing, and the facility may operate in the same manner as with an unrestricted license. (Section 3-315 of the Act)
- c) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE YEAR. The effective date of the conditional license shall not begin until such time as the applicant or licensee has had the opportunity to request a hearing pursuant to subsection (d), and if a hearing is requested in a timely manner, then the terms of the conditional license shall be stayed as provided for in subsection (d) of this Section. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO TIMELY CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSURE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER THE ACT Section 3-119 of the Act. (Section 3-316 of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days)

Section 300.271
EMERGENCY

Presentation of Findings

- a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, surveyors shall notify the administrator or designee during the course of the survey of such possible findings.
- b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.

- c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.
- d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.
- e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.
- f) If the Department determines, after review of the comments submitted pursuant to subsection (d), that the facility may have committed violations of the Act or this Part different than or in addition to those presented at the exit conference and the violations may be cited as either Type A or repeat Type B violations, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyors will be advised of any code changes made after their recommendations are submitted.
- g) The facility shall have 5 (five) working days from receipt of the notice required by subsection (f) of this Section to submit its additional comments to the Department. The Department shall consider such additional comments in determining the existence and level of violation of the Act and/or this Part in the same manner as the Department considers the facility's original comments.
- h) If desired by the facility, an audio-taped recording may be made of the exit conference provided that a copy of such recording be provided, at facility expense, to the surveyors at the conclusion of the exit conference. Video-taped recordings shall not be allowed.
- i) Surveyors shall not conduct an exit conference for the following reasons:
- 1) The facility administrator or designee requests that an exit conference not be

held;

- 2) During a scheduled exit conference, facility staff and/or their guests create an environment that is not conducive to a meaningful exchange of information.

(Source: Emergency rule added at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days)

Section 300.278 Plans of Correction
EMERGENCY

- a) A FACILITY SHALL HAVE TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION ~~FOR A LEVEL B VIOLATION~~ for a Type B violation, or after receipt of a notice under Section 300.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)
- b) Within the ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)
- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:
 - 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
 - 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
 - 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.

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DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL

TO MEET THE OBJECTION OF THE JOINT COMMITTEE OF ADMINISTRATIVE RULES

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act)

- b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED, A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act)

(Source: Emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days)

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action:
140.492 Amendment
- 4) Date Notice of Proposed Amendments Published in the Register:
September 4, 1992 (16 Ill. Reg. 13397)
- 5) Date JCAR Statement of Objection Published in the Register:
January 29, 1993 (17 Ill. Reg. 1241)
- 6) Summary of Action Taken by the Agency:

The Joint Committee on Administrative Rules issued an objection to amendments to Section 140.492 which were proposed by the Department of Public Aid on September 4, 1992, at 16 Ill. Reg. 13397. Specifically, the Joint Committee objected to the proposed amendments because "the Department's failure to allow for separate payment for oxygen when Medicaid clients receive ALS [advanced life support] services, contrary to statutory intent expressed in P.A. 87-1199, results in economic hardship for ambulance companies providing the service."

The Department disagrees with both specific objections. The Department does not believe that the amendments to Section 140.492 violate the intent of P.A. 87-1199. In addition, the Department does not believe that the amendments will result in an economic hardship for ambulance companies.

P.A. 87-1199 requires the Department to make the reimbursement system for ambulances under Medicaid consistent with the Medicare program "to the extent necessary and practicable and subject to the availability of funds appropriated by the General Assembly for this purpose." The Department is evaluating the differences between ambulance reimbursement under Medicaid and Medicare and will make any necessary changes in compliance with P.A. 87-1199. However, current appropriations for ambulance reimbursement under Medicaid do not include separate payment for oxygen in connection with advanced life support services. Since the provisions of P.A. 87-1199 are specifically subject to available appropriations, the Department's failure to provide for such separate oxygen reimbursement in the amendments to Section 140.492 does not conflict with those provisions.

The amendments to Section 140.492 will not result in economic hardship for ambulance companies because the amendments simply clarify the Department's

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE OF ADMINISTRATIVE RULES

current policy of not providing separate payment for oxygen in connection with advanced life support services. The Department has clearly informed ambulance companies of its policy through direct notices and instructions in its provider handbook. The Department has enforced that policy since at least 1990. Since the Department policy has not allowed for separate reimbursement for oxygen in connection with advanced life support services, the amendments to Section 140.492 to clearly state this policy in the Department's rules will not result in any loss of reimbursement for ambulance companies.

Based on these responses, the Department refuses to modify or withdraw the proposed amendments in response to the Joint Committee's objection.

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of Part: Processing of Claims for Payment from the Underground Storage Tank Fund

2) Code Citation: 35 Ill. Adm. Code 876

3) Section Number:

876.200

4) Notice of Emergency Rules published in the Illinois Register:

October 16, 1992, 16 Ill. Reg. 16191

5) JCAR Statement of Objection to Emergency Rules published in the Illinois Register:

December 4, 1992, 16 Ill. Reg. 18856

6) Date Agency submitted this modification to JCAR for approval: February 9, 1993

7) Summary of action taken by the Agency: Emergency Rule adopted October 6, 1992; Modification to Emergency Rule adopted February 9, 1993. The modification changes the priority date in 35 Ill. Adm. Code 876.200(b)(3) for payment of appealed Agency payment determinations to be the same priority data assigned to the original request for partial or final payment.

The full text of the Section of the emergency rules being modified begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE HANDLING AND DISPOSAL
 CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 876

PROCESSING CLAIMS FOR PAYMENT FROM THE UNDERGROUND STORAGE TANK FUND

SUBPART A: GENERAL

Section
 876.100 Applicability
 EMERGENCY
 876.105 Severability
 EMERGENCY
 876.110 Definitions
 EMERGENCY

SUBPART B: REQUIREMENTS FOR PROCESSING OF CLAIMS

Section
 876.200 Payment Prioritization
 EMERGENCY

AUTHORITY: Implementing and authorized by Section 22.18b of the Environmental Protection Act (Ill. Rev. Stat. ch. 111 1/2, par. 1022.18b).
 EMERGENCY

SOURCE: Emergency Rule adopted 16 Ill. Reg. 16191, effective October 6, 1992 for a maximum of 150 days; modified at 17 Ill. Reg. 2438.

NOTE: Capitalization denotes statutory language.

SUBPART B: REQUIREMENTS FOR PROCESSING OF CLAIMS

Section 876.200 Processing Prioritization
 EMERGENCY

- a) UPON RECEIPT OF NOTIFICATION FROM THE AGENCY THAT THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET, THE COMPTROLLER SHALL MAKE PAYMENT TO THE OWNER OR OPERATOR OF THE AMOUNT APPROVED BY THE AGENCY, IF SUFFICIENT MONEY EXISTS IN THE FUND IN EXCESS OF AMOUNTS APPROPRIATED FOR ADMINISTERING THE ACTIVITIES OF THE AGENCY, THE STATE FIRE MARSHAL AND THE DEPARTMENT OF REVENUE RELATIVE TO THE FUND. IF THERE IS INSUFFICIENT MONEY IN THE FUND, THEN PAYMENT SHALL NOT BE PAID; HOWEVER, SUCH PAYMENTS MAY BE PAID IF SUFFICIENT MONEY LATER BECOMES AVAILABLE. (Section 22.18b(d)(1) of the Act)

IN NO CASE SHALL THE FUND OR THE STATE OF ILLINOIS BE LIABLE TO PAY CLAIMS OR REQUESTS FOR COSTS OF CORRECTIVE ACTION OR INDEMNIFICATION

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EMERGENCY RULES

IF MONEY IN THE FUND IS INSUFFICIENT TO MEET SUCH CLAIMS OR REQUESTS. (Section 22.18b(d)(2) of the Act)

- b) The priority for processing claims will be based on the date that a complete request for partial or final payment is received from the owner or operator by the Remedial Projects Accounting and Procurement Unit, Division of Remediation Management, Bureau of Land, Illinois Environmental Protection Agency.
- 1) For purposes of processing prioritization, a complete request for partial or final payment must contain:
- A) Proof of an Agency approved corrective action plan;
 - B) Proof of an Agency determination of eligibility pursuant to Section 22.18b(a) of the Act;
 - C) An accounting of all costs, in a form prescribed and provided by the Agency, demonstrating that the costs incurred to perform the corrective action were reasonable;
 - D) Proof of payment of the applicable deductible amount;
 - E) An owner or operator billing certification on a form prescribed and provided by the Agency; and.
 - F) A corrective action plan certification, on a form prescribed and provided by the Agency, by a professional engineer who has been registered pursuant to "An Act to regulate the practice of Professional Engineering (Ill. Rev. Stat. 1991, ch. 111, par. 5101 et seq.).
- 2) A complete request for partial or final payment may be submitted no sooner than 90 days after the owner or operator submits both an eligibility and deductible application, on forms prescribed and provided by the Agency, and a corrective action plan.
- 3) If the owner or operator appeals a final Agency payment determination ~~before the Board~~, and it is the Board determines that the owner or operator is eligible for payment or additional payment, the priority date for the payment or additional payment will be the same as the priority date assigned to the original request for partial or final payment ~~the owner or operator's claim will be based on the date of the Board final order and opinion.~~
- c) The owner or operator must obtain written Agency approval of a corrective action plan prior to commencing any corrective action

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(Page 2)

3/22/93	<u>Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)</u>	11/6/92 16 Ill Reg 17047	3/9/93
3/22/93	<u>Department of Public Aid, Medical Payment (89 Ill Adm Code 140)</u>	11/6/92 16 Ill Reg 17049	3/9/93
3/22/93	<u>Department of Rehabilitation Services, Non-Financial Eligibility Criteria (89 Ill Adm Code 685)</u>	12/11/92 16 Ill Reg 18947	3/9/93
3/22/93	<u>Department of Rehabilitation Services, Non-Academic Programs and Policies (89 Ill Adm Code 830)</u>	12/4/92 16 Ill Reg 18759	3/9/93
3/22/93	<u>Secretary of State, Procedures and Standards (92 Ill Adm Code 1001)</u>	12/18/92 16 Ill Reg 19761	3/9/93
3/22/93	<u>Department on Aging, Community Care Program (89 Ill Adm Code 240)</u>	10/9/92 16 Ill Reg 15203	3/9/93
3/24/93	<u>Environmental Protection Agency, Annual Emissions Report (35 Ill Adm Code 254)</u>	11/13/92 16 Ill Reg 17195	3/9/93

PROCLAMATION

93-028
MUSIC IN OUR SCHOOLS DAY

Whereas, music is a powerful, aesthetic force that dignifies the realm of feeling by merging intellect and emotion into a single art form; and

Whereas, music is a component in the lives of millions of people who participate in performing, listening, and observing experiences developed through music in schools; and

Whereas, it is fitting for our state to recognize music in our schools as an essential part of the learning process and to encourage and support this basic art form in school curriculums; and

Whereas, on March 11, the Illinois Music Education Association (IMEA) is hosting Music in Our Schools Day, with the Theme "IMEA Visits Springfield--A Capitol Idea," during which about 700 students will give choral performances;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 11, 1993, as MUSIC IN OUR SCHOOLS DAY in Illinois.

Issued by the Governor January 26, 1993.

Filed with the Secretary of State February 5, 1993.

93-029
ENGINEERS WEEK

Whereas, the engineering community of this state has provided a wealth of innovation in the fields of agriculture, industry, transportation, construction, and education; and

Whereas, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and

Whereas, in order to emphasize the role of professional engineers in our society, the 1993 theme for National Engineers Week is "Engineers: Turning Ideas Into Reality";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 14-20, 1993, as ENGINEERS WEEK in Illinois in conjunction with the national observance and in recognition of the indispensable contributions engineers have made in the past and will continue to make in the future.

Issued by the Governor January 28, 1993.

Filed with the Secretary of State February 5, 1993.

93-030
FUTURE BUSINESS LEADERS OF AMERICA-
PHI BETA LAMBDA WEEK

Whereas, the State of Illinois recognizes the youth of our nation as the foundation of America's thriving business

structure; and

Whereas, Future Business Leaders of America-Phi Beta Lambda represent nearly 200,000 young men and women who have an enthusiastic interest in the business world. In Illinois, there are 3,500 members from 90 high schools and 15 colleges; and

Whereas, this national organization provides a valuable service to our communities and our young people by encouraging the development of competent, aggressive business leadership; strengthening students' self-confidence; creating a greater understanding of American enterprise; and facilitating the transition from school to work;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 14-20, 1993, as FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA WEEK in Illinois in conjunction with the national observance.

Issued by the Governor January 28, 1993.
Filed with the Secretary of State February 5, 1993.

93-031
MELBA JOHNSON DAY

Whereas, Melba Johnson is a long-time friend of the Edgar family; and

Whereas, Melba and her husband R. C. once lived in the Illinois metropolis of Charleston, where they became acquainted with Betty Edgar, who was R.C.'s secretary; Fred Edgar; and soon-to-be Secretary of State and Governor Jim Edgar; and

Whereas, Melba worked for the office of the Illinois Secretary of State in the late 1980s, where she shaped up the driver services and customer services divisions; and

Whereas, having foreseen my daughter's interest in attending Miami University, I strategically stationed the Johnsons in Oxford, Ohio, in 1990 -- Melba in the customer service training office and R. C. as athletic director, both at the University;

Whereas, Melba and R.C. have become our ears and eyes in Oxford, and gracious hosts to Brenda and I when we visit the college campus; and

Whereas, Melba will reach the illustrious age of 50 on February 2, and the Johnsons are marking the occasion with a birthday party on January 30;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 2, 1993, MELBA JOHNSON DAY in Illinois and wish her nothing but the best in the years to come.

Issued by the Governor January 28, 1993.
Filed with the Secretary of State February 5, 1993.

93-032

NUTRITION MONTH

Whereas, the Illinois Department of Public Health, along with nutrition professionals throughout Illinois and the United States, is promoting good nutrition; and

Whereas, there is a need to encourage our citizens to practice sound eating habits throughout the year in order to achieve optimum health; and

Whereas, in keeping with the theme of the national observance -- "Eat Right, America" -- all Illinoisans should become aware that proper nutrition is vital at all stages of life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1993 as NUTRITION MONTH in Illinois and urge citizens to increase their awareness of the significance of good nutrition.

93-033

BLACK NURSES' DAY

Whereas, black nurses from all areas of the nursing profession seek to continue their commitment and dedication of service to this highly respected profession; and

Whereas, black nurses directly and indirectly influence the health care of people in Illinois, the United States, and around the world; and

Whereas, since the inception of the National Black Nurses' Association, Inc., in Akron, Ohio, in 1971, members have adhered to the philosophy of "Excellence of Service"; and

Whereas, the National Black Nurses' Association, Inc. continues to perpetuate a public awareness of the outstanding contributions made by black nurses in the nursing profession and to the health care industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 5, 1993, as BLACK NURSES' DAY in Illinois, and I wish the National Black Nurses' Association, Inc. success in all of its endeavors.

Issued by the Governor February 1, 1993.
Filed with the Secretary of State February 5, 1993.

93-034

CHILD PASSENGER SAFETY AWARENESS WEEK

Whereas, 1993 is the 10th anniversary of the enactment of the Child Passenger Protection Law in Illinois; and

Whereas, all 50 states, the District of Columbia, and Puerto Rico have enacted laws requiring the use of child passenger protection systems; and

Whereas, more children in the United States are killed and crippled in motor vehicle crashes than from any other cause of injury; and

Whereas, when used correctly, child safety seats are 70 percent effective in preventing fatalities and serious injuries. An estimated 53,000 serious injuries and 500 lives would be saved each year if child safety seats were used on a nationwide basis; and

Whereas, in Illinois, children under age four must be secured in an approved child restraint system. Four- and five-year-olds must be secured either in a safety seat or by a safety belt; and

Whereas, parents or legal guardians of children under the age of four years are responsible for providing a child safety seat to anyone who transports his or her child;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8-14, 1993, as CHILD PASSENGER SAFETY AWARENESS WEEK in Illinois in recognition of every child's right to adequate protection when riding in a motor vehicle. I encourage everyone to be aware of the lifesaving benefits of the proper use of child safety seats and safety belts to protect against the risk of death or injury on every ride.

Issued by the Governor February 4, 1993.

Filed with the Secretary of State February 5, 1993.

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CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (E-1658)
 17 Ill. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season (P-15260/92; A-281)
 17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286)

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 (PP-1666)

CRIMINAL JUSTICE INFORMATION AUTHORITY

- 4 Ill. Adm. Code 150 Americans With Disabilities Act Grievance Procedure (P-1263)

DEVELOPMENT FINANCE AUTHORITY, ILLINOIS

- 14 Ill. Adm. Code 1230 Employee Ownership Assistance Program (P-9222/92; A-1859)

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

- 23 Ill. Adm. Code 2310 Functions & Planning Program (P-1691)

EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 228 Transitional Bilingual Education (P-9253/92; A-104)

EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2840 Claimant's Reason For Separation From Work (P-886)
 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15625/92; A-295)
 56 Ill. Adm. Code 2732 Employment (P-211)
 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-12006/92; A-308) (P-15638/92; A-614)

ENVIRONMENTAL PROTECTION AGENCY

- 35 Ill. Adm. Code 876 Processing of Claims for Payment from the Underground Storage Tank Fund (E-16191; O-18856; M-2438)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

- 38 Ill. Adm. Code 180 Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123)

FIRE MARSHAL, OFFICE OF THE STATE

- 4 Ill. Adm. Code 200 Americans With Disabilities Act Grievance Procedure (P-1954/92; A-2200)
 41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (E-1186)

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

- 77 Ill. Adm. Code 2510 Data Collection (P-1695) (E-2031)

HIGHER EDUCATION, BOARD OF

- 4 Ill. Adm. Code 975 Americans With Disabilities Act Grievance Procedure (A-19806/92; CC-1673)

HISTORIC PRESERVATION AGENCY, ILLINOIS

- 17 Ill. Adm. Code 4180 Rules for Review of State Agency Undertakings (P-13718/92; A-1521)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

- 47 Ill. Adm. Code 370 National Affordable Housing Act (HOME) Program (P-11713/92; A-319)

HUMAN RIGHTS, DEPARTMENT OF

- 56 Ill. Adm. Code 2520 Procedural (P-10)

INDUSTRIAL COMMISSION, ILLINOIS

- 50 Ill. Adm. Code 7020 Pre-Arbitration (P14511/92; A-2206)

INSURANCE, DEPARTMENT OF

- 50 Ill. Adm. Code 927 Anticipated Salvage & Subrogation Recoverable (P-2106)
 50 Ill. Adm. Code 932 Automobile Anti-Theft Mechanisms (P-7279/92; O-1240)
 50 Ill. Adm. Code 805 Financial Futures Contracts (P-42) (E-154)
 50 Ill. Adm. Code 2013 Group Coverage Discontinuance & Replacement (P-10375/92; A-1525)
 50 Ill. Adm. Code 2015 Infertility Coverage (P-696)
 50 Ill. Adm. Code 802 Purchasing & Selling Call & Put Options Contracts (P-44) (E-163)

LABOR, DEPARTMENT OF

- 56 Ill. Adm. Code 350 Health & Safety (P-3780/92; O-180; R-1239; A-1074)

MINES AND MINERALS, DEPARTMENT OF

- 62 Ill. Adm. Code 240 Ill. Oil & Gas Act, The (E-1195) (P-13722/92; A-2217)
 44 Ill. Adm. Code 610 Plugging & Restoration Contracts (P-1697)

POLLUTION CONTROL BOARD

- 35 Ill. Adm. Code 615 Existing Activities In A Setback Zone or Regulated Recharge Area (P-16465/92; A-1871)
 35 Ill. Adm. Code 616 New Activities In A Setback Zone or Regulated Recharge Area (P-16473/92; A-1878)

PROFESSIONAL REGULATION, DEPARTMENT OF

- 4 Ill. Adm. Code 275 Americans With Disabilities Act Grievance Procedure (A-7003/92; CC-1673)
 68 Ill. Adm. Code 1210 Collection Agency Act (P-16374/92; A-1535)
 68 Ill. Adm. Code 1150 Ill. Architecture Practice Act of 1989 (P-17042/92; A-1554)
 68 Ill. Adm. Code 1220 Ill. Dental Practice Act (P-15762/92; A-1559) (P-1708)
 68 Ill. Adm. Code 1300 Ill. Nursing Act of 1987 (P-16484/92; A-1572)
 68 Ill. Adm. Code 1465 Ill. Speech-Language Pathology & Audiology Practice Act, The (P-890)
 68 Ill. Adm. Code 1240 Private Detective, Private Alarm & Private Security Act of 1983 (P-15775/92; A-1579)
 68 Ill. Adm. Code 1455 Real Estate Appraiser Certification (P-15785/92; A-1589)

PUBLIC AID, DEPARTMENT OF

- 89 Ill. Adm. Code 112 Aid to Families With Dependent Children (P-46) (P-3335/92; A-357) (P-13381/92; A-813) (P-15277/92; A-2253)
 89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-702) (P-13383/92; A-827) (P-14999/92; A-2263)
 89 Ill. Adm. Code 110 Application Process (P-13207/92; A-640)

RACING BOARD, ILLINOIS
11 Ill. Adm. Code 1413
Entries, Subscriptions & Declarations (P-13218/92; A-1628)
Jockeys, Apprentices, Jockey Agents, & Valets (P-1372)
Violations (P-1728)

REHABILITATIONS SERVICES, DEPARTMENT OF
4 Ill. Adm. Code 300
Americans With Disabilities Act Grievance Procedure (A-15102/92; CC-1673)
Client Responsibilities (P-943)
89 Ill. Adm. Code 567
Comparable Benefits (P-10403/92; A-149)
Confidentiality of Information (P-1731)
89 Ill. Adm. Code 525
Grants & Contracts (P-947)
89 Ill. Adm. Code 730
Ill. Visually Handicapped Institute (P-10397/92; A-425)
Medical, Psychological, & Related Services (P-952)
Rules of Conduct (P-77)
Training Services (P-1375)
89 Ill. Adm. Code 592

REVENUE, DEPARTMENT OF
86 Ill. Adm. Code 210
Board of Appeals (E-665)
86 Ill. Adm. Code 105
Electronic Filing of Ill. Individual Income Tax Returns (P-219) (E-445)
Income Tax (P-222) (E-473)
86 Ill. Adm. Code 130
Retailers' Occupation Tax (P-14554/92; A-860)
Use Tax (P-14563/92; A-1947)
86 Ill. Adm. Code 150

SECRETARY OF STATE
92 Ill. Adm. Code 1040
Cancellation, Revocation or Suspension of Licenses or Permits (P-1747) (P-2128)
80 Ill. Adm. Code 420
Department of Personnel (P-15342/92; A-1652)
92 Ill. Adm. Code 1030
Issuance of Licenses (P-956) (E-1219) (P-17229/92; A-2025) (P-1752)
Literacy Grant Program (P-958)
92 Ill. Adm. Code 1001
Procedures & Standards (1758) (E-2047)
Revised Uniform Limited Partnership Act (P-13784/92; A-427)
14 Ill. Adm. Code 170

STATE POLICE MERIT BOARD
80 Ill. Adm. Code 150
Procedures of the Department of State Police Merit Board (E-17372/92; RC-181)

STATE TOLL HIGHWAY AUTHORITY, ILLINOIS
92 Ill. Adm. Code 2520
State Toll Highway Rules (P-542)
92 Ill. Adm. Code 2520
State Toll Highway Rules, Repeal of (P-566)

STUDENT ASSISTANCE COMMISSION, ILLINOIS
23 Ill. Adm. Code 2731
Correctional Officer's Grant Program (P-1381)
General Provisions (P-1385)
23 Ill. Adm. Code 2700
Guaranteed Loan Programs (P-1403) (E-2055)
23 Ill. Adm. Code 2730
Ill. National Guard Grant (P-1437)
23 Ill. Adm. Code 2733
Ill. Veteran Grant (IVG) Program (P-1444)

PUBLIC AID, DEPARTMENT OF (CONTD)
89 Ill. Adm. Code 160
Child Support Enforcement (P-8892/92; A-2272)
89 Ill. Adm. Code 165
Collections & Recoveries (P-2110)
89 Ill. Adm. Code 116
Crisis Assistance (P-13764/92; A-1078)
89 Ill. Adm. Code 144
Developmental Disabilities Service (P-899)
89 Ill. Adm. Code 121
Food Stamps (P-13385/92; A-644)
89 Ill. Adm. Code 114
General Assistance (P-13395/92; A-1091) (P-15008/92; A-2277)
(P-15287/92; A-2277)
89 Ill. Adm. Code 148
Hospital Services (P-10868/92; A-131)
89 Ill. Adm. Code 120
Medical Assistance Programs (P-711) (P-14544/92; A-1102) (P-2114)
Medical Payment (P-62) (P-13211/92; A-837) (P-7576/92; A-1112) (P-13397/92;
O-1241; R-2436; A-2290)
89 Ill. Adm. Code 104
Practice in Administrative Hearings (P-540) (E-659)
89 Ill. Adm. Code 147
Reimbursement for Nursing Costs for Geriatric Facilities (P-13215/92; A-1128)
(P-1716)
89 Ill. Adm. Code 117
Related Program Provisions (P-2126) (E-2368)
89 Ill. Adm. Code 103
Support Responsibility of Relatives (P-14178/92; A-655)

PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD
77 Ill. Adm. Code 1235
Health Care Worker Self-Referral (E-432) (P-683)
77 Ill. Adm. Code 1120
Health Facilities Planning Financial & Economic Feasibility Review (E-5205/92;
RC-1244)

PUBLIC HEALTH, DEPARTMENT OF
77 Ill. Adm. Code 697
AIDS Confidentiality Testing Code (E-1204)
77 Ill. Adm. Code 694
College Immunization Code (P-13414/92; A-2306)
77 Ill. Adm. Code 693
Control of Sexually Transmissible Diseases Code (E-1213)
77 Ill. Adm. Code 750
Food Service Sanitation Code (P-723)
77 Ill. Adm. Code 775
Grade A Pasteurized Milk & Milk Products (P-906)
77 Ill. Adm. Code 1130
Health Facilities Planning Procedural Rules (P-4755/92; O-1242)
77 Ill. Adm. Code 250
Hospital Licensing Requirements (P-2016/92; A-1614)
77 Ill. Adm. Code 840
Ill. Health & Hazardous Substances Registry (P-4329/92; A-2319)
77 Ill. Adm. Code 245
Ill. Home Health Agency Code (P-747)
77 Ill. Adm. Code 350
Intermediate Care for the Developmentally Disabled Facilities Code (P-4791/92;
A-2351) (P-1269) (E-2373)

77 Ill. Adm. Code 845
Lead Poisoning Prevention Code (P-12314/92; A-1884; O-1243; M-2073)
77 Ill. Adm. Code 390
Long-Term Care for Under Age 22 Facilities Code (P-1296) (E-2390)
77 Ill. Adm. Code 785
Manufactured Dairy Products (P-920)
77 Ill. Adm. Code 661
Newborn Metabolic Screening & Treatment Code (P-757)
68 Ill. Adm. Code 750
Plumbers Licensing Code (P-15056/92; A-417)
77 Ill. Adm. Code 845
Prevention of Lead Poisoning (P-12314/92; O-1243)
77 Ill. Adm. Code 330
Sheltered Care Facilities Code (P-1321) (E-2405)
77 Ill. Adm. Code 300
Skilled Nursing & Intermediate Care Facilities Code (P-1346) (E-2420)

STUDENT ASSISTANCE COMMISSION, ILLINOIS (CONT'D)

23 Ill. Adm. Code 2761	Merit Recognition Scholarship (MRS) Program (P-1453)	
23 Ill. Adm. Code 2763	Minority Teachers of Ill. (MTI) Scholarship Program (E-175) (P-1459)	
23 Ill. Adm. Code 2735	Monetary Award Program (P-1470)	
23 Ill. Adm. Code 2762	Paul Douglas Teacher Scholarship Program (P-1484)	
23 Ill. Adm. Code 2732	Police Officer/Fire Officer Grant Program (P-1493)	
23 Ill. Adm. Code 2760	State Scholar Program (P-1497)	
23 Ill. Adm. Code 2770	Student to Student (STS) Program of Matching Grants (P-1505)	

TRANSPORTATION, DEPARTMENT OF

4 Ill. Adm. Code 750	Americans With Disabilities Act Grievance Procedure (A-11418/92; CC-1673)	
92 Ill. Adm. Code 522	Control of Outdoor Advertising Adjacent to Primary & Interstate Highways (P-981)	
92 Ill. Adm. Code 67	Morris Municipal Airport Hazard Zoning (P-1767)	
92 Ill. Adm. Code 77	Scott Joint-Use Airport Hazard Zoning (P-1789)	
92 Ill. Adm. Code 453	Specifications for Seat Safety Belts (P-2186)	

TREASURER

74 Ill. Adm. Code 750	Home Ownership Made Easy Act (P-777) (PR-762)	
74 Ill. Adm. Code 740	Ill. Public Treasurers' Investment Pool for Public Treasurers in the State of Ill. (P-585)	
80 Ill. Adm. Code 620	Merit & Fitness (P-91) (W-869)	
74 Ill. Adm. Code 730	Smart Money Program Confidentiality Requirements (PP-1671)	

UNIVERSITY OF ILLINOIS, BOARD OF TRUSTEES OF THE

39 Ill. Adm. Code 1200	Program Content & Guidelines for Division of Specialized Care for Children (P-15354/92; A-1137)	
------------------------	---	--

VETERANS' AFFAIRS, DEPARTMENT OF

4 Ill. Adm. Code 325	Americans With Disabilities Act Grievance Procedure (A-8565/92; CC-1673)	
----------------------	--	--

WATER POLLUTION CONTROL BOARD

Notice of Acceptance of an Application by the Illinois Department of Transportation for the Construction of a Water Pollution Control Plant at the Illinois State Fairgrounds, Chicago, Ill.	681
--	-----

WATER POLLUTION CONTROL BOARD

BANKS & TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by CNB Bancshares, Inc., Evansville, Indiana, to Acquire South Central Ill. Bancorp, Inc., Effingham, Ill.	2079
Notice of Acceptance of an Application by First of America Bank Corporation, Kalamazoo, Michigan, to Acquire Kewanee Investing Company, Inc., Kewanee, Ill.	2080

PUBLIC INFORMATION (CONT'D)

BANKS & TRUST COMPANIES, COMMISSIONER OF (CONT'D)

Notice of Acceptance of An Application by Mercantile Bancorporation, Inc., St. Louis, Missouri, to Acquire First National Bank of Flora, Flora, Ill.	2081
--	------

EDUCATION, STATE BOARD OF

State Plan for Fiscal Years 1993-95, Amendment	2082
--	------

ENVIRONMENTAL PROTECTION AGENCY

Listing of Derived Water Quality Criteria; 35 Ill. Adm. Code 302	507
--	-----

LOTTERY, DEPARTMENT OF THE

List of Game-Specific Materials Published by the Lottery in 1992	870
--	-----

POLLUTION CONTROL BOARD

Notice Pursuant to Ill. Rev. Stat. 1991, Ch. 111 1/2, Par. 1007.2(b)	872
Notice Pursuant to Ill. Rev. Stat. 1991, Ch. 111 1/2, Par. 1007.2(b) Contingency Plan Rules Pursuant to Section 22.7	874
Notice Pursuant to Ill. Rev. Stat. 1991, Ch. 111 1/2, Par. 1007.2(b) RCRA Rules Pursuant to Section 22.4(a)	877

REGULATORY FLEXIBILITY ANALYSIS

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

Notice of Regulatory Flexibility Analysis	1675
---	------

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Agenda for January 12, 1993	510
Agenda for the Meeting of February 17, 1993	1676

SECOND NOTICES RECEIVED

182, 517, 682, 878, 1245, 1682, 2096, 2442,

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

92-7 Sexual Harassment in State Agencies	518
--	-----

PROCLAMATIONS

92-554 Dave Magee Day	185
92-555 Robert Beckwith Day	185
92-556 Arnold Kanter Day	186

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ILLINOIS REGISTER

Volume 17, Issue #8 SECTIONS AFFECTED INDEX February 19, 1993

FILE 1			TITLE 4 (CONT'D)		
300.100	am	(P-11391/92; A-1511)	1075.70	n	(P-14182/92; A-142)
300.200	am	(P-11391/92; A-1511)	TITLE 8		
300.300	r	(P-11391/92; A-1511)	65.10	am	(P-527)
300.400	am	(P-11391/92; A-1511)	65.100	am	(P-527)
300.Ap.A	r	(P-11391/92; A-1511)	65.130	am	(P-527)
FILE 4			65.140	am	(P-527)
125.10	n	(P-2283/92; A-1811)	65.150	am	(P-527)
125.20	n	(P-2283/92; A-1811)	65.170	am	(P-527)
125.30	n	(P-2283/92; A-1811)	65.190	am	(P-527)
125.40	n	(P-2283/92; A-1811)	65.200	am	(P-527)
125.50	n	(P-2283/92; A-1811)	65.210	am	(P-527)
125.60	n	(P-2283/92; A-1811)	65.220	am	(P-527)
125.70	n	(P-2283/92; A-1811)	65.230	am	(P-527)
125.80	n	(P-2283/92; A-1811)	125.270	am	(PP-2063)
125.Ap.A	n	(P-2283/92; A-1811)	125.390	am	(PP-2063)
150.10	n	(P-1263)	256.10	n	(P-14975/92; A-2189)
150.20	n	(P-1263)	256.20	n	(P-14975/92; A-2189)
150.30	n	(P-1263)	256.30	n	(P-14975/92; A-2189)
150.40	n	(P-1263)	256.40	n	(P-14975/92; A-2189)
150.50	n	(P-1263)	256.50	n	(P-14975/92; A-2189)
150.60	n	(P-1263)	256.60	n	(P-14975/92; A-2189)
200.1	n	(P-1954/92; A-2200)	256.70	n	(P-14975/92; A-2189)
200.2	n	(P-1954/92; A-2200)	256.80	n	(P-14975/92; A-2189)
200.20	n	(P-1954/92; A-2200)	256.90	n	(P-14975/92; A-2189)
200.30	n	(P-1954/92; A-2200)	750.10	n	(P-1251)
200.50	n	(P-1954/92; A-2200)	750.20	n	(P-1251)
200.60	n	(P-1954/92; A-2200)	750.30	n	(P-1251)
200.70	n	(P-1954/92; A-2200)	750.40	n	(P-1251)
275		(A-7003/92; CC-1673)	TITLE 11		
300		(A-15102/92; CC-1673)	1303.70	am	(P-1728)
325		(A-8565/92; CC-1673)	1411.250	n	(P-1372)
375		(A-15976/92; CC-1673)	1413.150	am	(P-13218/92; A-1628)
400		(A-12439/92; CC-1673)	TITLE 14		
475		(A-10423/92; CC-1673)	170.20	am	(P-13784/92; A-427)
500		(A-11426/92; CC-1673)	520.920	am	(P-13691/92; A-1837)
550		(A-11744/92; CC-1673)	520.930	am	(P-13691/92; A-1837)
575		(A-14621/92; CC-1673)	520.1020	am	(P-13691/92; A-1837)
725		(A-11432/92; CC-1673)	520.1030	am	(P-13691/92; A-1837)
750		(A-11418/92; CC-1673)	1230.100	n	(P-9222/92; A-1859)
975		(A-19806/92; CC-1673)	1230.110	n	(P-9222/92; A-1859)
1000		(A-20092/92; CC-1673)	1230.200	n	(P-9222/92; A-1859)
1075.1	n	(P-14182/92; A-142)	1230.210	n	(P-9222/92; A-1859)
1075.20	n	(P-14182/92; A-142)	1230.300	n	(P-9222/92; A-1859)
1075.30	n	(P-14182/92; A-142)	1230.310	n	(P-9222/92; A-1859)
1075.40	n	(P-14182/92; A-142)	1230.500	n	(P-9222/92; A-1859)
1075.50	n	(P-14182/92; A-142)			
1075.60	n	(P-14182/92; A-142)			

ILLINOIS REGISTER

Volume 17, Issue #8 SECTIONS AFFECTED INDEX February 19, 1993

TITLE 14 (CONT'D)			2720.90	am	(P-1403)
1230.500	n	(P-9222/92; A-1859)	2720.105	am	(P-1403)
1230.510	n	(P-9222/92; A-1859)	2720.120	am	(P-1403)
1230.520	n	(P-9222/92; A-1859)	2720.130	am	(P-1403)
1230.530	n	(P-9222/92; A-1859)	2720.200	am	(P-1403)
1230.540	n	(P-9222/92; A-1859)	2720.210	am	(P-1403)
TITLE 17			2720.Ap.A	am	(P-1403)
590.10	am	(E-1658)	2730.5	am	(P-1437)
670.10	am	(P-15265/92; A-286)	2730.10	am	(P-1437)
670.60	am	(P-15265/92; A-286)	2730.20	am	(P-1437)
720.10	am	(P-15260/92; A-281)	2731.10	am	(P-1381)
720.40	am	(P-15260/92; A-281)	2731.20	am	(P-1381)
4180.120	am	(P-13718/92; A-1521)	2732.10	am	(P-1493)
TITLE 20			2732.20	am	(P-1493)
440.10	r	(P-16371/92; A-1519)	2733.10	am	(P-1444)
440.20	r	(P-16371/92; A-1519)	2733.20	am	(P-1444)
525.140	am	(PP-1666)	2733.30	am	(P-1444)
TITLE 23			2735.10	am	(P-1470)
228.15	n	(P-9253/92; A-104)	2735.20	am	(P-1470)
228.20	am	(P-9253/92; A-104)	2735.30	am	(P-1470)
228.25	n	(P-9253/92; A-104)	2735.40	am	(P-1470)
228.30	am	(P-9253/92; A-104)	2735.50	am	(P-1470)
228.50	am	(P-9253/92; A-104)	2735.60	am	(P-1470)
1501.518	n	(P-12274/92; A-1853)	2735.70	am	(P-1470)
2310.80	am	(P-1691)	2735.80	am	(P-1470)
2700.20	am	(P-1385)	2735.100	am	(P-1470)
2700.30	am	(P-1385)	2760.5	am	(P-1497)
2700.40	am	(P-1385)	2760.10	am	(P-1497)
2700.50	am	(P-1385)	2760.30	am	(P-1497)
2700.55	am	(P-1385)	2760.40	am	(P-1497)
2700.60	am	(P-1385)	2761.10	am	(P-1453)
2700.70	am	(P-1385)	2761.20	am	(P-1453)
2720.5	am	(P-1403)	2761.30	am	(P-1453)
2720.6	am	(P-1403)	2762.10	am	(P-1484)
2720.10	am	(P-1403)	2762.20	am	(P-1484)
2720.20	am	(P-1403)	2762.30	am	(P-1484)
2720.25	am	(P-1403)	2762.40	am	(P-1484)
2720.30	am	(P-1403)	2762.10	am	(P-1459)
2720.40	am	(P-1403) (E-2055)	2763.20	am	(E-175) (P-1459)
2720.41	am	(P-1403)	2763.30	am	(P-1459)
2720.42	am	(P-1403)	2763.40	am	(P-1459)
2720.50	am	(P-1403)	2763.50	am	(P-1459)
2720.55	am	(P-1403)	2770.10	am	(P-1505)
2720.60	am	(P-1403)	2770.20	am	(P-1505)
2720.70	am	(P-1403)	2770.30	am	(P-1505)
2720.80	am	(P-1403)	3040.100	am	(P-958)
			3040.110	am	(P-958)
			3040.120	am	(P-958)

ILLINOIS REGISTER

Volume 17, Issue #8 SECTIONS AFFECTED INDEX February 19, 1993

TITLE 23 (CONT'D)

3040.130	am	(P-958)	610.250	n	(P-1697)
3040.140	am	(P-958)	610.270	n	(P-1697)
3040.150	am	(P-958)	610.280	n	(P-1697)
3040.160	am	(P-958)	610.300	n	(P-1697)
3040.170	am	(P-958)	610.310	n	(P-1697)
3040.200	am	(P-958)	610.320	n	(P-1697)
3040.210	am	(P-958)	610.330	n	(P-1697)
3040.220	am	(P-958)	610.340	n	(P-1697)
3040.230	am	(P-958)	610.350	n	(P-1697)
3040.240	am	(P-958)	5000.230	am	(P-2105) (E-2361)
3040.250	am	(P-958)	5000.900	n	(P-11378/92; A-1006)
3040.260	am	(P-958)	5000.910	n	(P-11378/92; A-1006)
615.105	am	(P-16465/92; A-1871)	5000.930	n	(P-11378/92; A-1006)
616.105	am	(P-16473/92; A-1878)	5000.940	n	(P-11378/92; A-1006)
876.200	n	(E-16191/92; O-18856/92;	5000.950	n	(P-11378/92; A-1006)
		RC-18857/92; M-2438)	5000.970	n	(P-11378/92; A-1006)
		(P-18890/92)	5000.App.B	n	(P-11378/92; A-1006)

TITLE 35

3040.260	am	(P-958)	5000.920	n	(P-11378/92; A-1006)
3040.250	am	(P-958)	5000.930	n	(P-11378/92; A-1006)
3040.240	am	(P-958)	5000.940	n	(P-11378/92; A-1006)
3040.230	am	(P-958)	5000.950	n	(P-11378/92; A-1006)
3040.220	am	(P-958)	5000.960	n	(P-11378/92; A-1006)
3040.210	am	(P-958)	5000.970	n	(P-11378/92; A-1006)

TITLE 41

180.100	am	(P-14006/92; A-123)	130.80	r	(P-1)
180.94	n	(P-14006/92; A-123)	130.70	r	(P-1)
180.92	n	(P-14006/92; A-123)	130.60	r	(P-1)
180.30	am	(P-14006/92; A-123)	130.50	r	(P-1)
180.24	n	(P-14006/92; A-123)	130.40	r	(P-1)
180.22	n	(P-14006/92; A-123)	130.30	r	(P-1)
180.10	am	(P-14006/92; A-123)	130.20	r	(P-1)
			130.10	r	(P-1)
			130.100	r	(P-1)
		(E-1186)	130.110	r	(P-1)

1.100	am	(P-12808/92; A-600)	370.101	n	(P-11713/92; A-319)
1.350	am	(P-12808/92; A-600)	370.102	n	(P-11713/92; A-319)
1.515	am	(P-12808/92; A-600)	370.103	n	(P-11713/92; A-319)
1.515	n	(P-12808/92; A-600)	370.104	n	(P-11713/92; A-319)
1.530	am	(P-12808/92; A-600)	370.105	n	(P-11713/92; A-319)
1.610	am	(P-12808/92; A-600)	370.106	n	(P-11713/92; A-319)
1.620	am	(P-12808/92; A-600)	370.107	n	(P-11713/92; A-319)
1.630	am	(P-12808/92; A-600)	370.108	n	(P-11713/92; A-319)
610.100	n	(P-1697)	370.109	n	(P-11713/92; A-319)
610.110	n	(P-1697)	370.110	n	(P-11713/92; A-319)
610.120	n	(P-1697)	370.111	n	(P-11713/92; A-319)
610.200	n	(P-1697)	370.112	n	(P-11713/92; A-319)
610.210	n	(P-1697)	370.113	n	(P-11713/92; A-319)
610.220	n	(P-1697)	370.201	n	(P-11713/92; A-319)
610.230	n	(P-1697)	370.202	n	(P-11713/92; A-319)
610.240	n	(P-1697)	370.203	n	(P-11713/92; A-319)

SAI-3

TITLE 47 (CONT'D)

370.204	n	(P-11713/92; A-319)	370.204	n	(P-11713/92; A-319)
370.205	n	(P-11713/92; A-319)	370.205	n	(P-11713/92; A-319)
370.206	n	(P-11713/92; A-319)	370.206	n	(P-11713/92; A-319)
370.207	n	(P-11713/92; A-319)	370.207	n	(P-11713/92; A-319)
370.208	n	(P-11713/92; A-319)	370.208	n	(P-11713/92; A-319)
370.209	n	(P-11713/92; A-319)	370.209	n	(P-11713/92; A-319)
370.210	n	(P-11713/92; A-319)	370.210	n	(P-11713/92; A-319)
370.211	n	(P-11713/92; A-319)	370.211	n	(P-11713/92; A-319)
370.212	n	(P-11713/92; A-319)	370.212	n	(P-11713/92; A-319)
370.301	n	(P-11713/92; A-319)	370.301	n	(P-11713/92; A-319)
370.302	n	(P-11713/92; A-319)	370.302	n	(P-11713/92; A-319)
370.303	n	(P-11713/92; A-319)	370.303	n	(P-11713/92; A-319)
370.304	n	(P-11713/92; A-319)	370.304	n	(P-11713/92; A-319)
370.305	n	(P-11713/92; A-319)	370.305	n	(P-11713/92; A-319)
370.401	n	(P-11713/92; A-319)	370.401	n	(P-11713/92; A-319)
370.402	n	(P-11713/92; A-319)	370.402	n	(P-11713/92; A-319)
370.501	n	(P-11713/92; A-319)	370.501	n	(P-11713/92; A-319)
370.502	n	(P-11713/92; A-319)	370.502	n	(P-11713/92; A-319)
370.503	n	(P-11713/92; A-319)	370.503	n	(P-11713/92; A-319)
370.504	n	(P-11713/92; A-319)	370.504	n	(P-11713/92; A-319)
370.505	n	(P-11713/92; A-319)	370.505	n	(P-11713/92; A-319)
370.506	n	(P-11713/92; A-319)	370.506	n	(P-11713/92; A-319)
370.507	n	(P-11713/92; A-319)	370.507	n	(P-11713/92; A-319)
370.601	n	(P-11713/92; A-319)	370.601	n	(P-11713/92; A-319)
370.602	n	(P-11713/92; A-319)	370.602	n	(P-11713/92; A-319)
370.603	n	(P-11713/92; A-319)	370.603	n	(P-11713/92; A-319)
370.604	n	(P-11713/92; A-319)	370.604	n	(P-11713/92; A-319)
370.605	n	(P-11713/92; A-319)	370.605	n	(P-11713/92; A-319)
370.701	n	(P-11713/92; A-319)	370.701	n	(P-11713/92; A-319)
370.702	n	(P-11713/92; A-319)	370.702	n	(P-11713/92; A-319)
370.703	n	(P-11713/92; A-319)	370.703	n	(P-11713/92; A-319)
370.704	n	(P-11713/92; A-319)	370.704	n	(P-11713/92; A-319)
370.705	n	(P-11713/92; A-319)	370.705	n	(P-11713/92; A-319)
370.706	n	(P-11713/92; A-319)	370.706	n	(P-11713/92; A-319)
370.707	n	(P-11713/92; A-319)	370.707	n	(P-11713/92; A-319)
370.801	n	(P-11713/92; A-319)	370.801	n	(P-11713/92; A-319)
370.802	n	(P-11713/92; A-319)	370.802	n	(P-11713/92; A-319)
370.901	n	(P-11713/92; A-319)	370.901	n	(P-11713/92; A-319)
370.902	n	(P-11713/92; A-319)	370.902	n	(P-11713/92; A-319)
370.903	n	(P-11713/92; A-319)	370.903	n	(P-11713/92; A-319)
370.904	n	(P-11713/92; A-319)	370.904	n	(P-11713/92; A-319)
370.1001	n	(P-11713/92; A-319)	370.1001	n	(P-11713/92; A-319)
370.1002	n	(P-11713/92; A-319)	370.1002	n	(P-11713/92; A-319)
370.1003	n	(P-11713/92; A-319)	370.1003	n	(P-11713/92; A-319)
370.1004	n	(P-11713/92; A-319)	370.1004	n	(P-11713/92; A-319)
370.1005	n	(P-11713/92; A-319)	370.1005	n	(P-11713/92; A-319)
370.1006	n	(P-11713/92; A-319)	370.1006	n	(P-11713/92; A-319)
370.1007	n	(P-11713/92; A-319)	370.1007	n	(P-11713/92; A-319)

SAI-4

TITLE 50

802.10	am	(P-44) (E-163)	802.10	n	(P-11713/92; A-319)
802.20	am	(P-44) (E-163)	802.20	n	(P-11713/92; A-319)
802.30	am	(P-44) (E-163)	802.30	n	(P-11713/92; A-319)
802.40	am	(P-44) (E-163)	802.40	n	(P-11713/92; A-319)
802.50	am	(P-44) (E-163)	802.50	n	(P-11713/92; A-319)
802.60	am	(P-44) (E-163)	802.60	n	(P-11713/92; A-319)
802.70	am	(P-44) (E-163)	802.70	n	(P-11713/92; A-319)
802.80	am	(P-44) (E-163)	802.80	n	(P-11713/92; A-319)
805.10	am	(P-42) (E-154)	805.10	n	(P-11713/92; A-319)
805.20	am	(P-42) (E-154)	805.20	n	(P-11713/92; A-319)
805.30	am	(P-42) (E-154)	805.30	n	(P-11713/92; A-319)
805.40	am	(P-42) (E-154)	805.40	n	(P-11713/92; A-319)
805.50	am	(P-42) (E-154)	805.50	n	(P-11713/92; A-319)
805.60	am	(P-42) (E-154)	805.60	n	(P-11713/92; A-319)
805.70	am	(P-42) (E-154)	805.70	n	(P-11713/92; A-319)
927.10	am	(P-2106)	927.10	n	(P-11713/92; A-319)
927.20	am	(P-2106)	927.20	n	(P-11713/92; A-319)
927.30	am	(P-2106)	927.30	n	(P-11713/92; A-319)
932.20	am	(P-27279/92; O-1240)	932.20	n	(P-11713/92; A-319)
932.40	am	(P-27279/92; O-1240)	932.40	n	(P-11713/92; A-319)
932.60	am	(P-27279/92; O-1240)	932.60	n	(P-11713/92; A-319)
2013.10	am	(P-10375/92; A-1525)	2013.10	n	(P-11713/92; A-319)
2013.20	am	(P-10375/92; A-1525)	2013.20	n	(P-11713/92; A-319)
2013.30	am	(P-10375/92; A-1525)	2013.30	n	(P-11713/92; A-319)
2013.40	am	(P-10375/92; A-1525)	2013.40	n	(P-11713/92; A-319)
2013.50	am	(P-10375/92; A-1525)	2013.50	n	(P-11713/92; A-319)
2013.60	am	(P-10375/92; A-1525)	2013.60	n	(P-11713/92; A-319)
2013.70	am	(P-10375/92; A-1525)	2013.70	n	(P-11713/92; A-319)
2015.20	n	(P-696)	2015.20	n	(P-11713/92; A-319)
2015.30	n	(P-696)	2015.30	n	(P-11713/92; A-319)
2015.40	n	(P-696)	2015.40	n	(P-11713/92; A-319)
2015.50	n	(P-696)	2015.50	n	(P-11713/92; A-319)
2015.60	n	(P-696)	2015.60	n	(P-11713/92; A-319)
7020.80	am	(P-14511/92; A-2206)	7020.80	n	(P-11713/92; A-319)

TITLE 56

350.280	am	(P-3780/92; O-180;	350.280	n	(P-11713/92; A-319)
		A-1074; R-1239)			
2520.700	#	(P-10)	2520.700	n	(P-11713/92; A-319)
2520.700	am	(P-10)	2520.700	n	(P-11713/92; A-319)
2520.710	am	(P-10)	2520.710	n	(P-11713/92; A-319)
2520.720	am	(P-10)	2520.720	n	(P-11713/92; A-319)
2520.730	am	(P-10)	2520.730	n	(P-11713/92; A-319)
2520.740	#	(P-10)	2520.740	n	(P-11713/92; A-319)
2520.750	r	(P-10)	2520.750	n	(P-11713/92; A-319)
2520.760	am	(P-10)	2520.760	n	(P-11713/92; A-319)

Volume 17, Issue #8 SECTIONS AFFECTED INDEX February 19, 1993

ILLINOIS REGISTER

Volume 17, Issue #8 SECTIONS AFFECTED INDEX February 19, 1993

TITLE 56 (CONT'D)			1210.25	n	(P-16374/92; A-1535)
2520.770	am	(P-10)	1210.30	r	(P-16374/92; A-1535)
2520.780	am	(P-10)	1210.40	r	(P-16374/92; A-1535)
2520.790	am	(P-10)	1210.50	r	(P-16374/92; A-1535)
2520.795	am	(P-10)	1210.60	am	(P-16374/92; A-1535)
2520.797	am	(P-10)	1210.70	am	(P-16374/92; A-1535)
2520.Ap.A	am	(P-10)	1210.80	am	(P-16374/92; A-1535)
2732.225	n	(P-211)	1210.90	am	(P-16374/92; A-1535)
2732.227	n	(P-211)	1210.100	r	(P-16374/92; A-1535)
2765.5	am	(P-12006/92; A-308)	1210.105	n	(P-16374/92; A-1535)
2765.50	am	(P-12006/92; A-308)	1210.110	am	(P-16374/92; A-1535)
2765.64	n	(P-12006/92; A-308)	1210.120	r	(P-16374/92; A-1535)
2765.66	am	(P-12006/92; A-308)	1210.140	am	(P-16374/92; A-1535)
2765.70	r	(P-12006/92; A-308)	1210.150	am	(P-16374/92; A-1535)
2765.70	n	(P-12006/92; A-308)	1210.160	am	(P-16374/92; A-1535)
2765.74	n	(P-12006/92; A-308)	1210.170	am	(P-16374/92; A-1535)
2765.75	am	(P-12006/92; A-308)	1210.180	am	(P-16374/92; A-1535)
2765.328	am	(P-15638/92; A-614)	1210.190	am	(P-16374/92; A-1535)
2765.329	n	(P-15638/92; A-614)	1210.200	r	(P-16374/92; A-1535)
2765.330	n	(P-15638/92; A-614)	1210.210	r	(P-16374/92; A-1535)
2765.333	am	(P-15638/92; A-614)	1210.220	r	(P-16374/92; A-1535)
2765.334	am	(P-15638/92; A-614)	1210.230	r	(P-16374/92; A-1535)
2765.335	am	(P-15638/92; A-614)	1210.235	am	(P-16374/92; A-1535)
2770.100	am	(P-15625/92; A-295)	1210.240	am	(P-16374/92; A-1535)
2770.105	am	(P-15625/92; A-295)	1210.250	r	(P-16374/92; A-1535)
2770.110	am	(P-15625/92; A-295)	1220.160	am	(P-15762/92; A-1559)
2840.25	n	(P-886)	1220.170	n	(P-15762/92; A-1559)
			1220.260	am	(P-15762/92; A-1559)
			1220.270	n	(P-15762/92; A-1559)
			1220.360	n	(P-15762/92; A-1559)
			1220.435	r	(P-15762/92; A-1559)
			1220.440	n	(P-15762/92; A-1559)
			1220.525	n	(P-15762/92; A-1559)
			1220.Ap.B	am	(P-1708)
			1220.Ap.C	am	(P-1708)
			1240.5	r	(P-15775/92; A-1579)
			1240.10	am	(P-15775/92; A-1579)
			1240.15	am	(P-15775/92; A-1579)
			1240.50	am	(P-15775/92; A-1579)
			1240.51	am	(P-15775/92; A-1579)
			1300.48	am	(P-16484/92; A-1572)
			1455.10	n	(P-15785/92; A-1589)
			1455.15	n	(P-15785/92; A-1589)
			1455.20	n	(P-15785/92; A-1589)
			1455.30	n	(P-15785/92; A-1589)
			1455.40	n	(P-15785/92; A-1589)
			1455.50	n	(P-15785/92; A-1589)
			1455.60	n	(P-15785/92; A-1589)
			1455.70	n	(P-15785/92; A-1589)

ILLINOIS REGISTER

Volume 17, Issue #8 SECTIONS AFFECTED INDEX February 19, 1993

TITLE 68 (CONT'D)			750.Ap.A	n	(P-777)
1465.200	r	(P-890)	750.Ap.B	r	(P-762)
1455.210	n	(P-15785/92; A-1589)	750.Ap.B	n	(P-777)
1455.300	n	(P-15785/92; A-1589)	750.Ap.C	r	(P-762)
1455.310	n	(P-15785/92; A-1589)	750.Ap.C	n	(P-777)
1465.10	r	(P-890)	750.Ap.D	n	(P-777)
1465.30	am	(P-890)			
1465.35	n	(P-890)	TITLE 77		
1465.36	n	(P-890)	245.40	am	(P-747)
1465.80	n	(P-890)	250.2720	n	(P-2016/92; A-1614)
1465.90	am	(P-890)	300.175	am	(P-1346)
			300.180	am	(P-1346)
			300.260	am	(E-2420)
			300.270	am	(P-1346)
			300.271	n	(E-2420)
			300.278	am	(E-2420)
			300.290	am	(E-2420)
			300.630	am	(P-1346)
			300.660	am	(P-1346)
			300.665	am	(P-1346)
			300.3210	am	(P-1346)
			300.3330	am	(P-1346)
			330.175	am	(P-1321)
			330.180	am	(P-1321)
			330.260	am	(E-2405)
			330.270	am	(P-1321)
			330.271	n	(E-2405)
			330.278	am	(E-2405)
			330.290	am	(E-2405)
			330.730	am	(P-1321)
			330.916	r	(P-1321)
			330.4210	am	(P-1321)
			330.4330	am	(P-1321)
			350.175	am	(P-1269)
			350.180	am	(P-1269)
			350.260	am	(E-2373)
			350.270	am	(P-1269)
			350.271	n	(E-2373)
			350.278	am	(E-2373)
			350.290	am	(E-2373)
			350.640	am	(P-1269)
			350.680	am	(P-1269)
			350.685	am	(P-1269)
			350.3210	am	(P-1269)
			350.3330	am	(P-1269)
			350.3730	am	(P-4791/92; A-2351)
			350.Ap.A	r	(P-1269)
			390.175	am	(P-1296)
			390.180	am	(P-1296)

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ILLINOIS REGISTER

Volume 17, Issue #8 SECTIONS AFFECTED INDEX February 19, 1993

TITLE 86 (CONT'D)		140.492	am	(P-13397/92; O-1241; A-2290; R-2436)
130.220	am			
150.Tb.A	am			
210.101	am			
210.125	am			
210.126	n			
TITLE 89				
103.25	n			
103.35	n			
104.216	am			
110.30	am			
112.9	am			
112.70	am			
112.71	am			
112.72	am			
112.74	am			
112.78	am			
112.79	am			
112.82	am			
112.154	r			
112.250	am			
112.252	am			
112.253	am			
112.254	am			
112.330	am			
113.9	am			
113.154	r			
113.253	am			
113.260	am			
114.9	am			
114.270	r			
114.420	am			
114.430	am			
116.400	am			
116.520	r			
116.400	am			
117.15	n			
120.61	am			
120.70	am			
120.73	n			
120.75	n			
120.385	r			
121.3	am			
121.41	am			
121.59	am			
121.76	n			
140.19	am			
		140.525	am	(P-13211/92; A-837)
		140.538	am	(P-13211/92; A-837)
		140.700	am	(P-7576/92; A-1112)
		144.230	n	(P-899)
		147.5	am	(P-1716)
		147.Tb.C	am	(P-1716)
		147.Tb.F	am	(P-1716)
		147.150	am	(P-13215/92; A-1128)
		147.205	am	(P-13215/92; A-1128)
		148.80	am	(P-10868/92; A-131)
		160.85	n	(P-8892/92; A-2272)
		165.70	am	(P-2110)
		220.625	am	(P-883) (E-1179)
		220.635	am	(P-883) (E-1179)
		240.729	n	(P-12251/92; A-224)
		302.20	am	(P-7565/92; A-274)
		304.2	am	(P-7545/92; A-251)
		309.1	r	(P-7982/92; A-1044)
		309.2	r	(P-7982/92; A-1044)
		309.3	r	(P-7982/92; A-1044)
		309.4	r	(P-7982/92; A-1044)
		309.5	r	(P-7982/92; A-1044)
		309.6	r	(P-7982/92; A-1044)
		309.7	r	(P-7982/92; A-1044)
		309.8	r	(P-7982/92; A-1044)
		309.9	r	(P-7982/92; A-1044)
		309.10	r	(P-7982/92; A-1044)
		309.11	r	(P-7982/92; A-1044)
		309.12	r	(P-7982/92; A-1044)
		309.13	r	(P-7982/92; A-1044)
		309.14	r	(P-7982/92; A-1044)
		309.15	r	(P-7982/92; A-1044)
		309.16	r	(P-7982/92; A-1044)
		309.17	r	(P-7982/92; A-1044)
		309.18	r	(P-7982/92; A-1044)
		309.19	r	(P-7982/92; A-1044)
		309.20	r	(P-7982/92; A-1044)
		309.21	r	(P-7982/92; A-1044)
		309.22	r	(P-7982/92; A-1044)
		309.23	r	(P-7982/92; A-1044)
		330.5	am	(P-1259)
		330.6	am	(P-1259)
		336.10	n	(P-7963/92; A-1026)
		336.20	n	(P-7963/92; A-1026)
		336.30	n	(P-7963/92; A-1026)
		336.40	n	(P-7963/92; A-1026)
		336.50	n	(P-7963/92; A-1026)

ILLINOIS REGISTER

Volume 17, Issue #8 SECTIONS AFFECTED INDEX February 19, 1993

TITLE 89 (CONT'D)		505.50	am	(P-1731)
336.60	n			
336.70	n			
336.80	n			
336.90	n			
336.100	n			
336.110	n			
336.120	n			
336.130	n			
336.140	n			
336.150	n			
336.160	n			
336.170	n			
337.10	n			
337.20	n			
337.30	n			
337.40	n			
337.50	n			
337.60	n			
337.70	n			
337.80	n			
337.90	n			
337.100	n			
337.110	n			
337.120	n			
337.130	n			
337.140	n			
337.150	n			
337.160	n			
337.170	n			
337.180	n			
337.190	n			
337.200	n			
337.210	n			
337.220	n			
337.230	n			
337.240	n			
337.250	n			
377.2	am			
377.4	am			
378.1	r			
378.2	r			
378.3	r			
378.4	r			
402.15	am			
505.5	am			
505.10	am			
505.30	am			
505.40	am			
		505.50	am	(P-1731)
		505.60	am	(P-1731)
		505.70	am	(P-1731)
		505.80	am	(P-1731)
		525.500	n	(P-947)
		567.20	am	(P-10403/92; A-149)
		567.30	am	(P-10403/92; A-149)
		567.100	am	(P-10403/92; A-149)
		587.610	n	(P-952)
		592.50	am	(P-1375)
		592.80	am	(P-1375)
		680.300	am	(P-943)
		730.700	r	(P-10397/92; A-425)
		827.10	am	(P-77)
		827.30	am	(P-77)
		827.40	am	(P-77)
		1200.10	am	(P-15354/92; A-1137)
		1200.20	am	(P-15354/92; A-1137)
		1200.30	am	(P-15354/92; A-1137)
		1200.40	am	(P-15354/92; A-1137)
		1200.50	am	(P-15354/92; A-1137)
		1200.60	am	(P-15354/92; A-1137)
		1200.70	am	(P-15354/92; A-1137)
		1200.80	am	(P-15354/92; A-1137)
		1200.100	am	(P-15354/92; A-1137)
		1200.110	am	(P-15354/92; A-1137)
		1200.Ap.A	am	(P-15354/92; A-1137)
		TITLE 92		
		67.10	n	(P-1767)
		67.20	n	(P-1767)
		67.30	n	(P-1767)
		67.40	n	(P-1767)
		67.50	n	(P-1767)
		67.60	n	(P-1767)
		67.70	n	(P-1767)
		67.80	n	(P-1767)
		67.90	n	(P-1767)
		67.100	n	(P-1767)
		67.110	n	(P-1767)
		67.120	n	(P-1767)
		67.130	n	(P-1767)
		67.140	n	(P-1767)
		67.Ex.A	n	(P-1767)
		77.10	n	(P-1789)
		77.20	n	(P-1789)
		77.30	n	(P-1789)
		77.40	n	(P-1789)
		77.50	n	(P-1789)

TITLE 92 (CONT'D)

(P-566)	r	2520.301	-	2520.604	(P-566)
(P-542)	n	2520.302	-	2520.603	(P-566)
(P-566)	r	2520.302	-	2520.602	(P-566)
(P-542)	n	2520.303	-	2520.601	(P-566)
(P-542)	n	2520.303	r	2520.600	(P-542)
(P-566)	r	2520.303	n	2520.600	(P-566)
(P-542)	n	2520.304	n	2520.504	(P-542)
(P-542)	n	2520.304	n	2520.503	(P-542)
(P-566)	r	2520.302	n	2520.502	(P-542)
(P-542)	n	2520.302	n	2520.501	(P-542)
(P-566)	r	2520.301	n	2520.500	(P-542)
(P-542)	n	2520.301	n	2520.406	(P-542)
(P-566)	r	2520.305	n	2520.405	(P-542)
(P-542)	n	2520.305	r	2520.405	(P-566)
(P-566)	r	2520.305	n	2520.404	(P-542)
(P-542)	n	2520.305	n	2520.404	(P-566)
(P-566)	r	2520.305	r	2520.403	(P-566)
(P-542)	n	2520.305	n	2520.403	(P-542)
(P-566)	r	2520.302	n	2520.402	(P-566)
(P-542)	n	2520.302	r	2520.402	(P-542)
(P-566)	r	2520.302	n	2520.401	(P-566)
(P-542)	n	2520.302	n	2520.401	(P-542)
(P-566)	r	2520.304	r	2520.400	(P-566)
(P-542)	n	2520.304	n	2520.400	(P-542)
(P-566)	r	2520.304	n	2520.400	(P-566)
(P-542)	n	2520.304	r	2520.305	(P-542)
(P-566)	r	2520.304	n	2520.305	(P-566)
(P-542)	n	2520.304	n	2520.305	(P-542)
(P-566)	r	2520.303	n	2520.305	(P-566)
(P-542)	n	2520.303	r	2520.304	(P-542)
(P-566)	r	2520.303	n	2520.303	(P-566)
(P-542)	n	2520.303	n	2520.303	(P-542)
(P-566)	r	2520.302	r	2520.303	(P-566)
(P-542)	n	2520.302	n	2520.302	(P-542)
(P-566)	r	2520.301	n	2520.302	(P-566)

TITLE 92 (CONT'D)

(P-1789)	n	77.60	*	(P-1789)	n
(P-1789)	n	77.70	n	(P-1789)	n
(P-1789)	n	77.80	n	(P-1789)	n
(P-1789)	n	77.90	n	(P-1789)	n
(P-1789)	n	77.100	n	(P-1789)	n
(P-1789)	n	77.110	n	(P-1789)	n
(P-1789)	n	77.120	n	(P-1789)	n
(P-1789)	n	77.130	n	(P-1789)	n
(P-1789)	n	77.140	n	(P-1789)	n
(P-1789)	n	77.Ex.A	n	(P-1789)	n
(P-2186)	n	453.10	n	(P-2186)	n
(P-2186)	n	453.20	n	(P-2186)	n
(P-2186)	n	453.30	n	(P-2186)	n
(P-981)	am	522.20	am	(P-981)	am
(P-981)	am	522.30	am	(P-981)	am
(P-981)	am	522.50	am	(P-981)	am
(P-981)	am	522.80	am	(P-981)	am
(P-981)	am	522.120	am	(P-981)	am
(P-981)	r	522.130	r	(P-981)	r
(P-981)	n	522.130	n	(P-981)	n
(P-981)	am	522.150	am	(P-981)	am
(P-981)	am	522.200	am	(P-981)	am
(P-981)	am	522.210	am	(P-981)	am
(P-981)	n	522.II.J	n	(P-981)	n
(P-1758) (E-2047)	n	1001.500	n	(P-1758) (E-2047)	n
(P-1758) (E-2047)	n	1001.510	n	(P-1758) (E-2047)	n
(P-1758) (E-2047)	n	1001.520	n	(P-1758) (E-2047)	n
(P-1758) (E-2047)	n	1001.530	n	(P-1758) (E-2047)	n
(P-1758) (E-2047)	n	1001.540	n	(P-1758) (E-2047)	n
(P-956) (E-1219)	n	1030.16	n	(P-956) (E-1219)	n
(P-1752)	n	1030.17	n	(P-1752)	n
(P-956) (E-1219)	n	1030.18	n	(P-956) (E-1219)	n
(P-17229/92; A-2025)	am	1030.115	am	(P-17229/92; A-2025)	am
(P-2128)	am	1040.20	am	(P-2128)	am
(P-1747)	am	1040.101	am	(P-1747)	am
(P-1685)	am	1360.40	am	(P-1685)	am
(P-566)	r	2520.26	r	(P-566)	r
(P-542)	n	2520.105	n	(P-542)	n
(P-566)	r	2520.110	r	(P-566)	r
(P-542)	n	2520.110	n	(P-542)	n
(P-566)	r	2520.110	r	(P-566)	r
(P-542)	n	2520.200	n	(P-542)	n
(P-566)	r	2520.200	r	(P-566)	r
(P-542)	n	2520.201	n	(P-542)	n
(P-566)	r	2520.201	r	(P-566)	r
(P-542)	n	2520.202	n	(P-542)	n
(P-566)	r	2520.202	r	(P-566)	r
(P-542)	n	2520.203	n	(P-542)	n

(P-566)	r	2520.203	r	(P-566)	r
(P-542)	n	2520.204	n	(P-542)	n
(P-566)	r	2520.204	r	(P-566)	r
(P-542)	n	2520.205	n	(P-542)	n
(P-566)	r	2520.205	r	(P-566)	r
(P-542)	n	2520.206	n	(P-542)	n
(P-566)	r	2520.206	r	(P-566)	r
(P-542)	n	2520.207	n	(P-542)	n
(P-566)	r	2520.207	r	(P-566)	r
(P-542)	n	2520.208	n	(P-542)	n
(P-566)	r	2520.208	r	(P-566)	r
(P-542)	n	2520.209	n	(P-542)	n
(P-566)	r	2520.209	r	(P-566)	r
(P-542)	n	2520.210	n	(P-542)	n
(P-566)	r	2520.210	r	(P-566)	r
(P-542)	n	2520.211	n	(P-542)	n
(P-566)	r	2520.211	r	(P-566)	r
(P-542)	n	2520.212	n	(P-542)	n
(P-566)	r	2520.212	r	(P-566)	r
(P-542)	n	2520.213	n	(P-542)	n
(P-566)	r	2520.213	r	(P-566)	r
(P-542)	n	2520.214	n	(P-542)	n
(P-566)	r	2520.214	r	(P-566)	r
(P-542)	n	2520.215	n	(P-542)	n
(P-566)	r	2520.215	r	(P-566)	r
(P-542)	n	2520.216	n	(P-542)	n
(P-566)	r	2520.216	r	(P-566)	r
(P-542)	n	2520.217	n	(P-542)	n
(P-566)	r	2520.217	r	(P-566)	r
(P-542)	n	2520.218	n	(P-542)	n
(P-566)	r	2520.218	r	(P-566)	r
(P-542)	n	2520.219	n	(P-542)	n
(P-566)	r	2520.219	r	(P-566)	r
(P-542)	n	2520.220	n	(P-542)	n
(P-566)	r	2520.220	r	(P-566)	r
(P-542)	n	2520.221	n	(P-542)	n
(P-566)	r	2520.221	r	(P-566)	r
(P-542)	n	2520.222	n	(P-542)	n
(P-566)	r	2520.222	r	(P-566)	r
(P-542)	n	2520.223	n	(P-542)	n
(P-566)	r	2520.223	r	(P-566)	r
(P-542)	n	2520.224	n	(P-542)	n
(P-566)	r	2520.224	r	(P-566)	r
(P-542)	n	2520.225	n	(P-542)	n
(P-566)	r	2520.225	r	(P-566)	r
(P-542)	n	2520.226	n	(P-542)	n
(P-566)	r	2520.226	r	(P-566)	r
(P-542)	n	2520.300	n	(P-542)	n
(P-566)	r	2520.300	r	(P-566)	r
(P-542)	n	2520.301	n	(P-542)	n