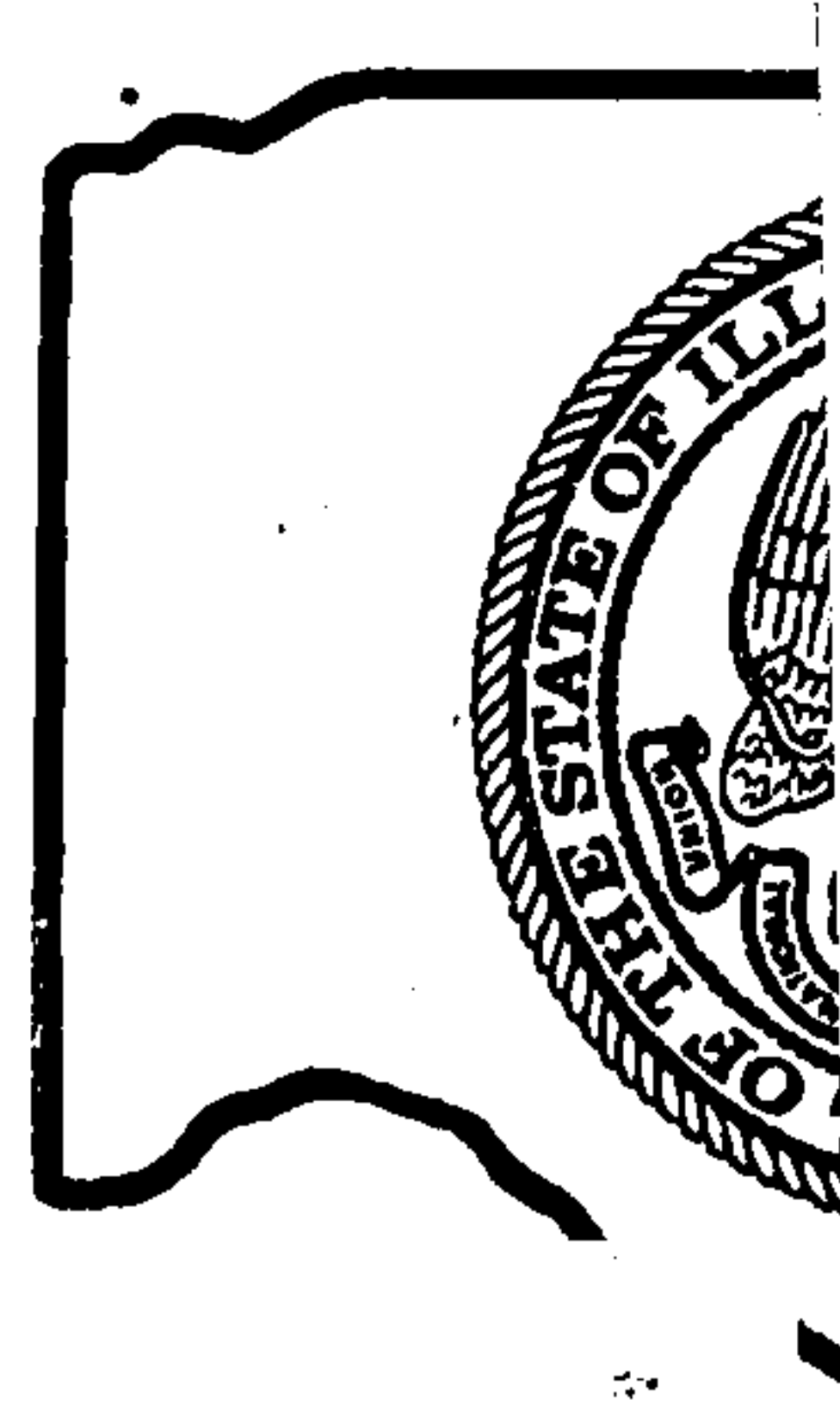


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ILLINOIS LEGISLATURE

reg. ver
on: 00-2 -69

Rules of Governmental Agencies

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Administrative Code Div.
201 West Monroe
Springfield, IL 62756

(217) 782-9786

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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. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

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. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
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Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
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Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
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Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
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Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
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June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

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

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Community Care Program

2) Code Citation: 89 Ill. Adm. Code 240

3) Section Number: 240.220 Proposed Action: Amendment

4) Statutory Authority: 111. Rev. Stat., Ch. 23, Sections 6104.01(4), (9), (11), and (12); 6104.02, 6104.03, and 6105.02

5) A Complete Description of the Subjects and Issues Involved: Following adoption of amendments to Section 240.220, Chore-Housekeeping Service, which were effective July 1, 1989, the Department on Aging discovered, had that a sentence in subsection (a)(6), which should have been deleted, had been inadvertently amended and retained. This sentence, which states that chore-housekeepers are able to assist our clients with personal care tasks only when they meet the homemaker training and the homemaker supervisor-to-worker ratio requirement, in essence prohibits the majority of our chore-housekeeping workers from assisting clients with personal care. Assisting with these tasks has been a component of chore-housekeeping service since the inception of the Community Care Program. If the Department is required to retain this rule there will be a drastic disruption in service delivery to our clients which could constitute a threat to their safety and welfare. The additional costs to chore-housekeeping vendors to meet homemaker requirements of increased staffing and training would be prohibitive.

In a typical program month, data reflect that there were 15,140 clients served by chore-housekeepers and 8,785 clients served by homemakers. Thus almost twice as many clients receive chore-housekeeping service. While not the determiner of service, assistance with personal care is a permissible service activity of chore-housekeeping service. As amended, Section 240.220 would not allow chore-housekeeping direct service staff to assist with personal care tasks that presently appear in the particular clients' plans of care. Many of our vendors are exclusively chore-housekeeping providers. They would be unable to provide their workers with the homemaker requirements, currently mandated by Section 240.220(a)(6), which would allow the workers to assist with personal care tasks.

Homemaker service is a higher level of service than chore-housekeeping service; it is indicated only when a client is so impaired that he/she requires supervision to maintain, strengthen and safeguard the client's functioning in his/her home. If only homemakers are able to assist with personal care tasks, many clients, who otherwise do not require it,

NOTICE OF PROPOSED AMENDMENTS

would have to be transferred to homemaker service. This would entail revisions in their plans of care which would be costly for the Department and extremely time-consuming for the Case Coordination Units.

Because homemaker is a higher level of service, such a massive transfer would also increase the cost of client care, not only for the Department but also for the client who pays a portion of his/her own incurred monthly expense for care. In addition, this transfer of many clients from chore-housekeeping to homemaker service could necessitate both a statewide solicitation by the Department in order to contract with additional homemaker vendors, and the possible cancellation of current chore-housekeeping contracts as chore vendors would find their caseloads so reduced as to necessitate cessation of service.

For these reasons the Department is amending Section 240.220 to once again allow chore-housekeeping direct service staff to assist with personal care and to eliminate the requirement that they meet the homemaker training and the homemaker supervisor-to-staff ratio requirement.

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

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

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

9) Are there any other proposed amendments on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
240.1400	New Section	13 111. Reg. 685: 1/20/89
240.1410	Amendment	13 111. Reg. 685: 1/20/89
240.1420	Amendment	13 111. Reg. 685: 1/20/89
240.1430	New Section	13 111. Reg. 685: 1/20/89
240.1440	New Section	13 111. Reg. 685: 1/20/89
240.1450	New Section	13 111. Reg. 685: 1/20/89
240.1700	New Section	13 111. Reg. 685: 1/20/89
240.1705	New Section	13 111. Reg. 685: 1/20/89
240.1710	New Section	13 111. Reg. 685: 1/20/89
240.1715	New Section	13 111. Reg. 685: 1/20/89
240.1718	New Section	13 111. Reg. 685: 1/20/89
240.1720	New Section	13 111. Reg. 685: 1/20/89
240.1722	New Section	13 111. Reg. 685: 1/20/89
240.1725	New Section	13 111. Reg. 685: 1/20/89
240.1730	New Section	13 111. Reg. 685: 1/20/89

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.1735	New Section	13 Ill. Reg. 685: 1/20/89
240.1737	New Section	13 Ill. Reg. 685: 1/20/89
240.1738	New Section	13 Ill. Reg. 685: 1/20/89
240.1739	New Section	13 Ill. Reg. 685: 1/20/89
240.1960	New Section	13 Ill. Reg. 685: 1/20/89

- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments may be submitted through September 18, 1989 to:

Name: Melvin E. Koch
 Policy and Rules Analyst
 Illinois Department on Aging
 Address: 421 East Capitol Avenue
 Springfield, Illinois 62701

- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 11, 1989
- B) Types of small businesses affected:
 Providers of chore-housekeeping services through the Community Care Program.
- C) Reporting, bookkeeping or other procedures required for compliance:
 No change from current requirements.
- D) Types of professional skills necessary for compliance:
 No professional skills.

The full text of the Proposed Amendments is identical to the Emergency Amendments in this issue of the Illinois Register on page 13641

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Economic Development Area Tax Increment Allocation Financing
- 2) Code Citation: 14 Ill. Adm. Code 525
- 3) Section Numbers: Proposed Action:
 525.10 New Section
 525.20 New Section
 525.30 New Section
 525.40 New Section
 525.50 New Section
 525.60 New Section
 525.70 New Section
 525.80 New Section
- 4) Statutory Authority: Implementing the Economic Development Area Tax Increment Allocation Act (P.A. 86-0038, effective July 12, 1989) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.20).
- 5) A Complete Description of the Subjects and Issues Involved: This Part sets forth the Department's policies with regard to the qualifications for economic development districts, the content of an ordinance designating such a district, the content of an application for the approval and certification of an economic development district, and the Department's procedures for approving and certifying such a district.
- 6) Will these proposed rules replace emergency rules currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed rules contain incorporations by reference? No.
- 9) Are there any proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Dennis R. Whetstone, Deputy Director
 Department of Commerce and Community Affairs
 Bureau of Program Administration

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Cellular Radio Exclusion

2) Code Citation: 83 Ill. Adm. Code 760

3) Section Numbers: Proposed Action:

760.20 New Section

4) Statutory Authority: Implementing Section 13-203 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-203 and 10-101).

5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 760 expands the areas within the State in which cellular radio companies need not comply with certain tariff provisions of the Public Utilities Act.

6) Will this proposed amendment replace an emergency amendment 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? This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 14, 1989.

B) Types of small businesses and small municipalities affected: The criteria for certification of economic development projects, as specified in the legislation (i.e., creation or retention of not less than 2,000 full-time equivalent jobs and providing for not less than \$100,000 in private investment in the project area) preclude small businesses from benefiting by locating in an economic development project area. Small municipalities may apply if they meet the requirements of Section 3(d) of the Act.

C) Reporting, bookkeeping or other procedures required for compliance: Municipalities seeking designation as an economic development project area must adopt an ordinance which complies with Section 525.40 of the rules. They must submit an application which meets the requirements of Section 525.50.

D) Types of professional skills necessary for compliance: Current employees of the municipalities should be qualified to comply with this rulemaking.

The full text of the Proposed Rules is the same as the text of Emergency Rules appearing on page 13651 of this Illinois Register.

13358

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to Business Assistance Office of the Department of Commerce and Community Affairs: August 15, 1989
- B) Types of small businesses affected: This rulemaking will affect those telecommunications carriers offering cellular service that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

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

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 760
CELLULAR RADIO EXCLUSION

Section
 760.10 Chicago Metropolitan Area Exclusion
 760.20 Downstate Area Exclusions

AUTHORITY: Implementing Section 13-203 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-203 and 10-101).

SOURCE: Adopted at 11 Ill. Reg. 11730, effective July 1, 1987; amended at Ill. Reg. , effective

Section 760.20 Downstate Area Exclusions

Cellular radio service provided by facilities in Champaign, Grundy, Kankakee, Kendall, Macon, McLean, Menard and Sangamon Counties is excluded from the applicable tariff provisions contained in Article XIII of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-501, 13-502, 13-503, 13-504, 13-505, 13-506, and 13-509).

(Source: Added at Ill. Reg. , effective

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed with the chief clerk within 45 days of the date of this issue of the Illinois Register.

12)

Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to Business Assistance Office of the Department of Commerce and Community Affairs: August 15, 1989

B) Types of small businesses affected: This amendment will affect those gas utilities that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping.

D) Types of professional skills necessary for compliance: Accounting skills.

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

1) Heading of the Part: Uniform System of Accounts for Gas Utilities

2) Code Citation: 83 Ill. Adm. Code 505

3) Section Numbers: Proposed Action:

505.10 Amendment

4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

5) A Complete Description of the Subjects and Issues Involved: The amendment to Part 505 that became effective on July 1, 1989 incorrectly incorporated the wrong part of Title 18 of the Code of Federal Regulations. This amendment is necessary to correct the typographical error.

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

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

8) Does this proposed amendment contain incorporations by reference? Yes.

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

10) Statement of Statewide Policy Objectives? This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 505
UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY
REFERENCE

- Section
- 505.10 Adoption of 18 CFR 201 by Reference
- 505.20 Adoption of 18 CFR 216 by Reference

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

- Section
- 505.200 Definitions
- 505.210 General Instruction 1
- 505.250 General Instruction 5
- 505.270 General Instruction 7
- 505.280 General Instruction 7.1
- 505.330 General Instruction 12
- 505.340 General Instruction 13
- 505.370 General Instruction 16
- 505.380 General Instruction 17
- 505.390 General Instruction 18
- 505.410 General Instruction 20
- 505.420 Gas Plant Instruction 2
- 505.430 Gas Plant Instruction 3
- 505.450 Gas Plant Instruction 5
- 505.470 Gas Plant Instruction 7
- 505.500 Gas Plant Instruction 10
- 505.550 Gas Plant Instruction 15
- 505.940 Income Chart of Accounts
- 505.970 Operation and Maintenance Expense Chart of Accounts
- 505.1020 Account 102
- 505.1030 Account 103
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- 505.5180 Account 518
- 505.9140 Accounts 914 and 915
- 505.9302 Account 930.2

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

APPENDIX G Operation and Maintenance Expense Accounts
EXHIBIT A Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1985, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

SOURCE: Adopted July 14, 1960. Effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 177, effective January 1, 1984; amended at 9 Ill. Reg. 4022, effective April 1, 1985; amended at 9 Ill. Reg. 13083, effective August 15, 1985; amended at 13 Ill. Reg. 10858, effective July 1, 1989; amended at Ill. Reg. , effective .

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY
REFERENCE

Section 505.10 Adoption of 18 CFR 201 by Reference

The Illinois Commerce Commission adopts 18 CFR 201, as of January 1, 1988, as its uniform system of accounts for gas utilities, subject to the exceptions set forth in Section 505.200 et seq. of this Part. No incorporation in this Part includes any later amendment or edition.

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

1) Heading of the Part: Research and Evaluation

2) Code Citation: 20 Ill. Adm. Code 106

3) Section Numbers: 106.30
Proposed Action: Amend

4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1003-2-2).

5) A Complete Description of the Subjects and Issues Involved: This rule is being amended to clearly state the Department's policy that the use of committed persons for cosmetic experimentation is prohibited.

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

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

8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.

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

10) Statement of Statewide Policy Objectives: Not applicable; this rule does not issue any State mandates.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

William H. Craine, Ph.D., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

All written comments received within 45 days of the date of the publication will be considered.

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

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

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER a: ADMINISTRATION AND RULES

PART 106
RESEARCH AND EVALUATION

Section

106.10 Applicability
106.20 Requirements for Submitting Research Proposals
106.30 Criteria for Approval or Denial of Research Proposals
106.40 Requirements for Conducting Research Projects

AUTHORITY: Implementing Sections 3-2-2 and 3-2-8 and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, pars. 1003-2-2, 1003-2-8, and 1003-7-1).

SOURCE: Adopted at 8 Ill. Reg. 14594, effective August 1, 1984; amended at 10 Ill. Reg. 12574, effective August 1, 1986; amended at 13 Ill. Reg. _____, effective _____.

Section 106.30 Criteria for Approval or Denial of Research Proposals

a) The request shall be reviewed to determine if the proposed study is ethical, feasible, methodologically sound, and relevant to the needs and goals of the Department.

b) Research requests may be denied for reasons which may include, among other factors, the nature and risk of the research, concern for security, and the level of demand on staff time and Department finances.

c) Research projects involving use of committed persons in medical, cosmetic, or pharmaceutical experiments shall not be permitted.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Disadvantaged Students Funds Plan -- Districts Over 50,000 ADA

2) Code Citation: 23 Ill. Adm. Code 202

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
202.10	Repeal
202.20	Repeal
202.30	Repeal
202.40	Repeal
202.50	Repeal
202.60	Repeal
202.70	Repeal

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 122, par. 18-8(A)(5)(i)(1)

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

These rules affect the Chicago public schools. Section 18-8(A)(5)(i)(1) of The School Code requires that the Chicago Board of Education submit an annual plan to the State Board of Education describing how Chicago will use those State aid funds which are intended to serve the educational needs of disadvantaged children (referred to as "State Chapter 1 funds"). Public Act 85-1418 made major revisions in Section 18-8(A)(5)(i)(1). In response, the State Board is proposing to repeal these current rules governing Chicago's State Chapter 1 Plan, and to adopt new rules which are consistent with P.A. 85-1418.

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

7) Does this rulemaking contain an automatic repeal date? ___ Yes · X No

8) Does this proposed repealer contain incorporations by reference? No

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

10) Statement of Statewide Policy Objectives:

Adoption of this repealer will not create or enlarge a State mandate. A Statement of Statewide Policy Objectives for the proposed rules which will replace these repealed rules appears in the Notice of Proposed Rules appearing in this edition of the Illinois Register.

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED REPEALER

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

Dan Dixon
Illinois State Board of Education
State of Illinois Center
Suite 14-300
100 West Randolph
Chicago, Illinois 60601
(312) 917-2223

12) Initial Regulatory Flexibility Analysis: This repealer will not affect small businesses.

The full text of the Proposed Repealer is the same as the text of the Emergency Repealer, which appears in this edition of the Illinois Register at page 13659.

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED RULES

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

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

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

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

10) Statement of Statewide Policy Objectives:

These rules implement Public Act 85-1418. Section 5 of Public Act 85-1418 exempts the State from reimbursement under the State Mandates Act for any mandate created by Public Act 85-1418.

Section 18-8(A)(5)(1) of The School Code requires that the State Board of Education adopt rules for the approval of an annual State Chapter 1 plan to be submitted by the Chicago Board of Education. The enactment of P.A. 85-1418, which made major changes in Section 18-8(A)(5)(1), has made it necessary for the State Board of Education to repeal its current rules and propose these new rules. The State Board of Education cannot fulfill its oversight role concerning the Chicago State Chapter 1 Plan without the adoption of new rules which are consistent with Public Act 85-1418.

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

Dan Dixon
Illinois State Board of Education
State of Illinois Center
Suite 14-300
Chicago, Illinois 60601
(312) 917-2223

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

The full text of the Proposed Rules is the same as the text of the Emergency Rules, which appears in this edition of the Illinois Register at page 13667.

1) Heading of the Part: Disadvantaged Students Funds Plan -- Districts over 50,000 ADA

2) Code Citation: 23 Ill. Adm. Code 202

3) Section Numbers: 202.10
202.20
202.30
202.40
202.50
202.60

Proposed Action:
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority: 111. Rev. Stat. 1988 Supp., ch. 122, par. 18-8(A)(5)(1)(1)

These rules affect the Chicago public schools. Section 18-8(A)(5)(1)(1) of the School Code requires that the Chicago Board of Education submit an annual plan to the State Board of Education describing how the Chicago Board of Education will use those State aid funds which are intended to serve the educational needs of disadvantaged children (referred to as "State Chapter 1 funds"). Public Act 85-1418 made major revisions in Section 18-8(a)(5)(1)(1). In response, the State Board is proposing to repeal its current rules governing Chicago's State Chapter 1 Plan, and to adopt these new rules.

The new rules set forth the various definitions needed to ensure that plans incorporate and reflect the eventual expenditure of State Chapter 1 funds for supplemental programs only, as required by P.A. 85-1418 (see Section 202.10). This section differentiates for the first time between regular and basic programs and supplemental programs, a distinction which is necessary to carry out the intent of the law. Section 202.20 describes the procedures and timelines for filing the plans. The required plan content is set forth in Section 202.30, including the display of calculations demonstrating that proposed allocations of funds meet the law's requirements.

Section 202.40 contains the rules applying to the State Board's approval of the plans, and Section 202.50 describes the enforcement procedures to be followed if plans are not submitted, modified, or approvable in accordance with the other applicable rules. Section 202.60 describes the monitoring approach to be used by the Board.

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED RULES

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Multifamily Rental Housing Mortgage Loan Program
- 2) Code Citation: 47 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:
310.804 Amendment
- 4) Statutory Authority: Section 8 of the Illinois Housing Development Authority Act (Ill.Rev.Stat. 1987, Ch. 67-1/2, par. 308).
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the formula for calculating the Alternative Basic Rate of Return for Owners.
- 6) Will this proposed rule replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed rule is intended to provide additional incentive to owners in order to promote development of low and moderate income housing.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Robert Grossinger, 401 N. Michigan, Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 1, 1989.
 - B) Types of small businesses affected: Proposed rule will have a favorable impact on small to midsize real estate developers and contractors.
 - C) Reporting, bookkeeping or other procedures required for compliance: No new requirements other than the currently required annual audit of project income and expense.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- D) Types of professional skills necessary for compliance: As currently required, an independent public accountant performs the annual audit.
- The full text of the Proposed Amendment begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

Standards for Approval of Conveyance and Amendment of Documents

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Maximum Mortgage Loan Amount
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Equity and Distributions
Development Funds and Property Reserve Fund for Replacements

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310.402
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SUBPART E: CONSTRUCTION

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Marketing and Management Plans
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SUBPART G: OCCUPANCY

Tenant Selection Plan
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SUBPART H: RATE OF RETURN ON EQUITY FOR LIMITED-PROFIT ENTITIES

Statutory Authorization
Developments Eligible for Increased Rate of Return
No Retroactive Adjustments
Calculation of Alternate Basic Rate of Return
Risk Premium for Special Needs
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SUBPART I: ENERGY EFFICIENCY STANDARDS FOR NEW AND REHABILITATED DEVELOPMENTS

Statutory Authorization
Definitions
Incorporation of National Standards

310.901
310.902
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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 310
MULTIFAMILY RENTAL HOUSING
MORTGAGE LOAN PROGRAM

SUBPART A: GENERAL RULES

Authority
Purpose and Objectives
Definitions
Borrowing by the Authority
Compliance with Federal Law
Standards
Forms and Procedures for the Program
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Severability
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Land Trusts
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Annual Financial Report
Furnishing Information
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ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

310.904	Thermal Requirements
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310.906	Doors, Windows and Glass
310.907	Mechanical Work
310.908	Insulation
310.909	Mechanical Work Insulation
310.910	Electrical Work
310.911	Energy Audit Analysis
310.912	Rehabilitation Guidelines
310.913	Rehabilitation Waiver

AUTHORITY: Implementing and authorized by the Illinois Housing Development Authority Act (Ill. Rev. 1985, ch. 67-1/2, pars 301 et seq.)

SOURCE: Adopted at 5 Ill. Reg. 14583, effective prior to October 24, 1980 as corrected at 6 Ill. Reg. 620; codified at 7 Ill. Reg. 2433; amended at 8 Ill. Reg. 2996, effective February 28, 1984; amended at 9 Ill. Reg. 8631, effective May 29, 1985; Emergency amendment at 9 Ill. Reg. 10086, effective June 13, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11296, effective July 5, 1985; amended at 9 Ill. Reg. effective October 21, 1985; amended at 9 Ill. Reg. 16848, effective October 21, 1985; amended at 10 Ill. Reg. 13657, effective August 4, 1986; amended at 10 Ill. Reg 13987, effective August 11, 1986; amended at _____ Ill. Reg. _____, effective _____.

SUBPART H: RATE OF RETURN ON EQUITY FOR
LIMITED-PROFIT ENTITIES

Section 310.804 Calculation of Alternate Basic Rate of Return

- a) In lieu of a rate of return of 6% paid on owner's equity, the Authority may establish an Alternate Basic Rate of Return in an amount not to exceed, except as provided in Section 310.805, two hundred percent of the yield paid on 30-year Government National Mortgage Association (GNMA) mortgage certificates as of the date of the Conditional Commitment Letter to that project. The Authority will establish an Alternate Basic Rate of Return if the Director or Deputy Director determines that but for a higher rate of return private enterprise would not acquire, construct, rehabilitate, operate and maintain housing for low and moderate-income persons. In making the determination whether an Alternate Basic Rate of Return will be approved and in determining the amount of the rate increase, the Director or Deputy Director shall consider but not be limited to the competing market interest rates, alternative lending sources, financial projections based upon anticipated rents, debt service, taxes, utilities and other expenses and the comparative severity of the housing needs. Such Alternate

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- Basic Rate of Return shall be established as of the last day of the calendar month preceding the month during which the Conditional Commitment Letter is issued for the development by the Authority.
- b) An Alternate Basic Rate of Return higher than 6% will be established for a development only if the Director or Deputy Director certifies that establishment of a higher rate of return is consistent with attracting private enterprise to acquire, construct, rehabilitate, operate and maintain the development. The Chief Fiscal Officer of the Authority shall certify to the GNMA rate as of the date of the Conditional Commitment Letter, and the rate shall be fixed at that level. The decision to certify will be made by either the Director or Deputy Director, if there is a disagreement between the Director and Deputy Director, the decision of the Director shall prevail. In order for an Alternate Basic Rate of Return higher than 6% to be approved, it would have to be established to the satisfaction of the Director or Deputy Director that but for the increase in the rate of return private enterprise would not be attracted to acquire, construct, rehabilitate, operate and maintain the development. In making this determination, and in determining the amount of such increase, the Director or Deputy Director shall consider but not be limited to the competing market interest rates, the alternative lending sources, financial projections based upon anticipated rents, debt service, utilities, taxes and other expenses and the comparative severity of the housing needs.

(SOURCE: Amended at _____ Ill. Reg. _____, effective _____)

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? Yes. These rules contain incorporations by reference in accordance with Section 6.02(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1006.02(a).
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2201 et seq.)
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 400 Stratton Building, Springfield, IL 62706, telephone (217)785-3313.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 11, 1989
 - B) Types of small businesses affected:
Community agencies and programs which provide adult day training services.
 - C) Reporting, bookkeeping or other procedures required for compliance:
Developmental training service recipients not residing in Medicaid-eligible licensed long term care facilities will be reimbursed privately, under Title XIX waiver or under the Department's grant-in-aid system.

Agencies providing grant-in-aid and Medicaid waiver-funded developmental training programs shall file an annual audit report to the Department as required in 59 Ill. Adm. Code 103.120.

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- D) Types of professional skills necessary for compliance:

Developmental training programs must provide for professional, administrative, and support staff in sufficient numbers and types to assess and address the needs of clients, including a qualified mental retardation professional(s) QMRP (i.e, registered nurses, occupational, activity, physical and recreational therapists, psychologists, social workers, speech pathologists, audiologists, physicians, etc.)

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

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NOTICE OF PROPOSED RULES

119.335	Quality assurance
119.340	Utilization review system for agencies serving the mentally ill
119.345	Client rights and confidentiality
119.350	Unusual incidents
119.355	Client records
119.360	Continuity of services
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119.370	Client assessment and evaluation
119.375	Interdisciplinary team for agencies serving the developmentally disabled and the mentally ill
119.380	Habituation or treatment plans, implementation and active treatment
119.385	Special treatment procedures
119.390	Medical and nursing services
119.395	Referral, discharge and aftercare

SUBPART D: INDIVIDUAL PROGRAMS - DEVELOPMENTAL DISABILITIES

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119.700	Physical environment
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TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES
PART 119
MINIMUM STANDARDS FOR LICENSURE, CERTIFICATION,
OR APPROVAL OF PROGRAMS SERVING PERSONS
WITH DEVELOPMENTAL DISABILITIES
OR MENTAL ILLNESS
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119.115	Programs subject to licensure or certification
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119.230	Department responses, waivers and equivalencies
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SUBPART I: COMMITTEES

- 119.1100 Human rights committee
119.1105 Behavior management committee

AUTHORITY: Implementing Sections 15.2 and 15.3 of "AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1987, ch. 91½, pars. 100-15.2 and 15.3), Section 3 of the Community Services Act (Ill. Rev. Stat. 1987, ch. 91½, par. 903), the Community Residential Alternatives Licensing Act (Ill. Rev. Stat. 1987, ch. 91½, par. 621, et seq.) and the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1988 Supp., ch. 91½, par. 1701 et seq.) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91½, par. 5-104) and Section 5 of "AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1987, ch. 91½, par. 100-5).

SOURCE: Adopted at 14 Ill. Reg. _____, effective _____.

Note: Bold face type denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 119.100 Public policy and purpose

In order to protect the health, safety and welfare of Illinois citizens who are developmentally disabled, mentally ill, or both, and to ensure that habilitation and treatment services minimize the debilitating aspects of these conditions, habilitation and treatment services shall be licensed, certified or approved in accordance with this Part.

Section 119.105 Definitions

"Abuse." Any physical, emotional, social or mental injury inflicted on a client other than by accidental means.

"Accreditation." A process establishing that an agency complies with nationally-recognized standards of care as set by one of the following:

Standards for Services for People with Developmental Disabilities (Accreditation Council for Services for Developmentally Disabled Persons (ACDD), 1987, with no later editions or amendments);

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Standards Manual for Organizations Serving People with Disabilities (Commission on Accreditation of Rehabilitation Facilities (CARF), 1987, with no later editions or amendments);

Consolidated Standards Manual (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), July 1, 1989, with no later editions or amendments); or

Programs for Multi-Handicapped Students (National Accrediting Council for Agencies Serving the Blind & Visually Handicapped, 1979, with no later editions or amendments).

"Act." The Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1987, ch. 91½, par. 801 et seq.)

"Active treatment." Aggressive, consistent implementation of a program of specialized and generic training, treatment, health services and related services described in this Part that is directed toward the acquisition of the behaviors necessary for the client to function with as much self determination and independence as possible, and the prevention or deceleration of regression or loss of current optimal functional status.

"Adaptive behavior." The effectiveness or degree to which the client meets the standards of personal independence and social responsibility expected of the client's age and cultural group.

"Adequate." Enough in both quantity and quality, as determined by a person familiar with relevant professional standards to meet the client's needs.

"Age appropriate." An aspect of normalization that recognizes a client as a person of a certain chronological age. This refers to a client's dress, behavior, use of language, choice of leisure and recreational activities, and self-perception as reflected in the degree of self-determination of the client and the way in which the client is treated by others.

"Agency." A corporation, unit of local governmental or other legal entity providing habilitation or treatment services in accordance with this Part.

"Authorized agency representative." The administrative head of an agency appointed by the governing body with overall responsibility for fiscal and programmatic management.

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"Equivalency - staff." A combination of education and experience to meet the personnel requirements in this Part.

"Equivalency - program." Evidence to substantiate compliance by other means than indicated in this Part.

"Exclusion." Preventing a client's entrance or continuation in a program due to the client's disability, medical condition, or maladaptive behavior, or due to lack of space in the program.

"Full compliance." An evaluation result in which an agency program, after being surveyed, has no identified deficiencies with the standards in this Part. Standards requiring full compliance are followed by the designation "(FC)".

"Good standing." A condition in which the applicant demonstrates through letters of support and working agreements a willingness, or demonstrates good faith efforts, to work cooperatively in coordinating services with other providers to meet the identified service needs of the targeted population in compliance with this Part.

"Governing body." The policy-making authority of an agency that establishes policies concerning the operation of the agency and the welfare of the clients served; provides for administration of the agency by appointing an authorized agency representative to implement its policies; and exercises general oversight of the operation of the agency, its fiscal affairs and programmatic content to implement the mission of the organization.

"Guardian." The plenary or limited guardian of the person appointed by the court for a person over age 18 so long as the limited guardian's duties encompass habilitation or treatment concerns.

"Habilitation." An effort directed toward the alleviation of a developmental disability or toward increasing a developmentally disabled person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, employment related services, protective services, counseling and other services provided to developmentally disabled persons by developmental disabilities programs. (Section 1-111 of the Code, 111. Rev. Stat. 1987, ch. 91 1/2, par. 1-111.)

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"Aversive conditioning." The application, contingent upon the exhibition of a specific behavior that is not adaptive, of unpleasant or painful stimuli, or stimuli that have a potentially noxious effect.

"Behavior management." Efforts to increase socially adaptive behaviors and to modify maladaptive or problem behaviors and replace them with behaviors and skills that are adaptive and socially productive.

"Bureau." The Bureau of Certification and Licensure in the Department of Mental Health and Developmental Disabilities.

"Case management." A client service that ensures and coordinates a full range of required services that are accessible, accountable, provide continuity of care and maximize the potential of clients for independence, productivity and community integration.

"Client." An individual who is receiving habilitation or treatment services.

"Code." The Mental Health and Developmental Disabilities Code (111. Rev. Stat. 1987, ch. 91 1/2, par. 1-100 et seq.)

"Day." A calendar day, unless otherwise indicated.

"Department." The Department of Mental Health and Developmental Disabilities.

"Developmental disability." A disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded persons. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap. (Section 1-106 of the Code, 111. Rev. Stat. 1987, ch. 91 1/2, par. 1-106.)

"Director." The Director of the Department of Mental Health and Developmental Disabilities as defined in Section 1-108 of the Code (111. Rev. Stat. 1987, ch. 91 1/2, par. 1-108 et seq.).

"Discharge." The full release from habilitation, treatment, or care of any person who enters a program under this Part.

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"Habilitation plan." A written individual program plan of care, training and recreation as defined in Section 4-309 of the Code (Ill. Rev. Stat. 1987, ch. 91½, par. 4-309).

"Hearing impaired." A person whose hearing is impaired to the extent that it interferes with normal communication and requires the supplementation of visual or tactile cues for the exchange of information.

"Individual treatment plan." A written document based on a comprehensive assessment which identifies the services required to meet a client's psychiatric, social, emotional, physical, vocational, or other specialized mental health needs. (Section 3-209 of the Code, Ill. Rev. Stat. 1987, ch. 91½, par. 3-209.)

"Informed consent." Permission freely granted by a person authorized by law (i.e., the client or guardian) to give consent for the use of a specific procedure as part of the client's individualized service plan based on full disclosure to the client or guardian of the information required to make the decision intelligently, including a description of the procedure, the possible benefits and risks and the alternative(s) to the procedure.

"Interdisciplinary team (team)." A group consisting of at least the client, parents (except when the competent client or incompetent client's guardian does not desire them to participate), guardian, as well as representatives of disciplines and service areas necessary to identify the client's needs to enable development and well-being, and design services and alternatives to meet them. At least one member of this team shall be a QMRP or QMHP.

"Least restrictive." An approach to habilitation or treatment in which interventions in the lives of clients are carried out with minimum limitation, intrusion, disruption or departure from common patterns of living.

"Licensed long-term care facility." A residential nursing facility licensed by the Department of Public Health as defined in 77 Ill. Adm. Code 300 (Skilled Nursing and Intermediate Care Facilities Code) and 77 Ill. Adm. Code 350 (Intermediate Care for the Developmentally Disabled Facilities Code).

"Mental illness." An individual is considered to have a mental illness if he or she has a current primary or secondary diagnosis

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of a major mental disorder as defined in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition, revised (DSM-III-R), (American Psychiatric Association, 1987 edition, with no later editions or amendments).

"Mental retardation." Significant subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. (Section 1-116 of the Code, Ill. Rev. Stat. 1987, ch. 91½, par. 1-116.)

"Moral turpitude." Moral quality of being inherently base, depraved, vile or wicked.

"Neglect." Failure to provide medical, personal care or maintenance which results in, or has the potential to result in, physical or mental injury to a client or in the deterioration of a client's physical or mental condition.

"Normalization." A state that makes the commonly accepted patterns and conditions of everyday life available to the client.

"Notice of violation." A report submitted to the agency by the Department's Bureau of Certification and Licensure listing the deficiencies with the standards noted during an on-site survey or review.

"Plan of correction." A written plan submitted to the Department's Bureau of Certification and Licensure, in response to a notice of violation which describes the steps to be taken in order to bring a program into compliance, and the time-frames for completion of each step.

"Psychotropic drugs." Drugs used for antipsychotic, antidepressant, antimanic or antianxiety purposes as listed in AMA Drug Evaluations, Seventh Edition (American Medical Association 1989, with no later editions or amendments) or Physician's Desk Reference (PDR), (Medical Economics Company 1989, published annually).

"Quality assurance." An agency process which systematically monitors and evaluates the quality and adequacy of client habilitation and treatment.

"Qualified mental health professional (QMHP)." A certified, registered or licensed mental health professional who provides services under the mental health clinic program. In addition to

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meeting one of the criteria listed below, a QMRP must have a minimum of one year of work experience in a mental health setting:

A physician licensed pursuant to the Medical Practice Act of 1987 (111. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.):

A psychologist licensed pursuant to the Clinical Psychologist Licensing Act (111. Rev. Stat. 1988 Supp., ch. 111, par. 5351 et seq.):

A social worker (qualified) who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (111. Rev. Stat. 1988 Supp., ch. 111, par. 6351 et seq., as amended by P.A. 85-1131, effective July 21, 1988); and is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for bachelor's degree programs and others for master's degree programs);

A registered nurse licensed pursuant to The Illinois Nursing Act of 1987 (111. Rev. Stat. 1987, ch. 111, par. 3501 et seq.):

An occupational therapist or occupational therapy assistant registered pursuant to the Illinois Occupational Therapy Practice Act (111. Rev. Stat. 1987, ch. 111, par. 3703); and. An individual who holds a master's degree or higher in psychology, sociology or counseling and who is certified or registered by the Commission for Rehabilitation Counselor Certification, the National Board of Certified Counselors, or the National Academy of Clinical Mental Health Counselors or a national or state certification board or commission, which credentials practitioners on the basis of education and training, work experience, and examination.

"Qualified mental retardation professional (QMRP)." A certified, registered or licensed professional who provides services to developmentally disabled individuals as defined by 42 CFR 483, 1988, with no later editions or amendments. A QMRP must have a minimum of one year of work experience with individuals who are mentally retarded or individuals with other developmental disabilities and, a QMRP must meet one of the following criteria:

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A physician licensed pursuant to the Medical Practice Act of 1987 (111. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.):

A psychologist licensed pursuant to the Clinical Psychologist Licensing Act (111. Rev. Stat. 1988 Supp., ch. 111, par. 5351 et seq.):

A social worker (qualified) who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (111. Rev. Stat. 1988 Supp., ch. 111, par. 6351 et seq., as amended by P.A. 85-1131, effective July 21, 1988); and is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for bachelor's degree programs and others for master's degree programs);

A registered nurse licensed pursuant to The Illinois Nursing Act of 1987 (111. Rev. Stat. 1987, ch. 111, par. 3501 et seq.):

An occupational therapist or occupational therapy assistant registered pursuant to the Illinois Occupational Therapy Practice Act (111. Rev. Stat. 1987, ch. 111, par. 3703); A speech-language pathologist or audiologist licensed pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act (111. Rev. Stat. 1988 Supp., par. 7901 et seq.); A physical therapist who is registered pursuant to the Illinois Physical Therapy Act (111. Rev. Stat. 1987, ch. 111, par. 4251 et seq.);

A physical therapy assistant who has graduated from a two year college level program approved by the American Physical Therapy Association; A recreation specialist who is a graduate of an accredited program and eligible for certification by the National Council for Therapeutic Recreation Certification; and A dietitian who is eligible for registration by the American Dietetic Association;

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A human services professional including a bachelor's degree in, but not limited to sociology, special education, rehabilitation counseling or psychology.

"Restraint." The direct restriction through mechanical means or personal physical force of the limbs, head or body of a client, except as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical handicap. The partial or total immobilization of a client for the purpose of performing a medical or surgical procedure shall not constitute restraint. (Section 1-125 of the Code, Ill. Rev. Stat. 1987, ch. 91½, par. 1-125.)

"Seclusion." Placement of a client alone in a room from which egress is prevented. (Section 1-126 of the Mental Health and Developmental Disabilities Code, Ill. Rev. Stat. 1987, ch. 91½, par. 1-126.) This does not include placement in a time-out room as part of a behavior management program as specified in Section 119.385 (c)(7), and (c)(10).

"Service objective." Outcomes written in the habilitation or treatment plan that are achieved not as a result of a client's learning or training, but through quantifiable, non-behavioral outcomes such as acquiring equipment for the client or improving the client's medical condition.

"Substantial compliance." An evaluation that determines that a surveyed program does not have a deficiency or group of deficiencies jeopardizing the health, welfare or safety of clients or prevents the maximum development of clients. When deficient, programs have documented a plan to rectify any deficiency or have an approved equivalency for it.

"Suspension - client." A conditional release of a client from an agency's services.

"Suspension - program." The temporary removal by the Department of an agency's license or certification due to failure to provide evidence of compliance with standards.

"Survey." A process to determine the degree of compliance with standards which an agency has maintained. This includes an examination of at least the following: policies, procedures, programs, observations, client records, written plans, physical plant and observing the client's activities and conducting interviews.

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"Time out." Contingent removal from a situation in which reinforcement occurs into a situation from which reinforcement does not occur.

"Time-out room." An enclosed area in which a client is placed, contingent upon the occurrence of a maladaptive behavior, in which reinforcement is not available.

"Utilization review." An agency process that ensures allocation of agency resources to provide habilitation or treatment of the client as determined by the interdisciplinary or treatment team.

"Waiver." An action by the Department in which exceptions to standards are granted, upon application by an agency, for a period not to exceed the duration of the current license or certification.

Section 119.110 Programs subject to licensure or certification

- a) Programs subject to licensure:
 - 1) Community residential alternative
 - 2) Community integrated living arrangement
- b) Programs subject to certification:
 - 1) Developmental training
 - 2) Mental health clinic programs

Section 119.115 Programs subject to approval

Programs subject to approval constitute those programs with an annual grant or purchase of care contract with the Department, which are not subject to licensure or certification.

Section 119.120 Non-transferability of licensure or certification

- a) A license or certification is not assignable or transferable.
- b) A license or certification is valid only for the program and program locations named in the application.

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Section 119.200 Issuance and renewal of licensure or certification

- a) Upon submission of an approved application and compliance with the standards in this Part, the Department shall issue a license or certificate.
- b) Application forms for licensure or certification under this Part may be obtained by writing to the Department of Mental Health and Developmental Disabilities, 100 West Randolph Street, Suite 6-400, Chicago, Illinois 60601, Attention: Bureau of Certification and Licensure.
- c) Application forms shall be signed and dated by an authorized agency representative.
- d) Renewal
 - 1) Each licensed or certified program shall submit a signed and dated renewal application at least 120 days prior to expiration of the license or certification.
 - 2) Programs in substantial compliance with minimum standards as set forth below shall be relicensed or recertified for an additional period specified by the Department.
 - 3) In the event that an application for recertification or license renewal is not approved by the Department, the Department shall notify the applicant in writing within 30 days of the decision.
 - 4) Notice of the Department's decision not to renew a license or recertify a program shall include a clear and concise statement of the violation on which the determination is based and notice of the opportunity for a hearing.

Section 119.205 Period of licensure or certification

- a) A license or certificate shall be valid for a period specified by the Department unless sooner suspended or revoked.
- b) At the request of an agency, the Department shall waive certification requirements including the on-site survey for this Part for agencies accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), the Accreditation Council for

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Services for Developmentally Disabled Persons (ACDD), the National Accrediting Council for Agencies Serving the Blind & Visually Handicapped, or the Joint Commission on Accreditation of Health Care Organizations (JCAHO) at the point of certification renewal.

- c) Programs certified under subsection (b) above shall submit the most recent accreditation report along with the application for certification. If agencies fail or refuse to submit their most recent accreditation report along with their application, the Department shall not waive any license or certification requirement.
- d) The Department may at any time, during program hours, perform a program survey or partial survey of an agency's program(s) licensed or certified under this Part.

Section 119.210 Acceptance for processing

- a) Applications for licensure or certification, or renewal of licensure or certification shall be deemed received by the Department on the postmarked date.
- b) The Department shall notify an applicant of any error or omission made in the submission of an application for licensure or certification within 30 days. If the applicant fails to respond to the notice within 30 days, the Bureau shall terminate the application process.
- c) Within 60 days of the Bureau's receipt, the application shall be either approved or disapproved.
- d) The Bureau shall notify the applicant in writing of the Department's decision.
 - 1) If the application is approved, the Bureau shall schedule an on-site inspection, and issue a license or certificate within 120 days of the on-site inspection.
 - 2) If the Department waives the on-site inspection, the Bureau shall issue a certificate within 30 days of receipt of the current accreditation notice.
 - 3) If the application is disapproved, the applicant may appeal the decision pursuant to procedures described in Subpart H.

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1) Appointment of a receiver or trustee in bankruptcy; or

5) Dissolution of the corporation.

b) A license or certificate issued to a corporation which is subsequently dissolved shall not be reactivated upon reinstatement of the corporation. Such corporation must reapply.

c) Licensee or certification documents and all copies shall remain the property of the Department and shall be returned to the Department if there is a change in ownership, location, or if the license or certificate is suspended, revoked or modified.

Section 119.225 Revocation and decertification

a) The Department may bring proceedings to revoke a license or decertify a program at any time if the program:

1) Fails to maintain full compliance with the standards identified with the symbol (FC);

2) Fails to maintain substantial compliance with all other standards;

3) Fails to submit a plan of correction acceptable to the Department for any violation identified as a result of an on-site survey by the Department within 30 days of receipt of the agency's notice of violation:

A) Plans of correction submitted in reference to non-compliance with standards identified with the symbol (FC) require corrective measures to be accomplished immediately unless an extension has been requested by the agency and granted by the Department;

B) Plans of correction submitted in reference to all other standards require corrective measures to be accomplished within 90 days of the conclusion of the on-site survey unless an extension has been requested by the agency and granted by the Department; and

C) If, on a subsequent survey, the Department finds that the program has failed to implement all corrective measures as indicated in a plan of correction accepted by the Department, it may proceed on revocation of a license or decertification of a program.

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e) All outstanding issues relating to initial application for a license or certification of proposed programs shall be discussed with the applicant at a conference mutually convenient to both parties.

Section 119.215 Verification of application information

a) The Department may verify any information supplied in applications for licensure, certification or approval. In an instance in which an examination of submitted information discloses a disparity in information compared to other data submitted by the program or by other programs, the Department shall clarify the disparity.

b) The Department shall, before the issuance or reissuance of a license or certificate, request the cooperation of the State Fire Marshal, and may request a county health department or municipal board of health to make an investigation to determine if the applicant is in compliance with state laws and local ordinances. The report and recommendations on any agency shall be in writing and shall state the findings with respect to compliance or non-compliance.

c) Prior to the issuance of an initial license, license renewal or initial certification, the Bureau shall survey each program site and related facilities, including client observation, when possible, for programs licensed or certified under this Part. For non-accredited agencies, and accredited agencies not requesting a waiver of the requirement, the Bureau shall survey each program site and related facility prior to the renewal of a license or recertification.

d) Notice of violation(s) resulting from on-site surveys shall be reported to the agency within 45 days of the conclusion of the survey.

Section 119.220 Change of ownership or administration

a) A license or certificate shall become void and of no further effect upon the occurrence of any of the following acts:

1) Change in ownership;

2) Discontinuation of operations;

3) Change in location;

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- 4) Submits false information either on Department forms, plan(s) of correction or during an on-site inspection;
 - 5) Refuses to permit or participate in a scheduled or unscheduled survey; or
 - 6) Violates any rights of its clients as identified in Chapter 2 of the Code (Ill. Rev. Stat., 1987, ch. 91½, par. 2-100 et seq.).
- b) The Department may refuse to certify, recertify, license or relicense a program, or decertify a program, or deny or revoke a license:
- 1) If the owner, authorized agency representative or licensee has been convicted of a felony, or a misdemeanor involving moral turpitude, as shown by a certified copy of the court of conviction;
 - 2) If the Department determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust; or
 - 3) Upon other satisfactory evidence that the moral character of the applicant or licensee is not reputable.
- c) If the Department determines that any situation exists in a program which places clients at risk of mental, physical or psychological harm, it shall immediately issue an order for closure of the program and the immediate removal of all clients from the program. Subsequent to such action, an appeal may be made as outlined in Subpart H. The program shall not operate and shall not receive reimbursement during the period of the appeal process when this subsection is invoked.
- d) If an agency contests the Department's decision regarding licensure or certification pursuant to subsections (a), (b) or (c) above, it can request a hearing by providing written notice pursuant to Subpart H. The Department shall notify the program of the time and place of the hearing.
- e) If written notice is not provided by the agency, the Department shall proceed with non-issuance or revocation of a license or non-certification or decertification.

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- f) Except when decertification of a program or revocation of a license is based on subsection (c) above, the program may operate and receive reimbursement for services during the period preceding the hearing, until such time as a final decision is made.

Section 119.230 Department responses, waivers and equivalencies

- a) The Department shall respond to plans of correction, in writing, within 30 days of receipt notifying the agency of acceptance of the plan or specify outstanding issues or deficiencies.
- b) Copies of Department responses shall be sent to the authorized agency representative and president of the agency's board of directors or owner in the case of a proprietary entity.
- c) If the agency disagrees with the Department's response to the plan of correction, the agency shall notify the Department in writing within 15 days of receipt of the Department's response to the plan of correction. The agency's response shall specify the items at issue.
- d) The Department shall inform the agency of its decision in writing within 15 days of receipt of the notification from the agency regarding items at issue.
- e) If an agency requests a waiver of any standard in this Part, the agency shall present to the Department a written plan to comply with the required standard including a timetable for compliance, when possible. If compliance is not possible, the agency shall submit its rationale for the waiver request. Waivers shall be granted solely at the discretion of the Department. Standards shall not be waived in situations that pose a threat to the health and safety of clients.
- f) If an agency requests an equivalency for any standard in this Part, the agency shall present to the Department a written description of the equivalency containing specific reference as to how the equivalency meets the standard. An equivalency shall be granted solely at the discretion of the Department.

Section 119.235 Licensure and certification capacity

- a) Residential and day programs subject to this Part shall be licensed or certified for a specific capacity mutually agreed upon by the Department and the agency and in consideration of all applicable state and local codes and regulations.

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The governing body shall include persons residing in the geographic area served by the agency and include representatives of the community, families, and consumer interest groups who have no direct or indirect financial interest in the agency.

There shall be documentation that the agency's mission statement, goals and objectives, policies and any revisions are approved by the governing body and comply with client rights as set forth in Chapter 2 of the Code (Ill. Rev. Stat. 1987, ch. 91, 2-100 et seq.).

The governing body, through the authorized agency representative, shall develop an annual budget making sufficient resources available to assure that the agency is capable of providing services to clients in compliance with this Part.

The agency shall ensure that it has comprehensive liability and property insurance.

An agency directly operated by a governmental unit shall have a written description of the administrative organization of the agency and shall designate the person or persons responsible for fulfilling the duties of the governing body.

Each agency which is owned or operated by a sole proprietor or partnership shall have a charter, mission statement, goals and objectives.

Each agency which is owned or operated by a sole proprietor or partnership shall appoint and maintain an advisory board whose members shall be persons residing in the agency's geographic area, representative of community and consumer interest, with no financial interest in the agency.

The advisory board shall meet at least quarterly, keep minutes of meetings including attendees, issues presented and recommendations made.

Section 119.305 Authorized agency representative

The sole proprietor, partnership, governing body, or governing authority of a unit of local government shall appoint an authorized agency representative whose qualifications and duties are defined in writing, and whose performance is annually reviewed and documented.

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An increase in the licensed or certified capacity of a residential or day program requires Department approval prior to implementation. Expansion of a program and approval by the Department shall be based in all instances upon the adequacy of the physical plant to accommodate the increased number of clients and the program's ability to meet minimum standards for certification or licensure.

SUBPART C: GENERAL AGENCY REQUIREMENTS

Each agency which is owned or operated by any corporation, whether operated for profit or not, association, unit of local government, or any other form of business other than sole proprietorship and partnership shall have a governing body, with a minimum of seven members, in which is vested authority and responsibility for the organization, management, control, and operation of the organization and all programs and facilities administered by the organization.

The names and addresses of all owners or controlling parties of the agency, whether they are individuals, partnerships, corporate bodies, or subdivisions of other bodies, such as public agencies or religious, fraternal or other charitable organizations, shall be fully disclosed. In the case of corporations, the names and addresses of all officers, directors, and principal stockholders, either beneficial or of record, shall be disclosed.

The governing body shall establish bylaws, rules and regulations subject to examination during the certification or licensure process which shall:

- 1) Describe the method of selecting members, and the conditions which describe tenure and rotation of members;
2) Specify the conditions under which a conflict of interest may exist for members and establish policies and procedures to address such situations; and
3) Specify that the governing body shall meet at least quarterly and document in minutes of its meetings who is in attendance, issues presented and actions taken including a review of the reports of certification or licensure surveys.

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- b) The authorized agency representative shall ensure that the following responsibilities are met:
 - 1) The agency is in compliance with this Part;
 - 2) Required reports and records are completed and submitted to the Department in accordance with established time frames; and
 - 3) A staff member(s) is designated, in writing, by name or position to act in the absence of the authorized agency representative.
- c) The authorized agency representative shall assist the governing body to formulate policy and develop and revise, as necessary, procedures to implement agency policy as required by this Part.

Section 119.310 Professional staff organization

- a) There shall be a single, organized professional staff responsible to the authorized agency representative or designee, which has responsibility for the quality of services provided to clients and for the professional practices of the staff.
- b) The organization of the professional staff shall be consistent with the agency's rules and regulations, agency services, and client needs.

Section 119.315 Program services plan

- a) The agency shall have a written plan describing its programs which shall be revised at least annually and shall include:
 - 1) Agency goals and objectives reflecting annual and long-range plans;
 - 2) The services provided by the agency in response to client and community needs;
 - 3) The population served, including age groups, disability, geographic service area, and other relevant characteristics of the client population;
 - 4) The way in which the services provided by the agency can be accessed including linguistic and geographic accessibility;

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- 5) The hours and days the agency's programs are in operation;
- 6) The methods used to carry out initial screening, entry and triage of clients;
- 7) The client assessment and evaluation procedures;
- 8) A description of habilitation or treatment planning processes; and
- 9) The process by which the agency provides or makes provision for:
 - A) Medical, special assessment and therapeutic services;
 - B) Child and adult education services;
 - C) Emergency services and crisis intervention;
 - D) An on-call system regarding the availability of professional staff at all times; and
 - E) Discharge and aftercare, including post-discharge planning when needed.
- b) The plan shall be reviewed at least annually, shall be revised as necessary, and shall be signed and dated when reviewed or revised.
- c) Within the scope of its activities, the agency shall provide for mental health and developmental disabilities professional, administrative, and support staff to assess and address the needs of clients. This includes personnel and consultants who can communicate, either verbally or non-verbally with clients.
- d) All members of the professional staff assigned habilitation or treatment responsibilities shall be qualified by training and experience and demonstrated competence.
- e) Supervisors of professional staff members shall be qualified by training, experience and demonstrated competence to supervise.

Section 119.320 Personnel

- a) The agency shall have written personnel policies and procedures approved and revised as necessary by the governing body or owners and available for review.

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- 1) An initial employment application that shall include the employee's name, address, telephone number, social security number and date of birth;
 - 2) Person to be contacted in an emergency;
 - 3) Evidence of qualifications;
 - 4) Documentation of current training and continuing education;
 - 5) Job performance evaluations;
 - 6) Professional certification, current licensing or registration, if applicable; and
 - 7) Dates of employment.
- Section 119.325 Volunteer services

- a) For those agencies using volunteer services, the duties of volunteer services shall be stated in writing and reviewed annually.
 - b) All volunteers shall receive training in the following:
 - 1) Protecting clients' rights in accordance with Chapter 2 of the Code (111. Rev. Stat. 1987, ch. 91½, par. 2-100 et seq.) and maintaining confidentiality in accordance with the Act (111. Rev. Stat. 1987, ch. 91½, par. 801 et seq.);
 - 2) Clinical orientation to an agency's programs;
 - 3) Procedures for unusual incidents as identified in Section 119.350; and
 - 4) Agency policies and procedures.
 - c) Agency staff shall supervise volunteers.
 - d) Volunteers shall review their observations of clients with professional staff.
- Section 119.330 Staff training
- a) The agency shall have a written orientation and training plan for all staff and volunteers engaged in client services. Participation

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- b) Personnel policies and procedures shall include:
 - 1) Selection of staff with consideration given to the language and culture of the community;
 - 2) Selection of staff reflective of the demographic characteristics of the area served;
 - 3) Promotion and termination of staff;
 - 4) Annual performance appraisals with staff participation;
 - 5) Benefit eligibility;
 - 6) Employment conduct;
 - 7) Employee grievances and discipline;
 - 8) On the job safety, accident, injury, and emergency policy;
 - 9) Staff training;
 - 10) Staff travel;
 - 11) Equal employment opportunity and affirmative action; and
 - 12) Provision for bi-lingual staff when more than 20 percent of the target population have a primary language other than English;

- c) The agency shall have written job descriptions or contractual agreements for every position including consultant and direct service volunteer positions which list the job title, duties and responsibilities, minimum experience and educational requirements, immediate supervisor and subordinates and salary range.
- d) Job descriptions and agreements shall be reviewed and updated annually.
- e) Personnel records for all staff shall include:
 - A) A bi-lingual job description shall be written; and
 - B) Bi-lingual skills shall be compensated.

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in staff orientation and training shall be documented and evaluated in the personnel or volunteer services records.

- b) Training for direct service and professional staff shall be provided in the following areas:
 - 1) Cardiopulmonary resuscitation (CPR) and first aid;
 - 2) Active treatment;
 - 3) Behavior management;
 - 4) Normalization;
 - 5) Age appropriateness;
 - 6) Safety, fire and disaster training;
 - 7) Abuse, neglect and unusual incident prevention, handling and reporting (in accordance with Section 119.350);
 - 8) Client rights in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91½, par. 2-100 et seq.) and confidentiality in accordance with the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1987, ch. 91½, par. 801 et seq.); and
 - 9) Interdisciplinary or treatment team planning.

Section 119.335 Quality assurance

- a) There shall be a written, comprehensive and ongoing quality assurance plan designed to monitor and evaluate the quality and appropriateness of client services and agency operations and to resolve identified problems.
- b) The scope of the quality assurance system shall include at least the following activities:
 - 1) Monitoring individual client care;
 - 2) Monitoring habilitation or treatment planning;
 - 3) Monitoring the use of special treatment procedures in accordance with Section 119.385, including behavior management techniques;

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- 4) Monitoring the use of any unusual or experimental drugs;
- 5) Monitoring the use of medication;
- 6) Reviewing unusual incidents relative to client care and treatment (in accordance with Section 119.350);
- 7) Reviewing agency operations to determine whether or not they are in compliance with the requirements of its written policy and procedure statements;
- 8) Reviewing agency programs on infection control, utilization review, security and maintenance of the quality and content of client records;
- 9) Documenting quality assurance reviews and activities and ensuring that the reports are filed separately from client records; and
- 10) Recording reviews for quality assurance in accordance with the Act (Ill. Rev. Stat. 1987, ch. 91½, par. 801 et seq.).

Section 119.340 Utilization review system for agencies serving the mentally ill

- a) Each agency shall have a written plan that describes the utilization review system and governs its operations.
- b) The written plan shall be approved by the governing body and administration and shall include at least the following:
 - 1) A delineation of the responsibilities and authority of those involved in utilization review activities, including members of the professional staff, the utilization review committee, the administration and, when applicable, any qualified outside organization contracted to perform review activities;
 - 2) A conflict-of-interest policy applicable to everyone involved in utilization review activities;
 - 3) A confidentiality policy applicable to all utilization review activities, resultant findings and recommendations;
 - 4) Criteria for initiating discharge planning to identify those clients whose diagnoses, problems, or circumstances usually require discharge planning; and

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- b) Each agency shall report the following unusual incidents to the Bureau on the next work day following the occurrence:
 - 1) Rape and sexual assault on a client;
 - 2) Client abuse and neglect; and
 - 3) Death of a client.
- c) Within 24 hours after its occurrence, the program shall report any incident or allegation which is subject to the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 1-1 et seq.) to the local law enforcement agencies.
- d) Agencies shall report instances of abuse and neglect to the Department of Public Health as required by the Abused and Neglected Residents of Long Term Care Facilities Reporting Act (Ill. Rev. Stat. 1987, ch. 111½, par. 4161 et seq.), and to the Department of Children and Family Services as required by the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1987, ch. 23, par. 2051 et seq.).

Section 119.355 Client records

- a) The agency shall have written policies and procedures governing client records which conform with the Act (Ill. Rev. Stat. 1987, ch. 91½, par. 801 et seq.) and ensure the safekeeping of records, and secure them against loss, destruction or unlawful use.
- b) The agency shall maintain a chronological record in a standardized format for each client which contains information required in this Part. The record shall be located at the program site, and shall be accessible, and serve as a means of communication among persons contributing to a client's habilitation or treatment plan.
 - 1) Each entry shall be legible, dated and authenticated by the signature and title of the person making the entry.
 - 2) Corrections shall be initialed and made in such a way as to leave the original incorrect entry legible.
 - 3) When symbols or abbreviations are used, the agency shall provide a legend to explain them.

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- 4) Entries in a client's record referring to actions with another client shall be coded in such a way as to protect the confidentiality of the client.
- c) The following information shall be obtained or recorded upon entry into a program and updated as necessary:
 - 1) The client's name, address, telephone number, date of birth, sex, race, height, weight, color of hair and eyes, identifying features, marital status, legal competency status, and social security number;
 - 2) The entry date and reason for entry;
 - 3) The names, addresses and telephone numbers of the guardian, or the person to be notified in case of an emergency;
 - 4) Language spoken or understood by the client including in the case of a hearing impaired client, the client's preferred mode of communication, e.g., American sign language, signed English, aural/oral or tactile;
 - 5) Name, address, and telephone number of the client's preferred physician and health facility;
 - 6) Allergies to foods, medications and other substances;
 - 7) Results of a physical examination and immunization history;
 - 8) Emergency medical release of information form and other releases of information;
 - 9) Diagnosis stated in accordance with the Diagnostic and Statistical Manual of Mental Disorders, Third Edition, revised (DSM-III-R), American Psychiatric Association (1987 edition, with no later editions or amendments) including a diagnosis of existing communication disorders; and
 - 10) Documentation of the informed consent for participation in agency programs and services.
- d) The following shall be entered in the client's record during the period of service:
 - 1) Prior service history; and

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c) The agency shall develop written interagency agreements with other relevant human service agencies and promote continuity of client services between the agency and the state-operated mental health and developmental facility(s) in accordance with 59 Ill. Adm. Code 125 (Recipient Discharge/Linkage/Aftercare).

a) A client shall enter into an agency's service system only when the service needs of the client can be addressed by the program.
b) Written entry criteria and procedures shall be available to the public.
c) Clients seeking entry, and their guardians, shall be informed of the advantages and disadvantages of entry and become familiar with the entry process.

d) Entry procedures shall include planning to facilitate the transition of the client from one setting to another.

e) The agency's policies and procedures shall define the conditions for entry and re-entry, and shall specify:
1) The information to be obtained on all applicants or referrals for entry;
2) The procedures for accepting referrals from outside agencies and organizations;

3) The records to be kept on all applicants;
4) The statistical data to be kept on the entry process; and
5) The procedures to be followed, including alternative referrals, when a client is found ineligible for entry.

f) Prior to entry, the agency shall offer pre-placement visits by clients and guardians to exchange information with the staff concerning the needs of the clients and their families with special attention given to language and culture.

g) Agency policies and procedures shall address the agency's commitment to reduce the restrictiveness of a client's environment and program as skills are acquired and criteria met.

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2) Assessments, habilitation or treatment plan and records of medication administration.

e) Progress notes shall be entered chronologically and at least monthly, documenting the client's course of habilitation or treatment. The progress notes shall include:

1) Implementation of the habilitation or treatment plan;
2) Records of response to services and activities provided, and their duration;

3) Reports of accidents, seizures, illnesses, incidents of abuse and neglect, and other unusual incidents (in accordance with Section 119.350); and

4) Records of agency contacts with the client's family or guardian.

f) At least monthly, day and residential programs shall provide the designated QMRP or QMHP with detailed progress reports that shall be filed in the client's record.

g) The agency shall maintain, at its headquarters office, an active roster of all clients receiving services from the agency. The roster shall indicate the programs in which the client is being served.

Section 119.360 Continuity of services

a) The agency shall have written policies and procedures that ensure and promote the continuity of client services within the agency's programs and between the agency and other agencies serving the client. With the client's consent, the agency shall:

1) Communicate with other agencies regarding the development and revision of the client's habilitation or treatment plan; and

2) Communicate habilitation or treatment and service information prior to or at the time that the client is referred to a receiving program of the agency, or is terminated from service and referred to a program operated by another agency.

b) The agency shall follow-up and document, in the client's record, the referrals to other human service agencies to ensure that linkage has occurred and the client is receiving services.

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Section 119.370 Client assessment and evaluation

a) General provisions:

- 1) The agency shall ensure a comprehensive evaluation of each client, at least annually, either directly by the agency or through written agreements with other agencies or professionals.
- 2) The evaluation shall determine the client's strengths, functional and developmental level and needs, predict the extent to which any limitation can be removed, corrected or minimized, and identify available alternatives for the selection of needed services.
- 3) Assessments shall be performed by staff trained in the area being assessed and shall contain the date, names, titles, and signatures of the persons responsible for the assessments.
- 4) The client's cultural background, lifestyle, handicapping conditions and language preference or other form of communication shall be given full attention in the selection and interpretation of tests and examinations used.
- 5) The evaluation process and its results shall be documented in the client's record in language that facilitates clear communication across disciplines, and, upon request, interpreted to the client and guardian.
- 6) Assessment methods, tests, or tools shall be used which take into account the age and handicapping condition of the client.
- 7) A physical examination shall be completed not more than 10 days prior to entry into a residential program.
- 8) Assessments performed within the preceding year may be used in the client's evaluation process if it is determined by the interdisciplinary team that the information has remained accurate; and
- 9) If a client is hearing impaired and uses sign language, the assessment shall be performed using the services of a qualified professional interpreter. Family members or staff with basic knowledge of sign language shall not be acceptable substitutes for qualified professional interpreters.

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b) Client assessment and evaluation for agencies serving the developmentally disabled

- 1) Individualized comprehensive assessments used to develop the client's habilitation plan shall be completed as directed by the interdisciplinary team.
- 2) Revisions of the plan shall be based on reassessment including evaluation of the client's response to the plan.
- 3) Agencies shall use a generally accepted adaptive behavior scale appropriate to the range of needs of the client and detailed enough to identify a progression of specific training steps.
- 4) Assessments shall be conducted in familiar, natural settings and situations within the client's environment.
- 5) Initial assessments shall include:
 - A) A physical and dental examination including a medical history;
 - B) A vision and auditory screening;
 - C) A psychological assessment;
 - D) An assessment of adaptive behavior or independent living skills;
 - E) A social assessment;
 - F) An early childhood, educational or vocational assessment;
 - G) A speech, language and communication screening; and
 - H) Other assessments as indicated by the interdisciplinary team.
- 6) Reassessments shall be completed annually unless the interdisciplinary team determines otherwise.
- 7) For clients with an assigned case manager, the case management agency, designated by the Department in

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C) Present level of functioning (self-reported).

5) The assessment to determine the need for mental health services shall be initiated within 15 working days of the request by the client or immediately in a crisis situation.

6) Prior to the initiation of the comprehensive mental health assessment, the provider shall obtain informed consent from the client and the client's guardian, if applicable, unless the client is determined to be in need of crisis intervention services, or if the client's assessment is court-ordered.

7) The comprehensive mental health assessment shall include, at a minimum, the assessment and written report of the following:

A) Personal and family history including the history of mental illness in the family;

B) Cognitive functioning (attention, memory, information, attitudes), perceptual disturbances, thought content, speech, and affect; special communication needs, e.g., sign language, amplification, speech, reading, writing; and an estimation of the ability and willingness to participate in treatment;

C) History of mental health treatment; Completion of specific levels of functional assessment indicating the level of functioning at entry to services with follow-up ratings being conducted every six months to determine the impact of treatment interventions;

E) Previous and current psychotropic medications, last physical examination, and any known medical problems;

F) Level of education or specialized training;

G) Previous employment and the acquired vocational skills, activities and interests, if applicable;

H) History and current alcohol or chemical dependency;

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8) In the absence of an assigned case manager: cooperation with other agencies, shall be responsible for assuring that comprehensive assessments are completed.

A) For clients residing in licensed residential programs or state-operated facilities, the licensed or state-operated residential program in cooperation with other agencies shall be responsible for assuring that comprehensive assessments are completed; or

B) For clients residing in non-licensed living arrangements or any other living arrangement not specified in subsection (A) above, the agency or agencies providing day or support services shall be responsible for assuring that comprehensive assessments are completed.

c) Client assessment and evaluation for agencies serving the mentally ill

1) The provider shall ensure that an individual requesting mental health services, or any individual who has been referred by the court, shall receive an assessment of his or her need for mental health services.

2) The assessment process may include a preliminary assessment, a comprehensive mental health assessment, a psychological evaluation or a psychiatric evaluation.

3) The assessment process shall result in a determination of the need for mental health services, the type of mental health services required, the treatment outcome objective and a determination of the necessity and the appropriateness of admission for inpatient psychiatric hospitalization by examining and exhausting all other less restrictive alternatives available to meet the client's needs.

4) The preliminary assessment of the need for mental health services shall be based on an interview with the client to gather information in the following areas:

A) Identifying information;

B) Extent, nature, and severity of presenting problems; and

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- I) Legal status (guardianship, representative payee, trust beneficiary, pending court order); and
 - J) Resource availability, e.g., income entitlements, health care benefits, subsidized housing, social services.
- 8) During the comprehensive mental health assessment, the client's family members or significant others, with the client's permission, and the guardian, if court appointed, shall be informed of the services offered by the provider and shall be apprised of the client's rights in accordance with Chapter 2 of the Code (Ill. Rev. Stat. 1987, ch. 91½, par. 2-100 et seq.).
 - 9) The comprehensive mental health assessment shall be conducted by a QMHP, with the client, and with the family or guardian if the client or guardian requests or agrees and when the family and guardian can provide pertinent information or support.
 - 10) Other mental health professionals under the direct supervision of a QMHP may participate in the mental health assessment.
 - 11) The assessment may be conducted in the provider's clinic or in other locations including, but not limited to, the client's own home, hospitals, jails, and other community locations.
 - 12) If the mental health assessment conducted by a QMHP indicates a need for either a psychological evaluation or a psychiatric evaluation, the psychiatric evaluation shall be conducted by a psychiatrist, with the client, and the psychological evaluation shall be conducted by a registered psychologist with the client.
 - 13) The assessment reports, including the mental health assessment and the psychiatric and psychological evaluation, if applicable, shall be used in the development of the client's individual treatment plan.

Section 119.375 Interdisciplinary team for agencies serving developmentally disabled persons and mentally ill persons

- a) Team composition and function for developmentally disabled persons

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- 1) The agency or program shall ensure that a single interdisciplinary team has been established for each client.
 - 2) The interdisciplinary team shall provide for and invite the active participation of the client, the client's parents (if the competent adult client or the incompetent client's guardian wishes the parents to be included), the guardian, the individuals who work directly with the client, and other individuals required to identify the client's needs and to design and evaluate programs to meet those needs.
 - 3) One member of the interdisciplinary team shall be the designated QMRP for the client who shall participate in all meetings or decisions concerning the client or services provided to the client.
 - 4) The QMRP shall be responsible for identifying and convening the interdisciplinary team.
 - 5) The team shall include persons with the training and experience to interpret and use the results of assessments provided by different practitioners or agencies.
 - 6) The team shall be responsible for assessing the client's needs and for forming a single habilitation plan to meet those needs based on assessment findings and implementing the plan.
 - 7) The team shall review and update the plan at least annually, or more often as the client's needs require, and document the review in the client's record.
 - 8) For hearing impaired and vision impaired clients, all means of communication shall be considered to ensure that the client's needs are being met.
- b) Qualified mental retardation professional (QMRP)
 - 1) A QMRP shall be designated for each client served.
 - 2) Programs shall maintain an overall ratio of one QMRP to 30 clients.
 - 3) For clients with an assigned case manager, the case management agency designated by the Department, in

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1) Each agency providing mental health services shall be responsible for establishing an interdisciplinary treatment team for each client it services.

A) When two or more agencies are providing services to the same client, the agency which has discharge/linkage/aftercare (DLA) responsibility shall be responsible for establishing and convening the interdisciplinary treatment team; or

B) If two or more agencies are providing services to the same (non-DLA) client, the responsibility for initially establishing and convening the interdisciplinary treatment team shall fall to the agency with the oldest case-opening date. Thereafter, the responsibility for establishing and convening the interdisciplinary treatment team shall be rotated between providers on a quarterly basis.

2) The agency shall ensure that each client's treatment shall be directed by a QMRP.

3) A QMRP shall ensure that initial and on-going assessment is conducted, treatment plans are developed and reviewed as needed, and the client's progress in treatment is monitored.

4) A QMRP shall ensure that the client, family members or significant others designated by the client, or the guardian, if applicable, participate in on-going assessment, treatment, plan development, periodic treatment review and modification, and any meeting, conference or consultation relating to treatment and service provision and coordination.

5) The client's progress in treatment shall be reviewed by the team quarterly and documented in the client's record.

6) Any recommendations or modifications in treatment, service, or coordination resulting from the treatment review shall be incorporated into the client's individual treatment plan.

7) Staffing requirement:

A) Each client shall have at least one QMHP who shall have responsibility for the client's treatment and service provisions;

cooperation with other agencies, shall be responsible for assuring that a QMRP is designated for each client.

4) In the absence of an assigned case manager:

A) For clients residing in licensed residential programs, or state-operated facilities, the licensed or state-operated residential program in cooperation with other agencies shall be responsible for assuring that a QMRP is designated for each client; or

B) For clients residing in non-licensed living arrangements not specified in subsection (A), above or any other living arrangement, the agency providing day and/or support service shall be responsible for assuring that a QMRP is designated for each client.

5) The QMRP designated for each client shall coordinate the obtaining of direct services, link services across environments in which the client spends his or her time, identify gaps in service provision, monitor client progress, and advocate for services.

6) The QMRP shall ensure that:

A) Team meetings are scheduled at least annually, or more often as client needs and services require to reassess and update the habilitation plan;

B) Relevant information is assembled for inclusion in the client's record as specified by the team;

C) Client status and needs are reviewed at least monthly, and the review is entered in the client's record;

D) The plan is coordinated and implemented;

E) Client transfer to another program or agency is facilitated when determined by the team; and

F) The full participation of the client is encouraged and the client's preferences are represented.

c) Interdisciplinary team for agencies serving mentally ill persons

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- B) Each client's designated QMHP shall coordinate the obtaining of direct service, linking the client to services, identifying gaps in service provision, monitoring client progress, and advocating for services; and
- C) The QMHP shall ensure that:
- i) Team meetings for reassessment and updating of the treatment plan are scheduled, as required, or as requested by other team members;
 - ii) Relevant information and data in the client's record are included and maintained accurately and up to date;
 - iii) Coordination and implementation of the treatment plan occur;
 - iv) Review of the client's progress and needs occur at least monthly, and are entered in the client's record; and
 - v) Client transfer to another program or agency occurs when such has been determined as appropriate.

Section 119.380 Habilitation or treatment plans, implementation and active treatment

a) General provisions

- 1) For each client there shall be a written, comprehensive, integrated age-appropriate, individualized plan that is based on functional assessments of the client's clinical needs, functional strengths and limitations, developmental level and service needs.
- 2) The plan shall be filed in the client's record.
- 3) Preliminary therapeutic or habilitation efforts shall begin before a fully developed plan is completed.
- 4) The client's preferences for service, or the guardian's preferences when the client cannot express them, shall be addressed when developing the plan including language and cultural preferences.

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- 5) The plan shall include referrals for needed services that are not provided directly by the agency with time limits for obtaining the services.
 - 6) The plan shall contain specific goals for the client with objectives for attaining these goals.
 - 7) The plan shall contain specific objectives written in measurable terms including expected achievement outcomes and target completion dates for each objective.
 - 8) Objectives shall be assigned a priority ranking.
 - 9) The plan shall describe the programs and activities planned for the client, and specify the staff members and agencies responsible for delivering services and the frequency of those services.
 - 10) The plan shall be readily available to the interdisciplinary team members responsible for its implementation.
- b) Habilitation plans for agencies serving the developmentally disabled.
- 1) The interdisciplinary team shall develop a single, individualized, comprehensive habilitation plan which shall be coordinated among service providers for each client served and shall lead the client toward independence and self-management.
 - 2) The plan shall be developed by a single interdisciplinary team and shall be applied across all environments in which a client spends time.
 - 3) Prior to the development of the plan, previous plans developed by other agencies shall be reviewed to determine their relevance to the client's current needs.
 - 4) The plan shall have specific objectives which shall be stated separately in terms of single behavioral outcomes that provide measurable indices of performance for the client which are in developmental sequences appropriate to the client and designed to achieve the identified outcome goals.
 - 5) The objectives shall specify:

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- 3) The agency shall maintain a written curriculum of functional and developmentally sequenced training programs which shall be used by agency personnel in program implementation.
- 4) For each priority training and behavior control objective within the client's plan, an individualized written training program shall be developed from the curriculum and contain the objective, instructional methods, training schedule, procedures for collecting and reporting progress, and titles of person(s) responsible for conducting training and the date of program implementation.
- 5) Clients shall be provided programming in one or more training areas based on their needs as identified by the interdisciplinary team and described in their individual habilitation plan. Curriculum range shall include but not be limited to programs in the following areas:
 - A) Domestic
 - i) Personal care - Training of self-care skills required by clients to fulfill their own personal needs.
 - ii) Homemaking - Training of skills required to self-sustain personal and social community living needs.
 - B) Community
 - i) Mobility and travel - Training designed to increase physical motor skills and environmental access.
 - ii) Health, safety and civic responsibilities - Training of self-preservation, rights, responsibilities and social and civic behaviors.
 - iii) Functional academics - Training of basic community and educational skills relating to time orientation, money handling and basic reading and writing and functional signs.
 - C) Vocational

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- Training required to learn and use job skills and performance.
- D) Recreational and leisure
 - Training to encourage effective use of non-work and discretionary time either in the company of others or alone.
- E) Language and social
 - Language and social development must be part of the curriculum and shall be provided within the functional activity of clients and include expressive and receptive language development. There may exist the need for more intense training in these areas encompassing the beginning use of a communication system or sign language.
- 6) Daily programs and activities identified in the plan shall be developed and include specific training times, and to the extent possible, incorporate the normal rhythm of life within the community.
- 7) Activity schedules in residential programs shall:
 - A) Be designed to allow clients to maintain maximum flexibility to exercise individual preferences which shall be documented in order to reflect their preferences and activities related to the achievement of individual goals and objectives;
 - B) Assure scheduled free time for individual or group activities using materials as specified by the team;
 - C) Include planned outdoor activities all year around;
 - D) Be readily available and applied daily by the staff; and
 - E) Ensure for multi-handicapped or non-ambulatory clients that:
 - i) Clients spend a major portion of the waking day out of bed and bedroom;

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- 2) The plan shall describe the overall process for the provision and coordination of treatment and services provided to the client.
- 3) Crisis services, case management, medication administration and monitoring may be provided while the plan is being developed.
- 4) A copy of the plan shall be made available to the client, family members or significant others with the client's permission, and to staff participating in the provision of services.
- 5) Treatment plan review and modification

A) The agency shall ensure that each client's progress in treatment is reviewed at least monthly (Section 3-209 of the Code, Ill. Rev. Stat. 1987, ch. 91 1/2, par. 3-209).

B) Agencies providing mental illness services for adults shall review each client's treatment plan at a minimum on an annual basis.

C) Agencies providing mental illness services to children and adolescents shall review the treatment plans for each client quarterly.

Section 119.385 Special treatment procedures

a) The agency shall have written policies and procedures governing the implementation of all special treatment procedures. (FC)

b) All special treatment procedures shall require review and approval by the agency's human rights committee prior to implementation. (FC)

c) Special treatment procedures for developmental disability services

1) Special treatment policies and procedures shall prohibit:

A) Corporal punishment of clients; (FC) and

B) Seclusion. (FC)

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- i) Clients shall have daily exercise;
- ii) Clients move around by various methods and devices; and
- iv) Clients maintain proper body alignment.

8) Activity schedules in programs that do not provide residential services shall:

A) Not permit unscheduled time except for lunch and breaks;

B) Ensure that multi-handicapped or non-ambulatory clients move around by various methods and devices and maintain body alignment; and

C) Be readily available to staff assigned to implement the schedules.

9) Activity schedules shall be enforced unless contradicted by the clients' current condition with the reasons documented in their records.

10) Groupings of clients for program or service delivery shall be based on a rational plan to meet their needs and:

A) Shall be co-educational whenever possible;

B) Shall not be based solely on physical or other disabilities unless specifically indicated for training purposes;

C) Shall provide opportunities for clients to receive program services in settings integrated with non-handicapped peers; and

D) Shall represent the least restrictive setting possible.

d) Individualized treatment plan for agencies serving mentally ill persons.

1) An individualized, written, comprehensive treatment plan shall be developed by a QMHP or under the supervision of a QMHP for each client enrolled in an agency for services.

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- 2) To maximize the growth, development and independence of the client, the program shall use positive reinforcement appropriate to the client's developmental level and learning, emotional and environmental needs.
- 3) The habilitation plan of a client who exhibits maladaptive behavior shall include provisions to train the client in the circumstances, if any, under which the behavior can be exhibited adaptively, or how to channel the behavior into similar but adaptive expressions, or how to replace the maladaptive behavior with adaptive behavior.
- 4) Behavior management procedures shall be approved by the team when required to meet the client's needs, and shall be an integral part of the client's habilitation plan.
- 5) Emergency procedures used to prevent a client from harming himself or herself or others shall not be repeated more than three times within a six-month period without being incorporated into positive behavior management procedures, by the team and entered in the habilitation plan.
- 6) Aversive conditioning shall not be used on an emergency basis.
- 7) Whenever restraint, behavior-modifying drugs, time out rooms, aversive conditioning or other techniques with similar degrees of restriction or intrusion are used to manage maladaptive behavior:
 - A) The team shall determine and document in the client's record how the harmful effects of the behavior outweigh all potentially harmful effects of the procedure;
 - B) The procedure shall be an integral part of the habilitation plan which will lead to a less restrictive way to manage, and ultimately, to eliminate the behavior;
 - C) The habilitation plan shall document that written informed consent has been obtained; and
 - D) The procedure shall be reviewed and approved by the program's behavior management committee and human rights committee in accordance with Sections 119.1100 and 119.1105. Each committee's review date shall not exceed three months.

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- 8) Proposed special habilitation procedures that call for concurrent administration of more than one drug to manage the behavior of a client shall be reviewed by the program's behavior management and human rights committees in accordance with Sections 119.1100 and 119.1105, accompanied by a statement from a physician substantiating that the use of the drugs is justified, is within a therapeutic dosage range, and will not adversely affect the therapeutic benefits of other medications.
 - 9) Programs using restraints in any habilitation procedure shall comply with Section 2-108 of the Code (Ill. Rev. Stat. 1987, ch. 91½, par. 2-108). (FC)
 - 10) The use of time out rooms shall be in accordance with 42 CFR 483.450c, 1988, with no later editions or amendments.
 - 11) An aversive conditioning program shall be prepared by the team and shall be used only when:
 - A) The behavior is likely to cause severe harm to the client or others;
 - B) Positive procedures have been used within the past six months and have been documented to be ineffective in reducing or eliminating this particular behavior;
 - C) Approved by both the program's human rights and behavior management committees prior to implementation; and
 - D) Approved in writing by the authorized agency representative.
 - 12) Any approval by the program's human rights and behavior management committees in accordance with Sections 119.1100 and 119.1105 and by the authorized agency representative of a client's written aversive conditioning program shall expire in 30 days. The program shall not be continued beyond that time unless it is reviewed and approved by both committees and the authorized agency representative.
- d) Special treatment procedures for mental illness services

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D) Reviewing medications at least every 90 days and seeing clients on medication treatment at least every six months; (FC)

E) Documenting the following in the client's record:

i) Medical assessment of symptomatology; (FC)

ii) Medication's effect on target symptoms and side effects; (FC) and

iii) Rationale for initiating, modifying or discontinuing medication. (FC)

F) Prescribing dosage in accordance with the client's needs to ensure that:

i) Therapeutic doses are used to treat acute and chronic illnesses; (FC) and

ii) New prescriptions for behavioral medications shall be assessed within 30 days; (FC) and

iii) A reduction in dose shall be reviewed for clients receiving behavioral medication for six months or longer. (FC)

G) Performing a physical examination on all clients receiving medication or documenting in their records why a physical examination is considered unnecessary. (FC)

2) A physician or a pharmacist shall be responsible for dispensing all prescription medication; (FC)

3) For programs where medications are stored, the following shall be met:

A) All medications shall be properly labeled;

B) Distinctants and medications for external use shall be stored separately from internal and injectable medications;

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1) Designated special treatment procedures shall require clinically documented justification in the clients' records and, when applicable, shall comply with statutory or regulatory requirements.

A) Such treatment procedures shall include, but are not limited to, the following:

i) Use of psychotropic drugs strictly for behavioral control;

ii) Use of investigational and experimental drugs; and

iii) Research projects that involve clients when informed consent is necessary.

B) The clinical rationale for using special treatment procedures shall be clearly stated in the clients' records.

2) Special treatment procedures require review and approval of a consulting psychiatrist and the human rights committee prior to implementation.

Section 119.390 Medical and nursing services

a) The agency shall have written policies and procedures ensuring that:

1) Medical services and prescription medication for clients shall be the responsibility of a physician (preferably a psychiatrist for mentally ill persons). The physician's responsibility shall include: (FC)

A) Medical assessment including physical examinations and prescribing medical procedures and laboratory screening; (FC)

B) Prescribing, monitoring and discontinuing all medications and therapies; (FC)

C) Discussing alternative treatments, their effectiveness and risks, with the client or guardian, prior to the initiation of treatment with psychotropic medication. Documentation of this shall be made in the client's record; (FC)

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- C) Medications shall be kept under conditions that control sanitation, temperature, light, moisture, ventilation and segregation to prevent contamination or deterioration of the medication;
 - D) Outdated medication shall not be stocked;
 - E) Prescription medications shall be stored under lock and key and precautions shall be observed for all other medications; and
 - F) Access to medications shall be limited to authorized individuals.
- 4) Medications brought into the agency for clients shall not be administered unless they can be absolutely identified and unless written orders to administer these specific drugs are given by the clients' primary physicians.
- b) When an agency is responsible for a client's drug therapy program, the agency shall:
- 1) Take the client's medication history upon entry into the program. If a medication history is not available, the agency shall begin gathering information from the date of the client's entry into the program;
 - 2) Record all medications administered noting dosage and frequency in the client record;
 - 3) Ensure that all prescription medications shall be administered only by licensed medical and licensed or registered nursing personnel in accordance with their respective licensing requirements. Licensed practical nurses shall perform nursing activities selected and directed by a registered nurse or physician, and activities delegated shall be consistent with their educational preparation including documentation of education in administration of medication and pharmacology; 77 Ill. Adm. Code 300 (Skilled Nursing and Intermediate Care Facilities Code) and 68 Ill. Adm. Code 1300 (Illinois Nursing Act); (FC)
 - 4) Ensure that medical or nursing staff shall provide instructions and counseling to the client or guardian on the correct use of prescribed drugs with an explanation of therapeutic effects and adverse reactions;

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- 5) Require that medical or nursing staff complete a self-medication assessment for each client requiring medication to determine if the client:
- A) Needs to have medication administered;
 - B) Can benefit from self-medication training (if self-medication training is indicated, it shall be permitted if ordered by the client's physician); or
 - C) Can independently self-medicate.
- 6) Record in the client's record the medication effectiveness, potential and actual adverse reactions, interactions, and contraindications and report these to the client's primary physician; and
- 7) Ensure that medication changes in dosage or type and their behavioral effects shall be communicated to other staff.
- c) The agency shall have a plan to provide for emergency physician and nursing services.
- d) Concurrent prescription of two or more psychotropic drugs of the same class (i.e., antipsychotic, antidepressant, antimanic or antianxiety drugs) for mentally ill clients shall require prior consultation with a psychiatrist. The specific reasons for the use of polypharmacy shall be documented in the clients' records.
- e) The adult client or, if the client is under guardianship, the client's guardian shall have the right to review and discuss treatment decisions, including the initiation, continuation, modification and termination of medications with the interdisciplinary or treatment team. Consent of the client or guardian shall be required before implementing treatment decisions involving medications.
- f) The client or guardian has the right to refuse treatment, including medication, unless determined and documented as necessary to prevent the client from causing serious harm to him or herself or others in accordance with Section 2-107 of the Code. (Ill. Rev. Stat. 1987, ch. 91½, par. 2-107).
- g) When nursing services are required, a registered nurse shall plan, assign, supervise, and evaluate nursing care.

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- c) A written aftercare plan for continuing service shall be documented which describes the agency's responsibility for facilitating the client's transfer or discharge.
- 1) The plan shall contain the client's assessed needs at the time of transfer or discharge.
- 2) The plan shall be developed with the participation of the client or guardian.

SUBPART D: INDIVIDUAL PROGRAMS - DEVELOPMENTAL DISABILITIES

Section 119.500 Developmental training

- a) General specifications
 - 1) The objective of developmental training shall be to prepare adults who are developmentally disabled to live and function in integrated social settings. Developmental training shall be conducted in non-residential programs that provide training in self-help and community living skills, social and leisure skills, communication and productive work skills.
 - 2) Work activities shall not exceed 50 percent of the developmental training program as determined over a two-week period.
 - 3) The target population shall include adults with developmental disabilities and major functional skill deficits.
- b) Placement
 - 1) A minimum level of skill development shall not be required for entry into developmental training.
 - 2) The exit criteria for developmental training shall be:
 - A) The performance of four or more skills described in subsections (5)(A) through (5)(G) below; and
 - B) The documented exhibition of behavior that is not adaptive and requires staff intervention five percent or less of the developmental training day.
 - 3) Individuals shall not enter a developmental training program who meet or exceed the exit criteria.

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- h) A physician's consultation shall be considered in the development of the habilitation or treatment plan for newly admitted clients and thereafter as determined by the interdisciplinary or treatment team.

Section 119.395 Referral, discharge and aftercare

- a) The agency shall have written policies and procedures that facilitate the referral, discharge and aftercare of clients in accordance with 59 Ill. Adm. Code 125 (Recipient Discharge/Linkage/Aftercare).

- 1) The policies and procedures shall describe the conditions under which referrals can be made and consultations provided including examinations, assessments, or consultations that are not within the professional domain or expertise of the staff.
- 2) Referral and transfer of information shall be made only with the written consent of the client or guardian.
- 3) Each agency to which clients are referred shall comply with the Act (111. Rev. Stat. 1987, ch. 91, par. 801 et seq.).
- 4) The policies and procedures shall describe the methods by which continuity of care shall be assured including the mechanism by which a client may request a referral.
- b) A discharge summary shall be entered in the client's record within five days following the termination of services, and shall include a clinical summary of the following:
 - 1) The significant findings including diagnosis, assessment information, and habilitation or treatment goals and objectives;
 - 2) The course and progress of the client's habilitation or treatment;
 - 3) The final assessment of the client's condition at discharge; and
 - 4) The recommendations and arrangements for further habilitation or treatment including prescribed medications and aftercare.

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- 4) Clients of developmental training who have attained the exit criteria shall be evaluated by the interdisciplinary team to determine whether their participation should continue in the program, or if they should be placed in a setting more integrated into the community.
- 5) Clients shall be assessed on the following skills by a process that can be independently verified with a generally accepted assessment instrument:
 - A) Motor development - The client exhibits fine or gross motor skills, or both.
 - B) Dressing - The client dresses self with verbal cues only.
 - C) Grooming - The client grooms self with verbal cues only.
 - D) Toileting - The client toilets with verbal cues only.
 - E) Eating - The client eats a meal without cues from the trainer.
 - F) Language - The client understands basic requests and expresses self verbally or with an alternative communication system such as signing, communication board, computer or writing.
 - G) Productive capacity - The client consistently maintains a productivity level of 25 percent of the industrial norm or is a candidate, as determined by the interdisciplinary team, for placement in a supported employment program, regular work program or similar vocationally-oriented experience.
- 6) The interdisciplinary team shall be responsible for assessing the client's placement into a developmental training program based on the client's functional skills and adaptive behavior.
- 7) At least annually, the team shall reassess the client's skill level and review the appropriateness of the current placement.

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- 8) The developmental training agency shall identify and make available to the Department the names of all clients who have attained skill levels exceeding the discharge criteria. The Department shall assist the agency in identifying alternative services.
- c) Exclusion, suspension or discharge
 - 1) The interdisciplinary team shall discuss, summarize and place in the client's record the date and reason for the exclusion, suspension or discharge of a proposed or current client of a developmental training program.
 - 2) A developmental training program shall not exclude, suspend or discharge a client without at least a 21-day written notice.
 - 3) All proposals to exclude, suspend or discharge a client shall be referred to the client's interdisciplinary team which shall determine the appropriateness of the referral, recommend alternative services, and determine the criteria under which the client may re-enter the program.
 - 4) The interdisciplinary team shall meet prior to the exclusion, suspension or discharge which may occur due to:
 - A) The client's medical condition;
 - B) Non-adaptive behavior placing the client or others in serious danger;
 - C) The client's desire to stop participation; or
 - D) The client's consistent refusal to comply with the individual habilitation plan.
 - d) Personnel requirements
 - 1) The agency shall designate a developmental training program administrator whose minimum level of education and experience shall include an undergraduate degree in education or special education with two or more year's experience working with developmentally disabled persons, or an equivalent combination of education and experience.

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and Agency Planning (ICAP) (DLM Teaching Resources, 1986, with no later editions or amendments).

iii) Level III. For clients requiring and receiving staff assistance for the following specialized care: intermittent catheterization; wound care; respiratory care; tracheotomy care; tube feeding; or very severe maladaptive behavior as measured by the Inventory for Client and Agency Planning (ICAP) (DLM Teaching Resources, 1986, with no later editions or amendments).

2) During breaks and non-training lunch periods, supervision shall be provided at a level required to maintain the safety of the clients.

f) Program and service requirements

1) Developmental training programs shall provide a minimum of five hours of programming per day, excluding transportation time to and from the agency, and meal breaks unless training during meal times is an integral, documented part of the client's habilitation plan.

2) Required transportation for clients who are residents of Medicaid-eligible licensed long-term care facilities shall be the responsibility of the developmental training program. Transportation shall be defined as the movement of Medicaid-eligible clients to and from the Medicaid-eligible licensed long-term care facilities where they reside.

3) Developmental training programs shall provide an area suitable for temporary isolation and care of clients who become ill.

4) The following site location requirements shall be met by developmental training programs:

A) Developmental training programs shall not be located in a building where clients reside and where space is used for dining, recreation, physical care or other activities provided to clients in residential facilities as a part of a residential program.

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B) Developmental training programs attended by clients of licensed long-term care facilities shall promote the principles of program independence and community integration by meeting two of the following three criteria:

i) No more than 25 percent of the direct care staff hours allocated to the developmental training program shall be provided by personnel also employed by a licensed long-term care facility in a residential service capacity;

ii) At least 30 percent of the clients served by the developmental training program are clients who do not reside in the same licensed long-term care facility; or

iii) The location of the developmental training program shall not be within, or immediately adjacent to, the boundaries of any licensed long-term care facility whose clients it serves.

C) The Department may consider a waiver of the requirements in subsections (3)(A) and (3)(B) above for specific clients of licensed long-term care facilities whose physician has determined that participation in programs away from the residence will present a risk to the client's health. Such medical determination shall be documented in the client's record by the physician and updated annually.

g) Certification requirements

1) Certification of developmental training programs shall be based on maintenance of the program standards in this Part.

2) The Department shall immediately notify the Department of Public Aid of the decertification of any developmental training program.

3) The Department shall consider approving applications for the development and certification of new developmental training programs when the following conditions are presented to the Department and verified:

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i) Nothing in this Part shall be interpreted as superseding or otherwise exempting programs from the requirements of 89 Ill. Adm. Code 140 (Medical Payment) or other rules or regulations governing the care of Medicaid-eligible clients of licensed long-term care facilities.

a) The agency shall comply with physical environment and accessibility regulations.

b) All buildings presently in use or proposed for use for any occupancy by programs contained in this Part shall be in conformance with either a locally adopted building code or NFPA 220, Standard Types of Building Construction (National Fire Protection Association, 1988, with no later editions or amendments) for type of construction. Buildings shall comply with the NFPA 70, National Electrical Code (National Fire Protection Association, 1988, with no later editions or amendments) and NFPA 101, Life Safety Code (National Fire Protection Association, 1988, with no later editions or amendments). (FC)

c) Buildings and residences used by the agency for habilitation/treatment, training and related activities shall:
1) Be located to allow clients access to community services and activities; (FC)
2) Be architecturally comparable to other buildings and residences within the community and appropriate to the age and handicaps of the clients; (FC)
3) Be maintained within a normal temperature and humidity comfort range; (FC) and
4) Have and implement a written preventive maintenance program for its buildings, vehicles and equipment. (FC)

d) Bath and toilet rooms
1) For residential facilities, one bathroom shall be provided for each six clients.

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A) The development and certification of the program shall not force:

i) The provision of an inappropriate level of services;

ii) Residential relocation of the clients away from participating relatives; or

iii) Placement into inappropriate residential settings.

B) The applicant demonstrates through letters of support or working agreements a willingness to work cooperatively in coordinating services with residential developmental disabilities service providers in the geographic area where services are provided; and

C) Developmentally disabled clients shall be identified for the program and systematically assessed to be in need of developmental training.
h) Buildings used by the agency for developmental training shall comply with the following:

1) All buildings shall conform with the provisions of Chapter 28 of the NFPA 101, Life Safety Code (National Fire Protection Association, 1988, with no later editions or amendments). (FC)

2) All buildings in which storage is kept shall conform with Chapter 29 of the NFPA 101, Life Safety Code (National Fire Protection Association, 1988, with no later editions or amendments). (Storage buildings of less than 200 square feet of floor area are exempt from this requirement.) (FC)

3) All buildings shall conform with the provisions of Chapter 31 of NFPA 101, (National Fire Protection Association, 1988, with no later editions or amendments) specifically sections 31-1.1 through 31-1.6; (FC) and

4) All buildings used for any purpose, i.e. training, storage, office as a part of a developmental training program, shall conform with the provisions of the Environmental Barriers Act, (Ill. Rev. Stat., 1987, ch. 111, pars. 3711 et seq.) and 77 Ill. Adm. Code 400 (Illinois Accessibility Code). (FC)

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- A) A bathroom shall be provided on each bedroom floor and shall include a toilet, lavatory, and tub or shower. (FC)
- B) A toilet and lavatory shall be provided on other floors used by clients excluding basements used for laundry and/or storage.
- C) Each lavatory shall be provided with a mirror.
- D) Toilet rooms in a basement shall not have a ceiling height of less than six feet, eight inches.
- 2) For day programs, one toilet shall be provided for every 20 clients. (Whenever urinals are provided, one toilet less than the number specified may be provided for each urinal, except that the number of toilets shall not be less than two-thirds of the total required number.) (FC)
- 3) Bathrooms shall be located and equipped to facilitate training toward maximum independence in self-help skills and, when needed by the client, special assistance or devices shall be provided.
- 4) Bathing facilities shall provide privacy. (FC)
- 5) Individual towels and washcloths shall be provided for bathing.
- 6) Toilet facilities shall provide privacy and be supplied with toilet paper. (FC)
- e) Protective or security features, vision panels, cameras, and other viewing devices shall not be used unless indicated by the specific needs of all clients as determined by the interdisciplinary or treatment team.
- f) Residential services
 - 1) Each residence shall accommodate no more than eight clients. (FC)
 - 2) Furniture and furnishings shall be safe, comfortable, homelike, and in good repair.

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- 3) Storage space for clothing and other personal belongings shall be provided for each client.
- 4) There shall be a social activity area of at least 20 square feet per client excluding bedrooms.
- 5) Each residence shall contain a clothes washer and dryer. (Clients can use commercial laundromats when being trained to do so.)
- g) Bedrooms
 - 1) Each single client bedroom shall have at least 75 square feet of usable net floor area, not including space for closets, wardrobes, bathrooms and clearly definable entryway areas.
 - 2) Each multiple bedroom shall accommodate no more than two clients.
 - A) Each bedroom for two clients shall have at least 55 square feet of net usable floor area per client. (Usable area shall not include any space used for closets, wardrobes, bathrooms and clearly definable entryway areas.)
 - B) There shall be a three-foot minimum distance between beds.
 - 3) Each bedroom shall have:
 - A) Walls that extend from floor to ceiling; (FC)
 - B) At least four square feet of closet or wardrobe space per client;
 - C) Additional space as needed to accommodate bedside assistance and the use and storage of mobility devices and prosthetic equipment;
 - D) Storage space for personal items;
 - E) A bed suitable for each client's physical stature and condition;
 - F) An entrance door that swings into the room; (FC)

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- Section 119.710 Infection control, sterile supplies and equipment
- 2) The transportation system operated by, or under contract to, the agency shall meet local and state licensing, accessibility, inspection, insurance, and capacity requirements. The agency shall be able to document such compliance.
 - 3) Vehicles used to transport clients with physical disabilities shall be adapted to their needs.
 - 4) Agencies shall have on file copies of current, valid driver's licenses for all drivers of agency vehicles used to transport clients. (FC)
 - 5) Drivers and vehicle attendants shall be certified in cardiopulmonary resuscitation and trained in first aid, the Heimlich maneuver and emergency procedures.
 - 6) If specialized equipment and transfer techniques are used in transporting clients, training shall be provided.

a) Each agency shall have an infection control program through which effective measures shall be developed to prevent, identify, control and report infections and diseases including, but not limited to, human immunodeficiency virus (HIV) and hepatitis B, and shall comply with 77 Ill. Adm. Code 690 (Control of Communicable Diseases Code) and 77 Ill. Adm. Code 693 (Control of Sexually Transmitted Diseases Code).

b) Written policies and procedures pertaining to the operation of the infection control program shall be established, reviewed at least annually, and revised as necessary. This shall include the handling of infectious body fluids and a system for reporting, evaluating and maintaining records of infections among clients and staff.

c) When an agency's programs use sterile supplies or equipment, there shall be policies and procedures for their handling, maintenance, and use.

d) There shall be documentation that employees have been instructed in the importance of infection control, personal hygiene and their responsibility in the infection control program.

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- Section 119.705 Accessibility and transportation
- g) At least one outside window, and a total window area to the outside equal to at least one-tenth the floor area of the room;
 - h) Adequate artificial light; and
 - i) Clean mattresses, bedding and a pillow.
 - 4) Hospital-type beds, the absence of pillows, the use of plastic or other materials to keep beds and pillows dry, or other departures from typical sleeping arrangements shall be permitted only when justified in each case by the client's interdisciplinary or treatment team.
 - 5) No bedroom floor shall be more than three feet below the adjacent ground level.
 - 6) Bedrooms shall maintain a dry and comfortable environment.
 - 7) Traffic to and from any room shall not be through a client's bedroom.

a) The agency shall comply with the Environmental Barriers Act (111 Rev. Stat. 1987, ch. 111, par. 3711 et seq.) and the Illinois Vehicle Code (111 Rev. Stat. 1987, ch. 95, par. 1-100 et seq.) (FC)

1) The agency shall assist clients to secure transportation that enables them to have access to programs and services.

A) Clients who are able to self-transport or who are receiving required self-transportation programs in accordance with their individual habilitation or treatment plan shall be encouraged to use public conveyances.

B) The interdisciplinary or treatment team shall determine and document whether there is need for vehicle attendants based on the needs of the clients.

C) No client shall be transported in a one-way trip that exceeds one hour, excluding fields trips.

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Section 119.715 Dietary services

a) General

- 1) The agency shall establish written policies and procedures which comply with 77 Ill. Adm. Code 300 (Skilled Nursing Facilities and Intermediate Care Facilities Code); 77 Ill. Adm. Code 350 (Intermediate Care for the Developmentally Disabled Facilities Code); 77 Ill. Adm. Code 370 (Minimum Standards for the Licensure of Community Living Facilities), and 77 Ill. Adm. Code 390 (Long Term Care for Under Age 22 Code) on dietary and food services, food storage, handling, preparation, serving, sanitation and hygiene.
- 2) Denial of a meal or portion thereof shall not be used as punishment.
- 3) Areas used for dining shall be equipped with tables, chairs, and eating utensils (including required adaptive eating devices) to accommodate the needs of clients, unless contraindicated by the habilitation or treatment plan or physician's order.
- 4) Water shall be available throughout the day, as well as at each meal. Clients who have not learned to independently obtain a drink of water shall be assisted.
- 5) Snacks used as a part of the habilitation or treatment process shall be appropriate to the dietary needs of clients.
- 6) Clients shall eat in an upright position with proper body alignment for chewing and swallowing, unless contraindicated by the habilitation or treatment plan or physician's order.
- 7) Modified diets shall be:
 - A) Served consistent with the habilitation or treatment plan and physician's order; and
 - B) Prepared and served by persons who have received documented instruction in the preparation and serving of modified diets according to an instructional plan kept on file; and
 - C) Specified in the habilitation or treatment plan which shall be reviewed by and developed in consultation with a registered dietitian.

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- 8) Served but uneaten food shall be discarded.
 - 9) Relevant staff observations regarding the client's eating habits, responses to food or programs shall be recorded in the client's record.
 - 10) Garbage shall be held, transferred and disposed of in a manner which does not permit the transmission of disease or create a breeding place for rodents or vermin. (FC)
 - 11) Garbage containers shall have close-fitting lids, and shall be leak-proof and non-absorbent.
 - 12) All food shall be stored in covered containers and at temperatures as required by 77 Ill. Adm. Code 750 (Subpart B of Food Service Sanitation).
 - 13) Dry or staple food items shall be stored at least 12 inches above the floor in a ventilated room not subject to sewage, waste water backflow or contamination by condensation, leakage, rodents or vermin.
 - 14) Separate wiping cloths shall be used for food-contact and non-food contact surfaces.
 - 15) Persons preparing or serving food should not have opened wounds or sores.
 - 16) Persons preparing and serving food shall receive in-service training in sanitation, health, safety regulations and food preparation and/or handling.
- b) If a dietary service is provided or arranged for by the agency, the dietary services shall be specified in a written plan or policies and procedures.
- 1) Dietary service shall be directed by an Illinois registered dietitian or by an individual trained and experienced in food service management, nutrition, and therapeutic diets who consults with a registered dietitian at least quarterly.
 - 2) Records of current diet needs, consultation and recommendations, regarding a client's diet and eating needs shall be maintained in the client's record and reviewed by staff.

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E) Reflective of client participation, preferences and culture in the planning process.

7) Food preparation areas and equipment shall be provided with a commercial or domestic type dishwashing machine with sanitizing features.

8) Food preparation and cleaning procedures shall be a part of the routine training and living experience for clients.

9) Written sanitation procedures shall be posted in all food service areas and documentation of staff and client training shall be provided for those involved in food service.

10) The agency shall ensure instruction by a registered dietitian to agency staff involved in dietary services.

11) When nutritional screening indicates the need for further assessment of a client's nutritional needs, a registered dietitian shall complete an assessment and nutritional plan with on-going follow up and evaluation.

c) Residential programs

1) Agencies with residential programs shall have a written plan for the provision of dietary services available in the food preparation area.

2) Menus shall be planned at least one week in advance.

3) If dietary services are provided by an outside company, the contract between the agency and the company shall require the company to comply with the agency's written plan and with the standards required by this Section.

4) The policies and procedures shall ensure that three meals shall be provided daily at hours in accordance with local custom, when clients are not routinely absent for work, school or for other purposes.

5) If only breakfast and dinner are served in the residence or program, these two meals together must provide at least two-thirds of the total daily nutritional allowance for clients.

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3) The agency shall forward diet information when another agency or program provides food for clients.

4) Dietary practices in keeping with the religious requirements of the client's faith shall be observed at the request of the client or guardian if not counterproductive to the nutritional needs of the client as determined by a registered dietitian or by an experienced person who consults with a registered dietitian at least quarterly.

5) Food shall be prepared and served:

A) In accordance with the habilitation or treatment plan or physician's order to assure that the client's specific dietary needs are met in keeping with the recommended daily allowances as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council;

B) At proper temperature and in a manner designed to protect food from contamination and spoilage;

C) With proper utensils and in a form consistent with the client's developmental eating level and dietary needs;

D) In a sanitary, attractive and palatable manner; and

E) As soon as possible after preparation to conserve nutritive value.

6) Food served to clients shall be specified in written menus which shall be:

A) Available in food preparation areas and for inspection by clients or others;

B) Reviewed and approved by a registered dietitian;

C) Retained for at least 120 days with records of actual food served, including substitutes;

D) Representative of a variety of food per day, week, month, holiday, and season; and

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- 6) Residential agencies shall facilitate client participation in a variety of dining experiences for clients including cafeteria style, family style, picnic and restaurant.

Section 119.720 Sanitation, safety, emergencies and disaster plans

- a) The agency shall develop and implement written policies and procedures which comply with applicable federal, state and local regulations on sanitation and shall minimally address the following:
 - 1) Housekeeping throughout the building shall be adequately performed to ensure that all areas are clean, attractive and orderly, including basements, attics, storage areas, refuse areas and any unoccupied rooms.
 - 2) Kitchens and kitchen equipment shall be in good sanitary condition.
 - 3) Walls and ceilings of all food handling areas shall have a smooth washable surface.
 - 4) Drainage pipes shall not be installed in an exposed location in food preparation centers, food servicing facilities, food storage areas, and other critical areas. Special precautions shall be developed to protect these areas from possible leakage or condensation from overhead pipe systems.
 - 5) The agency's premises shall be free from offensive odors, insects, rodents and vermin.
 - 6) Clients who are incontinent shall be bathed or cleaned immediately upon voiding or soiling. All soiled items shall be changed immediately and extra clothing shall be provided for those clients, if necessary.
 - 7) Soiled items shall be stored in covered containers and removed from programming areas as soon as possible and at least daily.
 - 8) Persons shall be required to wash their hands after assisting an incontinent client.
 - 9) Waste and garbage shall be stored, transferred and disposed of in a manner that encourages high sanitation standards and does not permit the transmission of diseases.

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- 10) Private water systems shall comply with 77 Ill. Adm. Code 900 (Drinking Water Systems Code).
- 11) Adequate amounts of hot water shall be provided for client use.
- 12) Bathroom areas shall be clean and sanitary to protect health.
- b) Safety training
 - 1) The agency shall implement safety training programs which shall:
 - A) Train clients in safety and self-preservation skills;
 - B) Identify the situations in which staff shall attempt to contain fires;
 - C) Train staff in the use of fire-fighting equipment; and
 - D) Document all safety training programs including, at a minimum, a written evaluation of safety training maintained on site for three years.
 - 2) The agency shall designate a staff member responsible for safety and safety programs.
 - 3) The agency shall have at least one staff member on duty during all shifts who is trained in emergency first aid and certified in cardiopulmonary resuscitation. (FC)
- c) Emergencies and disasters
 - 1) The agency shall develop and implement written policies and procedures that ensure:
 - A) Provision for identifying and securing toxic substances;
 - B) Maintaining records and reports of fire and disaster training; (FC)
 - C) Maintaining copies of inspections performed by local and state inspectors in regard to health, sanitation and environment; (FC) and

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- 1) A copy of the death certificate shall be placed in the client's record.
 - 2) When a necropsy is performed, provisional anatomic diagnosis shall be recorded within 72 hours, when feasible, and the complete protocol shall be made part of the client's record within three months.
 - 3) The wishes and needs of the client or the guardian concerning religious matters shall be determined and, insofar as possible, fulfilled.
 - 4) The agency shall provide as much assistance as possible in making arrangements for services and burial, as requested by the family or the guardian.
 - 5) The coroner or medical examiner, the guardian and other public authorities including the Department of Mental Health and Developmental Disabilities shall be notified of deaths in accordance with Section 10 of "AN ACT to revise the law in relation to coroners" (Ill. Rev. Stat. 1987, ch. 31, par. 10).
- g) Risk management
- 1) The agency shall take precautions to avoid hazards to clients and staff including dangerous substances, sharp objects, unprotected electrical outlets, slippery floors or stairs, exposed heating devices, scalding water, and broken glass.
 - 2) The agency shall maintain:
 - A) Incident and injury reports;
 - B) Records of occupational injuries and illnesses as required by the U.S. Occupational Safety and Health Administration; and
 - C) Written inspection reports and records from insurance companies.
 - 3) The authorized agency representative or designee shall:
 - A) Review reports of accidents, incidents and injuries involving clients, staff, volunteers and visitors, and take corrective action; and

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- B) Review reports and prepare written corrective plans of action in response to inspections conducted by agency staff and persons external to the agency.
 - 4) Sidewalks, fire escape routes and entrances shall be free of any hazards including ice, snow and other debris.
- h) Other requirements
- 1) Each program location shall be inspected and approved for fire safety by local and state fire officials prior to the placement of clients and, at least annually, thereafter. (FC)
 - 2) An approved smoke detection system shall be installed on each floor of multi-story facilities and outside each sleeping area in all facilities in accordance with the Smoke Detector Act (Ill. Rev. Stat. 1987, ch. 127½, par. 801 et seq.). (FC)
 - 3) Containers for rubbish and trash shall be either metal with metal covers or approved plastic with the fire resistance rating listing stamped on the container.
 - 4) Storage of combustible materials is prohibited in rooms containing the heating plant, water heater or incinerator. (FC)
 - 5) Poisons, caustics and other dangerous materials shall be stored and safeguarded in non-resident areas and in non-food preparation and food storage areas. (FC)
 - 6) Approved five-pound ABC-type fire extinguishers shall be strategically located throughout the facility. (FC)
 - 7) All fire extinguishers shall be inspected annually and recharged when necessary. (FC)
 - 8) The date of the checking or recharging of fire extinguishers shall be recorded on a tag attached to the extinguisher. (FC)
 - 9) Adequately stocked first aid kits shall be located in each program location, and be monitored quarterly by a staff member trained to determine the adequacy of its contents to ensure it is properly stocked. (FC)
 - 10) The agency shall provide an area suitable for temporary isolation and care of clients' who become ill, which is convenient for use by agency staff.

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SUBPART G: SURVEYS, COMPLAINTS, INVESTIGATIONS

Section 119.900 Surveys

h) Additional reports may be required as the Department deems necessary.

a) At least annually, the Department shall conduct on-site surveys of programs licensed or certified under this Part.

b) All on-site surveys shall include client observation.

c) Department surveys shall be conducted on a planned or random basis to review program compliance with this Part or in response to complaints made to the Department concerning a program licensed or certified under this Part.

d) Advanced notice shall be given for annual certification or licensure surveys.

e) Upon presentation of Department identification, surveyors shall be permitted access to survey all areas and records of the program.

f) Participating programs shall afford the Department's representative every reasonable opportunity to examine the records and premises, and obtain information required to administer the program.

g) Any participating program shall give consent to any Department surveyor to conduct surveys, review programs and perform investigations in accordance with this Part.

h) Refusal to permit entry or survey shall constitute grounds for immediate decertification or license revocation.

i) An exit conference shall be conducted immediately following completion of a survey.

j) A written report shall be prepared by the survey staff and provided to the authorized agency representative and the governing body or owners within 45 days following a survey.

k) After completion of a survey, a program shall be considered in compliance if no deficiencies are identified, or if deficiencies identified during the survey have been addressed with either an acceptable plan of correction developed by the provider and approved by the Bureau or with an approved equivalency or waiver.

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11) The agency shall provide the following safety features:

A) Adequate numbers of alternate exits and exit doors; (FC)

B) Exit ramps having non-skid surfaces and a slope not exceeding one foot in twelve feet maintained in an accessible condition at all times;

C) Handrails on stairways; (FC)

D) Aisles and exits free from all encumbrances;

E) Uncluttered floors;

F) Illuminated fire exits; (FC)

G) Fire alarm pull station at each exit; (FC)

H) Protective devices for hazardous jobs, e.g., goggles, gloves;

I) Enclosed furnaces and water heaters in client use areas; and

J) Strobe light or other current technology for the hearing impaired to safely evacuate in emergencies including vibro-tactile alerting devices for hearing and vision impaired clients. (FC)

12) The agency shall not use extension cords.

13) Exit doors shall not be key-locked while clients are present.

SUBPART F: REPORTS

Section 119.800 Reports to the Department

a) Each holder of a license or certificate shall report to the Bureau at least 60 days prior to changes in:

1) Ownership or control;

2) Discontinuance of operations; and

3) Agency and/or program location.

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- l) If the Department has determined that the program is in compliance with standards it shall certify, license, recertify or relicense the program.
- m) If the Department determines that a program is not in compliance with standards, it shall serve a notice of violation on the agency.
- n) Each notice of violation shall be prepared identifying standards in this Part alleged to have been violated.
- o) The program shall submit a plan of correction to the Department within 30 days of receipt of the notice of violation.
- p) The notice of violation shall inform the program of any other action which the Department might take pursuant to this Part and of the program's right to a hearing in accordance with Section 119.1000.
- q) Following receipt of the plan of correction, the Bureau shall inform the program, in writing, within 30 days, if the plan of correction is acceptable.
- r) If the plan of correction is not acceptable, the program shall be informed within 30 days of specific item(s) found to be unacceptable and require another plan of correction within 15 days. The Bureau shall respond within 15 days to the subsequent plan of correction.
- s) The Department shall not issue a license or certify a program, or shall initiate actions to revoke a license or decertify a program for failure of a program to:
 - 1) Provide an acceptable plan of correction within required time frames for correction as identified above;
 - 2) Implement actions as stated in the plan of correction; or
 - 3) Implement immediate corrective action when life threatening deficiencies are found.

Section 119.905 Complaints

- a) Any person, association or governmental body having a complaint against an agency which cannot be resolved with the agency may file a complaint with the Department alleging that a program is in

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violation of this Part. All verbal complaints to the Department shall be documented.

- b) The complaint, a copy of the complaint, or a record published, released or otherwise disclosed to the agency shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure, the investigation results in a judicial proceeding or disclosure is essential to the investigation.
- c) An agency shall not transfer, discharge, evict, harass, dismiss, or retaliate against a client, employee or agent who files a complaint or who testifies because of the complaint.
- d) Any person participating in good faith in making a complaint, or the investigation of a complaint shall not be considered to have violated any privileged communication and shall have immunity from any liability, civil or criminal, that might result as a consequence of making a complaint.
- e) The good faith of any person making a complaint or participating in the investigation of a complaint shall be presumed.

Section 119.910 Complaint investigations

- a) The Department shall conduct an investigation pursuant to a complaint in order to determine if the program has violated standards contained in this Part.
- b) If, based on the results of its investigation, the Department determines that the program is not in compliance, it shall promptly send a notice of violation to the agency.
- c) At the request of the complainant, the Department shall notify the complainant of its findings.
- d) Upon presentation of identification, Department staff shall be permitted access to administrative and service areas, client records, and other records required to accomplish the investigation.
- e) The Department shall provide the agency with a written statement summarizing the items being alleged in the complaint.
- f) The Department may conduct unannounced site visits.

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c) If the order is to revoke the license or certificate, it shall specify that the order takes effect upon receipt by the licensee or certificate holder, and that it shall not operate during the pendency of any proceeding for judicial review of the Department's decision, except under court order.

Section 119.1005 Sanctions

The Department, at its option, may institute whatever sanctions are available to it.

SUBPART I: COMMITTEES

Section 119.1100 Human rights committee

a) An agency shall have a human rights committee which includes consumer representatives.

b) More than one-half of the committee's members shall not be employed by the agency.

c) At least one member of the committee shall be experienced with issues and decisions regarding human rights.

d) The human rights committee shall:

1) Review and approve special treatment procedures (in accordance with Section 119.385) prior to implementation. Such approval shall not exceed one year;

2) Review and approve written research proposals involving agency clients prior to implementation. Such approval shall not exceed one year;

3) Review agency policies, procedures and practices which offset or restrict clients' rights; and

4) Be informed of complaints of any rights violations and agency corrective actions.

e) Any member who has been involved in the development, review or approval of a matter before the committee shall be excluded from the committee's decision-making on that matter.

f) Human rights committee members shall be given orientation regarding their committee's duties and responsibilities.

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g) The Department shall inform the complainant, if requested, and the agency of its findings within 10 days of determination.

h) The complainant may direct the Department to send a copy of such findings to another person.

i) Findings concerning a program or agency shall be available for public inspection, but the names of the complainant or clients shall not be disclosed without their consent.

j) The findings shall include a written determination of fact, correction order, if any, warning notice, if any, and notice of violation, if any.

SUBPART H: HEARINGS AND SANCTIONS

Section 119.1000 Hearings

a) No license or certification may be denied or revoked unless the applicant, licensee or certificate holder is given written notice of the grounds for the Department's action.

1) The applicant, licensee or certificate holder may appeal the Department's proposed action within 30 days after receipt of the Department's written notice by making a written request to the Department for a hearing.

2) Notice of the time, place, and nature of the hearing shall be given to the applicant or licensee or certificate holder not less than two weeks prior to the date of the hearing.

3) The hearing shall proceed, and the notice shall be delivered, in accordance with Section 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1010).

4) The Director may appoint a hearing examiner to preside at any administrative hearing.

b) If the applicant, licensee or certificate holder does not submit a request for a hearing or if after conducting the hearing the Department determines that the license or certificate should not be issued or should be revoked or denied, the Department shall issue an order to that effect.

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- g) The human rights committee shall meet at least quarterly and shall maintain minutes including date, time, and place of meetings, attendance, issues discussed, actions and decisions taken.
- h) The human rights committee shall maintain client confidentiality.

Section 119.1105 Behavior management committee

- a) An agency serving persons with developmental disabilities in programs described in Subpart D which uses special treatment procedures for managing behavior shall establish a behavior management committee.
- b) The behavior management committee shall review and approve, prior to implementation, written programs using special treatment procedures including physical restraint, behavior modifying drugs, time-out rooms, aversive conditioning, or other techniques with similar degrees of restriction or intrusion.
- c) The behavior management committee shall include:
 - 1) Persons qualified to evaluate published behavior management research studies and the technical adequacy of proposed behavior management interventions; and
 - 2) A physician, pharmacist, or other professional qualified to evaluate proposals for the use of drugs to manage behavior.
- d) The behavior management committee shall maintain minutes including date, time and place of meetings, attendance, issues discussed, and actions and decisions taken.
- e) The behavior management committee shall maintain client confidentiality.
- f) The committee shall establish a program review date not to exceed one year.

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- 1) The Heading of the Part: Special Waste Classifications
- 2) Code Citation: 35 Ill. Adm. Code 808

<u>Section Number:</u>	<u>Proposed Actions:</u>
808.100	New Section
808.101	New Section
808.110	New Section
808.111	New Section
808.121	New Section
808.122	New Section
808.123	New Section
808.240	New Section
808.241	New Section
808.242	New Section
808.243	New Section
808.244	New Section
808.245	New Section
808.246	New Section
808.300	New Section
808.301	New Section
808.302	New Section
808.400	New Section
808.401	New Section
808.402	New Section
808.410	New Section
808.411	New Section
808.412	New Section
808.413	New Section
808.420	New Section
808.430	New Section
808.431	New Section
808.501	New Section
808.502	New Section
808.503	New Section
808.520	New Section
808.521	New Section
808.522	New Section
808.541	New Section
808.542	New Section
808.543	New Section
808.544	New Section
808.545	New Section
808.600	New Section
Appendix A	New Section
Appendix B	New Section
Appendix C	New Section
Appendix D	New Section

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:

August 11, 1989

B) Types of small businesses affected:

All small businesses generating, transporting and receiving manifested shipments of special wastes may be affected.

C) Reporting, bookkeeping or other procedures required for compliance:

For persons whose wastes are remaining in the "Special Wastes" classification, these rules will require completion of forms (manifests and reports).

D) Types of professional skills necessary for compliance:

The use of a chemist, engineer or related professional may be required in order to properly complete an application for classification or declassification of special wastes. Such an application is not required.

The full text of the proposed rules begins on the next page:

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111, pars. 1022.01, 1022.9 and 1027

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

These regulations establish standards and criteria for classifying special wastes according to their degree of hazard, as determined by the methodology proposed by the Department of Energy and Natural Resources. These regulations also provide standards and criteria (utilizing the same degree of hazard methodology) by which the Agency may determine upon written request that a waste is not a special waste.

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

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

8) Does this proposed rule contain incorporations by reference? Yes

9) Are there any other amendments pending on this part? Section Numbers: Proposed Action: Ill. Reg. Citation:

No

10) Statement of Statewide Policy Objective (if applicable)?

Not applicable: Any effect of this proposal would be to reduce expenditures by elimination or reduction of waste manifest and reporting requirements.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-13, Docket A, within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. In addition, three public hearings have been established for consideration of this proposal. These hearings will be held on September 1, 1989, at 10:00 a.m., Municipal Building, Council Chambers, Room 300, 7th & Monroe Street, Springfield, IL, and on September 14 and 15, 1989 at 10:00 a.m., Northeastern Illinois Planning Commission, 400 West Madison, Chicago, IL.

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 808
SPECIAL WASTE CLASSIFICATIONS

SUBPART A: GENERAL PROVISIONS

Section
808.100 Purpose, Scope and Applicability
808.101 Transitional Rule
808.110 Definitions
808.111 Incorporations by Reference
808.121 Generator Obligations
808.122 Manifests
808.123 Small Quantity Generators

SUBPART B: CLASSES OF SPECIAL WASTE

Section
808.240 Special Waste Classes
808.241 Default Classification of Special Wastes
808.242 Special Handling Waste
808.243 Categorical Wastes
808.244 Characteristic Wastes
808.245 Degree of Hazard
808.246 Toxicological Testing

SUBPART C: CRITERIA AND DATA REQUIREMENTS

Section
808.300 Introduction
808.301 Degree of Hazard Determination by Computer
808.302 Data Base

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

Section
808.400 Introduction
808.401 Application Forms
808.402 Application for Waste Classification
808.410 Physical and Chemical Analysis
808.411 Significant Trace Constituents
808.412 Common Names
808.413 Wastestream Description
808.420 Quality Assurance Plan
808.430 Degree of Hazard Data
808.431 Toxicological Testing

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SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

Section
808.501 Order of Requesting Information
808.502 Completeness
808.503 Standard for Classification

SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

Section
808.520 Time for Agency Action
808.521 Conditions of Wastestream Classification
808.522 Final Agency Action

SUBPART G: MODIFICATION, APPEAL AND ENFORCEMENT

Section
808.541 Request for Reconsideration
808.542 Appeal
808.543 Effect of Classification
808.544 Enforcement
808.545 Modification

SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

Section
808.600 Introduction
808.601 Hazardous (Infectious) Hospital Waste

Appendix A Assignment of Special Waste to Classes
Appendix B Toxicity Hazard
Appendix C Fire Hazard
Appendix D Leaching Agent Potential

AUTHORITY: Implementing Sections 21, 22, 22.01 and 22.9, and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1021, 1022, 1022.01, 1022.9 and 1027.)

SOURCE: Adopted in R89-13A at Ill. Reg. effective

SUBPART A: GENERAL PROVISIONS

Section 808.100 Purpose, Scope and Applicability

a) This Part provides a means by which persons may obtain a classification of special waste which is not defined as

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Program", approved March 6, 1987.
ANSI/ASQC Q94-1987, "Quality Management and Quality System Elements -- Guidelines", Approved June 15, 1987.

ANSI/ASQC Z1.4-1981, "Sampling Procedures and Tables for Inspection by Attributes", Approved 1981.

ANSI/ASQC Z1.9-1980, "Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming", Approved March 6, 1980.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

ASTM Standard D 3828-87 "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester", approved December 14, 1987.

ASTM Standard E 896-87 "Standard Test Method for Conducting Aqueous Direct Photolysis Tests", approved September 25, 1987.

ASTM Standard E 1147-87 "Standard Test Method for Partition Coefficient (n-Octanol/Water) Estimation by Liquid Chromatography", approved February 27, 1987

ASTM Standard E 1148-87 "Standard Test Method for Measurements of Aqueous Solubility", approved April 3, 1987

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication Number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

- b) This Section incorporates no future amendments or

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editions

Section 808.121 Generator Obligations

- a) Each person who generates waste shall determine whether the waste is a special waste.
(BOARD NOTE: 35 Ill. Adm. Code 722 requires the person to also determine if the waste is a hazardous waste.
- b) No person shall deliver special waste to a hauler unless the waste is accompanied by a manifest as specified in Section 808.122 and the hauler has a special waste hauling permit issued pursuant to 35 Ill. Adm. Code 809. The following are exceptions to this prohibition:
- 1) The person is subject to the small quantity generator exemption of Section 808.123.
 - 2) The hauler and waste are subject to a hauler exemption under 35 Ill. Adm. Code 809.331.
 - 3) The Agency has determined pursuant to this Part that the waste is not a special waste.
- c) No person shall cause, threaten or allow the treatment, storage or disposal of special waste in Illinois except:
- 1) At a facility permitted or otherwise authorized to manage the special waste pursuant to 35 Ill. Adm. Code 703 or 811; or
 - 2) At a facility owned and operated by such person and subject to the on-site disposal exemption of Section 21(d) of the Act.
- d) No person shall deliver special waste to a hauler or a permitted facility without a wastestream identification number.
- e) No person shall deliver to a hauler or permitted facility special waste with a wastestream identification number unless the waste conforms with the wastestream description in the wastestream classification determination.

Section 808.122 Manifests

If required by Section 808.121(b):

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a) The generator of any special waste shall prepare a manifest in the form prescribed by 35 Ill. Adm. Code 809.501 prior to shipment.

b) The generator of any Class B special waste may choose to utilize a manifest in the form prescribed for Class A special wastes. Special wastes made subject to this subsection shall be deemed Class A special wastes for all purposes of this Part.

Section 808.123 Small Quantity Generators

Any person who generates a total quantity of a special waste of 100 kilograms (220 pounds) or less in any calendar month: is not required to initiate a manifest when delivering such special waste to a hauler providing that such waste shall not be accumulated for more than 190 days prior to shipment. In any action, to enforce the terms of this Section, the burden of proof shall be on the generator to establish compliance with the time limit on accumulation.

SUBPART B: CLASSES OF SPECIAL WASTE

Section 808.240 Special Waste Classes

a) There are two classes of non-RCA hazardous special waste. 35 Ill. Adm. Code 811 provides different rules for the transportation, treatment, storage and disposal of these waste types. The waste types are called "type A" and "Type B", with greater restrictions on the handling of the former. In addition, special wastes with a negligible degree of hazard (i.e., scoring less than 1 pursuant to Section 808.145) may be declassified. Such declassified wastes shall be deemed to be refuse which is not a special waste.

b) This Subpart should be read in conjunction with the flowchart in Appendix A. The Sections of this Subpart are arranged such that the first Section which assigns a waste classification to the waste controls. This Part contains rules for the assignment of wastes to classes. Subpart D contains procedures by which a person requests that the Agency assign special wastestreams to classes.

d) Subpart B allows the Agency to determine that a waste is not a special waste.

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Section 808.241 Default Classification of Special Wastes

Any industrial process waste or pollution control waste which is not a RCA hazardous waste is a Class A special waste unless and until some person demonstrates otherwise to the Agency pursuant to this Part.

Section 808.242 Special Handling Waste

A special handling waste which is neither a RCA hazardous waste nor a Class A special waste under the other provisions of this Subpart is a Class B special waste.

(BOARD NOTE: This rule sets the special handling flag. A special handling waste will require manifesting regardless of the predicted degree of hazard score under Section 808.245, to protect the waste hauler, the disposal operator and their employees.)

Section 808.243 Categorical Wastes

a) Subpart H defines certain categorical wastes and assigns them to classes.
b) A waste which meets the criteria for inclusion within a category is a special waste of the class specified for the category.

Section 808.244 Characteristic Wastes

a) Subpart H defines certain waste characteristics and assigns wastes meeting the characteristics to classes.
b) A waste which exhibits a characteristic is a special waste of the class specified for the characteristic.

Section 808.245 Degree of Hazard

An industrial process waste or pollution control waste which is not a RCA hazardous waste shall be assigned to a class based on the degree of hazard as follows:

a) Compute scores for the following hazard categories:
1) Toxicity hazard (Appendix B);
2) Fire hazard (Appendix C); and,
3) Leaching hazard (Appendix D).

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- b) Assign to types based on the highest score from subsection (a):
 - 1) If the score is 0, the waste shall be deemed not a Special Waste (i.e., is a declassified waste);
 - 2) If the score is 1, the waste is deemed to be class B special waste;
 - 3) If the score is 2 or more, the waste is deemed to be class A special waste. However, if the score is 3, the waste shall be subject to such additional classification and other requirements as may be imposed by Board regulations adopted pursuant to Sections 22.4(b) and (c) of the Act.
- c) Notwithstanding the above, a special handling waste shall be deemed to be at least a class B special waste.

Section 808.246 Toxicological Testing

A waste may be assigned to a class pursuant to Section 808.245 based on toxicological testing of the waste or its components.

SUBPART C: CRITERIA AND DATA REQUIREMENTS

Section 808.300 Introduction

This Subpart governs criteria and data requirements used to predict the degree of hazard pursuant to Section 808.245.

Section 808.301 Degree of Hazard Determination by Computer

- a) The Agency may employ electronic data processing equipment and programs to accomplish the purposes of this Subpart. Any such program must assign a degree of hazard according to the method specified in Section 808.245.
- b) The program must display all data used in each degree of hazard prediction, together with the source of the data.

Section 808.302 Data Base

- a) This Section governs the data base which may be employed to assess the physical, chemical and toxicological properties of waste constituents.
- b) The data base shall consist of data from any source

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which the Agency determines is reasonably reliable as a basis for decision. Reasonable reliability of a source shall be assessed by reference to factors including, but not limited to, its scientific validity, the consistency with which the source reflects directly observable data, including monitoring data, and the consistency of results of repeated applications of data and formulae. Such data sources include, but are not limited to the following:

- 1) Data from standard reference sources;
- 2) Data published or incorporated by reference by a federal regulation or by a regulation adopted by an agency of the State of Illinois;
- 3) Data included in the application under consideration and in written communications between the applicant and the Agency or their representatives, with respect to the application;
- 4) Data previously used by the Agency in other wastestream categorization determinations.

SUBPART D: REQUEST FOR WASTE CLASSIFICATION

Section 808.400 Introduction

- a) This Subpart specifies the procedures used to obtain a waste classification from the Agency.
- b) Waste classification may be requested by any person subject to the obligations imposed on generators of special waste as specified in Subpart A.

Section 808.401 Application Forms

Persons applying for waste categorization shall use application forms promulgated by the Agency.

Section 808.402 Application for Waste Classification

An application for waste categorization shall, at a minimum, include the following information:

- a) Basic information.
 - 1) The name, address and phone number of the original generator.

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(BOARD NOTE: Wastestream categorization is not applicable to RCRA hazardous waste. If the generator anticipates that this will be an issue, the generator should include documentation supporting the claim that the waste is not a hazardous waste pursuant to 35 Ill. Adm. Code 721.)

d) Data bearing on whether the waste is a special handling waste, including the physical form of the waste and the mode of containment, if any, during transport.

e) Whether the waste is a categorical or characteristic waste.

f) Sufficient physical, chemical and toxicological data to assign a degree of hazard pursuant to Section 808.245 pursuant to Section 808.430.

g) If necessary, results of toxicological testing as specified in Section 808.431.

h) Such additional information as the generator believes is appropriate to show that the waste should be classified as the generator requests.

i) Such additional information as the Agency determines is necessary for it to assign the waste to a class. The Agency may specify additional information by a request directed to the individual applicant.

Section 808.410 Physical and Chemical Analysis

Physical and chemical analysis of wastes for purposes of this subpart shall be as follows:

a) Samples must be representative of the wastestream.

1) Samples must include all waste phases.

2) Samples must be distributed spatially within the waste bulk.

3) Samples must be distributed over sufficient time to account for variation in the wastestream through work shifts, seasons, etc.

b) The following properties shall be determined and reported:

2) The original generator's United States Environmental Protection Agency (USEPA) identification number (35 Ill. Adm. Code 722.122) and the Agency identification number, if the original generator has already obtained either.

3) The name and address of any treater of the waste.

4) Any treater's USEPA identification number and Agency site number.

5) Whether any treater has a RCRA permit or interim status.

6) For a waste already produced, a chemical and physical analysis as specified in Section 808.410. For a waste yet to be produced, a predicted chemical and physical analysis based upon laboratory or pilot process data, process design data or other relevant information.

7) A wastestream description as specified in Section 808.413.

8) A quality assurance plan as specified in Section 808.420.

9) A description of any treatment processes.

10) Identification of the disposal site or sites to which the applicant proposes to send the waste.

(BOARD NOTE: This information is requested to assist the Agency in reviewing the application. These rules do not preclude use of a disposal site which is not identified in the application for classification.)

11) Wastestream number of any supplemental wastestream permit issued for the waste pursuant to 35 Ill. Adm. Code 807.210, and the expiration date of any such permit.

b) The rationale for requesting classification, including all relevant calculations and other bases for conclusions.

c) Data establishing that the waste is not a hazardous waste pursuant to 35 Ill. Adm. Code 721.

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- 1) The physical state of each waste phase.
 - 2) pH as determined by the method specified in Appendix D.
 - 3) Flashpoint as determined by the method specified in Appendix C.
 - 4) Results of an EP toxics test as specified in 35 Ill. Adm. Code 721.124.
Density.
- c) Analysis for constituents.
- 1) The analysis must account for all materials introduced into a process, and all materials which come into contact with products and materials produced by the process, including end products and impurities.
 - 2) The analysis must account for chemicals which will react with each other under the process conditions.
 - 3) If available, the analysis must use the Chemical Abstracts Service (CAS) name and number for each constituent, or a name from the list of common names pursuant to Section 808.412. Otherwise, the person requesting classification may provide a name and complete description of the constituent.
 - 4) The analysis shall include a list of major constituents and concentrations which accounts for at least 99% of the mass of the waste. The list may include an entry for "other" or "unknown", if adequately characterized by the list of significant trace constituents below. The analysis shall list major constituents of the waste rounded to the nearest tenth of a percent, and shall be supported by a mass balance.
 - 5) Significant trace constituents. The generator shall include a list and the concentration of all significant trace constituents as defined in Section 808.411.
 - 6) The analysis shall identify all such major constituents and significant trace constituents as are listed in 35 Ill. Adm. Code 721. Appendix H.

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- d) Error analysis. The analysis must report the average value and expected range of each major constituent and significant trace constituent. The expected range must predict the interval within which 95% of analyses for the constituent are expected to fall. The error analysis must take into account the following:
 - 1) Temporal variation in the wastestream properties;
 - 2) Uncertainties arising from sampling the waste; and
 - 3) Uncertainties arising from the method of analysis.

Section 808.411 Significant Trace Constituents

A significant trace constituent is a constituent revealed by qualitative analysis:

- a) Which is present at a concentration less than 1%; and,
- b) Which has a toxicity, B_{1Ti} , as determined in Appendix B, less than 500 mg/l.

Section 808.412 Common Names

The Agency shall adopt a list of common names, together with a description of each.

(BOARD NOTE: The purpose of this provision is to promote greater consistency in the naming of constituents which are not amenable to chemical nomenclature. The Agency may use this mechanism to assign common names to constituents. Suggested names include: Sand, water, wood, foodstuff. In addition, this mechanism can be used to assign a name and toxicological properties to complex mixtures after these have been determined for a wastestream or a type of waste-generating process.

Section 808.413 Wastestream Description

- a) The wastestream description must include the following:
 - 1) The name of the generator if other than the original generator identified in Section 808.402(a)(1);
 - 2) The name of the wastestream as assigned by the Agency under Section 808.412, or as assigned by the generator if no name has been assigned by the Agency;

- 3) The activity, production process or treatment process which gives rise to the waste;
- 4) A general description of the physical and chemical properties of the waste stream.

(BOARD NOTE: This description may be summary and narrative; detailed description of physical and chemical properties of the waste stream is governed by Section 808.410).

- b) The waste stream description may include a description of a range of physical and chemical properties of the waste stream based on physical and chemical analysis pursuant to Section 808.410, associated with periodic, occasional or anticipated changes in the process which produces the waste (e.g., changes in materials used as coatings, bonding agent or solvents).

(BOARD NOTE: The waste stream description differs from the waste analysis discussed above. The waste stream description should describe the waste which the applicant wishes to have classified, which may not be exactly what the applicant presently produces. The waste which is subjected to analysis must fit within the waste stream description, but need not be identical to all permutations of it. To avoid having to necessarily repeat the waste classification process, the applicant should request classification of a broadly-defined and characterized waste stream so as to cover any periodic, occasional or anticipated modification to the waste properties. However, this will tend to increase the degree of hazard ranking of the waste stream.)

Section 808.420 Quality Assurance Plan

A quality assurance plan shall detail steps which the generator will take to ensure that waste conforms with the waste stream description.

- a) The plan must include employee orientation measures, such as the following:
 - 1) Assignment of responsibility for assuring compliance;
 - 2) Employee training;
 - 3) Work rules;

- 4) Posting of signs;
- 5) Positioning of waste receptacles.

- b) The plan must include periodic and random inspection, sampling and analysis of the waste stream to ensure that it conforms with the waste stream description. The plan must be designed so that there is at least a 95% probability that loads meet the waste stream description. The plan may specify measures to be taken to account for variables in the properties by the waste stream so as to prevent false negatives.

(BOARD NOTE: The applicant should use statistical quality control to devise a plan with an inspection schedule which meets the above standard based on the properties and variability of the waste stream.)

- c) The plan may provide for inspection, sampling and analysis by the permitted facility which receives the waste. If so, the plan must include a written agreement by the receiving facility detailing what it will do.

(BOARD NOTE: The permitted facility is required by permit and by 35 Ill. Adm. Code 811 to inspect, sample and analyze wastes it receives. This is distinct from similar activities undertaken by contract on behalf of the generator pursuant to this Section.)

Section 808.430 Degree of Hazard Data

- a) The applicant may elect to include its degree of hazard prediction with the application.

(BOARD NOTE: The applicant may include the results of a degree of hazard prediction performed by a computer program.)

- b) The Agency may request additional data if necessary to assign the waste to a class and the application contains inadequate information to determine the degree of hazard of the waste.

(BOARD NOTE: If the Agency requests data, the request may include a computer-generated result of an attempt to perform the degree of hazard prediction, with a specific request for needed data.)

- c) Degree of hazard data includes sufficient information to

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predict the degree of hazard of the waste pursuant to Section 808.245. The data includes, but is not limited to, the following with respect to each constituent, in addition to the information normally present in the physical and chemical analysis above:

- 1) Toxicity;
- 2) n-Octanol/water partition coefficient;
- 3) Persistence, measured as the half-life in days; and
- 4) Solubility in water in parts per million on a weight basis.

Section 808.431 Toxicological Testing

- a) The applicant may elect to include the results of toxicological testing of components of the waste or of the waste itself.
- b) The Agency shall request that the applicant perform toxicological testing of components or of the waste if a degree of hazard determination is necessary to assign the waste to types and the Agency concludes that there is not adequate information in its data base to determine the degree of hazard.
- c) Testing shall be to determine an LD50 - oral rat. The Agency may approve alternative toxicological testing if the applicant demonstrates why an LD50 - oral rat cannot be measured. The applicant shall document the relation of the chosen parameter to an LD50 - oral rat.

SUBPART E: REVIEW OF CLASSIFICATION REQUESTS

Section 808.501 Order of Requesting Information

- a) If possible, the Agency shall categorize the wastestream without requesting or using degree of hazard data pursuant to Section 808.430.

(BOARD NOTE: For example, if the waste is a categorical waste, it should be assigned to the type for that category without resort to degree of hazard data.)

- b) If after requesting and receiving degree of hazard data pursuant to Section 808.430, the Agency still cannot determine the degree of hazard, the Agency shall request

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toxicological testing pursuant to Section 808.431.

Section 808.502 Completeness

- a) An incomplete application is one which has insufficient information to classify the waste, including the lack of degree of hazard data or toxicological testing, if necessary.
- b) If the Agency determines that an application is incomplete, it shall classify the waste as a Class A special waste unless the Agency determines, based on such information as may be available, that the waste is a RCRA hazardous waste pursuant to 35 Ill. Adm. Code 721. However, if the applicant waives the decision period specified by Section 808.504, the Agency may hold an application pending receipt of additional information.
- c) If an incomplete application has a wastestream description or quality assurance plan which is not adequate to define the subject matter of the application, the Agency shall not issue a wastestream identification number or a supplemental wastestream permit, as the case may be.

Section 808.503 Standard for Classification

Pursuant to Section 808.245, the Agency shall assign special waste to a class or shall declassify the waste.

SUBPART F: WASTESTREAM CLASSIFICATION DETERMINATIONS

Section 808.520 Time for Agency Action

- a) The Agency shall issue a wastestream classification determination within 60 days after the date of receipt of complete application. An application shall be deemed complete 30 days following receipt by the Agency unless the Agency notifies the applicant otherwise in writing.
- b) The applicant may waive the time for Agency action.
- c) As provided in Section 22.9(e) of the Act, if the Agency fails to act within 60 days after receipt of the request, the applicant may seek review before the Board pursuant to Section 40 of the Act as if the Agency had denied an application for a permit.

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Section 808.545 Modification

- a) A person who has received a wastestream classification may request modification at any time by filing a new application.

(BOARD NOTE: The generator has to file a new application at the time the waste the generator produces no longer meets the wastestream description.)
- b) The Agency shall modify a wastestream classification to reflect changes in the Act or Board regulations. The Agency shall give the generator at least 30 days prior written notice before it modifies the wastestream classification.

SUBPART H: CATEGORICAL AND CHARACTERISTIC WASTES

Section 808.600 Introduction

- a) This Subpart defines "categorical wastes" by the type of generator producing the waste, by the process from which the waste arises or by name. This Part also defines "characteristic wastes" based on physical or chemical properties of the waste.
- b) Categorical and characteristic wastes are assigned to special waste classification based on their general properties, regardless of the degree of hazard of individual wastes or wastestreams.

Section 808.601 Hazardous (infectious) Hospital Waste

- a) Definitions.

"Hazardous hospital waste." See "Hazardous (infectious) hospital waste".

"Hazardous (infectious) hospital waste" means "Hazardous hospital waste" as defined in Section 3.13 of the Act. "Hazardous (infectious) hospital waste" means waste which has been generated by a hospital in connection with patient care which is contaminated with or may be contaminated with an infectious agent which has the potential of inducing an infection and which has not been rendered innocuous by sterilization or incineration. More specifically, "hazardous (infectious) hospital waste" means any waste which

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includes:

Medical and patient care items contaminated by, and human excreta produced by, persons who have been placed in strict or enteric isolation for the control and treatment of an infectious disease by the hospital's infection control committee.

Medical and patient care items that are contaminated by or have been in contact with, either the wound or skin of patients who have been placed in wound or skin isolation or strict isolation, or the mucous or other respiratory fluids of patients who have been placed in respiratory isolation or strict isolation by the hospital's infection control committee.

Medical and patient care items contaminated during surgery when the case is infectious.

Tissues (human or animal), pathological waste, and items that are contaminated by an infectious agent.

Bacteriological cultures and blood or other excreta that are products from bacteriological testing. And,

Any other waste which, because of its infectious nature, is ordered to receive special handling and disposal by the hospital's infection control committee.

"Hospital" means any institution, place, building, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity. "Hospital" includes general and specialized hospitals, tuberculosis sanitarium, mental or psychiatric hospitals and sanitarium, maternity homes, lying-in homes, and homes for unwed mothers in which care is given during delivery. "Hospital" does not include, for

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oxide unit that provides controlled temperature and humidity conditions, provided that the unit is operated in accordance with the manufacturer's recommendations and the unit's effectiveness is verified during each use with a biological spore assay containing B. subtilis.

d) Rendering innocuous by incineration. Any hazardous (infectious) hospital waste may be rendered an innocuous hospital waste by incineration provided that:

- 1) The combustion apparatus is an incinerator designed to destroy the type or class of waste introduced into it, and is operated according to the manufacturer's instructions, and
- 2) All permits required by 35 Ill. Adm. Code 201 have been obtained from the Agency, and the conditions of those permits have been met.

e) Residuals

1) Innocuous hospital waste may be disposed of by any lawful means appropriate to its classification under this Part, including incineration in any incinerator appropriate for such waste and for which the Agency has issued a permit.

2) The ash produced by the incineration of hazardous (infectious) hospital waste is a special waste which is assigned to classes based on this Part.

f) Recordkeeping Requirements.

- 1) Generators of hazardous (infectious) hospital waste who render such waste into innocuous hospital waste shall keep and make reasonably available for Agency inspection:
- 1) Records of any required biological spore assay tests.
- 2) Records describing the approximate amount of waste sterilized or incinerated.
- 3) Records which demonstrate proper operation of the sterilization or incineration equipment (such as time and temperature maintenance for each load).

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example; nursing homes, offices of human or animal health care providers, out-patient clinics, or veterinary hospitals.

"Incineration" means the complete reduction of a substance to ashes by means of combustion.

"Infection control committee" means a hospital's infection control committee established pursuant to 77 Ill. Adm. Code 250.1100 (1988).

"Innocuous Hospital Waste" is not a special waste, but for the purposes of this Subpart means any hazardous hospital waste which has been properly sterilized or incinerated so as to render it incapable of causing infection.

"Normal Hospital Waste" is not a special waste, but for the purposes of this Section includes, but is not limited to, garbage, refuse, such as packaging materials removed before a product reaches patient care areas; disposable medical and patient care items such as basins and water pitchers which have not come in contact with a patient in isolation; and facial tissue and other patient contact items which have not been generated by a patient in isolation.

"Sterilization" means the complete destruction of microorganisms by moist or dry heat or by bactericidal chemical compounds.

b) Hazardous (infectious) hospital waste is a Class A special waste, unless it has been rendered innocuous. 35 Ill. Adm. Code 811 prohibits deposition of hazardous (infectious) hospital waste in a landfill.

c) Rendering innocuous by Sterilization. Any hazardous (infectious) hospital waste may be rendered an innocuous hospital waste by:

- 1) Sterilization of the waste in an autoclave, provided that the unit is operated in accordance with the manufacturer's recommendations and the autoclave's effectiveness is verified at least weekly with a biological spore assay containing B. steatothermophilus, or
- 2) Sterilization of the waste in a commercial ethylene

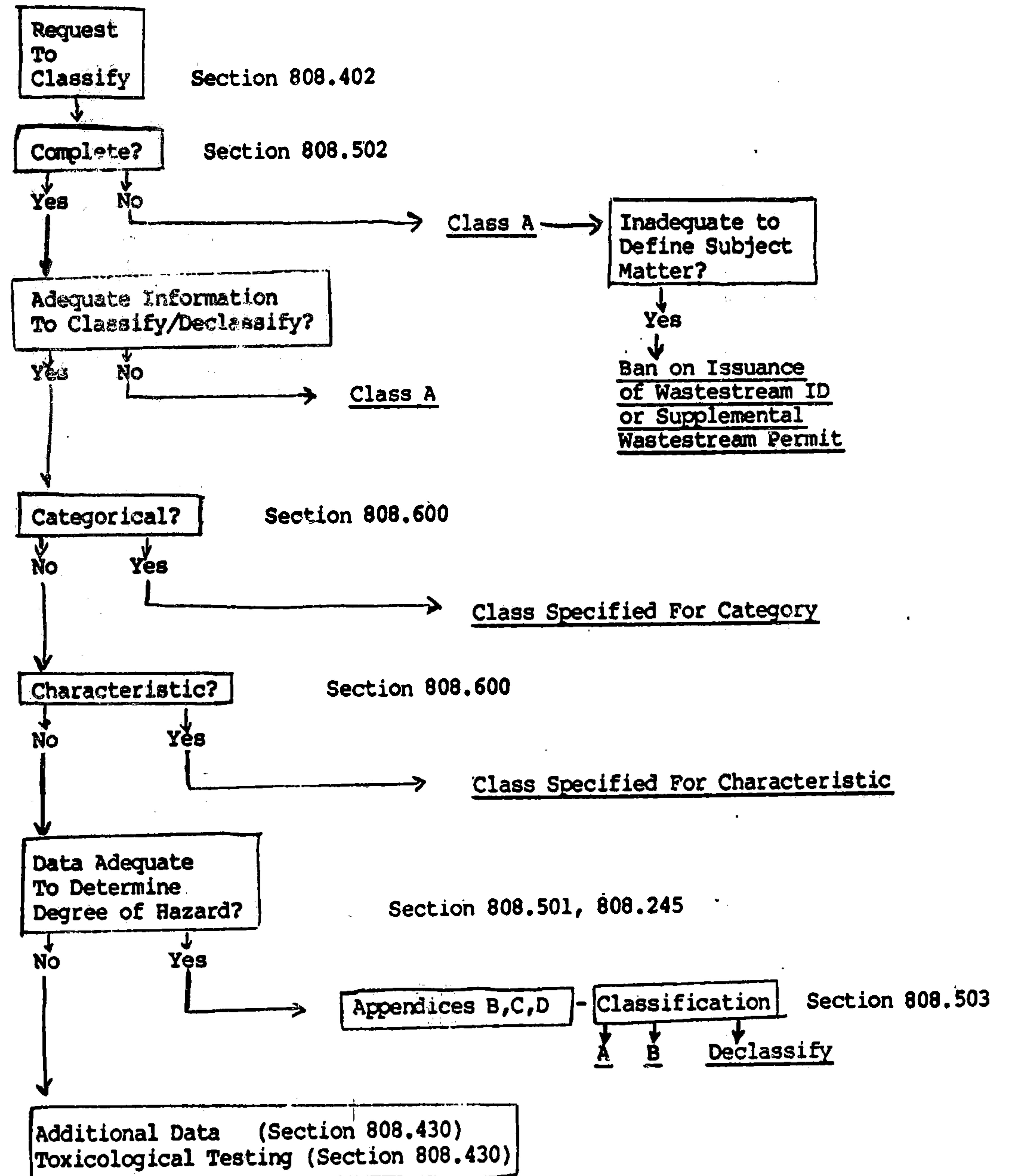
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2) The requirements of subsection (f)(1) may be satisfied by maintenance of the records in the form required to be kept by any hospital licensing or accreditation body, provided that such records include information sufficient to comply with subsection (f)(1).

g) Classification of hazardous (infectious) hospital waste which has been rendered innocuous other than by incineration. Any hazardous (infectious) hospital waste rendered innocuous pursuant to this Section other than by incineration may be reclassified (including declassified) pursuant to this Part.

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Section 808 Appendix A Assignment of Special Waste to Classes



Section 808. Appendix B. Toxicity Hazard

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a) The wastewater equivalent toxic concentration is calculated as follows:

$C_{eq} = A \text{SUM}(CI / BITI)$

where:

1) SUM means the sum of the results of the calculation in parentheses for each component of the wastewater.

2) CI is the concentration of component i as a percent of the waste by weight.

3) TI is a measure of the toxicity of component i, as provided in paragraph (h).

4) A is equal to 300.

(BOARD NOTE: A is a constant used to allow the entry of percent values for CI, and to adjust the results so that a reference material, 100% copper sulfate, with an oral toxicity of 300 mg/kg, achieves an equivalent toxicity of 100. Under the following paragraphs, 100 kg/month of the reference material has a "toxic amount" of 10,000, defining the borderline between a "toxic score" of 2 or 3 for a small quantity generator.)

5) BI is a constant used to convert toxicities (TI) to equivalent oral toxicities. BI is determined from paragraph (i).

b) Calculate the toxic amount (M) as follows:

$M = S C_{eq}$

where:

1) S is the wastewater size in kg/month.

2) C_{eq} is the equivalent concentration from paragraph (a).

c) Calculate the toxic score as follows:

1) If the toxic amount is less than 100, the toxic

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score is 0.

2) If the toxic amount is greater than or equal to 100 and less than 1000, the toxic score is 1.

3) If the toxic amount is greater than or equal to 1000 and less than 10,000, the toxic score is 2.

4) If the toxic amount is greater than or equal to 10,000, the toxic score is 3.

d) Assign to types based on toxicity.

1) If the toxic score is 0 or 3, the toxic score is used in Section 808.245 without adjustment.

2) If the toxic score is 1 or 2, the toxic score is adjusted based on environmental fate pursuant to the following paragraphs.

e) The environmental fate score (F) is calculated as follows:

$F = \text{SUM}(CIT_i)$

where:

1) SUM means the sum of the results of the calculation in parentheses for each component of the wastewater.

2) CI is the concentration of component i as a percent of the waste by weight.

3) TI is the environmental level of the component as determined by paragraph (j)

f) Adjust toxic score

1) If the environmental fate score is less than 100, subtract 1 from the toxic score.

2) If the environmental fate score is greater than or equal to 100 and less than 200, the toxic score is not modified.

3) If the environmental fate score is greater than or equal to 200, add 1 to the toxic score.

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- g) Return to Section 808.245 with the toxic score or adjusted toxic score.
- h) Sources of toxicity data.
- 1) The generator is required to provide information to substantiate that any waste is other than a type A waste.
 - 2) Carcinogens and mutagens. If available, use a TD50 oral rat. Otherwise:
 - A) Carcinogens are assigned a Ti of 0.1 mg/kg; and
 - C) Mutagens are assigned a Ti of 0.6 mg/kg.
 - 3) The best toxicity value is selected according to the following criteria.
 - A) Toxicities are converted to equivalent oral toxicities as specified in paragraph (i).
 - B) Toxicity values are ranked by source according to the following priorities, with the better sources listed first.
 - i) Oral rat; inhalation rat; dermal rabbit; or, aquatic toxicity.
 - ii) Other mammalian toxicity values.
 - C) If there is more than one value for the toxicity from the best available source, the lowest (most toxic) equivalent oral toxicity value is used.
- i) Conversion factors for equivalent oral toxicities (Bi):

Toxicity measure	Units	Bi
Oral - LD50	mg/kg	1.
Carcinogen/mutagen -- TD50	mg/kg	1.
Aquatic - 48 or 96 hour LC50	ppm	5.
Inhalation - LC50	mg/l	25.
Dermal - LD50	mg/kg	0.25

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- 1) If a carcinogen or mutagen is assigned a value for Ti in the absence of a TD50, Bi is assigned a value of 1.
- j) Environmental levels (Li). If the component is innocuous, Li is equal to 0. Otherwise, Li for a component is the highest level for that component in the following table, based on bioaccumulation, persistence and solubility. If a value is on the boundary between ranges, the higher value of Li is used.

Bioaccumulation	Persistence		Solubility		Li	
	Min.	Max.	Min.	Max.		
5	---	365	---	10,000	3	
4	5	30	365	1000	10,000	2
0	4	0	30	0	1000	1

- 1) "Innocuous" components are those for which BiTi, as determined in paragraph (a), is greater than 5000mg/kg.
 - 2) Bioaccumulation is measured as to logarithm to the base 10 of the n-octanol/water partition coefficient for the constituent, measured according to ASTM E 1147, incorporated by reference in Section 808.111.
 - 3) Persistence is determined as provided in paragraph (k).
 - 4) Solubility is measured as parts per million on a weight basis. Solubility may be measured according to the method described in ASTM E 1148, incorporated by reference in Section 808.111.
- k) Persistence. If available, a value for persistence measured as provided in subsection (k)(1) must be used. Otherwise, the table of subsection (k)(2) must be used.
- 1) Persistence must be measured according to the method described in ASTM E 896, incorporated by reference in Section 808.111.
 - 2) Persistence may be estimated using the following

table. Constituents which fit into more than one category have the longest half life indicated.

Type of Compound or Material Half Life (days)

Metal, metal oxide or inorganic oxide	366
Inorganic salts	366
Asbestos	366
Clay	366
Plastics or polymers	366
Pesticides	366
Halogenated hydrocarbons	366
Polyaromatic hydrocarbons and biphenyls	366
Phthalate esters	366
Paper products	366
Fats, oils and greases	366
Resins and pigments	366
Aromatic and alicyclic hydrocarbons	31
Aliphatic hydrocarbons	31
More than 10 carbons	31
10 carbons or less	1
Not otherwise listed	366

If the waste is generated at a rate less than or equal to 100 kg/month, then the score is 2.

If the waste is generated at a rate greater than 100 kg/month, then the score is 3.

Flashpoint is measured as specified in ASTM D-3828, incorporated by reference in 35 Ill. Adm. Code 720.111.

Section 808.Appendix D Leaching Agent Potential

a) pH determination.

1) If the pH is greater than or equal to 4 and less than or equal to 10, then the score is 0.

2) If the pH is less than 4 or greater than 10, the degree of hazard is assigned according to size under paragraph (b).

b) Size of wastestream

1) If the waste is generated at a rate less than or equal to 100 kg/month, then the score is 2.

2) If the waste is generated at a rate greater than 100 kg/month, then the score is 1.

c) pH measurement. pH is measured as specified in Method 5.2 in "Test Methods for Evaluation of Solid Waste", incorporated by reference in Section 808.111.

Section 808.Appendix C Fire Hazard

a) Flashpoint determination

1) Non-liquids.

A) If the flashpoint is greater than 60 degrees C (140 degrees F), then the score is 0.

B) If the flashpoint is less than or equal to 54 degrees C (130 degrees F), then the degree of hazard is assigned according to size of the wastestream (paragraph b).

2) Liquids.

A) If the flashpoint is greater than 93 degrees C (200 degrees F), then the score is 0.

B) If the flashpoint is less than or equal to 93 degrees C (200 degrees F), then the degree of hazard is assigned according to size of the wastestream (paragraph b).

b) Size of wastestream

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1) The Heading of the Part: FOOD STAMPS

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: Proposed Action:

121.19	Amendment
121.27	Amendment
121.31	Amendment
121.70	Amendment
121.72	Amendment

4) Statutory Authority:

89 Ill. Adm. Code 121.19 and 121.27

Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.4 thru 12-4.6 and 12-13)

89 Ill. Adm. Code 121.31, 121.70 and 121.72

Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.4 thru 12-4.6 and 12-13)

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

89 Ill. Adm. Code 121.19 and 121.27

This rulemaking provides that a household determined ineligible for food stamps due to the head of the household's voluntarily quitting a job, without good cause, may reestablish eligibility for food stamps if a new and eligible person joins the household and that person meets the definition of primary wage earner.

89 Ill. Adm. Code 121.31, 121.70 and 121.72

This rulemaking provides: (1) that adults and child(ren) in foster care are to be considered boarders and as such are not considered to be household members for food stamp purposes; and (2) that foster care payments are income to the foster care child(ren) and, therefore, cannot be included as income to the household caring for the child under 7 CFR 273.9 (b) (2) (ii) even if the payments are not made to the child(ren) but rather to the provider

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households. Hence, no portion of the foster care payments can be counted in determining the eligibility and food stamp benefit level of the household providing the foster care.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes 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: This rulemaking has no effect on local governmental units.

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 the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

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

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Section

- 121.130 Residents of Shelters for Battered Women and their Children
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: CLAIMS FOR OVERISSUANCES OF FOOD STAMP BENEFITS

Section

- 121.200 Types of Claims (Recodified)
- 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
- 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
- 121.203 Collecting Claim Against Households (Recodified)
- 121.204 Failure to Respond to Initial Demand Letter (Recodified)
- 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
- 121.206 Determination of Monthly Allotment Reductions (Recodified)
- 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
- 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3).

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p.

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96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1; effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 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. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086; effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective

NOTICE OF PROPOSED AMENDMENTS

Section 121.19 Ending a Voluntary Quit Disqualification (Cont'd.)

household may begin participation if it applies again and is determined eligible.

b) Eligibility may be re-established during the disqualification period if the member who caused the disqualification:

1) secures new employment comparable in salary or hours to the job which was quit (i.e., the new employment does not result in increased household need for food stamps), or

2) leaves the household, or

3) becomes exempt from work registration requirements (see Section 121.24) for reasons other than participation in Project Chance (see 89 Ill. Adm. Code 112.70 - 112.82) or receipt of unemployment insurance (UI), or

4) a new and eligible person joins the household and that person meets the definition of primary wage earner (see Section 121.27).

c) If the individual who caused the disqualification joins another household and is primary wage earner or is designated as head of that household, the new household is ineligible for the balance of the period of ineligibility.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 121.27 Voluntary Job Quit

a) If within 60 days before the date of initial application, the primary wage earner of the food stamp household has, without good cause voluntarily quit his/her wage-earning job, the entire household is ineligible for food stamp benefits for 90 days beginning with the date of the quit.

b) If the primary wage earner or designated head of household if there is no primary wage earner of a participating food stamp household has, without good cause, voluntarily quit his/her wage-earning job, the

NOTICE OF PROPOSED AMENDMENTS

December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10621, effective May 22, 1987; amended at 11 Ill. Reg. 10269, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 1, 1988; amended at 13 Ill. Reg. 3890, effective November 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.19 Ending a Voluntary Quit Disqualification

a) Following the end of the disqualification period, a

NOTICE OF PROPOSED AMENDMENTS

Section 121.27 Voluntary Job Quit (Cont'd.)

entire household is ineligible for Food Stamp benefits for three (3) fiscal months (see 89 Ill. Adm. Code 101.20).

- c) Primary Wage Earner: The household member who has been earning the most money to support the household in the two months prior to the month of the quit. It need not be the head of the household. The employment must involve 20 hours or more per week or provide gross weekly earnings equal to or greater than the federal minimum wage multiplied by 20 hours. A child of any age living with a parent or a person fulfilling the role of a parent shall not be considered a primary wage earner if the parent or household member acting as a parent registration because the individual:
 - 1) is subject to and participating in Project Chance under AFDC requirements;
 - 2) receives or is expected to receive Unemployment Insurance Benefits; or
 - 3) is employed or self employed and working a minimum of ~~thirty~~ thirty (30) hours per week or receives earning equal to or greater than 30 times the Federal Minimum Wage.
- d) A Federal, State or local government employee who participates in a strike against such government and is dismissed from his/her job because of participation in the strike, is considered to have voluntarily quit his/her job without good cause.
- e) If the household provides questionable information (that is, inconsistent with information previously supplied by the household or other information available to the local office) regarding whether or not the primary wage earner has voluntarily quit employment, it shall provide verification from sources such as a previous employer, employee associations, and union representatives, etc.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 121.31 Exempt Unearned Income

The following unearned income is exempt:

- a) Vendor payments when these are made in behalf of a household by a nonhousehold member with nonhousehold funds, and paid directly to the household's creditors or person or organization providing the service to the household. (Including rent and mortgage payments made to landlords or mortgagees by Housing and Urban Development (HUD).)
- b) Monies that are legally obligated and otherwise payable to the household such as, but not limited to, garnisheed wages, public assistance grants directed to a protective payee, GA disbursing orders and payments directed to a vendor, and support or alimony payments legally obligated to a household member, but which are diverted by the provider of the payment to a third party for a household expense, are counted as income and not excluded as a vendor payment. The following are considered vendor payments not diverted income:
 - 1) Rent paid directly to a landlord by a household's employer in addition to paying the household its regular wages;
 - 2) Assistance payments that would not normally be provided in a money payment to the household, and that are over and above normal public assistance or general assistance grants, if they are made directly to a third party for a household expense;
 - 3) Child support or alimony payments specified by a court order or other legally binding agreement to go directly to a third party rather than to a household, and
 - 4) Support payments not required by a court order or other legally binding agreement (payments in excess of an amount specified in a court order or written agreement) which are paid to a third party rather than the household.
 - 5) Public Assistance/General Assistance payments to a third party in behalf of a household for

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 121.31 Exempt Unearned Income (Cont'd.)

payments are made to the provider household rather than to the adult or child(ren) in foster care. If the household chooses to include the adults and/or children in foster care as part of the household, the entire foster care payment is considered unearned income to the household.

h) Income of nonhousehold members except for those who have been disqualified for fraud or intentional program violation, for failure to meet the social security number requirements, because of ineligible alien status, or due to questionable citizenship status.

i) Payments to volunteers under the Domestic Volunteer Service Act (42 U.S.C. 4951-4993) (VISTA) are exempt only if the individual:

1) was receiving food stamps or public assistance at the time he/she joined VISTA, and/or

2) was receiving an exempted VISTA payment, or other subsistence payments under Title I of the Domestic Volunteer Services Act, prior to 3/1/79 and the volunteer contract in effect 3/1/79 has not expired.

j) Income received from the disposition of funds to the Grand River Band of Ottawa Indians.

k) Any income specifically excluded by any Federal statute from income consideration for food stamp purposes.

l) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances through the Job Training Partnership Act (29 U.S.C. 1501 - 1781).

m) Portions of cash assistance payments designated as being for the purpose of energy assistance.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 121.31 Exempt Unearned Income (Cont'd.)

medical, child care, or energy assistance. (Public Assistance means AFDC and AABD).

6) From October 20, 1987, to September 30, 1989, the entire amount of Public Assistance/General Assistance payments to third parties in behalf of a household for temporary housing, even any portion of the payment which is part of the normal Public Assistance/General Assistance payment, provided the housing lacks facilities for preparation and cooking of hot meals or refrigerated food storage.

7) Emergency Public Assistance (PA) or General Assistance (GA) payments made directly to a third party (i.e., vendor payment) on behalf of a migrant or seasonal farmworker household while the household is in the job steam. This assistance includes, but is not limited to, emergency vendor payments for housing or transportation.

c) Cash donations based on need received on or after February 1, 1988, from one or more private nonprofit charitable organizations, but not to exceed \$300.00 in a Federal fiscal year quarter.

d) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, not in excess of \$30.00 per quarter.

e) All loans (other than educational loans on which repayment is deferred).

f) Reimbursements for past or future expenses, to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household. This does not include reimbursements for normal living expenses.

g) Monies received and used for the care and maintenance of a third-party beneficiary who is not a household member. Foster care payments are considered income to the adult or child in foster care and not income to the household providing the foster care even if the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: HOUSEHOLD CONCEPT

Section 121.70 Persons Who May Be Included In the Assistance Unit

- a) The food stamp unit shall contain all members of the household. For food stamp purposes, the definition of household is:
 - 1) An individual living alone;
 - 2) An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;
 - 3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption;
 - 4) An individual and his/her spouse (if present), who lives with others and is 60 years of age or older, and is unable to buy food and prepare meals because he/she suffers from a disability that is considered permanent under the Social Security Act (as determined by a statement from the Social Security Administration or a physician (Medical Practice Act, Ill. Rev. Stat. 1985 1987, ch. 111, par. 4401 et seq.), or a licensed or certified psychologist (Psychologist Registration Act, Ill. Rev. Stat. 1985 1987, ch. 111, par. 5301 et seq.), or if the disability is obvious by observation of the caseworker (e.g., permanent loss of use of both hands)), or he/she suffers from a non-disease related severe, permanent disability, and if the gross non-exempt income of the other individuals with whom the elderly disabled individual (and spouse) is living with is not more than 165 percent of the poverty level. A "non-disease related severe, permanent disability" is a disability that may or may not be listed in the preamble to Section 221(i) of the Social Security Act (42 U.S.C. 421(i)), but which prevents the individual from purchasing and preparing his own meals as observed by the caseworker, or verified by a statement from a physician (Medical Practice Act, Ill. Rev. Stat. 1985 1987, ch. 111, par. 4401 et seq.) a licensed or certified psychologist (Psychologist

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 121.70 Persons Who May Be Included In the Assistance Unit (Cont'd.)

Registration Act, Ill. Rev. Stat. 1985 1987; ch. 111, par. 5301 et seq.). For information on "non-exempt gross income", see Sections 121.30 through 121.34, 121.40, and 121.50 through 121.55.

- b) In no event shall separate household status be granted to:
 - 1) Any person except foster children, under 18 years of age under the parental control of an adult member of the household.
 - 2) Either parents living with their children of any age or children of any age living with their parents unless:
 - A) at least one parent is elderly or disabled as described in Section 121.61 and is purchasing food and preparing meals separately; or
 - B) at least one parent is an elderly disabled person as defined in subsection (a)(4) above; or
 - C) the child is a parent with minor children and the parent and minor children purchase and prepare meals separately from the children's grandparent(s).
 - 3) A spouse of a member of the household; or
 - 4) Siblings, (natural, adopted, half or stepbrothers and sisters) of any age, who are living together, unless at least one sibling is:
 - A) elderly or disabled as described in Section 121.61 and is purchasing food and preparing meals separately; or
 - B) an elderly disabled person as described in this section; or
 - C) a parent with minor children and the parent and minor children purchase and prepare

NOTICE OF PROPOSED AMENDMENTS

Section 121.70 Persons who May Be Included in the Assistance Unit (Cont'd.)

meals separately from the parent's sibling.

5) A boarder. Adults and children in foster care

are considered boarders and are not required to be considered household members. Boarder status

can be granted to children under the age of eighteen (18) who are under the parental control

of an adult household member.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 121.72 Nonhousehold Members

Any of the following persons who reside with a food stamp household shall not be considered household members, but such persons may, if otherwise eligible, participate in the program as separate households:

a) Roomers--Individuals to whom a household furnishes

lodging, but not meals, for compensation;

b) Live-in-attendants--Individuals who reside with a

household to provide medical, housekeeping, child care or other similar personal services;

c) Students who fail to meet student eligibility

requirements in Section 121.75; and

d) Individuals disqualified for non-compliance with work

registration requirements of Section 121.23.

e) Other--Individuals who share living quarters with the

household but who do not customarily purchase food and prepare meals with the household. This does not

include individuals under eighteen years of age, except foster children, who are under the parental

control of a household member, siblings, a spouse of a household member, or parents and children of any age

living together unless:

1) at least one parent or sibling, meets the

definition of a qualifying member as defined in Section 121.61 and purchases food and prepares

meals separately; or

NOTICE OF PROPOSED AMENDMENTS

Section 121.72 Nonhousehold Members (Cont'd.)

2) is an elderly disabled person as defined in

Section 121.70; or

3) is a parent with minor children living with a

parent and/or sibling and purchases and prepares meals separately as defined in Section 121.70.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) The Heading of the Part: Double Trifecta Wagering Pool
- 2) Code Citation: 11 Ill. Adm. Code 439
- 3) Section Numbers:

439.10	<u>Proposed Action:</u> New Section
439.20	New Section
439.30	New Section
439.40	New Section
439.50	New Section
439.60	New Section
439.70	New Section
439.80	New Section
439.90	New Section
439.100	New Section
439.110	New Section
439.120	New Section
439.130	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch.8, pars. 37-9(a),(N)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the guidelines for the operation of a new wagering pool whereby the patron must pick the top 3 finishers in 2 designated races. The rulemaking provides for a carryover pool and contains provisions for a mandatory distribution.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?
 Yes No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 11) Title, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing and should be addressed to:

Michael B. McClure
 Board Counsel
 State of Illinois Center
 Illinois Racing Board
 Suite 11-100
 Chicago, Illinois 60601
 (312) 917-2600

The Illinois Racing Board will consider all written comment it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 4, 1989
 - B) Types of small businesses affected: No small businesses are affected.
 - C) Reporting, bookkeeping or other procedures required for compliance: Same as currently.
 - D) Types of professional skills necessary for compliance: Same as currently.

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

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ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

winning combination is 1-2-3/1-2-3 but no such combination is sold, the winners shall be of any 5 of the 6, etc. If neither leg is contested the pool shall be distributed equally to all double trifecta tickets for that day. The general manager with the consent of Executive Director shall have the power to order a mandatory distribution prior to the last racing day of the race meeting whenever he/she determines that to do so is in the best interest of the public.

Section 439.70 One or Two Races Cancelled

If one or both double trifecta races are cancelled, all double trifecta tickets for that program shall be refunded and the double trifecta cancelled. The accumulated carry-over pool shall be carried over to the next racing day. This section shall not apply in the case of a mandatory distribution.

Section 439.80 Refunds

a) If any horse or horses entered in any of the double trifecta races are scratched, or excused by the stewards, before the first race of the double trifecta is run, all wagers including such horse or horses may be deducted from the double trifecta pool and the money refunded to the purchaser or purchasers. Any ticket not refunded by post time of the first double trifecta race shall be placed in the consolation pool as set forth in section 439.80(b).

b) After the first race of the double trifecta races has been run, if any horse or horses are scratched, excused by the stewards, or prevented from racing because of the failure of the stall doors of the starting gate to open or which is otherwise determined to be a non-starter in the race for which selected, the value of that ticket shall be withdrawn from the double trifecta pool. The total net value of all such withdrawn tickets shall be distributed equally as a consolation among holders of withdrawn double trifecta tickets which have the next higher total of winning and scratched selections, including at least one winner. However, if such ticket is entitled to participate in the mandatory distribution double trifecta pool outlined above, it will not be withdrawn from that pool. If there are no consolation winners, the net double trifecta pool is not affected.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

Section 439.90 Sale of Tickets

No double trifecta ticket shall be sold; exchanged, or cancelled after the close of wagering on the first of the double trifecta races. The double trifecta will be subject to the board's conditions for trifecta races.

Section 439.100 Name and Notice

The organization licensee may give a different name to the double trifecta form of wagering but shall notify the board of such choice of names. Each of the double trifecta races shall be clearly designated in the program. Double trifecta tickets shall be clearly marked to indicate the type of wager.

Section 439.110 Only One Double Trifecta Per Program

An organization licensee may offer only one double trifecta wager per racing program.

Section 439.120 Disclosure

No person shall disclose the number of double trifecta tickets sold or the number or amount of tickets selecting winners of the double trifecta races prior to the time the stewards have determined the last race comprising the double trifecta each day to be official.

Section 439.130 Conflict

All trifecta rules apply and in the event of conflict the trifecta rules shall control.

NOTICE OF PROPOSED RULES

11) Time, Place, and Manner in which interested persons may

comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing and should be addressed to:

Michael B. McClure
Board Counsel
State of Illinois Center
Illinois Racing Board
Suite 11-100
Chicago, Illinois 60601
(312) 917-2600

The Illinois Racing Board will consider all written comment it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 4, 1989

B) Types of small businesses affected: No small businesses are affected.

C) Reporting, bookkeeping or other procedures required for compliance: Same as currently.

D) Types of professional skills necessary for compliance: Same as currently.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

1) The Heading of the Part: Pick N Wagering Pool

2) Code Citation: 11 Ill. Adm. Code 438

3) Section Numbers: Proposed Action:

New Section
438.10
438.20
438.30
438.40
438.50
438.60
438.70
438.80
438.90
438.100
438.110

4) Statutory Authority: 111. Rev. Stat. 1987, ch.8, pars. 37-9(a),(n)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the guidelines for the operation of a pari-mutuel wagering pool whereby the patron must combine the winners of a given number of races on a single program (the number designated by the numeral "N" in these rules). The rulemaking provides for carryover pools and circumstances governing mandatory distribution of the pools.

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

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

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.

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

10) Statement of Statewide Policy Objectives: No local government unit will be required to increase expenditures as a result of this rulemaking.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER b: GENERAL RULES

PART 438
 PICK N WAGERING POOL

Section

- 438.10 Pick N
- 438.20 Entries and Fields
- 438.30 Pool Calculations
- 438.35 Scratches
- 438.40 Dead Heats
- 438.50 Sale of Tickets
- 438.60 Name and Notice
- 438.70 Cancellation of Races
- 438.80 Limitation on Multiple Wagers Does Not Apply
- 438.90 Disclosure
- 438.100 Carryover Cap
- 438.110 Mandatory Distribution

AUTHORITY: Implementing and authorized by Sections 9(a),(n) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch.8, pars. 37-9(a),(n)).

SOURCE: Adopted at 13 Ill. Reg. _____, effective_____.

Section 438.10 Pick N

A Pick N Wager combines the winners of N consecutive races, N to be the number designated by the racing association, not to exceed the number of races on the days program. All Pick N wagers shall be calculated in a pool which is entirely separate from all other wagering pools. "Pick N races" shall mean the N consecutive races designated for the Pick N.

Section 438.20 Entries and Fields

Entries and fields may race in Pick N races, unless they are prohibited by other Board rules relating to other types of multiple wagering rules. However, if any part of an entry or field is a starter in a race, the entry or field selection shall remain as the designated selection in that race and no refund or exchange of that ticket shall be permitted.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

Section 438.30 Pool Calculations

An organization may select either of the following formats for conducting Pick N pari-mutuel pools:

a) Daily Payout

- 1) Major Pool: Seventy-five percent (75%) of the daily net amount in the pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races.
- 2) Minor Pool: Twenty-five percent (25%) of the daily net amount in the pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the Pick N races.
- 3) At the option of the organization licensee, the percentage divisions in sub-section (a) may be fifty percent.

b) Carryover Pool

- 1) The daily net pool plus any accumulated carryover pool, as defined in Section 438.30(b)(2), shall be distributed equally to holders of pari-mutuel tickets which correctly designate the N official winners of the Pick N races.
- 2) If no tickets are sold which correctly designate all N official winners of the Pick N races, seventy-five percent (75%) of the daily net pool shall be carried over and added to the next Pick N pool. This process shall be repeated each day that no ticket is sold which correctly designates all N official winners.
- 3) If no tickets are sold which correctly designate all N official winners of the Pick N races, twenty-five percent (25%) of the daily net pool shall be distributed equally to

NOTICE OF PROPOSED RULES

Section 438.80 Limitation on Multiple Wagers Does Not Apply

The provisions of 11 Ill. Adm. Code Section 405.170 which limit the number of multiple wagering races shall not prevent an organization licensee from implementing the Pick N.

Section 438.90 Disclosure

No person shall disclose the number of Pick N tickets sold or the number or amount of tickets selecting winners of the Pick N races prior to the time of the stewards have determined the last race comprising the Pick N each day to be official.

Section 438.100 Carryover Cap

- a) An organization may elect to place a "cap" or limit, of at least \$50,000, on any carryover pool generated under section 438.30(b). If an organization elects to place a cap on the carryover pool it must so notify the Illinois Racing Board and advertise the same in the official program on every day the Pick N is offered.
- b) If a carryover cap is elected by the organization, the organization may elect either of the following formats for distribution of the carryover pool once the cap is reached:
 - 1) On the first program following, the carryover pool shall be distributed equally to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races; or
 - 2) The carryover pool shall be distributed to holders of pari-mutuel tickets which correctly designate all official Pick N winners. If no tickets are sold which correctly designate all official winners, the carryover pool shall continue to the next race program and 100% of the daily net pool shall be distributed to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races.

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holders of pari-mutuel tickets which correctly designate the most official winners of Pick N races.

Section 438.35 Scratches

In the event of a scratch in any Pick N race, the betting favorite in such race shall automatically be substituted on any Pick N ticket which included the scratched horse. The betting favorite shall be defined as the starter with the most dollars wagered in the win pool. In the event of a tie, the betting favorite shall be defined as the starter with the most dollars wagered in the win pool and with the lowest post position number.

Section 438.40 Dead Heats

If there is a dead heat for win between two or more horses in any Pick N race, all horses in the dead heat for win shall be considered equally as the winning horse in the race for the purpose of distributing the Pick N pools.

Section 438.50 Sale of Tickets

No Pick N ticket shall be sold, exchanged, or cancelled after the close of wagering on the first of the Pick N races.

Section 438.60 Name and Notice

The organization licensee may give a different name to the Pick N form of wagering but shall notify the Board of such choice of names. Each of the Pick N races shall be clearly designated in the program. Pick N tickets shall be clearly marked to indicate the type of wager.

Section 438.70 Cancellation of Races

If more than one-half of the number of races designated as Pick N races are cancelled or declared as no contest all Pick N tickets for that program shall be refunded and the Pick N cancelled. If one-half or fewer than one-half of the number of races designated as Pick N races are cancelled or declared as no contest, the distribution of the net amount of the Pick N pools shall be among the tickets which correctly designate the most winners in all the remaining races in such programs.

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Section 438.110 Mandatory Distribution

- a) Each organization conducting a Pick N pool shall distribute the accumulated carryover pool on the last scheduled race program of the race meeting unless the organization elects to carryover the Pick N pool to a successive or intervening race meeting at the same racetrack. In no event shall a Pick N pool be carried more than seven (7) calendar days without a race program being conducted. An organization's election to carryover a Pick N pool to a successive or intervening race meeting shall be made on the first day the Pick N is offered and shall be communicated to the Executive Director and advertised in the official program.
- b) In the event of a mandatory distribution, the net Pick N pool including any carryover pool shall be distributed equally to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick N races.
- c) The Executive Director shall have the power to order a mandatory distribution prior to the last racing day of the race meeting.

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1) The Heading of the Part: Agrichemical Facilities

2) Code Citation: 8 Ill. Adm. Code 255

<u>Section Numbers:</u>	<u>Adopted Action:</u>	<u>Section Numbers:</u>	<u>Adopted Action:</u>
255.10	New Section	255.90	New Section
255.20	New Section	255.100	New Section
255.30	New Section	255.110	New Section
255.40	New Section	255.120	New Section
255.50	New Section	255.130	New Section
255.60	New Section	255.140	New Section
255.70	New Section	255.150	New Section
255.80	New Section	255.160	New Section
		255.170	New Section

4) Statutory Authority: Illinois Pesticide Act (Ill. Reg. Stat. 1987, ch. 5, pars. 802, 803, 804, 805, 808, 814, 815, 818, 819, 820 and 822, and Ill. Rev. Stat. 1988 Supp., ch. 5, pars. 804, 811.1 and 819) and the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1987, ch. 5, pars. 55.2, 55.3, 55.7, 55.14, 55.18a, and Ill. Rev. Stat. 1988 Supp., ch. 5, par. 55.18a).

5) Effective Date of Rules: January 1, 1990.

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

7) Do these rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 7, 1989

9) Notices of Proposal Published in Illinois Register:

March 3, 1989, 13 Ill. Reg. 2571
(issue date)

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

11) Differences between proposal and final version:

In the Description of Subjects on the notice, third paragraph, line 13 deleted "or"; in line 16 deleted "or" and replaced it with "and".

In the table of contents, added an "s" to "Schedule" in 255.50; corrected the indent level for the heading of 255.100.

In the Authority Section, added reference to the 1988 Supplement to the Illinois Revised Statutes and deleted reference to the Public Acts.

Section 255.10, deleted "the rules of" in lines 1 and 5.

Section 255.10, in the definition of "alterations," changed "adversely affect" to "modify".

Section 255.10, in the definition of "modification," changed "alters" to "alter" and added ", i.e., changes in capacity".

Section 255.10, in the definition of "new," changed "exceed" to "exceeds".

Section 255.10, in the definition of "non-commercial agricultural facility," deleted the subsection labels.

Section 255.10, added a new definition: "Groundwater" means groundwater as defined in the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7453."

Section 255.30, deleted "the rules of" from subsections (a), (b), and (c); in subsections (d) and (e), amended the first line of each subsection to read: "This Part does not..."

Section 255.40(b), changed the first line to read: "Facility registration pursuant..." Deleted "The Department shall develop such form...site."

Section 255.40(b)(1), added "(35 Ill. Adm. Code: Subtitle C)".

Section 255.40(b)(3), deleted "Subsections" and inserted in lieu thereof "subsections (b)".

Section 255.40(c), placed "Subsection" in lower case (appears in lines 4 and 8). Added the word "facility" before "registration" in lines 1, 3, 7 and 8. Added "in writing" after "registrant" in line 3.

Section 255.50(a), deleted "Registered" in lines 8-9 and 10. Added at the end of subsection (a): "Permits shall be renewed every 5 years."

Section 255.50(b), changed "publicly-owned" to "publicly owned".

Section 255.50(c), added a comma after "applicable" in line 6. Added "In addition to completed application forms, documents which must be submitted include a location area map, detailed plot plan of the facility, water system protection schematic diagram, narrative description of operational and management practice plan, detailed engineering plans and specifications, process flow diagram for dry fertilizer facilities and any additional information the applicant or Department deem necessary to fully describe the project." Also, added "A Permit issued 'with conditions' means that the facility is deficient in some area in order to meet full compliance with the beforestated rules.

A Permit with conditions would be issued if the operation of the facility during the period of time that the facility owner was correcting the deficiency does not jeopardize the environment."

Section 255.50(d) through (h), indented "item" and the listing of the items 5 spaces to the right. Further, in the second item under subsection (d) and the last item under subsection (f), added "subsection" in front of the label and deleted "below".

Section 255.50(h), line 4, deleted "in excess" and added "or more" after "gallons".

Section 255.50(k), deleted "the rules of".

Section 255.50(l), changed "these Rules" to "this Part".

Section 255.60(a), added "(i.e., quality control, quality assurance, and supportive analytical data)" and "(i.e., the quality control for the experimental design will indicate if there is any malfunction)".

Section 255.80(c)(1)(E), changed "it is" to "they are" in line 2.

Section 255.80(c)(3)(B), deleted the duplicate "be" in line 8.

Section 255.80(d)(2), capitalized the first letter in the last word (i.e., Part).

Section 255.110, deleted subsection (a), which reads: "Pesticides shall...and the environment" and renumbered remaining subsections.

Within the body of Section 255.110, changed references to the subsections of this Section to correspond with the new labeling.

Section 255.120(b), changed the labels of the subsections to "(e), (g), (h), and (i)".

Section 255.130(a) and (b), deleted "Section 255.130" and inserted in lieu thereof "subsections" (in subsection a) and "subsection" (in subsection b).

Section 255.140(d), in line 1, added "may" after "structures" and "are" after "but".

Section 255.150, added a comma after "pesticides" in line 2.

Section 255.170--In subsection (a), in lines 1-2, deleted "agricultural", in subsection (b), in line 1, deleted "disposed by" and "agricultural"; in line 4, added after "facility" the following: "located 1,000 feet or less from a residential or other populated area". In subsection (c)(6),

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added "based upon factors including, but not limited to, costs, location and type of waste". Added a new subsection (d) as follows: "Until January 1, 1995, the open burning of combustible agrichemical containers is permissible at an agrichemical facility provided the following conditions are met:

- (1) Containers holding liquid agrichemical formulations have been triple rinsed;
- (2) Containers holding dry or solid formulations have been emptied to the extent feasible;
- (3) Each burning event shall be limited to 40 items (e.g., bags, cartons, plastic jugs) or less;
- (4) Atmospheric conditions will readily dissipate the contaminants;
- (5) The burning does not create a visibility hazard on roadways, railroad tracks or air fields;
- (6) The burning occurs more than 1,000 feet from residential or other populated area;
- (7) It can be shown that it is the most efficient disposal method available based upon factors including, but not limited to, costs location and type of waste;
- (8) The burning does not cause air pollution as defined in the Illinois Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1003.02 and 1009);
- (9) The area where the burning occurs is not subject to State or local restrictions; and
- (10) Ashes and other residues resulting from the open burning shall be protected against contact by precipitation and disposed of in accordance with the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and the rules adopted under that Act (35 Ill. Adm. Code 807)."

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 rules replace an emergency amendment currently in effect? No

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

15) Summary and Purpose of Rules:

These rules were developed by the Illinois Department of Agriculture and the Illinois Environmental Protection Agency with valuable input from the Secondary Containment Rules Committee, which was made up of industry and academia.

The purpose of these rules is to protect the environment by prevention of point source contamination by agrichemicals and these rules will be referenced by the Illinois Environmental Protection Agency in their

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setback rules which are to be filed with the Pollution Control Board as mandated by the Illinois Groundwater Protection Act.

These rules regulate agrichemical facilities and non-commercial agrichemical facilities. An agrichemical facility is a site used for commercial purposes, where bulk pesticides are stored in a single container in excess of 300 gallons of liquid pesticide or 300 pounds of dry pesticide for more than 30 days per year or where more than 300 gallons of liquid pesticide or 300 pounds of dry pesticide are being mixed, repackaged or transferred from one container to another within a 30-day period or a site where bulk fertilizers are stored, mixed, repackaged or transferred from one container to another. Non-commercial agrichemical facility is a site where storing pesticides or fertilizer for more than 45 consecutive days in a single container holding in excess of 300 gallons bulk liquid pesticides, or 300 pounds bulk dry pesticides, or 5000 gallons bulk liquid commercial fertilizer or 50,000 pounds bulk dry commercial fertilizer; the loading and mixing, including bulk repackaging, of pesticides or fertilizer at a permanent site for more than a 45 day period in quantities in excess of the amounts established; and the non-commercial application of pesticides or fertilizer.

These rules set forth the procedures and time frames for registration, permitting, and construction. They also address general construction requirements for secondary containment of storage tanks and operational areas, as well as recordkeeping, management and operational procedures. They further delineate facility inspection, maintenance and closure requirements. Additionally, these rules set forth guidelines for connections to potable water supplies and the open burning of agrichemicals, agrichemical containers, and other agri-related chemical wastes.

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

Name: Donna Garman
Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281
Telephone: (217) 785-0112

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

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"Non-commercial agrichemical facility" means a site, including the land and structures and equipment fixed thereon, designed and used for each of the following activities:

storing pesticides or fertilizer for more than 45 consecutive days in a single container holding in excess of:

300 gallons bulk liquid pesticides; or
300 pounds bulk dry pesticides; or
5000 gallons bulk liquid commercial fertilizer;
or
50,000 pounds bulk dry commercial fertilizer.

loading and mixing, including bulk repackaging, of pesticides or fertilizer at a permanent site for more than a 45 day period in quantities in excess of:

300 gallons bulk liquid pesticides; or
300 pounds bulk dry pesticides; or
5000 gallons bulk liquid commercial fertilizer;
or
50,000 pounds bulk dry commercial fertilizer.

the non-commercial application of pesticides or fertilizer.

"Non-Mobile" means not readily capable of moving or being moved from place to place.

"Operational activity" means loading, unloading, and mixing of agrichemicals and or the cleaning of transportation or application equipment at agrichemical facilities.

"Operational area" means an area or areas at the agrichemical facility where agrichemicals are loaded, unloaded, mixed, repackaged, or where agrichemicals are cleaned and washed from application, storage or transportation equipment.

"Operational area containment structure or system" means any structure or system used to intercept, prevent runoff or leaching, and contain spills and residues containing agrichemicals from operational activities such

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as loading, unloading, mixing, and equipment washing and rinsing.

"Reportable Agrichemical Spill" means an uncontrolled release outside an operational area containment or secondary containment structure involving more than 25 gallons of unrecovered liquid fertilizer or 100 pounds of unrecovered dry fertilizer or 5 pounds of unrecovered liquid or unrecovered dry active ingredient equivalent of pesticides except for reportable substances it means when the amount spilled equals or exceeds the RQ for those chemical substances.

"Reportable quantity" or "(RQ)" means a quantity that equals or exceeds the reportable quantity for substances listed in the Appendix to 49 CFR 172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Reportable substance" means any substance listed in the Appendix to 49 CFR 172.101 (1988) or in Appendix A of 40 CFR 355 (1988).

"Secondary containment structure" means any structure or basin used to contain agrichemical spills and prevent runoff or leaching from bulk agrichemical containers.

"Unload or unloading" means the transfer at agrichemical facilities of formulated pesticide in an unaltered state from the transport vehicle into facility storage or the transfer of bulk commercial fertilizer in an unaltered state from the transport vehicle into facility storage.

Section 255.20 Incorporation by Reference

Incorporations by reference in this Part do not include any later amendments or editions beyond the date specified.

Section 255.30 Scope and Application

- a) Any new agrichemical facility or new non-commercial agrichemical facility shall be in compliance with all of this Part before the commencement of any operational activities or any storage or use of agrichemicals.
- b) All other agrichemical facilities and non-commercial agrichemical facilities shall achieve compliance with this Part in accordance with Section 255.40 and Section 255.50.

- 4) The facility contains at least one liquid fertilizer storage tank with capacity in excess of 100,000 gallons.
- 5) The facility conducts dry bulk fertilizer storage operations.
- 6) The facility conducts dry bulk fertilizer blending operations.
- 7) The facility is a non-commercial agricultural facility.

(c) The Department shall review completed facility registration forms within 180 days of the adoption date. The Department shall notify the registrant in writing that the facility registration under subsection (b) was incomplete or inappropriate for the subject facility. In the event of such notification, the Department shall inform the registrant of the additional information required to complete the facility registration or of the appropriate facility registration subsection(s) for the facility, and the facility shall comply with the corresponding compliance schedule under Section 255.50.

Section 255.50 Permits and Compliance Schedules

a) An Agricultural Facility Permit ("Permit") issued by the Department shall be obtained for each existing and new agricultural facility. Permit applications shall be submitted on forms provided by the Department. The application shall be accompanied by engineering plans and specifications for any construction or modification to be accomplished pursuant to the Permit. Such plans and specifications shall be prepared by an Illinois Professional Engineer when required by the provisions of the Illinois Professional Engineering Act (Ill. Rev. Stat. 1987, ch. 111, par. 5101 et seq.). A Permit shall be obtained before the commencement of any construction necessary to meet the earliest compliance date, as determined by the applicable subsection(s) below. A Permit must be amended before the commencement of any modification to the facility. A Permit amendment shall not be required for alterations at the facility. A Permit will be transferred to a new owner or operator upon written notification by the permittee to the Department. Permits shall be renewed every 5 years.

- c) An agricultural facility or non-commercial agricultural facility needs only to comply with this Part when agricultural chemicals are handled in quantities exceeding the thresholds included in the definitions of "agricultural facility" and "non-commercial agricultural facility."
- d) This Part does not apply to the field mixing of agricultural chemicals for either commercial or non-commercial application.
- e) This Part does not apply to temporary loading sites remote from the field of actual application for aerial applicators except for Section 255.110(e).

Section 255.40 Registration

a) All existing agricultural facilities and non-commercial agricultural facilities shall register with the Department of Agriculture (Department) within 90 days of the adoption date of this Part (the "adoption date").

b) Facility registration pursuant to this Section shall be accomplished on forms to be provided by the Department. In completing such registration, the facility owner or operator shall provide notification as to each of the following conditions which exist at the facility:

1) The facility holds a currently valid permit issued by the Illinois Environmental Protection Agency, Division of Water Pollution Control, for operational area containment structures (35 Ill. Adm. Code: Subtitle C), or that operational area containment structures exist which provide for the containment and recovery of operational activity spillage from mixing, loading and equipment washing.

2) Secondary containment for all non-mobile liquid fertilizer containers of volume less than 100,000 gallons or all non-mobile pesticide containers that exist, which provides capacity for at least 100% of the volume of the largest container within the containment area, and which provides for the containment and recovery of spillage or leakage from the containers in the containment area.

3) The conditions described in both subsections (b)(1) and (2) of this Section do not exist, and the facility is an agricultural facility.

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- b) An application for a Permit submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or a duly authorized representative who is responsible for the overall operation of the agrichemical facility described in the application. In the case of a partnership or a sole proprietorship, the application shall be signed by a general partner or the proprietor respectively. In the case of a publicly owned agrichemical facility, the application shall be signed by either a principal executive officer, ranking official or a duly authorized employee.
- c) The Department shall issue a Permit within 90 days after receipt of the application, provided the documents accompanying the application indicate that the agrichemical facility will be in compliance with Sections 255.80, 255.90, 255.100, 255.140, 255.150, and 255.160, as applicable, and the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.). In addition to completed application forms, documents which must be submitted include a location area map, detailed plot plan of the facility, water system protection schematic diagram, narrative description of operational and management practice plan, detailed engineering plans and specifications, process flow diagram for dry fertilizer facilities and any additional information the applicant or Department deem necessary to fully describe the project. The Department shall allow an innovative design to satisfy the structural requirements of this Part if the application for a Permit is accompanied by a registered professional engineer's statement certifying that the design shall provide protection to the environment equivalent to that of this Part. All engineering costs shall be the responsibility of the person making the request. A Permit issued "with conditions" means that the facility is deficient in some area in order to meet full compliance with the before-stated rules. A Permit with conditions would be issued if the operation of the facility during the period of time that the facility owner was correcting the deficiency does not jeopardize the environment. If the Department fails to grant or deny the Permit as requested or issue with conditions within 90 days from the date of receipt of the application, the applicant may deem the Permit granted for a one year period commencing on the 91st day after the application was received. If the application for a Permit is denied,

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the Department shall notify the applicant in writing as to why the permit was denied.

- d) An agrichemical facility which is registered pursuant to Section 255.40(b)(1) shall meet the following compliance schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	Two years after adoption date
Compliance with Section 255.80 (except as provided in subsection (h))	Three years after adoption date for bulk pesticides and four years for liquid fertilizers
Compliance with Section 255.90	Five years after adoption date

- e) An agrichemical facility which is registered pursuant to Section 255.40(b)(2) shall meet the following schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	Two years after adoption date
Compliance with Section 255.90	Three years after adoption date
Compliance with Section 255.80	Four years after adoption date

- f) An agrichemical facility which is registered pursuant to Section 255.40(b)(3) or which fails to register under Section 255.40 shall meet the following compliance schedule:

Item	Compliance Date
Submittal of all plans and specifications required for Permit approval	One year after adoption date

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- a) The following records shall be maintained at the agricultural facility, and the records shall be available for review on request by the Department:
 - 1) A plot plan of the property showing all structures and the location of all wells on the site.
 - 2) A plot plan or map showing surface water runoff routes from the agricultural facility, approximate distance to and identity of nearby lakes, streams, drainage ditches or storm drains, distance and direction to nearest public and private wells, and site soil characteristics and groundwater depth.
 - 3) Tank schedule showing material of construction, capacity, diameter, height, and product stored.
 - 4) Secondary and operational area containment construction plans and capacity of such structures in gallons. Manufacturer's confirmation of compatibility with agriculturals, and installation instructions if synthetic liners or synthetic materials are used. Manufacturer's confirmation of compatibility with agriculturals and estimate of life expectancy if prefabricated basins are used.
 - 5) Operational plan for containment areas showing the handling and utilization of recovered agricultural, rinse water, and precipitation accumulation.
 - 6) Storage and handling instructions on each pesticide handled in bulk (i.e., registrant's instructions).
 - 7) Spill reports on all reportable spills associated with the agricultural facility operation.
 - 8) State inspection reports.
 - 9) Agricultural facility inspection and maintenance reports required of the operation in Section 255.130.
- b) Agricultural facility specifications, records, plans or reports required under any other State or Federal regulatory program and which contain the information requested above may be used to fulfill this recordkeeping requirement.

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- c) Non-commercial agricultural facilities are not covered by provisions of this Section.

Section 255.80 Secondary Containment

- a) All agricultural non-mobile storage containers for liquid pesticides and liquid fertilizer shall be located within a secondary containment structure.
- b) Secondary containment structures and systems shall provide the following capacity:
 - 1) When not protected from receiving precipitation, the containment shall have a minimum containment volume of a 6-inch rain storm (a 25 year, 24 hour rain), plus the capacity of the largest tank, and the volume displaced by the bases of the other tanks located within the secondary containment structure.
 - 2) When protected from receiving precipitation, the containment shall have a minimum containment volume of 100% of the capacity of the largest tank, plus the volume displaced by the bases of the other tanks located within the secondary containment structure.
- c) Structural materials and integrity shall provide secondary containment which meets or exceeds the requirement of this Section. Materials shall be compatible with the agricultural to be contained.
 - 1) General requirements include:
 - A) Clay, natural soil clay mixtures or clay/bentonite mixtures shall not be used to contain any bulk pesticide.
 - B) Secondary containment for liquid agriculturals storage at facility sites should provide for separation between bulk pesticides and bulk fertilizer to the extent that a common wall or curbing between the fertilizer area and the pesticide area shall provide for the interception and recovery including clean up of pesticide spills while the entire secondary containment area shall meet or exceed the total capacity requirement specified in this Section.

D) Earthen walls used for secondary containment of fertilizer shall be protected against erosion (e.g., sodding and seeding). Side slopes shall not exceed a 3 to 1 ratio of horizontal to vertical. The top width of earthen walls shall not be less than 2 1/2 feet.

E) Provisions shall be made for safe and emergency access and exit to and from the secondary containment structures.

3) Floor: The base of a secondary containment structure shall be lined with materials, including but not limited to, reinforced concrete, steel, or compatible synthetic liner or synthetic materials as authorized in this Section, and the floor shall meet each of the following criteria:

A) Floors shall be constructed to allow the safe and expeditious removal of precipitation water and any spilled liquid in a manner that does not disrupt the ability of the containment structure to prevent the movement of liquid as required in this Section (e.g., sloped to a collection sump well).

B) Liners used for secondary containment of fertilizers may be constructed of suitable soil or of soil treated with bentonite clay or other compatible material, with a minimum depth of 12 inch- es provided the other floor requirements as stated in this Section are met. The liner shall be covered by a soil or smooth aggregate layer not less than 6 inches thick and shall be maintained to prevent cracking or puncture.

4) Prefabricated facilities: A prefabricated secondary containment structure shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel, reinforced concrete or synthetic liner or synthetic materials which are resistant to corrosion, puncture or cracking. A written confirmation of compatibility and a written estimate of life expectancy from the basin manufacturer shall be kept on file at the agricultural facility. Multiple basins connected to provide the capacity required in this Section shall be connected in a

C) The secondary containment structure shall be constructed to a water permeability rate of 1 x 10-6 centimeters per second and maintained so that liquid movement through the walls and base does not exceed a rate of 1 x 10-5 centimeters per second permeability rate. The secondary containment structure shall be designed and maintained to withstand a full hydrostatic head of any contained liquid. The containment area shall not be equipped with a permanent pump unless the pump has only a manual mode of operation.

D) The secondary containment structure shall not have a discharge outlet or gravity drain through the wall or floor.

E) Synthetic materials or liners may be used with secondary containment structures provided they are compatible with agricultural chemicals being contained and it is installed according to manufacturer's written direction and repaired and maintained according to manufacturer's recommendations. These directions and recommendations shall become records maintained at the facility site.

2) Walls: The walls of secondary containment structures shall meet each of the following criteria:

A) Walls shall be constructed of materials, including but not limited to, steel, reinforced concrete, solid masonry, or compatible synthetic materials or synthetic liners as authorized in this Section.

B) No piping shall be installed through the wall except for interconnections between multiple secondary containment structures authorized in this Section.

C) Multiple basins connected to provide the containment capacity as set forth in this Section shall be connected in a manner which assures an unrestricted transfer of discharged liquid between basins.

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manner which assures an unrestricted transfer of discharged liquid between basins.

- 5) **Drainage and Basin Facility:** A drainage and basin facility diverts uncontaminated storm water drainage and provides secondary containment in accordance with this Section. The curb, base and drainage path shall be at least 12 inches thick and shall be constructed in lifts not to exceed 6 inches in thickness. Persons wishing to use a drainage and basin facility should consider the overall agrichemical facility plan, topography, subsoil type, water table, location, and surface water drainage patterns.
- d) **Agrichemical facilities with mini-bulk containers filled and warehoused for product distribution shall:**
- 1) Provide warehousing area secondary containment structures or systems equal in volume to the largest container stored, or:
 - 2) Provide a current immediate response action plan for leakage or spillage and maintain necessary supplies and equipment to effect containment recovery and residue clean-up, in order to be in compliance with secondary containment provisions of this Part.

Section 255.90 Operational Area Containment

- a) Except as provided in Section 255.140, all transfer of agrichemicals between containers including loading, unloading, repackaging and mixing, and equipment cleaning performed at an agrichemical facility or a non-commercial agrichemical facility shall be done with a containment system designed to intercept, retain, and recover operational and accidental spillage, leakage, wash water, and agrichemical residues. Materials of containment structures shall be compatible with the products handled and maintained in a condition to retain recovered material until it is used or properly disposed of.
- b) **General requirements for permanent operational containment structures consisting of floors, curbs, and walls include:**
- 1) Floors, curbs, and walls of a permanent operational containment structure shall be constructed of rein-

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forced concrete or other materials compatible with the agrichemical being handled.

- 2) A permanent operational area containment structure shall be sealed or otherwise maintained to provide a rate of permeability not to exceed 1×10^{-6} centimeters per second.
 - 3) Cracks and seams that develop shall be repaired and sealed.
 - 4) Storm water drainage shall be diverted away from all permanent containment structures.
- c) **Loading area containment:** Total loading area containment volume shall be equal to or greater than the volume of the largest tank to be loaded in the loading area. If the loading area 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 loading area 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.
- d) **Unloading area containment:** Total unloading area containment volume shall be a minimum of 25 gallons. The loading area containment may be used as the unloading area containment. Individual catchment basins or portable containers may be used to meet the requirements of this Section. The individual basins or portable containers shall be placed to catch and recover spillage and leakage from transfer connections and pumps.
- e) **Mixing and repackaging area containment:** Mixing and repackaging containment areas shall provide curbing or other means (e.g., basins) to intercept, retain, and recover agrichemicals spilled or leaked during mixing and repackaging operations.
- f) **Cleaning and washing area containment:** Cleaning and washing of agrichemical residue from handling, processing and application equipment at an agrichemical facility or a non-commercial agrichemical facility shall be done utilizing an operational containment system or structure. Cleaning and washing containment may be

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- a) Precipitation and accumulation shall never exceed a level that would impair the holding capacity of the secondary or operational area containment. Such precipitation accumulation should be removed from the secondary and operational area containment systems after each storm.
 - 1) Precipitation accumulation containing agrichemicals shall be used as provided in Section 255.110(e) or disposed of as provided in Section 255.110(g).
 - 2) Precipitation accumulation from containment structures shall not be discharged from the containment area as surface runoff during the agrichemical application season, except when the following conditions are met:
 - A) The containment structures have been cleaned and rinsed of agrichemicals in compliance with Section 255.110(b) and (c).
 - B) The discharge shall not cause water quality violations pursuant to 35 Ill. Adm. Code, Subtitle C, or a pesticide release pursuant to the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.).
- b) Agrichemical spills into secondary containment structures shall be recovered promptly and the structures washed to remove agrichemical contamination.
- c) Operational area containment shall be promptly cleaned and rinsed after any agrichemical spill or leakage. The operational area containment shall also be cleaned and rinsed immediately after the termination of each agrichemical application season. These facilities shall be washed with a biodegradable cleanser, triple rinsed with a high pressure hose and all standing water shall be removed. Proper cleaning of the operational area containment shall include removal, washing and rinsing of material from the operational area, mud, pits, sump pits and all interconnected pipes or structures.
- d) Discharges or spills of agrichemicals, agrichemical mixtures, rinsates and wash waters outside of secondary or operational area containment shall be immediately contained, material recovered to extent possible, and the area cleaned. Reportable agrichemical spills shall be

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- reported immediately by telephone to the Illinois Emergency Services and Disaster Agency any time during the day or night by calling 1-800-782-7860 or 1-217-782-7860.
- e) Agrichemicals, agrichemical residues, rinsates, and agrichemical contamination wash water recovered from the secondary and operational containment facilities shall be field applied at agronomic rates, used in a liquid mixing operation, or otherwise recycled or disposed of in accordance with these rules. 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 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.
- f) Field washing of exterior surfaces of agrichemical application equipment is acceptable at the site of the agrichemical application provided no runoff from the site occurs.
- g) Agrichemicals, agrichemical residues, rinsates, and agrichemical contaminated wash water shall not be disposed 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 Section 255.110(e) and (f).
- h) Agrichemicals and agrichemical mixtures which cannot be used in accordance with the respective product's label or as set forth in this Section shall be disposed of as a special waste or hazardous waste as authorized by the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and the rules adopted under that Act (35 Ill. Adm. Code 724, 725 and 809).
- 1) Empty pesticide containers shall be stored in the operational containment area or an area protected from contact with precipitation prior to disposal and such containers shall be triple rinsed or comparably cleaned (e.g., rinsed with pressure hose). Such containers shall be disposed of in accordance with the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111

discharge. The operator shall inspect valves and other appurtenances for leakage at least once a week. The operator shall inventory, measure, and record the liquid level in each non-mobile agricultural storage container at least once a month, except as provided in subsection (c).

(c) Inspections are not required when agriculturals are not being stored.

(d) Non-commercial agricultural facilities are not covered by the recordkeeping provisions of this Section.

Section 255.140 Dry Fertilizer Storage and Handling

(a) Dry fertilizer materials shall be stored and handled in a manner to prevent pollution by minimizing losses to the air, surface water, underground water or soil.

(b) Nonliquid fertilizers shall be stored inside a sound structure or device having a cover or roof top, side-walls and base sufficient to prevent contact with precipitation and surface waters.

(c) All loading, unloading, mixing and handling of dry fertilizer, unless performed in the field of application, shall be done using a containment method, device or structure. The containment method, device or structure shall be of a size and design that will contain the fertilizer and operated to minimize emission of dust and/or vapors beyond the facility boundaries. Any collected material shall be applied at agronomic fertilizer rates or otherwise recycled.

(d) Containment, devices or structures may include, but are not limited to, the following methods:

(1) Paving and curbing of outdoor handling areas with materials which allow for collection and recycle or reuse of storm water, and which are sealed or otherwise maintained to provide a rate of permeability not to exceed 1 x 10-6 centimeters per second.

(2) Enclosing conveyors and equipping conveyors with dust control boots. Manually extendable boots may be adaptable to upright and auger type conveyors.

(3) Enclosing handling areas.

1/2, par. 1001 et seq.) and the rules adopted under that Act (35 Ill. Adm. Code 724 and 725).

(j) Spray application vehicles that are not cleaned as provided in Section 255.110(f) shall be parked in the operational containment area or protected from precipitation. Agricultural aircraft are not covered by this provision.

(k) Dry fertilizer application equipment with covered hoppers may be field cleaned by brushing the working end of the equipment to remove the fertilizer or cleaned as provided in Section 255.110(f) or protected from precipitation.

Section 255.120 Site Closures and Discontinuation of Operations
When an agricultural facility or a non-commercial agricultural facility is closed or operations are discontinued, agriculturals, rinsates, wash waters, and other materials containing agriculturals, and all agricultural containers shall be removed from the agricultural facility site and disposed of or utilized in one of the following manners:

(a) For the original intended purpose of the agricultural 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 (where applicable) are followed; or

(b) as provided in Section 255.110(e), (g), (h), and (i).

Section 255.130 Inspection and Maintenance

(a) General: Every secondary containment structure shall be visually inspected at least once a week and maintained as necessary to assure compliance with this Section. A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and shall be kept at the facility, except as provided in subsections (c) and (d).

(b) Inspection and maintenance: The operator of an agricultural facility or non-commercial agricultural facility shall once each week inspect and maintain storage containers and appurtenances to minimize the risk of a

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- 4) Collection and recycle of contaminated precipitation from rooftops of roof-filled storage structures.
- 5) Daily cleanup of the outside areas when in use.

Section 255.150 Dry Fertilizer Blending Operations

Dry fertilizer blending operations, including the process of impregnating fertilizer material with pesticides, shall be conducted in a manner to provide for dust and vapor control and for total collection and reuse of any spilled fertilizer.

Section 255.160 Connections to the Potable Water Supply

- a) General: Potable water supply lines shall not be connected to process water lines, chemical lines or equipment, unless proper backflow protection is installed.
- b) Water service lines which connect an agrichemical facility or a non-commercial agrichemical facility 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 Agency Technical Policy Statement (35 Ill. Adm. Code 653.803(c)(4)).
- c) Water service lines which connect an agrichemical facility or a non-commercial agrichemical facility to a potable water supply other than 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 Plumbing Code (77 Ill. Adm. Code 890).
- 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.

Section 255.170 Open Burning

- a) No person shall cause or allow open burning of agrichemical containers or other agrichemical related wastes at an agrichemical facility or a non-commercial agrichemical facility, except as provided in this Section.

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- b) Any burning of agrichemical containers or other agrichemical related wastes at an agrichemical facility or a non-commercial agrichemical facility located 1,000 feet or less from a residential or other populated area shall be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 eq. seq.) and rules adopted under that Act (35 Ill. Adm. Code 201).
- c) The open burning of combustible agrichemical containers is permissible at the field where the chemicals are applied, provided the following conditions are met:
 - 1) Containers holding liquid agrichemical formulations have been triple rinsed;
 - 2) Containers holding dry or solid formulations have been emptied to the extent feasible;
 - 3) Atmospheric conditions will readily dissipate the contaminants;
 - 4) The burning does not create a visibility hazard on roadways, railroad tracks or air fields;
 - 5) The burning occurs more than 1,000 feet from residential or other populated area;
 - 6) It can be shown that it is the most efficient disposal method available, based upon factors including, but not limited to, cost, location and type of waste;
 - 7) The burning does not cause air pollution as defined in the Illinois Environmental Protection Act; and
 - 8) The area where the burning occurs is not subject to State or local restrictions.
- d) Until January 1, 1995, the open burning of combustible agrichemical containers is permissible at an agrichemical facility provided the following conditions are met:
 - 1) Containers holding liquid agrichemical formulations have been triple rinsed;
 - 2) Containers holding dry or solid formulations have been emptied to the extent feasible;

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NOTICE OF ADOPTED AMENDMENTS

Section Number: 120.115
Proposed Action: Amendment
Illinois Register Citation: March 31, 1989
13 Ill. Reg. 4075

- 15) Summary and Purpose of Amendments: The amendment to Section 120.80 serves to delete subsection (c)(3) and its requirement that certain grantees submit an agency-wide Statement of Revenues and Expenditures and a Balance Sheet. The "Complaint Process" addressed in Section 120.100 has been revised to reference the department's "Review and Appeal Procedures" rules (47 Ill. Adm. Code 10) for Applicant, Grantee, or CSBG program eligible client complaints and Section 120.55 of this Part for complaints relating to funding termination of Community Action Agencies.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Dennis R. Whetstone, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

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

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS
PART 120
STATE ADMINISTRATION OF THE FEDERAL COMMUNITY SERVICES
BLOCK GRANT PROGRAM

Section	
120.10	Legislative Base
120.20	Purpose and Scope
120.30	Definitions
120.40	Allocation
120.50	Grant Application Requirements
120.55	Grantee Termination
120.60	Grantee Selection
120.70	Required Board Structure
120.80	Administrative Requirements
120.90	Nondiscrimination
120.100	Complaint Process
120.110	Program Types-Description
120.115	CSBG Loan Programs
120.120	Eligibility Requirements
120.130	Limitations on Use of CSBG Funds
120.140	Incorporation by Reference

AUTHORITY: Implementing the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1987, ch. 127, pars. 2601 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.42).

SOURCE: Adopted and codified at 7 Ill. Reg. 2934, effective March 9, 1983; amended at 8 Ill. Reg. 6023, effective April 20, 1984; amended at 9 Ill. Reg. 10692, effective June 28, 1985; amended at 9 Ill. Reg. 18130, effective November 12, 1985; amended at 10 Ill. Reg. 8666, effective May 13, 1986; amended at 10 Ill. Reg. 8976, effective May 13, 1986; amended at 10 Ill. Reg. 21051, effective December 8, 1986; amended at 11 Ill. Reg. 5926, effective March 19, 1987; amended at 11 Ill. Reg. 7937, effective April 20, 1987; amended at 12 Ill. Reg. 751, effective December 28, 1987; amended at 12 Ill. Reg. 17311, effective October 17, 1988; amended at 13 Ill. Reg. 779, effective January 4, 1989; amended at 13 Ill. Reg. 13562, effective August 11, 1989.

Section 120.80 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

- a) Compensation - The Grantee cannot be reimbursed for costs which

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- d) Contractual Services - All contractual services require prior approval of the Department. Grantees will request approval of contractual services as part of the annual budget process and in any subsequent modifications to the contractual services line item of the budget. Requests to expend funds for contractual services will be approved when the following conditions are met:
 - 1) services respond to a demonstrated need (i.e., legal services, transportation, licensed drug/alcohol counseling);
 - 2) services are not duplicative of existing program services;
 - 3) services are an allowable cost in accordance with generally Accepted Accounting Principles of the American Institute of Certified Public Accountants (1983); and
 - 4) services benefit low income participants in accordance with Section 120.60(b)(3)(B) of this Part.
- e) Publication, Reproduction and Use of Material - Any publication produced as a result of a CSBG grant shall include in its title page the following citation: "This project was conducted with funds provided by the Illinois Department of Commerce and Community Affairs and does not necessarily represent in whole or in part the viewpoint of the Illinois Department of Commerce and Community Affairs."
- f) Assurances - Grantees must comply with the provisions of Sections 675(c)(2)(B)(6) through (10) of the Act.

(Source: Amended at 13 Ill. Reg. 13562, effective Aug. 11, 1989)

Section 120.100 Complaint Process

In the event of an Applicant, Grantee, or CSBG program eligible client

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exceed the total approved budget. Budget line items within and between cost categories may be increased without prior approval by up to 20% when other line items or cost categories are reduced by corresponding monetary amounts in other categories. The administration category may only be reduced and the special category may only be increased. Equipment and contractual service line items may not be increased without prior approval. The Department will grant approval to modify budgeted amounts when the modification is necessary to achieve program objectives.

- b) Unexpended Funds - CSBG fund balance from the previous fiscal year will be, subject to written approval of DCA, carried into the grantee's succeeding fiscal year CSBG program. The carry-over funds will not reduce the succeeding fiscal year allocation, but the carry-over amount should not exceed 20% of the agency's annual CSBG allocation and the succeeding year's work program must reflect additional planned program achievements with reasonable probability of accomplishing those planned achievements so as to eliminate future substantive unexpended balances.
- c) Reporting
 - 1) An Expenditure Summary and Payment Request shall be submitted to the Department on or before the fifteenth calendar day of each month after the first month of the program year, using forms provided by the Department.
 - 2) A Quarterly Program Report shall be submitted to the Department by the 15th day following the end of each calendar quarter.

- 3) An agency-wide Statement of Revenues and Expenditures (Statement) for the prior twelve (12) month period ending September 30 and Balance Sheet for the period ending September 30 shall be submitted annually to the Department by any grantee which is not covered under the Single Audit Act of 1984 (31 U.S.C. 7501-7507) or does not have an existing agreement with the Department and its other funding sources for an annual Agency-wide Audit: in order to be exempt from this requirement, the Single Audit Agency-wide Audit must include a Balance Sheet and Agency-wide Audit-masthead-Agency-wide Audit-Funds-as described-in-Appendix-I-of-Guidelines-for-Financial-Comptance-Audits-of-Federally-Assisted-Programs-published by the United States General Accounting Office (October 1978): -the-Bureau-with-approve-written-requests-for-Alternative-twelve-month-base-periods-such-as-the-grantee-agency-fiscal-year-end-date-when-such-requests

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complaint, the Department will follow the procedures outlined in the ~~Administrative Review Law (Ill. Rev. Stat. 1985, ch. 110, pars. 3-101 et seq.)~~ 47 Ill. Adm. Code 10, with the exception of complaints relating to funding termination of Community Action Agencies. Those complaints and appeals will follow the process described at Section 120.55 of this Part which is in accordance with the federal Community Services Block Grant Act.

(Source: Amended at 13 Ill. Reg. 13562 _____, effective Aug. 11, 1989)

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- 1) The Heading of the Part: State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program
- 2) Code Citation: 47 Ill. Adm. Code 100
- 3) Section Numbers: 100.110 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 4.2 of the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 1304.2, as added by P.A. 85-1431, effective January 9, 1989) and Sections 46.38 and 46.41 and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.38, 46.41 and 46.20).
- 5) Effective Date of Amendments: August 11, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: August 8, 1989.
- 9) Notice of Proposal Published in Illinois Register: April 7, 1989, 13 Ill. Reg. 4358.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:

Authority note rewritten to include "Section 4.2 of the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 1304.2, as added by P.A. 85-1431, effective January 9, 1989)".

Main source note updated to include an amendment at "13 Ill. Reg. 10827, effective June 27, 1989" which was adopted after this rulemaking was proposed. Also text changes from the proposed, found in Section 100.110(b)(2), were the result of that amendment.

Section 100.110(b)(4)(A)

In the third line, inserted "utility companies on behalf of" before "households".

In the eighth line, changed "customers' to "customers'".

Section 100.110(b)(4)(B)

In the second line, changed "energy vendors" to "utility companies".

The second sentence has been rewritten to read: "The actual amount of

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DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRSPART 100
STATE ADMINISTRATION OF THE FEDERAL LOW-INCOME
HOME ENERGY ASSISTANCE BLOCK GRANT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
100.10	Legislative Base
100.20	Purpose and Scope
100.30	Definitions
100.40	Program Components (Recodified)
100.45	Determination of Household Eligibility (Recodified)
100.50	Grant Application Requirements (Recodified)
100.60	Eligible Grantees (Recodified)
100.70	Administrative Requirements
100.80	Nondiscrimination
100.85	Dispute Procedures
100.90	Complaint Process
100.100	Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section	
100.110	Program Components
100.115	Cooling Assistance Component
100.120	Determination of Household Eligibility
100.130	Grant Application Requirements
100.140	Eligible Grantees

SUBPART C: WEATHERIZATION

Section	
100.210	Definitions
100.220	Allocation of Funds
100.230	Local Administering Agency Selection
100.240	Local Administering Agency Application
100.250	Minimum Program Requirements
100.260	Allowable Costs
100.270	Cost Restrictions
100.280	Standards and Techniques for Weatherization
100.290	Eligible Dwelling Units
100. Appendix A	FY'88 IHEAP Income Level Chart/Cooling
100. Appendix B	FY'88 IHEAP Assistance Level Chart/Cooling Payment Matrix
100. Appendix C	Medical Certification

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100. Appendix D Assistance Level Chart Map

AUTHORITY: Implementing Section 4.2 of the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 1304.2, as added by P.A. 85-1431, effective January 9, 1989) and Sections 46.38 and 46.41 and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.38, 46.41 and 46.20).

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. 10827, effective June 27, 1989; amended at 13 Ill. Reg. 13568, effective August 11, 1989.

SUBPART B: ENERGY ASSISTANCE

Section 100.110 Program Components

- a) As indicated in Section 100.10(b) of this Part, the State has certified to the federal government that it will use the funds available under the Home Energy Assistance Block Grant to provide assistance to eligible households to meet the costs of home energy, and more specifically to provide:
- 1) assistance in the form of a cash payment made directly to the eligible household should that household purchase home energy as an undesignated portion of rent;
 - 2) payments to a home energy vendor on behalf of the eligible household;
 - 3) low cost weatherization and/or energy-related home repairs applied directly to an eligible household's residence; and
 - 4) emergency services to an eligible household in an energy-related life-or-health threatening situation.
- b) In order to carry out this program the State will annually establish its program design. Contingent upon the amount of funding provided to the State, the program will consist of one or more of the following components:

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- 1) Home Energy Assistance
 - A) The first and largest component of the program is designed to provide eligible households with financial assistance to help them meet the rising costs of home energy. Home energy is defined as the primary source of energy used by the eligible household to heat or, where medically necessary, cool the household's residence. Cooling assistance will be provided only if sufficient funds are remaining as of July 1 of the program year. The Illinois Home Energy Assistance Program will provide assistance to eligible households in two forms: direct cash assistance and payments made to vendors on behalf of eligible households.
- B) In order to carry out this component, the Department of Commerce and Community Affairs will utilize delegate agencies and/or local administering agencies to provide assistance.

If sufficient funding is available, the Department of Commerce and Community Affairs will set aside an amount of the Illinois allocation for use in emergency situations. A distinction will be made between weather and supply emergencies which affect the entire eligible population and energy related emergencies which affect an individual household. Under this component, both types will receive consideration. In the event of a weather-related natural disaster, such as a major blizzard, the Department of Commerce and Community Affairs will develop its response based upon what is needed to eliminate the threat to life and health. Activities under this component will be coordinated with the State Emergency Services and Disaster Agency, local disaster relief agencies, and the network of local administering agencies. In addition, individual responses to energy related emergencies (as previously described) affecting single households will be available under the Emergency Assistance Component. Emergency Assistance will be provided only after a household has actually been disconnected from its primary heat source, its cooling source or any secondary energy source which is an integral part of the primary heating system (i.e., secondary source is needed to produce heat). An eligible household may receive an emergency service payment up to \$600 depending on the amount needed to reconnect. No

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- 3) Home Weatherization Assistance
 - A) The Department of Commerce and Community Affairs will annually utilize up to the maximum 15 percent allowable under the provision of the law to operate a weatherization component. The purpose of the weatherization component is to decrease the amount of energy consumed by low-income households and thereby reduce the financial strain on the resources of such households. Energy assistance funds will be used to supplement the weatherization program which is federally funded by the Department of Energy (DOE).
- 4) Supplemental Assistance
 - A) The Department will operate a supplemental assistance component which will provide supplemental energy assistance payments to utility companies on behalf of households who are eligible for energy assistance (see Section 100.120 for eligibility) and have participated in a percentage of income payment program. A percentage of income program is a program for eligible low-income utility customers which is designed to lower their bills. To receive assistance the household must pay a percentage of their income toward their utility bills. Operation of this component is contingent upon availability of funds through state appropriations.
- B) The supplemental payments will be made on the household's behalf to all utility companies who provide or have provided service pursuant to a percentage of income payment program. The actual amount of the supplemental payments will be the difference between the billings for service used by the household and the customer's monthly payments due under the program, minus any energy assistance payments made to the customer's account on behalf of the household. This includes both payments made directly by the household and payments received by the utility company on the household's behalf. In accordance with Section 4.2 of the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 1304.2, as added by P.A. 85-1431, effective January 9, 1989) and Section 100.110(b)(4)(c), the Department shall

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make supplemental payments to utility companies that participate in percentage of income payment programs in Illinois.

- C) In order for the Department to make supplemental payments to utility companies, the amount must be investigated and verified through an audit of individual customer accounts for the purpose of insuring accuracy of supplemental payments.

i) The Illinois Commerce Commission (ICC) administers the Illinois Residential Affordable Payment Program (IRAPP), a percentage of income payment program, through the regulated utilities in the State of Illinois. Program specifics and eligibility can be found in ICC rules entitled "Energy Assistance" (83 Ill. Adm. Code 281). Utility companies operating programs under the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1301 et seq.) must undergo an audit and participate in hearings regarding the supplemental assistance amount. The ICC will determine which utilities they are able to audit using ICC staff. The audits of all other utilities will be conducted by an independent auditor. Contested hearings will be conducted by the ICC to verify the supplemental payment amounts each utility company is eligible to receive. A separate hearing will be conducted for each affected utility. The hearings will be in accordance with Sections 10, 11, and 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1010, 1011, and 1012). No payments will be made by the Department to a utility until the ICC issues an Order indicating the amount of reimbursable shortfall. The Department will then enter into a contract with each utility allowing disbursement of payment.

ii) Utilities not regulated by the ICC, which participate in other percentage of income programs, shall submit a letter to the Department requesting supplemental assistance. Each utility must undergo an independent audit by an independent accountant to substantiate the supplemental assistance amount that it has

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requested. A copy of the audit report must be submitted to the Department. The audit report shall specify what information was audited, the procedures performed, the utility's compliance with the provisions set forth in this Part, and the auditor's findings. The supporting working papers for the audit shall be made available to Department staff for review. The Department will then enter into a contract with each utility allowing disbursement of payment.

(Source: Amended at 13 Ill. Reg. 13568 , effective August 11, 1989)

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DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 502
SAFETY, MAINTENANCE AND SANITATION

SUBPART A: FOOD SERVICE

- Section**
- 502.10 Applicability
- 502.20 Menus
- 502.30 Special Diets
- 502.40 Sanitation

SUBPART B: CLEANLINESS AND GROOMING FOR COMMITTED PERSONS

- Section**
- 502.100 Applicability
- 502.105 Responsibilities
- 502.110 Procedure

SUBPART C: CLOTHING, BEDDING, LINENS

- Section**
- 502.200 Applicability
- 502.205 Responsibilities
- 502.210 Clothing
- 502.220 Bedding
- 502.230 Linens

SUBPART D: CLOTHING AND GRANTS FOR TRAVEL AND EXPENSES

- Section**
- 502.300 Applicability
- 502.310 Clothing for Release
- 502.320 Grants for Travel and Expenses

AUTHORITY: Implementing Sections 3-7-2 and 3-14-1 and authorized by Section 3-7-1 of the Unified Code of Corrections (Ill. Rev. Stat. 1985, ch. 38, pars. 1003-7-2; 1003-14-1 and 1003-7-1).

SOURCE: Adopted at 8 Ill. Reg. 14618, effective August 1, 1984; amended at 11 Ill. Reg. 7264, effective May 1, 1987; amended at 13 Ill. Reg. 13577, effective September 1, 1989.

SUBPART A: FOOD SERVICE

DEPARTMENT OF CORRECTIONS
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Section 502.40 Sanitation

- a) All persons assigned to the food services department shall be examined and approved screened by medical staff prior to commencing work in food service areas ; and annually thereafter.
- b) Sanitary practices shall be observed in the storage, handling, preparation and serving of food products.

(Source: Amended at 13 Ill. Reg. 13577, effective September 1, 1989)

DEPARTMENT OF NUCLEAR SAFETY
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- c) In Section 400.120(b), line 4, by deleting the phrase "an attestation" and inserting the phrase "a statement".
 - d) In Section 400.130(a)(4), the statement following the opening phrase (which ends in a colon) has been indented to the proper level; and the comma following the heading of the Part on line 3 of this paragraph has been deleted and the code citation has been placed within parentheses.
 - e) In Section 400.140(g), line one, the word "this" has been inserted before the word "Section" and the Section number has been deleted.
- 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 rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Amendment clarifies that the inspection procedures apply to all inspections, whether conducted by Departmental inspectors or by qualified nondepartment inspectors. This Amendment also requires that radiation workers be instructed in the risk of radiation exposure to the embryo and fetus, and makes references to the Office of Radiation Safety rather than the Division of Nuclear Materials. This Amendment also makes several nonsubstantive clerical changes to the rule.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Betsy Salus
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9880

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

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: INSPECTIONS NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS;

2) Code Citation: 32 Ill. Adm. Code 400

Section Numbers:	Adopted Action:
400.10	Amendment
400.110	Amendment
400.120	Amendment
400.130	Amendment
400.140	Amendment
400.150	Amendment
400.160	Amendment
400.170	Amendment

- 4) Statutory Authority: Implementing and authorized by Sections 8 - 8.13 of the Radiation Protection Act (111. Rev. Stat. 1987, ch. 111, pars. 218-218.13), and Section 5 of "AN ACT in relation to personnel monitoring" (111. Rev. Stat. 1987, ch. 111, par. 230.15).

- 5) Effective Date of Amendments: August 11, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: August 11, 1989
- 9) Notices of Proposal Published in Illinois Register: December 2, 1988, 12 Ill. Reg. 19840
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:

- a) In the Authority Note, on line one, by deleting "Section 8-8.13" and inserting "Sections 8 - 8.13", and on line 2, by deleting "218.0-218.13" and inserting "218 - 218.13".
- b) In Section 400.110(a), 400.120(a) and 400.130(a) each of the second level subsections beginning words have been changed to lower case letters.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
 CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
 SUBCHAPTER b: RADIATION PROTECTION

PART 400
 NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

Section	
400.10	Purpose and Scope
400.110	Posting of Notices to Workers
400.120	Instructions to Workers
400.130	Notifications and Reports to Individuals
400.140	Presence of Representatives of Licensees or Registrants and Workers During Inspection
400.150	Consultation with Workers During Inspections
400.160	Requests by Workers for Inspections
400.170	Inspections Not Warranted; Informal Review

AUTHORITY: Implementing and authorized by ~~Section 8-8.13~~ Sections 8 - 8.13 of the Radiation Protection Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 111½, pars. ~~218.0-218.13~~ 218 - 218.13), and Section 5 of "AN ACT in relation to personnel monitoring" (Ill. Rev. Stat. 1985 1987, ch. 111½, par. 230.15).

SOURCE: Adopted at 10 Ill. Reg. 17496, effective September 25, 1986; amended at 11 Ill. Reg. 15629, effective September 11, 1987; amended at 13581 Ill. Reg. effective August 11, 1989.

Section 400.10 Purpose and Scope

- a) This Part establishes requirements for notices, instructions, and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to such individuals in connection with Department of Nuclear Safety (Department) inspections of licensees or registrants to ascertain compliance with the provisions of the Radiation Protection Act (Ill. Rev. Stat. 1985 1987, ch. 111½, pars. 211 et. seq.) (the Act) and regulations, orders, and licenses issued thereunder regarding radiological working conditions.
- b) The regulations in this Part apply to:
- 1) all All persons who receive, possess, use, own, or transfer sources of radiation registered with or licensed by the Department pursuant to 32 Ill. Adm. Code 320 and or 330.

DEPARTMENT OF NUCLEAR SAFETY

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- 2) Inspection and testing of radiation machines and associated operating procedures by Departmental inspectors or by qualified nondepartment inspectors whose names are included in the department's record of individuals approved as qualified nondepartment inspectors of radiation machines pursuant to 32 Ill. Adm. Code 410.

- 3) Inspection of licensed activities by Departmental inspectors.

(Source: Amended at 13 Ill. Reg. 13581, effective August 11, 1989)

Section 400.110 Posting of Notices to Workers

- a) Each licensee or registrant shall post current copies of the following documents:
- 1) the regulations in this Part and in 32 Ill. Adm. Code 340;
 - 2) ~~the license,~~ certificate of registration, the license, the license conditions, or and any documents incorporated into the license by reference and amendments thereto;
 - 3) the operating procedures applicable to activities under the license or registration; and
 - 4) any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to 32 Ill. Adm. Code 310, and any response from the licensee or registrant.
- b) If the posting of a document specified in ~~Section 400.110~~ Section 400.110 subsections (a)(1), (2), or (3) is not practicable, the licensee or registrant may post a notice which describes the documents and states where they may be examined.
- c) Department Form KLA.001 "Notice to Employees" shall be posted by each licensee or registrant.
- d) Department documents posted pursuant to ~~Section 400.110~~ Section 400.110 subsection (a)(4) shall be posted within five (5) working days after receipt of the documents from the Department; the licensee's or registrant's response, if any, shall be posted within five (5) working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of five (5) working days or until action correcting the violation has been completed, whichever is later.

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calendar quarter in which the worker's activities involved exposure to sources of radiation and shall include the dates and locations of work under the license or registration in which the worker participated.

- d) When a licensee or registrant is required pursuant to 32 Ill. Adm. Code 340.4050 to report to the Department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on the exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the Department.
- e) At the request of a worker who is terminating employment in a given calendar quarter with the licensee or registrant in work involving radiation dose, or of a worker who, while employed by another person, is terminating assignment to work involving radiation dose in the licensee's or registrant's facility in that calendar quarter, each licensee or registrant shall provide to each such worker, or to the worker's designee, at termination, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during that specifically identified calendar quarter or fraction thereof, or provide a written estimate of that dose if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such. If an estimate of dose is provided, the actual radiation exposure records shall be provided to the worker when these records become available to the licensee or registrant.

(Source: Amended at 13 Ill. Reg. 13581, effective August 11, 1989)

Section 400.140 Presence of Representatives of Licensees or Registrants and Workers During Inspection

- a) Pursuant to Section 400.160 and 32 Ill. Adm. Code 310.50, each licensee or registrant shall afford the Department at all reasonable times the opportunity to inspect such materials, machines, activities, facilities, premises, and records such as the Department determines are necessary to establish compliance with the requirements of the license and the provisions of 32 Ill. Adm. Code 310, 320, 330, 331, 340, 341, 350, 351, 360, 370, 380, 390, 400, 401, 410, and 601. Reasonable times shall be any time the facility is operational. The inspection may be announced or unannounced. Materials licensees shall be inspected at least as frequently as they would have been inspected by the U.S. Nuclear Regulatory Commission (U.S. NRC) if the licensees were regulated by the U.S. NRC, but no more frequently than once in a calendar quarter. Radiation machines

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shall be inspected in accordance with the provisions of Sections 8.11 and 8.13 of the Act ~~the Radiation Protection Act (the Act)~~ ~~(Ill. Rev. Stat. 1985, ch. 111, pars. 218.11 and 218.13)~~. Inspection of licensees and radiation machines may be conducted more frequently than once per calendar quarter if, in the past three years, there has been a condition at the facility which required emergency response; or if the Department has received a complaint, the investigation of which will result in a more frequent inspection; or if the Department has documented a violation of the Act or the above referenced rules of the Department at the facility and additional inspections are necessary to establish that the violation has been abated.

- b) During an inspection, ~~Department~~ Departmental and qualified nondepartment inspectors may consult privately with workers as specified in Section 400.150. The licensee or registrant may accompany ~~Department~~ Departmental and qualified nondepartment inspectors during other phases of an inspection.
- c) If, at the time of inspection, an individual has been authorized by the workers to represent them during ~~Department~~ inspections, the licensee or registrant shall notify the Departmental or qualified nondepartment inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.
- d) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in Section 400.120.
- e) Different representatives of licensees or registrants and workers may accompany the Departmental or qualified nondepartment inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.
- f) With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany ~~Department~~ Departmental and qualified nondepartment inspectors during the inspection of physical working conditions.

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Section 400.160 Requests by Workers for Inspections

a) Any worker or representative of workers believing that a violation of the Act, the provisions of this Part or 32 ILL. Adm. Code 310, 320, 330, 331, 340, 341, 350, 351, 360, 370, 380, 390, 401, 410 and 601, or license conditions exists or has occurred, or that an unnecessary exposure to radiation or radioactive material has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the Department. Any such notice shall be in writing, shall set forth the circumstances describing the perceived violation or condition, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant by the Department no later than at the time of inspection except that, upon the request of the worker giving such notice, his name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the Department, except for good cause shown, such as when necessary in the course of enforcement actions.

b) If conditions stated on the face of the complaint indicate there is or has been a violation or the possibility of a violation, the Department shall conduct an inspection as soon as practicable to determine if such alleged violation exists or has occurred. Inspections made pursuant to this Section need not be limited to matters referred to in the complaint.

c) No licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceedings under this Part or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this Part. Furthermore, each licensee and registrant shall instruct his contractors and subcontractors not to discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceedings under this Part or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this Part. Furthermore, each licensee and registrant shall instruct his contractors and subcontractors not to discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceedings under this Part or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this Part. Any worker who believes that he has been so discharged or discriminated against may file a complaint with the Department alleging a violation of Section 400.160(e) this subsection.

(Source: Amended at 13 ILL. Reg. 13581, effective August 11, 1989)

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ILLINOIS REGISTER

Section 400.150 Consultation with Workers During Inspections

g) Notwithstanding the other provisions of this Section 400.149, Departmental inspectors and qualified nondepartmental inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, i.e., trade secrets and commercial or financial information where such information is privileged or confidential or where disclosure of such information may cause competitive harm, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

(Source: Amended at 13 ILL. Reg. 13581, effective August 11, 1989)

a) Departmental and qualified nondepartmental inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to the activities of the licensee or registrant which bear upon compliance with the conditions of the license and or the provisions of this Part and or 32 ILL. Adm. Code 310, 320, 330, 331, 340, 341, 350, 351, 360, 370, 380, 390, 401, 410 and or 601.

b) During the course of an inspection, or at any other time, any worker may bring privately to the attention of the Department, or its inspectors or qualified nondepartmental inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of the Act, the provisions of this Part or 32 ILL. Adm. Code 310, 320, 330, 331, 340, 341, 350, 351, 360, 370, 380, 390, 401, 410, and 601 or license condition, or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of Section 400.160(a). If a worker seeks an opportunity to speak to an inspector during an inspection, the licensee or registrant shall permit the worker such opportunity.*

*AGENCY NOTE: The provisions of Section 400.150 subsection (b) shall not be interpreted as authorization to disregard instructions pursuant to Section 400.120.

(Source: Amended at 13 ILL. Reg. 13581, effective August 11, 1989)

DEPARTMENT OF NUCLEAR SAFETY
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Section 400.170 Inspections Not Warranted; Informal Review

a) Review of Determination That No Inspection is Warranted

- 1) If the Division of Nuclear Materials Office of Radiation Safety determines, pursuant to Section 400.160, that an inspection is not warranted, the Division of Nuclear Materials Office of Radiation Safety shall notify the complainant in writing within 60 days of receipt of the complaint. The complainant may obtain review of such determination by submitting a written statement of position with the Department. The Department will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the Department. The Department will provide the complainant with a copy of such statement by certified mail.
- 2) Upon the request of the complainant or the licensee or registrant, the Department shall hold an informal conference in which the complainant and the licensee or registrant may orally present their views. If such a conference is requested by the complainant, the presence of the licensee or registrant at the conference shall be subject to the concurrence of the complainant. If the conference is requested by the licensee or registrant, the presence or disclosure of the identity of the complainant will be made only pursuant to written authorization from the complainant. After considering all written and oral views presented, the Department shall affirm, modify, or reverse the determination of the Division of Nuclear Materials Office of Radiation Safety and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

- b) If the Department determines that an inspection is not warranted because the requirements of Section 400.160(a) have not been met, the complainant shall be notified in writing, within 30 days of receipt of the complaint, of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of Section 400.160(a).

(Source: Amended at 13 Ill. Reg. 13581, effective August 11, 1989)

DEPARTMENT OF NUCLEAR SAFETY
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- 1) The Heading of the Part: RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS
- 2) Code Citation: 32 Ill. Adm. Code 350
- 3) Section Numbers:

350.30	<u>Adopted Action:</u>
350.1010	Amendment
350.1050	Amendment
350.1070	Amendment
350.3040	Amendment
350.3060	Amendment
350.3080	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1987, ch. 111½ pars. 211 et seq.).
- 5) Effective Date of Amendments: August 11, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes. Certain regulations of the U.S. Food and Drug Administration (21 CFR 1010 and 1020) are incorporated by reference in Sections 350.30 (the definition of "certified cabinet x-ray system") and in Section 350.3060(a)(4). These regulations are incorporated by reference in accordance with the requirements of Section 6.02(i) of the Administrative Procedure Act.
- 8) Date Filed in Agency's Principal Office: August 11, 1989
- 9) Notices of Proposal Published in Illinois Register:
December 2, 1988, 12 Ill. Reg. 19851
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:
 - a) In Section 350.3060(a), each of the second level subsections beginning words have been changed to lower case letters.
 - b) In Section 350.3060(a)(7), on line 1, the word "physical" has been deleted; and the word "Section" has been changed to "subsections".
 - c) In Section 350.3060(a)(8), on line 3, the comma in the Code citation has been changed to a period.

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DEPARTMENT OF NUCLEAR SAFETY
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- 350.3050 Special Requirements for Enclosed Radiography Utilizing Radioactive Sources
- 350.3060 Special Requirements and Exemptions for Enclosed Radiography X-Ray Systems, other than those Described in Section 350.3050 that are Designed to Allow Admittance of Individuals
- 350.3070 Special Requirements and Exemptions for Certified and Non-Certified Cabinet X-Ray Systems Designed to Exclude Individuals
- 350.3080 Special Requirements for Mobile or Portable Radiation Machines

APPENDIX A Subjects to be Covered During the Instruction of Radiographers

AUTHORITY: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1986 1987, ch. 111½, pars. 211 et seq.).

SOURCE: Filed and effective April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 14744; recodified at 10 Ill. Reg. 11265; amended at 10 Ill. Reg. 17287, effective September 25, 1986; amended at 13 Ill. Reg. 13592, effective August 11, 1989.

SUBPART A: GENERAL PROVISIONS

Section 350.30 Definitions

As used in this Part, the following definitions apply:

"Cabinet radiography" means industrial radiography conducted in an enclosure or cabinet so shielded that radiation levels at every location on the exterior meet the limitations specified in 32 Ill. Adm. Code 340.1050.

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure which, independent of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation, and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and in similar facilities. An x-ray tube used within a shielded part of a building, or x-ray equipment which may temporarily or occasionally incorporate portable shielding, is not considered a cabinet x-ray system.

"Certified cabinet x-ray system" means an x-ray system which has been certified in accordance with 21 CFR 1010.2 as being manufactured and assembled pursuant to the provisions of 21 CFR 1020.40.

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"Enclosed radiography" means industrial radiography conducted in an enclosed cabinet or room and includes cabinet radiography and shielded room radiography.

"Industrial radiography" means the examination of the macroscopic structure of materials by non-destructive methods using sources of radiation.

"Permanent radiographic installation" means an installation or structure designed or intended for radiography and in which radiography is regularly performed.

"Personal supervision" means supervision in which the radiographer is physically present at the site where sources of radiation and associated equipment are being used, watching the performance of the radiographer's assistant and in such proximity that immediate assistance can be given if required.

"Radiographer" means any individual who performs or personally supervises industrial radiographic operations and who is responsible to the licensee or registrant for assuring compliance with the requirements of 32 Ill. Adm. Code 310, 320, 330, 331, 341, 370 and 601 and all license and/or certificate of registration conditions.

"Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses sources of radiation, related handling tools, or radiation survey instruments in industrial radiography.

"Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

"Shielded position" means the location within the radiographic exposure device or storage container which, by manufacturer's design, is the proper location for storage of the sealed source.

"Shielded-room radiography" means industrial radiography conducted in an a room so shielded that radiation levels at every location on the exterior meets meet the limitations specified in 32 Ill. Adm. Code 340.1050.

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- c) The leak test shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee or registrant would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure to be approved pursuant to 32 Ill. Adm. Code 330.260(d)(5). Records of leak test results shall be kept in units of microcuries and maintained for inspection by the Department for 2 years after the next required leak test is performed or until the sealed source is transferred or disposed.
- d) Any test conducted pursuant to sections 350.1050 subsections (b) and (c) which reveals the presence of 0.005 microcurie (185 Bq) or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee or registrant shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with regulations of the Department 32 Ill. Adm. Code 330 and 340. Within 5 days after obtaining results of the test, the licensee or registrant shall file a report with the Department describing the equipment involved, the test results, and the corrective action taken.
- e) A sealed source which is not fastened to or contained in a radioactive exposure device shall have permanently attached to it a durable tag at least 1 inch (2.54 cm) square bearing the prescribed radiation caution symbol in conventional colors, magenta or purple on a yellow background, and at least the instructions:

DANGER
RADIOACTIVE MATERIAL
DO NOT HANDLE
NOTIFY CIVIL AUTHORITIES IF FOUND

(Source: Amended at 13 Ill. Reg. 13592, effective August 11, 1989)
Section 350.1070 Utilization Logs

- a) Each licensee or registrant shall maintain current logs, which shall be kept available for inspection by the Department for 2 years from the date of the recorded event, showing for each source of radiation the following information:
 - a) A description (or make and model number) of each source of radiation or storage container in which the sealed source is located;

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- "Source changer" means a device designed and used for replacement of sealed sources in radiographic exposure devices, including those source changers also used for transporting and storage of sealed sources.
- "Storage container" means a device in which sealed sources are transported or stored.

(Source: Amended at 13 Ill. Reg. 13592, effective August 11, 1989)
SUBPART B: EQUIPMENT CONTROL

Section 350.1010 Limits on Levels of Radiation for Radiographic Exposure Devices and Storage Containers

Radiographic exposure devices measuring less than 4 inches (10 cm) from the sealed source storage position to any exterior surface of the device shall have no radiation level in excess of 50 milliroentgens (5.0×10^{-5} C/kg) per hour at 6 inches (15 cm) from any exterior surface of the device. Radiographic exposure devices measuring a minimum of 4 inches (10 cm) from the sealed source storage position to any exterior surface of the device, and all storage containers for sealed sources or outer ear-farers containers for radiographic exposure devices, shall have no radiation level in excess of 200 milliroentgens (2.0×10^{-3} C/kg) per hour at any exterior surface, and 10 milliroentgens (1.0×10^{-4} C/kg) per hour at 39.4 inches (1 m) from any exterior surface. The radiation levels specified are with the sealed source in the shielded position.

Section 350.1050 Leak Testing, Repair, Tagging, Opening, Modification, and Replacement of Sealed Sources

- a) The replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing, repair, tagging, opening, or any other modification of any sealed source shall be performed only by persons specifically authorized to do so by the Department, the U.S. Nuclear Regulatory Commission, Agreement State, or any Licensing State.
- b) Each sealed source shall be tested for leakage at intervals not to exceed 6 months. In the absence of a certificate from a transferor indicating that a test has been made within the 6 month period prior to the transfer, the sealed source shall not be put into use until tested.

- b) The identity of the radiographer to whom assigned;
- c) Locations where used and dates of use; and
- d) The voltage, current, and exposure time for each radiographic exposure ~~employing~~ with a radiation machine.

(Source: Amended at 13 Ill. Reg. 13592, effective August 11, 1989)

SUBPART D: PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

Section 350.3040 Records Required at Temporary ~~Jobsites~~ Job Sites

If a licensee or registrant temporarily uses a ~~radioactive source~~ source of radiation at a location other than the location listed in the licensee's or registrant's license or certificate of registration, the licensee or registrant shall maintain the following records at the temporary job site and shall make these records available for inspection by the Department:

- a) the license, certificate of registration, or equivalent document;
- b) operating and emergency procedures;
- c) relevant regulations of the Department and of any other State or Federal entities which license the licensee or registrant;
- d) survey records required pursuant to Section 350.3030 for the period of operation at the site;
- e) daily pocket dosimeter records for the period of operation at the site; and
- f) the latest instrument calibration and sealed source leak test records for specific devices in use at the site. Acceptable records include tags or labels which are affixed to the device or survey meter.

(Source: Amended at 13 Ill. Reg. 13592, effective August 11, 1989)

Section 350.3060 Special Requirements and Exemptions for Enclosed Radiography X-Ray Systems, other than those Described in Section 350.3050 that are Designed to Allow Admittance of Individuals

AGENCY NOTE: The requirements of this Section apply to enclosed radiography systems that do not use radioactive sources. Special requirements for enclosed radiography using radioactive sources are contained in Section 350.3050.

- a) Enclosed radiography x-ray systems, other than those described in Section 350.3050, that which are designed to allow admittance of individuals shall be exempt from other requirements of this Part except Sections 350.1040(b) and (c) and 350.2030. However, the registrant shall:
 - 1) ~~Submit~~ submit plans and specifications to the Department for review and approval of any new installations or any modification of existing installations. Such approval shall not be granted unless the plans and specifications satisfy the requirements of 32 Ill. Adm. Code 340 and this Part.
 - 2) ~~Have~~ have a pre-operational survey conducted before any new installation is placed in operation to determine radiation exposures of all persons who may be in close proximity to the enclosure.
 - 3) ~~Report~~ report to the Department any alteration which increases the radiation output of the equipment or which reduces the effectiveness of protective barriers.
 - 4) ~~Comply~~ comply with all requirements of 32 Ill. Adm. Code 340. If such a system is a certified cabinet x-ray system, it shall also comply with the requirements of 21 CFR 1020.40, revised as of April 1, ~~1985~~ 1988, exclusive of any subsequent amendments or editions. A copy of 21 CFR 1020 is available for public inspection at the Department of Nuclear Safety.
 - 5) ~~Not permit~~ prohibit any individual ~~to operate from operating~~ a radiation machine for enclosed room radiography until such individual has received a copy of, instruction in, and has demonstrated, to the satisfaction of the licensee or registrant, an understanding of operating and emergency procedures for the unit, and has demonstrated competence in its use. Records which demonstrate compliance with this subparagraph shall be maintained for inspection by the Department until their disposition has been authorized by the Department. Such disposition will be authorized if compliance with this subparagraph has been previously established pursuant to an inspection.

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DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

- 3) Radiation hazards associated with the x-ray radiography system.
- 4) Safety practices.
- 5) Procedure for notifying proper supervisory personnel in the event of an emergency.
- 6) Maintenance/repair procedures.
- 7) Personnel monitoring and the proper use of monitoring devices.

(Source: Amended at 13 Ill. Reg. 13592, effective August 11, 1989)

Section 350.3080 Special Requirements for Mobile or Portable Radiation Machines

This Section is applicable to portable or mobile radiation machines used in a manner that provides radiation protection to individuals by controlling the direction of the primary beam and the distance between individuals and the source of radiation. The requirements of this Section apply to portable and mobile radiation machines used either within plants or at temporary job sites.

- a) Section 350.3080 is applicable to an installation or procedure involving radiation machines capable of being moved about within a plant or transported to job sites beyond the confines of any single radiation installation and generally using distance and direction between the source and any persons potentially exposed for protection.
- b a) The registrant of operating this type of equipment shall furnish to the Department for prior approval a detailed description of the dates, locations, normal and maximum operating conditions and workload under which portable or mobile radiation machines are to be utilized. Such approval shall not be granted unless if the information provided indicates that the requirements of this Part and 32 Ill. Adm. Code 340 will be met.
- e b) Radiation survey results and records of boundary locations shall be maintained at each radiographic job site location while at that location and kept available for Department inspection. The Department shall conduct an inspection to establish compliance with the requirements of this Section at least once every 5 years intervals specified in 32 Ill. Adm. Code 410.60. When the Department has received a complaint or has noted a deficiency during an inspection, the Department will conduct additional investigations and inspections to assure compliance with the provisions of this Section.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

- d c) Each radiation machine's control panel shall include a device which will give positive indication of the production of x-rays radiation whenever the x-ray tube source of radiation is energized.

(Source: Amended at 13 Ill. Reg. 13592, effective August 11, 1989)

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

Betsy Salus
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9880

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

1) The Heading of the Part: RADIATION SAFETY REQUIREMENTS FOR WIRELINE SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES

2) Code Citation: 32 Ill. Adm. Code 351

3) Section Number: 351.3030

Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 6 and 6b of the Radiation Protection Act (111. Rev. Stat. 1987, ch. 111, pars. 216 and 216b), and Section 5 of "AN ACT in relation to personnel radiation monitoring" (111. Rev. Stat. 1987, ch. 111, par. 230.15).

5) Effective Date of Amendments: August 11, 1989

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

7) Does this amendment contain incorporations by reference? No

8) Date filed in Agency's Principal Office: August 11, 1989

9) Notices of Proposal Published in Illinois Register: December 2, 1988, 12 Ill. Reg. 19864

10) Has JCAR issued a Statement of Objections to this rule? No

11) Difference(s) between proposal and final version: In Section 351.3030(b)(2)(A),(B), and (C) each of the third level subsections beginning words have been changed to lower case letters.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Department and JCAR agreed that no changes to the rules were necessary.

13) Will this amendment replace an emergency rule currently in effect? No

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

15) Summary and Purpose of Amendments: This amendment will establish standards for allowing injection of radioactive material into potable aquifers. Currently, this Part permits subsurface radioactive tracer studies in potable aquifers only if the Department has given specific authorization for the studies. However, the rule does not set the standards for granting such authorization. This amendment would implement, in part, recent amendments to Section 6 of the Radiation Protection Act.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 351
RADIATION SAFETY REQUIREMENTS FOR WIRELINE
SERVICE OPERATIONS AND SUBSURFACE TRACER STUDIES

Section	Purpose
351.10	Scope
351.20	Definitions
351.30	Prohibition
351.40	Limits on Levels of Radiation
351.1010	Storage Precautions
351.1020	Transport Precautions
351.1030	Radiation Survey Instruments
351.1040	Leak Testing of Sealed Sources
351.1050	Quarterly Inventory
351.1060	Utilization Records
351.1070	Design, Performance, and Certification Criteria for Sealed Sources Used in Downhole Operations
351.1080	Labeling
351.1090	Inspection and Maintenance
351.1100	Training Requirements
351.2010	Operating and Emergency Procedures
351.2020	Personnel Monitoring
351.2030	Security
351.3010	Handling Tools
351.3020	Subsurface Tracer Studies
351.3030	Particle Accelerators
351.3040	Radiation Surveys
351.4010	Documents and Records Required at Field Stations
351.4020	Documents and Records Required at Temporary Jobsites
351.4030	Notification of Incidents, Abandonment, and Lost Sources
351.5010	Subjects To Be Included In Training Courses For Logging Supervisors
APPENDIX A	Example of Plaque for Identifying Wells Containing Sealed Sources Containing Radioactive Material Abandoned Downhole
APPENDIX B	

AUTHORITY: Implementing and authorized by Sections 6 and 6b of the Radiation Protection Act (Ill. Rev. Stat. 1985 1987, ch. 111½, pars. 216 and 216b), and Section 5 of "AN ACT in relation to personnel radiation monitoring" (Ill. Rev. Stat. 1985 1987, ch. 111½, par. 230.15).

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 10 Ill. Reg. 17507, effective September 25, 1986; amended at 11 Ill. Reg. 5215, effective March 13, 1987; amended at 13 Ill. Reg. 13605, effective August 11, 1989.

Section 351.3030 Subsurface Tracer Studies

- a) All personnel handling radioactive tracer material shall be required to use protective gloves, protective clothing and equipment which prevents the spread of contamination. Precautions shall be taken by the licensee or registrant to prevent ingestion or inhalation of radioactive material.
- b) No licensee or registrant shall cause the injection of radioactive material into potable aquifers without specific license authorization issued by the Department pursuant to 32 Ill. Adm. Code 330.250. Such authorization will be issued only if:
 - 1) The applicant's proposed procedures will prevent tracer concentrations at the most exposed drinking water source or public water supply inlet from exceeding the Illinois Environmental Protection Agency's drinking water quality standards in 35 Ill. Adm. Code 604, and
 - 2) The applicant's proposed procedures will be performed:
 - A) on an underground injection well for which a U.S. Environmental Protection Agency underground injection control program permit has been issued pursuant to 40 CFR 124 or 40 CFR 144 revised as of July 1, 1988, or pursuant to 35 Ill. Adm. Code 705 or 62 Ill. Adm. Code 240, or
 - B) on a well for which the Illinois Environmental Protection Agency has otherwise approved a subsurface radioactive tracer study pursuant to 35 Ill. Adm. Code 704, or
 - C) on a well for which the Illinois Department of Mines and Minerals has otherwise approved a subsurface radioactive tracer study pursuant to 62 Ill. Adm. Code 240.

(Source: Amended at 13 Ill. Reg. 13605, effective August 11, 1989)

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

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 Earmarked Income
 113.107 Lump Sum Payments and Income Tax Refunds
 113.108 Protected Income
 113.109 Earned Income
 113.110 Budgeting Earned Income
 113.111 Protected Income
 113.112 Earned Income
 113.113 Budgeting Earned 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

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Section

- 113.117 Budgeting Earned Income For Non-contractual School
 Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and
 Family Services
 113.140 Assets
 113.141 Exempt Assets
 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers
 113.156 Court Ordered Child Support Payments of
 Parent/Step-Parent
 113.157 Sponsors of Aliens
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section

- 113.245 Payment Levels for AABD
 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to
 Licensing
 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
 113.257 Special Allowances for Blind and Partially Sighted
 (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care Rates

SUBPART E: OTHER PROVISIONS

Section

- 113.300 Persons Who May Be Included In the Assistance Unit

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Reg. 8052, effective July 24, 1981; peremptory amendment at 5 111. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 111. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10131, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10133, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10134, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10733, effective October 1, 1981; amended at 5 111. Reg. 10733, effective October 1, 1981; amended at 5 111. Reg. 10760, effective October 1, 1981; amended at 5 111. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 111. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 111. Reg. 111. Reg. 611, effective January 1, 1982, amended at 6 111. Reg. 1216, effective January 14, 1982; emergency amendment at 6 111. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 111. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 111. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 111. Reg. 6912, effective May 20, 1982; emergency amendment at 6 111. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 111. Reg. 8115, effective July 1, 1982; amended at 6 111. Reg. 8159, effective July 1, 1982; amended at 6 111. Reg. 10970, effective August 26, 1982; amended at 6 111. Reg. 11921, effective September 21, 1982; amended at 6 111. Reg. 12293, effective October 1, 1982; amended at 6 111. Reg. 12318, effective October 1, 1982; amended at 6 111. Reg. 13754, effective October 1, 1982; amended at 6 111. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 111. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 111. Reg. 5195; amended at 7 111. Reg. 9367, effective August 1, 1983; amended at 7 111. Reg. 17351, effective December 21, 1983; amended at 8 111. Reg. 537, effective December 30, 1983; amended at 8 111. Reg. 5225, effective April 9, 1984; amended at 8 111. Reg. 6746, effective April 27, 1984; amended at 8 111. Reg. 11414, effective June 27, 1984; amended at 8 111. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 111. Reg. 17895; amended at 8 111. Reg. 18896, effective September 26, 1984; amended at 9 111. Reg. 5335, effective April 5, 1985; amended at 9 111. Reg. 8166, effective May 17, 1985; amended at 9 111. Reg. 8657, effective May 25, 1985; amended at 9 111. Reg. 11302, effective July 5, 1985; amended at 9 111. Reg. 11636, effective July 8, 1985; amended at 9 111. Reg. 11911, effective July 12, 1985; amended at 9 111. Reg. 12806, effective August 9, 1985; amended at 9 111.

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

Section 113.301 Grandfathered Cases
113.302 Interim Assistance
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.320 Redetermination of Eligibility
113.500 Attorney's Fees for SSI Appellants

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 111. Reg. 17, p. 117, effective February 1, 1978; amended at 2 111. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 111. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 111. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 111. 33, p. 399, effective August 18, 1979; amendment at 3 111. Reg. 33, p. 415, effective August 18, 1979; amended at 3 111. Reg. 38, p. 321, 21, 1979, peremptory amendment at 3 111. Reg. 40, p. 140, effective September 7, 1979; amended at 3 111. Reg. 46, p. 36, effective October 6, 1979; amended at 3 111. Reg. 47, p. 96, effective November 2, 1979; amended at 3 111. Reg. 48, p. 1, effective November 13, 1979; amended at 3 111. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 111. Reg. 9, p. 259, effective February 22, 1980; amended at 4 111. Reg. 10, p. 258, effective February 25, 1980; at 4 111. Reg. 12, p. 551, effective March 10, 1980; amended at 4 111. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 111. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 111. Reg. 37, p. 797, effective September 2, 1980; amended at 4 111. Reg. 37, p. 800, effective September 2, 1980; amended at 4 111. Reg. 45, p. 134, effective October 27, 1980; amended at 5 111. Reg. 766, effective January 26, 1981; amended at 5 111. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 111. Reg. 5722, effective June 1, 1981; amended at 5 111. Reg. 7071, effective June 23, 1981; amended at 5 111. Reg. 7104, effective June 23, 1981; amended at 5 111. Reg. 8041 effective July 27, 1981; amended at 5 111.

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NOTICE OF ADOPTED AMENDMENT

Reg. 15896; effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 113.157 Sponsors of Aliens

a) This Section applies to all aliens except:

- 1) persons paroled into the United States as refugees, under Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));
- 2) persons granted asylum by the Attorney General of the United States, under Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 113.157 Sponsors of Aliens (Cont'd.)

- 3) persons admitted by application before April 1, 1980, under Section 203 (a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7));
 - 4) persons admitted by application after March 31, 1980 under Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1));
 - 5) persons who became blind or disabled, as defined by the Social Security Administration in 20 CFR 416.901, after entering the United States; and
 - 6) MANG applicants and recipients.
- b) With respect to sponsors of aliens, certain amounts of the income and assets of the sponsor and sponsor's spouse; if they live together, are deemed available unearned income and/or assets of the individual alien applying for or receiving AABD MAG assistance if:
- 1) the sponsor signed an affidavit of support or a similar agreement assuring the alien would not become a public charge;
 - 2) the alien has been a resident of the United States for less than three (3) years;
 - 3) the sponsor is not a recipient of AFDC or SSI, or SSP; and
 - 4) the alien is not a child or spouse of the sponsor.
- c) A sponsor is an individual, not an organization.
- d) The Department will count the sponsor's spouse's income and assets even if the sponsor and spouse married after the agreement to support was signed.
- e) The sponsor, if found able to support the alien, wholly or partially, is liable for the needs of the individual alien only. The sponsor is not responsible for the needs of the spouse or child(ren) of the alien if he/she did not sponsor them.
- f) If two or more aliens applying for assistance are sponsored by the same sponsor, the income of the

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: FOOD STAMPS
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:
 121.58 Amendment
 121.62 Amendment
- 4) Statutory Authority: Sections 12-4.4 through 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.4 through 12-4.6 and 12-13)
- 5) Effective Date of Amendments: August 14, 1989
- 6) Does this rulemaking contain an automatic repeal date?
 ___ Yes X No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 14, 1989
- 9) Notices of Proposal Published in Illinois Register:
 March 24, 1989 (13 Ill. Reg. 3541)
- 10) Has JCAR issued a Statement of Objections to these rules?
 No
- 11) Differences between proposal and final version: Based on comment received from the Joint Committee, the Department has inserted after "irregular expenses" in Section 121.62(a) the parenthetical "(those expenses incurred less often than monthly)".
- 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: This rulemaking amends Department rules on the Food Stamp Program to conform with provisions of the federal Hunger Prevention Act of 1988. Specifically, it (1) excludes from financial resources the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

value of farm property essential to a household member's self-employed farming operation until one year after cessation of such operation; and (2) gives households deriving income from a self-employed farming operation the option to have that income, and the irregular expenses incurred to produce the income, averaged over a 12-month period.

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

Name: Anita Williams, Staff Attorney
 Office of the General Counsel

Address: 100 South Grand Avenue East, 3rd Floor
 Springfield, IL 62762

Telephone: (217) 782-1233

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

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	121.1	Application for Assistance
	121.2	Time Limitations on the Disposition of an Application
	121.3	Approval of an Application and Initial Authorization
	121.4	Denial of an Application
	121.5	Client Cooperation
	121.6	Emergency Assistance
	121.7	Expedited Services

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	121.19	Ending a Voluntary Quit Disqualification
	121.20	Citizenship
	121.21	Residence
	121.22	Social Security Numbers
	121.23	Work Registration/Participation Requirements
	121.24	Individuals Exempt From Work Registration Requirements
	121.25	Failure to Comply
	121.26	Period of Disqualification
	121.27	Voluntary Job Quit
	121.28	Good Cause for Voluntary Job Quit
	121.29	Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	121.30	Unearned Income
	121.31	Exempt Unearned Income
	121.32	Education Benefits
	121.33	Unearned Income In-Kind
	121.34	Lump Sum Payments and Income Tax Refunds
	121.40	Earned Income
	121.41	Budgeting Earned Income
	121.50	Exempt Earned Income
	121.51	Income from Work/Study/Training Programs

NOTICE OF ADOPTED AMENDMENTS

Section 121.52 Earned Income from Roomer and Boarder

Section	121.52	Earned Income from Roomer and Boarder
	121.53	Income from Rental Property
	121.54	Earned Income In-Kind
	121.55	Sponsors of Aliens
	121.57	Assets
	121.58	Exempt Assets
	121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	121.60	Net Monthly Income Eligibility Standards
	121.61	Gross Monthly Income Eligibility Standards
	121.62	Income Which Must Be Annualized
	121.63	Deductions from Monthly Income
	121.64	Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section	121.70	Persons who May Be Included in the Assistance Unit
	121.71	Living Arrangement
	121.72	Nonhousehold Members
	121.73	Ineligible Household Members
	121.74	Strikers
	121.75	Students

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	121.80	Fraud Disqualification (Renumbered)
	121.81	Initiation of Administrative Fraud Hearing (Repealed)
	121.82	Definition of Fraud (Renumbered)
	121.83	Notification to Applicant Households (Renumbered)
	121.84	Disqualification Upon Finding of Fraud (Renumbered)
	121.85	Court Imposed Disqualification (Renumbered)
	121.90	Monthly Reporting and Retrospective Budgeting
	121.91	Monthly Reporting
	121.92	Retrospective Budgeting
	121.93	Direct Mail Issuance of Food Stamp Coupons
	121.94	Replacement of Food Stamp Coupons or ATP Documents
	121.95	Restoration of Lost Benefits
	121.96	Uses for Food Coupons
	121.97	Supplemental Payments
	121.98	Food Stamp Simplified Application Demonstration Project (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Section
- 121.120 Recertification of Eligibility
- 121.130 Residents of Shelters for Battered Women and their Children
- 121.135 Incorporation By Reference
- 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

- 121.150 Definition of Intentional Violations of the Program
- 121.151 Penalties for Intentional Violations of the Program
- 121.152 Notification To Applicant Households
- 121.153 Disqualification Upon Finding of Intentional Violation of the Program
- 121.154 Court Imposed Disqualification

SUBPART H: CLAIMS FOR OVERISSUANCES OF FOOD STAMP BENEFITS

- Section
- 121.200 Types of Claims (Recodified)
- 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
- 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
- 121.203 Collecting Claim Against Households (Recodified)
- 121.204 Failure to Respond to Initial Demand Letter (Recodified)
- 121.205 Methods of Repayment of Food Stamp Claims (Recodified)
- 121.206 Determination of Monthly Allotment Reductions (Recodified)
- 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
- 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3).

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

173, effective October 19, 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. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 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. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.58 Exempt Assets (Cont'd.)

farming operation, the value of such property shall be excluded from financial resources until the expiration of the one (1) year period beginning on the date such member ceases to be self-employed in farming.

- 3) A rental home which is used by a household for vacation purposes at sometime during the year is an asset, unless excluded by the preceding subsection (1).

d) Governmental Disaster Payments

Any governmental payments specifically designated for the restoration of a home damaged in a disaster (if the household is subject to a legal sanction if the funds are not used as intended).

e) Inaccessible Assets

Assets whose cash value is not accessible to the household, such as but not limited to:

- 1) irrevocable trust funds,
- 2) security deposits on rental property and utilities,
- 3) property in probate,
- 4) real property when a good faith effort is being made to sell at a reasonable price, or
- 5) jointly owned assets which cannot be practically subdivided and are accessible only with the consent of the joint owner who refuses to give that consent.
- 6) Non-liquid asset(s) (see Section 121.57(b)(2)(B)) which have a lien against it as a result of a business loan and the household is prohibited by the security or lien agreement from selling the asset(s).

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.58 Exempt Assets (Cont'd.)

f) Prorated Income

Money which has been prorated as income, such as income of self-employed persons or students.

g) Indian Lands

Indian lands held jointly with the tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

h) Federal Statute Exclusions

Assets excluded for food stamp purposes by express provision of Federal Statute.

i) Licensed Vehicles

- 1) used primarily for producing income such as, but not limited to, a taxi, truck, or fishing boat. "Used primarily" means: used over 50% of the time the vehicle is used;
- 2) annually producing income consistent with its fair market value (even if only used on a seasonal basis);
- 3) necessary for long distance travel essential to employment, other than daily commuting (such as a sales person, migrant farmworker);
- 4) necessary for subsistence hunting or fishing (game and fish necessary for the livelihood of the household);
- 5) used as the household's home; or
- 6) necessary to transport a physically disabled household member regardless of the purpose of such transportation. Only one vehicle per disabled person is allowed. The vehicle need not be specifically equipped or used primarily for the transportation of the disabled individual.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.62 Income Which Must Be Annualized (Cont'd.)

over twelve months if it is received during the work season but is the only source of income for the year.

e+d) School and other contractual employees who receive

income over a period of time shorter than one year shall have income annualized over a twelve month period.

(Source: Amended at 13 Ill. Reg. 13619, effective August 14, 1989)

*Agency Note: Exclusions 1-6 also apply when the vehicle is not in use because of temporary unemployment.

7) The equity value (but not fair market value) of one licensed vehicle per household, regardless of its use; and

8) The equity value (but not fair market value) of any other licensed vehicles used to transport household members to and from employment, training or education which is preparatory for employment, or to seek employment in compliance with job search criteria. Temporary periods of unemployment are not to affect this exemption.

9) Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under subsections (1)(1), (1)(2) or (1)(3) above.

(Source: Amended at 13 Ill. Reg. 13619, effective August 14, 1989)

Section 121.62 Income Which Must Be Annualized

a) Self-Employment income must be annualized over a twelve month period even if received over a shorter period of time if it represents the household's annual income. It is intended to meet the household's needs for only part of the year, it shall be averaged only for that period.

Notwithstanding the preceding sentence, household income resulting from the self-employment of a member in a farming operation, who derives income from such farming operation and who has irregular expenses (those expenses incurred less often than monthly) to produce such income, may, at the option of the household, be calculated by averaging such income and expenses over a 12-month period.

b) Self-employment income intended to meet the household's needs for only part of the year shall be averaged only for that period.

b+c) Resident farm laborer income shall be annualized

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 121.58 Exempt Assets (Cont'd.)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) The heading of the Part: REFUGEE/ENTRANT/REPATRIATE PROGRAM
- 2) Code Citation: 89 Ill. Adm. Code 115
- 3) Section Numbers: Adopted Action:
115.10 Amendment
115.30 Amendment
- 4) Statutory Authority: Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.5, 12-4.6 and 12-13.
- 5) Effective Date of Amendments: August 14, 1989
- 6) Does this rulemaking contain an automatic repeal date?
 Yes X No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 14, 1989
- 9) Notice(s) of Proposal Published in Illinois Register:
March 3, 1989 (13 Ill. Reg. 2702)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: Based on comments received from the Joint Committee, the Department has made the following changes:
 - a) In Section 115.10(e)(3)(I), capitalized the first letter of each of the words "voluntary sponsoring agency" and inserted "(VOLAG)" after those words;
 - b) In Section 115.10(e)(3)(J), inserted after "IV-D" the cite "(42 U.S.C. 651 et seq.)"; and
 - c) In Section 115.10(e)(3)(P)(iii), deleted the words "Voluntary Sponsoring Agency" and the parentheses surrounding "VOLAG".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 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: This rulemaking brings the Department's administrative rules on the Refugee Resettlement Program and the Cuban/Haitian Entrant Program into conformity with changes in federal regulations. Specifically, it (1) reduces the period of eligibility for refugee cash assistance and refugee medical assistance from 18 to 12 months after entry into the United States; and (2) makes refugee related General Assistance apply to eligible refugees who have lived in the United States more than 12 months (rather than 18) but less than 24 months (rather than 36). Additionally, the amount of the Medical-only Standard for a household of one referred to in the Department rule is changed to conform with requirements of federal regulations.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:
Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

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

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 115.10 General Provisions (Cont'd)

Disabled (AABD), and related Medical Assistance No Grant (MANG) programs);

- 2) The individuals must avail themselves of all potential resources including application for and acceptance of Supplemental Security Income (SSI) and categorical assistance; and
- 3) The following provisions of the AFDC program (See 89 Ill. Adm. Code 112) are applicable to the RRP:
 - A) Client and Department rights and responsibilities. Refugees or parolees who are potentially eligible for SSI must apply for SSI.
 - B) Application for assistance (not eligible for \$100 compensatory payment or Presumptive Eligibility (PE) authorization. All refugees over 18 years of age must sign the application.
 - C) Citizenship.
 - D) Residence. Temporary absence from the home does not apply to RRP.
 - E) Client Cooperation.
 - F) Furnishing of Social Security Numbers
 - G) Registration/Participation requirements.
 - H) Assets.
 - I) Income. All non-exempt income, including income from the ~~v~~Voluntary ~~s~~Sponsoring ~~a~~Agency (VOLAG) must be budgeted. The earned income exemption (\$30 + 1/3 does not apply).
 - J) Support from responsible relatives (Non-Title IV-D (42 U.S.C. 651 et seq.) provisions).
 - K) Personal Injury.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 115.10 General Provisions (Cont'd)

- L) Other financial benefits (i.e., the child care for work and training and other benefits described in 89 Ill. Adm. Code 112.308).
- M) Standards:

For a single adult case, the following payment levels apply:

 - i) Group I Counties
\$6.60 daily \$198.00 monthly
 - ii) Group II Counties
\$6.33 daily \$190.00 monthly
 - iii) Group III Counties
\$5.37 daily \$161.00 monthly
- N) Special authorizations.
- O) Medical Assistance standard (use the MANG(C) standard if Medical Assistance only is authorized; for a household of one, the Medical-Only Standard is ~~\$198~~ \$267/month).
- P) Redetermination of Eligibility:
 - i) Monthly reporting does not apply to RRP.
 - ii) Refugee recipients are not included in central redeterminations.
 - iii) The Department must contact the ~~Voluntary-Sponsoring-Agency~~ (VOLAG) (See Section 115.32 for information to request).
- Q) Case Records.
- R) Medical Services.
- S) Funeral and Burials.
- T) Incorrect Payments.

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Number: 240.220 Emergency Action: Amendment
- 4) Statutory Authority: 111. Rev. Stat., Ch. 23, Sections 6104.01(4), (9), (11), and (12); 6104.02, 6104.03, and 6105.02
- 5) Effective Date of Amendment(s): August 18, 1989
- 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: August 18, 1989
- 8) Reason for Emergency: Following adoption of amendments to Section 240.220, Chore-Housekeeping Service, which were effective July 1, 1989, the Department on Aging discovered that a sentence in subsection (a)(6), which should have been deleted, had been inadvertently amended and retained. This sentence, which states that chore-housekeepers are able to assist our clients with personal care tasks only when they meet the homemaker training and the homemaker supervisor-to-worker ratio requirement, in essence prohibits the majority of our chore-housekeeping workers from assisting clients with personal care. Assisting with these tasks has been a component of chore-housekeeping service since the inception of the Community Care Program. If the Department is required to retain this rule until the completion of the general rulemaking process, there will be a drastic disruption in service delivery to our clients which could constitute a threat to their safety and welfare. The additional costs to chore-housekeeping vendors to meet homemaker requirements of increased staffing and training would be prohibitive. Accordingly, the Department is amending Section 240.220 to once again allow chore-housekeeping direct service staff to assist with personal care and to eliminate the requirement that they meet the homemaker training and the homemaker supervisor-to-staff ratio requirement.
- 9) A Complete Description of the Subjects and Issues Involved: In a typical program month, data reflect that there were 15,140 clients served by chore-housekeepers and 8,785 clients served by homemakers. Thus almost twice as many clients receive chore-housekeeping service. While not the determiner of service, assistance with personal care is a permissible service activity of chore-housekeeping service. As amended, Section 240.220 would not allow chore-housekeeping direct service staff to assist with personal care tasks that presently appear in the particular clients' plans of care.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 115.10 General Provisions (Cont'd)

- U) Special Projects.
- V) Crisis Assistance Programs (i.e., the Hardship Program, the Special Assistance Program and the Emergency Assistance Program described in 89 Ill. Adm. Code 116).
- W) Replacement of lost or stolen warrants.
- 4) In family cases, the parent (or other responsible person making application) is to be designated as the payee. In adult cases, the recipient is to be the payee.
- F) Individuals receiving assistance under these three programs are eligible to participate in the food stamp program if they meet the eligibility requirements of the Food Stamp Program.

Section 115.30 The Refugee Resettlement Program

- a) The Refugee Resettlement Program (RRP) provides for the authorization of assistance (financial and medical), for eligible needy refugees from any nation.
- b) In order to be eligible to be included in a Refugee Resettlement assistance unit, an individual must be a refugee, admitted into the United States (U.S.) as a refugee.
- c) Refugees may be eligible for refugee assistance for 12 months from the date of entry into the United States. Refugees who have lived in the U.S. more than 12 months but not more than 36 months may be eligible for refugee related General Assistance.
- d) A child born to refugee parents may be included in the assistance unit even though the child was born in the U.S., as long as both parents are refugees.

(Source: Amended at 13 Ill. Reg. 13631, effective August 14, 1989)

ILLINOIS REGISTER

NOTICE OF EMERGENCY AMENDMENTS

Many of our vendors are exclusively chore-housekeeping providers. They would be unable to provide their workers with the homemaker requirements, currently mandated by Section 240.220(a)(6), which would allow the workers to assist with personal care tasks .

Homemaker service is a higher-level of service than chore-housekeeping service; it is indicated only when a client is so impaired that he/she requires supervision to maintain, strengthen and safeguard the client's functioning in his/her home. If only homemakers are able to assist with personal care tasks, many clients, who otherwise do not require it, would have to be transferred to homemaker service. This would entail revisions in their plans of care which would be costly for the Department and extremely time-consuming for the Case Coordination Units.

Because homemaker is a higher level of service, such a massive transfer would also increase the cost of client care, not only for the Department but also for the client who pays a portion of his/her own incurred monthly expense for care. In addition, this transfer of many clients from chore-housekeeping to homemaker service could necessitate both a statewide solicitation by the Department in order to contract with additional homemaker vendors, and the possible cancellation of current chore-housekeeping contracts as chore vendors would find their caseloads so reduced as to necessitate cessation of service.

10) Are there any other proposed amendments on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
240.1400	New Section	13 Ill. Reg. 685: 1/20/89
240.1410	Amendment	13 Ill. Reg. 685: 1/20/89
240.1420	Amendment	13 Ill. Reg. 685: 1/20/89
240.1430	New Section	13 Ill. Reg. 685: 1/20/89
240.1440	New Section	13 Ill. Reg. 685: 1/20/89
240.1450	New Section	13 Ill. Reg. 685: 1/20/89
240.1700	New Section	13 Ill. Reg. 685: 1/20/89
240.1705	New Section	13 Ill. Reg. 685: 1/20/89
240.1710	New Section	13 Ill. Reg. 685: 1/20/89
240.1715	New Section	13 Ill. Reg. 685: 1/20/89
240.1718	New Section	13 Ill. Reg. 685: 1/20/89
240.1720	New Section	13 Ill. Reg. 685: 1/20/89
240.1722	New Section	13 Ill. Reg. 685: 1/20/89
240.1725	New Section	13 Ill. Reg. 685: 1/20/89
240.1730	New Section	13 Ill. Reg. 685: 1/20/89
240.1735	New Section	13 Ill. Reg. 685: 1/20/89
240.1737	New Section	13 Ill. Reg. 685: 1/20/89

NOTICE OF EMERGENCY AMENDMENTS

240.1738	New Section	13 Ill. Reg. 685: 1/20/89
240.1739	New Section	13 Ill. Reg. 685: 1/20/89
240.1960	New Section	13 Ill. Reg. 685: 1/20/89

11) Statement of Statewide Policy Objectives: N/A

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

Name: Melvin E. Koch
 Policy and Rules Analyst
 Illinois Department on Aging
 Address: 421 East Capitol Avenue
 Springfield, Illinois 62701
 Telephone: (217) 785-3356

The full text of the emergency amendments begins on the next page:

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DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

SUBPART H: FINANCIAL REQUIREMENTS

- Section
- 240.800 Financial Factors
- 240.810 Assets
- 240.815 Exempt Assets
- 240.820 Asset Transfers
- 240.825 Income
- 240.830 Unearned Income Exemptions
- 240.835 Earned Income
- 240.840 Potential Retirement, Disability and Other Benefits
- 240.845 Family
- 240.850 Monthly Average Income
- 240.855 Applicant/Client Expense for Care
- 240.860 Change in Income
- 240.865 Application for Medical Assistance (Medicaid)
- 240.870 Determination of Applicant/Client Monthly Expense for Care
- 240.875 Client Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

- Section
- 240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
- 240.910 Written Notification
- 240.915 Service Provision
- 240.920 Reasons for Denial
- 240.925 Frequency of Redeterminations (Renumbered)
- 240.930 Suspension of Services
- 240.935 Discontinuance of Services to Clients
- 240.940 Penalty Payments
- 240.945 Notification
- 240.950 Reasons for Termination
- 240.955 Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

- Section
- 240.1010 Nursing Home Prescreening
- 240.1020 Interim Services
- 240.1040 Intense Service Provision
- 240.1050 Temporary Service Increase

SUBPART K: TRANSFERS

DEPARTMENT ON AGING

NOTICE OF EMERGENCY AMENDMENTS

- Section
- 240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service
- 240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service
- 240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit
- 240.1140 Transfer of Pending Applications
- 240.1150 Interagency Transfers
- 240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit
- 240.1170 Caseload Transfer - Vendor to Vendor
- 240.1180 Caseload Transfer - Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

- Section
- 240.1210 Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND VENDORS

- Section
- 240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors
- 240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
- 240.1330 General Vendor and CCU Responsibilities (Repealed)
- 240.1396 Payment for Services (Repealed)
- 240.1397 Purchases and Contracts (Repealed)
- 240.1398 Safeguarding Case Information (Repealed)
- 240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS (CCUs)

- Section
- 240.1410 Case Coordination Units (CCU's)
- 240.1420 Case Coordination Unit (CCU) Responsibilities

SUBPART O: VENDORS

- Section
- 240.1510 Vendor Administrative Minimum Standards
- 240.1520 Vendor Responsibilities
- 240.1530 General Homemaker Staffing Requirements
- 240.1535 Homemaker Staff Positions, Qualifications and Responsibilities
- 240.1540 General Chore-Housekeeping Staffing Requirements

NOTICE OF EMERGENCY AMENDMENTS

240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation
240.1950 Adult Day Care Fixed Unit Rates

SUBPART T: FINANCIAL REPORTING

Section 240.2020 Financial Reporting of Chore-Housekeeping and Homemaker Services
240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker Services
240.2040 Minimum Direct Service Worker Costs for Chore-Housekeeping and Homemaker Services

240.2050 Cost Categories for Chore-Housekeeping and Homemaker Services

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (111. Rev. Stat. 1987, ch. 23, pars. 6104.02 and 6104.01(1)).

SOURCE: Emergency rules adopted at 4 111. Reg. 1, p. 67, effective December 20, 1979 for a maximum of 150 days; adopted at 4 111. Reg. 17, p. 151, effective April 25, 1980; amended at 4 111. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 111. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 111. Reg. 12090, effective October 26, 1981; emergency amendments at 6 111. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 111. Reg. 14953, effective December 1, 1982; amended at 7 111. Reg. 8697, effective July 20, 1983; codified at 8 111. Reg. 2633; amended at 9 111. Reg. 1739, effective January 29, 1985; amended at 9 111. Reg. 10208, effective July 1, 1985; emergency amendments at 9 111. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 111. Reg. 5076, effective March 15, 1986; recodified at 12 111. Reg. 7980; amended at 13 111. Reg. 11193, effective July 1, 1989; emergency amendments at 13 111. Reg. 13638, effective August 18, 1989, for a maximum of 150 days.

NOTE: Bold faced type denotes statutory language.

Section 240.220 Chore-Housekeeping Service
EMERGENCY

Chore-housekeeping service is defined as performance of household tasks and assistance with personal care under the direct supervision of the client, family member, authorized representative, or other responsible and capable person, in accordance with the authorized plan of care.

a) Service Components

NOTICE OF EMERGENCY AMENDMENTS

240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities
240.1550 Standard Requirements for Adult Day Care Vendors
240.1555 General Adult Day Care Staffing Requirements
240.1560 Adult Day Care Staff Positions, Qualifications and Responsibilities

240.1565 Adult Day Care Satellite Sites
240.1570 Adult Day Care Service Availability Expansion
240.1575 Adult Day Care Site Relocation
240.1580 Standards for Alternative Providers
240.1590 Standard Requirements for Individual Chore-Housekeeping Provider Services

SUBPART P: VENDOR PROCUREMENT

Section 240.1600 Vendor Procurement
240.1605 Procuring Vendor Services
240.1610 Procurement Cycle
240.1620 Issuance of Vendor Request for Proposal
240.1625 Content of Vendor Request for Proposal
240.1630 Criteria for Number of Chore-Housekeeping and Homemaker Vendor Contracts Awarded
240.1635 Evaluation of Vendor Proposals
240.1640 Notification of Vendor Awards
240.1645 Protest or Objection to Vendor Request for Proposal Award
240.1650 Failure to Maintain Vendor Compliance to Contract
240.1655 Method of Identification of Type I, II and III Vendor Violations
240.1660 Vendor Compliance During Contract Period
240.1665 Vendor Sanctions for Failure to Comply with Community Care Program Contract

SUBPART R: ADVISORY COMMITTEES

Section 240.1800 Policy Advisory Committee
240.1850 Technical Rate Review Advisory Committee

SUBPART S: VENDOR RATES

Section 240.1910 Establishment of Fixed Unit Rates
240.1920 Contract Specific Variations
240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping and Homemaker Services

NOTICE OF EMERGENCY AMENDMENTS

Specific components of chore-housekeeping service shall include the following:

- 1) Performing routine housekeeping tasks such as making and changing beds, dusting, washing dishes, vacuuming, cleaning and waxing floors, keeping the kitchen and bathroom clean, and laundering the client's linens and clothing; meal preparation; and home maintenance and repairs.
- 2) Performance of or assistance with essential shopping/errands which may include handling the client's money. Proper accounting to the client of money handled and provision of receipts are required. These tasks shall be performed as specifically required by the plan of care and shall be monitored by the chore-housekeeping supervisor.
- 3) Under specific direction of the client, family member, authorized representative or other responsible and capable person, assisting with self-administered medication, limited to: reminding the client to take his/her medications, reading instructions for utilization, uncapping medication containers, providing the proper liquid and utensil with which to take medications.
- 4) Escort to medical facilities, errands, shopping and individual business as specified in the plan of care.
- 5) Observing client's functioning and reporting to the supervisor;
- 6) Under specific direction of the client, family member, or authorized representative, assisting with personal care tasks (e.g., shaving; hair shampooing and combing; assisting with sponge bath or shower bath; assisting with tub bath which is limited to preparing and monitoring only when the client is able to enter and exit the tub by him/herself; dressing; brushing and cleaning teeth or dentures or and in preparation of supplies theretofore.) Assisting with the above services is only possible when the chore worker meets the homemaker requirements (e.g., training and supervisor to worker ratio). The This service components are is considered appropriate only when provided in conjunction with one or more of service components listed in subsections (1) through (3).

- b) Chore-housekeeping service may include transportation to medical facilities, for essential errands/shopping or for essential client business with the client as specified in the plan of care.

NOTICE OF EMERGENCY AMENDMENTS

c) Unit of Service

- 1) One unit of chore-housekeeping service is one hour of direct service provided to the client in the client's home, or while providing transportation/escort to medical facilities, or running errands and/or shopping in behalf of the client.
- 2) For services which the vendor was unable to provide due to either the client's absence without prior vendor notification or refusal to admit the worker into the home to provide service (see Section 240.350), one (1) unit of documented chore-housekeeping service per occurrence will be reimbursed to the chore-housekeeping vendor to a maximum of two (2) units per client per State fiscal year.

(Source: Emergency amendment at 13 Ill. Reg. 13638, effective Aug. 18, 1989 for a maximum of 150 days)

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DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 525
ECONOMIC DEVELOPMENT AREA TAX INCREMENT ALLOCATION FINANCING

- Section 525.10 Definitions
EMERGENCY
- 525.20 Purpose of Certification
EMERGENCY
- 525.30 Qualified Areas
EMERGENCY
- 525.40 Contents of Designating Ordinance
EMERGENCY
- 525.50 Application Requirements
EMERGENCY
- 525.60 Economic Impact Requirement
EMERGENCY
- 525.70 Certification Process
EMERGENCY
- 525.80 Notification Procedures
EMERGENCY

AUTHORITY: Implementing the Economic Development Area Tax Increment Allocation Act (P.A. 86-38, effective July 12, 1989) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.20).

SOURCE: Emergency rules adopted at 13 Ill. Reg. 13649, effective August 15, 1989, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 525.10 Definitions
EMERGENCY

"Act" means the Economic Development Area Tax Increment Allocation Act (P. A. 86-0038, effective July 12, 1989).

"Ad valorem tax" means the tax based on the percentage of the value of a property subject to taxation .

"Department" means the Department of Commerce and Community Affairs.

"Full-time equivalent job" means the number of employees required

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to equal one full-time employee. For purposes of this definition, "employee" means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"Tax increment allocation financing" means an economic development financing process that captures the incremental increase in local property tax revenues from new private development to pay for the public investments made to assist that development.

Section 525.20 Purpose of Certification
EMERGENCY

The purpose of certification of an economic development district by the Department is to enable a municipality to offer the development incentives required to attract or retain large scale industrial or commercial facilities in the State. Incentives available to such entities include provision of cleared land, renovation of existing buildings, essential public site improvements, job training, and payment of other economic development project costs.

Section 525.30 Qualified Areas
EMERGENCY

In accordance with Section 3(d) of the Act, an area is qualified to become an economic development project area which:

- a) IS LOCATED WITHIN OR PARTIALLY WITHOUT THE TERRITORIAL LIMITS OF A MUNICIPALITY UPON THE EXPRESS CONSENT OF THE DEPARTMENT;
- b) IS CONTIGUOUS;
- c) IS NOT LESS IN THE AGGREGATE THAN THREE HUNDRED TWENTY ACRES;
- d) IS SUITABLE FOR SITING BY ANY COMMERCIAL, MANUFACTURING, INDUSTRIAL, RESEARCH OR TRANSPORTATION ENTERPRISE OR FACILITIES, WHETHER OR NOT SUCH AREA HAS BEEN USED AT ANY TIME FOR SUCH FACILITIES AND WHETHER OR NOT THE AREA HAS BEEN USED OR IS SUITABLE FOR OTHER USES; AND
- e) HAS BEEN APPROVED AND CERTIFIED BY THE DEPARTMENT in accordance with the guidelines in the Act and this Part.

Section 525.40 Contents of Designating Ordinance
EMERGENCY

In accordance with Section 4(e) of the Act, an ordinance designating an

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economic development project area shall set forth:

a) Governing body approval of the economic development plan;

b) A finding that the proposed economic project shall create or retain not less than 2,000 full-time equivalent jobs, that private investment in an amount not less than \$100,000,000 shall occur in the economic development project area;

c) A precise description of the area comprising the economic development project area in the form of a legal description and, where possible, by street location and, a designation of the area as an economic development project area subject to the approval of and designation by the Department in accordance with the Act; and

d) A provision that the ad valorem taxes, if any, arising from levies upon taxable real property in the economic development project area are to be distributed in accordance with the Act.

Section 525.50 Application Requirements
EMERGENCY

A municipality which has adopted an ordinance designating an area as an economic development project area shall submit an original and one exact copy of an application to the Department to have such economic development project area reviewed for approval and certification by the Department. The application shall contain the information and documentation specified in Section 5(a) of the Act, including the following:

a) Certified copies of any ordinance(s) adopted

1) Approving a proposed economic development plan,

2) Establishing an economic development project area, and

3) Authorizing tax increment allocation financing;

b) A map of the economic development project area;

c) A copy of the economic development plan as approved, including

1) A statement setting forth the economic development and planning objectives for the economic development project area,

2) Estimated economic development project costs,

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3) The sources of funds to pay such costs,

4) The nature and term of any obligations to be issued by the municipality to pay such costs,

5) The most recent equalized assessed valuation of the economic development project area,

6) An estimate of the equalized assessed valuation of the economic development project area after completion of an economic development project,

7) The estimated date of completion of any economic development project proposed to be undertaken,

8) A general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area,

9) A description of the type, structure and general character of the facilities to be developed or improved in the economic development project area,

10) A description of the general land uses to apply in the economic development project area,

11) A description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved in the economic development project area, and

12) A commitment by the municipality to fair employment practices and an affirmative action plan with respect to any economic development program to be undertaken by the municipality;

d) An analysis and any supporting documents and statistics, demonstrating that the economic development project shall create or retain not less than 2,000 full-time equivalent jobs and that private investment in the amount of not less than \$100,000,000 shall occur in the economic development project area;

e) An estimate of the economic impact of the economic development project and the use of tax increment allocation financing upon the revenues of the municipality and the affected taxing districts;

f) A record of all public hearings had in connection with the

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ESTABLISHMENT OF THE ECONOMIC DEVELOPMENT PROJECT AREA; AND

- g) A copy of any agreement(s) authorizing the payment or reimbursement by the municipality of private financing costs.

Section 525.60 Economic Impact Requirement
EMERGENCY

In determining whether an economic development project shall be approved and certified, the Department shall consider:

- a) WHETHER, WITHOUT PUBLIC INTERVENTION, THE STATE WOULD SUFFER SUBSTANTIAL ECONOMIC DISLOCATION (resulting in the direct loss of more than 2,000 jobs), OR WOULD NOT OTHERWISE BENEFIT FROM PRIVATE INVESTMENT OFFERING SUBSTANTIAL EMPLOYMENT OPPORTUNITIES (of more than 2,000 jobs), and
- b) WHETHER THE REVENUES OF THE MUNICIPALITY AND THE AFFECTED TAXING DISTRICTS will not be severely adversely impacted by the use of tax increment allocation financing (Section 5(b) of the Act).

Section 525.70 Certification Process
EMERGENCY

Approval of locally designated Economic Development Project Areas shall be made by the Department by certification of the designating ordinance adopted by a municipality if the Department determines:

- a) The economic development project area meets the qualifications of Section 525.30 of this Part.
- b) The ordinance designating the economic development project area sets forth the items listed in Section 525.40 of this Part.
- c) The application contains complete information required by Section 525.50 of this Part.
- d) The Department has made affirmative determinations as required by Section 525.60 of this Part.

Section 525.80 Notification Procedures
EMERGENCY

- a) Applicants shall be promptly notified of the approval or disapproval of applications for certification. The Department shall promptly issue a certificate for each economic development project area within 10 calendar days of receipt of such application by the Department.

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- b) The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the Office of the Secretary of State. A certified copy of the Economic Development Project Area Certificate, or a duplicate original thereof, shall be recorded in the office of recorder of deeds of the county in which the economic development project area is located.
- c) An economic development project area shall be effective upon its certification. Upon certification of an economic development project area, the terms and provisions of the designating ordinance shall be in effect. An economic development project area shall be in effect for the duration of the term set forth in the designating ordinance of the municipality.
- d) In the event that the Department disapproves an application for certification, it shall specify in writing the reasons for disapproval and shall allow the applicant 15 calendar days to amend and resubmit the application. Resubmitted applications shall be approved or disapproved within 10 calendar days of receipt. Applicants may appeal any negative final determination of the Department in accordance with 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

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STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER e: INSTRUCTION

PART 202
DISADVANTAGED STUDENTS FUNDS PLAN--DISTRICTS OVER
50,000 ADA (REPEALED)

Section

202.10 Definitions

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202.20 Filing the Plan

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202.30 Plan Contents

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202.40 Data Elements to be Included in the Plan

EMERGENCY

202.50 Quarterly Reports

EMERGENCY

202.60 Enforcement

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202.70 Extension of Time to File a Plan

EMERGENCY

AUTHORITY: Implementing and authorized by Section 18-8(A)(5)(i)(1) of The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 18-8(A)(5)(i)(1)).

SOURCE: Adopted at 3 Ill. Reg. 32, p. 26, effective August 10, 1979; emergency amendment at 5 Ill. Reg. 1325, effective November 17, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6215, effective May 19, 1982; codified at 8 Ill. Reg. 536; amended at 10 Ill. Reg. 12769, effective July 11, 1986; emergency repealer at 13 Ill. Reg. 13657, effective 8/15/89, for a maximum of 150 days.

NOTE: Capitalization indicates statutory language.

Section 202.10 Definitions
EMERGENCY

A "count" means a census taken by the local district at each attendance center to reflect current year enrollments. This count shall determine the number of students eligible for weighting and counting enrolled in each attendance center, together with the total number of all students enrolled in each attendance center. The information obtained in the annual count shall be used for calculations needed to comply with Section 18-8(A) of The School Code.

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NOTICE OF EMERGENCY REPEALER

"Eligible for Weighting and Counting" under Section 18-8(A) of The School Code means a student enrolled at an attendance center, in a school district with an average daily attendance of 50,000 or more, who was ELIGIBLE TO RECEIVE FREE OR REDUCED-PRICE LUNCHES OR BREAKFASTS UNDER THE FEDERAL CHILD NUTRITION ACT OF 1966, AS AMENDED (42 U.S.C.A. 1771 et seq.), AND UNDER THE NATIONAL SCHOOL LUNCH ACT, AS AMENDED (42 U.S.C.A. 1751 et seq.), DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR.

"Enrolled" means that a student has taken all steps required by the local district to register at an attendance center and by such registration is eligible to participate in the educational program offered at the attendance center.

"Enrolled Chapter I Students" means those students who are eligible for weighting and counting under The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 18-8(A)) and who are enrolled at an attendance center within the local district.

Section 202.20 Filing the Plan
EMERGENCY

- a) Each school district with an average daily attendance of 50,000 or more pupils shall describe the proposed use of State Chapter I Weighted Average Daily Attendance Funds showing that priority is given to meeting the educational needs of disadvantaged children in a plan submitted to the State Board of Education on or before October 30 annually. The plan will be effective for the school year commencing on or after August 15.
- b) Each school district shall submit three (3) copies of the plan on or before October 30 annually to:

State Superintendent of Education
State Board of Education
100 North First Street
Springfield, Illinois 62777

Section 202.30 Plan Contents
EMERGENCY

The plan for the improvement of instruction, giving special attention to the educational needs of disadvantaged children, shall be presented in accordance with the format below. The plan shall include consideration of, but need not be limited to, the following categories.

- a) Reduction of class size through addition of teachers.

- 5) The amount of all other funds provided to each attendance center in the prior school year.
 - 6) The amount of State Chapter I weighted funds to be provided to each attendance center in the plan school year.
 - 7) The amount of all other funds to be provided to each attendance center in the plan school year.
 - 8) An explanation of the basis on which the costs of central administration and other indirect costs are allocated to each attendance center.
 - 9) A list of the names of each attendance center and any coding descriptors utilized for each attendance center.
- b) The amount of funds to be provided to each attendance center due to shortages in the prior school year will be identified and listed in the current year plan. If significant enrollment shifts occur funds must be reallocated to follow eligible students.

Section 202.50 Quarterly Reports
EMERGENCY

Each district shall submit three (3) copies of a report which includes a school year update for the information required in Section 202.40(a) (3), (4), (5), (6) and (7) above for the periods ending November 30, the last day of February, May 31, and August 31. The quarterly reports shall be submitted to the State Superintendent of Education within 30 days of the end of each reporting period.

Section 202.60 Enforcement
EMERGENCY

- a) Upon notification by the State Board of Education that the district has not submitted a plan prior to October 30, or a modified plan within the time period specified herein, the Regional Superintendent shall withhold the State aid funds affected by said plan or modified plan until a plan or modified plan is submitted. The Regional Superintendent shall invest such funds in the manner provided in "AN ACT relating to certain investments of public funds by public agencies" (Ill. Rev. Stat. 1985, ch. 85, pars. 901-906) and shall transmit the funds and all accrued interest to the district upon the direction of the State Board of Education.
- 4) The amount of the State Chapter I weighted funds provided to each attendance center in the prior school year.
- 3) The amount of the per pupil expenditure for each attendance center in the prior school year and the amount of the per pupil expenditure to be provided each attendance center in the plan school year.
- 2) A count of all enrolled students eligible for weighting and counting in each attendance center in the prior school year determined at the end of June.
- 1) A count of all enrolled students in each attendance center on the twentieth school day of the school year.

- b) Provisions for improving educational media services (materials, equipment and special staff).
- c) Increased professional, support and paraprofessional staff for the instructional program.
- d) Provision of staff necessary to include previously neglected areas of instruction (special emphasis on additional reading instruction, remedial math, vocational education, etc.).
- e) Enrichment in specific areas of the curriculum designed to meet the needs of disadvantaged children.
- f) Inservice education for staff as related to district priorities.
- g) Pilot programs to test innovations related to district priorities.
- h) Evaluation activities directly related to district priorities.
- i) Improvement of guidance and counseling services.
- j) Programs to improve parental involvement in the educational programs offered by the school district.
- k) Other improvement activities specifically related to instruction which the local district may deem necessary and related to the district's priorities.

Section 202.40 Data Elements to be Included in the Plan
EMERGENCY

a) The plan shall include the following information.

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY REPEALER

- b) If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the receipt of notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify.
- c) Failure to comply with the requirement of submission of an acceptable plan for the use of these funds for the improvement of instruction pursuant to this Part will cause the withholding of the funds provided for in Section 18-8(A)(5) of The School Code.
- d) Any district whose funds are subject to being withheld because of failure to submit an acceptable plan will be entitled to a hearing on the proposed withholding. Said hearing shall be requested upon receipt of the Notice of Opportunity for Hearing Prior to the Withholding of Funds by the State Superintendent of Education.
- e) The hearing shall be conducted in accordance with the requirements of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1001 et seq.), as amended.

Section 202.70 Extension of Time to File a Plan
EMERGENCY

- a) The State Board of Education may, for good cause shown, grant a reasonable extension of time to file a plan to meet the educational needs of disadvantaged children. No extension of time shall be granted unless the district requesting the extension demonstrates to the State Board of Education that it has made a good faith effort to develop a plan to meet the requirements of this Part.
- b) The State Board of Education shall, on request from the school district, provide technical assistance in the preparation of the plan.

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NOTICE OF EMERGENCY RULES

- 1) The Heading of the Part: Disadvantaged Students Funds Plan -- Districts Over 50,000 ADA
- 2) Code Citation: 23 Ill. Adm. Code 202
- 3) Section Numbers:

202.10	<u>Emergency Action:</u>
202.20	New Section
202.30	New Section
202.40	New Section
202.50	New Section
202.60	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 122, par. 18-8(A)(5)(1)(1)
- 5) Effective Date of Rules: August 15, 1989
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: August 15, 1989
- 8) Reason for Emergency: Section 18-8(A)(5)(1)(1) of The School Code requires that the Chicago Board of Education submit an annual plan to the State Board of Education describing how Chicago will use those State aid funds which are intended to fund services for disadvantaged children (referred to as "State Chapter 1 funds"). Public Act 85-1418, which took effect on May 1, 1989, made major revisions in Section 18-8(A)(5)(1)(1).

These emergency rules and repealer are necessary so that the Chicago Board of Education can begin immediate preparation of its first plan due under P.A. 85-1418. This plan is due December 1, 1989. Without emergency action, the Chicago Board of Education would not have the guidance necessary to prepare its plan and submit it by December 1. Nor would the State Board of Education have the necessary legal basis for reviewing Chicago's plan.

Section 18-8(A)(5)(1)(1) requires that the State Board withhold Chicago's State Chapter 1 funds in the event that a plan is not filed on time or, after modification, is rejected by the State Board. Such an action would withhold approximately \$20 million dollars per month in State aid that is essential to the schooling of more than 410,000 children in the Chicago school system. The State Board finds that emergency rules are necessary to prevent this significant threat to the public interest and welfare of Chicago's schoolchildren.

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STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
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PART 202
 DISADVANTAGED STUDENTS FUNDS PLAN--DISTRICTS OVER
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202.40 Plan Approval Procedures and Standards

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202.50 Enforcement Procedures

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202.60 Quarterly Expenditure Reports and Site Visits

EMERGENCY

AUTHORITY: Implementing and authorized by Section
 18-8(A)(5)(i)(1) of The School Code (Ill. Rev. Stat. 1988 Supp., ch.
 122, par. 18-8(A)(5)(i)(1)).

SOURCE: Adopted at 3 Ill. Reg. 32, p. 26, effective August 10,
 1979; emergency amendment at 5 Ill. Reg. 1325, effective November
 17, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6215,
 effective May 19, 1982; codified at 8 Ill. Reg. 536; amended at 10 Ill. Reg.
 12769, effective July 11, 1986; Part repealed, new Part adopted by emergency
 action at 13 Ill. Reg. 13664, effective 8/15/89, for a maximum of 150
 days.

Section 202.10 Definitions
 EMERGENCY

"Count" means a census taken by the District at each attendance
 center on the twentieth day of the school year for which the Plan
 required by this Part is applicable. The count shall determine the
 number of students enrolled at each attendance center in the
 District and shall be used for the purpose of calculating each
 attendance center's entitlement to Nontargeted State Chapter 1
 Funds.

"District" means any school district with an average daily
 attendance of 50,000 or more.

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NOTICE OF EMERGENCY RULES

"Enrolled" means that a student has taken all steps required by the
 District to register at an attendance center and by such
 registration is eligible to participate in the educational program
 offered at the attendance center.

"Expenditure Plan" means the plan prepared by the principal of each
 attendance center in the District and approved by that center's
 Local School Council as authorized by Section 34-2.3(4) of The
 School Code. In order that the District can meet its
 responsibilities pursuant to this Part, an expenditure plan must at
 least contain the following elements:

A list of the attendance center's regular
 and basic programs as defined herein;

A list of the attendance center's
 supplemental programs as defined herein;

A table showing the total cost for each
 regular and basic program and each
 supplemental program and the proportions of
 the total cost for each program attributed
 to one or more of the following sources
 (funds) -

- Categorical
- Nontargeted State Chapter 1
- Targeted State Chapter 1
- Supplemental State Chapter 1
- Adjustments from Prior Year
- All Other

"Nontargeted State Chapter 1 Funds" means the amount of State aid
 provided under subsection 1(n) of Section 18-8(A) of The School
 Code by the application of the Chapter 1 weighting factor in excess
 of .375 as modified by Section 18-8(A)(5)(i)(1)(a) and required to
 be distributed only to attendance centers within the District in
 proportion to the total enrollment at each attendance center during
 the plan year.

"Plan" means the proposed use of State Chapter 1 Funds as set forth
 in a Plan to Meet the Educational Needs of Disadvantaged Students.

"Plan Year" means the school year for which a Plan has been
 submitted as required by Section 18-8(A)(5)(i)(1)(d) of The School
 Code.

is listed in Section 18-8(A)(5)(1)(c) of the School Code and approved as required therein by a Local School Council as established by Section 34-2.1 of The School Code; or

will, in the opinion of a Local School Council, be educationally beneficial as evidenced by the Council's approval of the expenditure plan including the supplemental program's title and costs pursuant to the power granted to each Local School Council in Section 34-2.3(4) of The School Code;

is paid for in whole from the State Chapter 1 Funds required by Section 18-8(A)(5)(1)(c) of The School Code to be spent only on such programs; and

is included in the supplemental programs identified in the Plan submitted to and approved by the State Board of Education pursuant to the provisions of Section 18-8(A)(5)(1)(d) of The School Code and of this Part.

"Targeted State Chapter 1 Funds" means the amount of State aid provided under subsection (1)(n) of Section 18-8(A) of The School Code by the application of the Chapter 1 weighting factor of .375 as modified by Section 18-8(A)(5)(1)(a) of The School Code and required to be distributed only to the attendance centers within the District in proportion to the number of State Chapter 1 eligible pupils who were enrolled in such attendance centers during the school year preceding the plan year.

"The School Code" means The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 1-1 et seq.).

Section 202.20 Filling the Plan EMERGENCY

a) The District shall describe its proposed use of State Chapter 1 Funds in a Plan that must be submitted to the State Board of Education on or before December 1 annually. The Plan will be effective for the school year in which it is required to be submitted.

b) The District shall submit five (5) copies of the Plan (one of which is in an electronic medium) on or before December 1.

1) Three (3) copies, one (1) of which is in an electronic medium, shall be submitted to the:

"Program" means, as stated in Section 110.50(c)(1) of 23 Ill. Adm. Code 110 (Program Accounting Manual), "a group of interdependent, closely related services and/or activities progressing toward or contributing to a common objective or set of allied objectives." For each program identified pursuant to this Part as a regular and basic or supplemental program the District must establish and maintain descriptive information which links the total cost of each program to statements of what service(s) are provided (e.g., kindergarten); to or for whom the service(s) are provided (e.g., number of students); and at what level of intensity (e.g., adult/student ratio).

"Program and Cost Allocation Matrix" means that portion of the Plan required to be submitted to the State Board of Education which includes the information set forth in Section 202.30(c).

"Regular and Basic Program" means any program as defined herein that is made available to students in all District attendance centers of the same type (e.g., elementary, secondary, vocational, magnet) and similar size or which is made available to some students in some attendance centers in the District through a categorical program because of their special needs (e.g., handicapped students, bilingual students). Regular and basic programs include all those the District is required to provide pursuant to the provisions of 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision), and others such as administrative services and support services (e.g., counseling, custodial). For the purposes of this Part, the term "regular and basic program" includes each uniquely identified program or service provided at an attendance center that has its total costs paid from funds other than the State Chapter 1 Funds required to be distributed only to attendance centers for supplemental programs under the provisions of Section 18-8(A)(5)(1)(a) of The School Code.

"State Chapter 1 Eligible Pupils" means those students enrolled at an attendance center in the District who were eligible to receive free or reduced price lunches or breakfasts under the Child Nutrition Act of 1966, as amended (42 U.S.C. 1771 et seq.), and under the National School Lunch Act, as amended (42 U.S.C. 1751 et seq.), during the school year preceding the plan year.

"State Chapter 1 Funds" means the total amount of money generated in a plan year by application of the provisions contained in Section 18-8(A)(1)(n) of The School Code.

"Supplemental Program" means any uniquely identified program or service that:

is provided only at an attendance center;

STATE BOARD OF EDUCATION
NOTICE OF EMERGENCY RULES

State Superintendent of Education
State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

- 2) Two (2) copies shall be submitted to the:

Assistant Superintendent
State Board of Education
Chicago Regional Office
State of Illinois Center
100 West Randolph Street, Suite 14-300
Chicago, Illinois 60601

- c) A Plan shall be deemed to have been submitted on or before the date specified in subsection (a) when:

- 1) it has been delivered by the U.S. Postal Service to the Chicago or Springfield office of the State Board of Education and bears a postmark date on or before December 1 of the year for which it is applicable, or
- 2) it has been delivered to the Chicago or Springfield office of the State Board of Education by messenger or similar means on or before the close of business (5:00 p.m.) on December 1 of the year for which it is applicable.

Section 202.30 Plan Contents
EMERGENCY

The Plan shall be presented in accordance with the format given in this Section and shall include the information and assurances specified herein.

- a) Letter of Transmittal

The Plan shall include a letter of transmittal signed by the Superintendent of the District and including a statement of the school year for which the Plan is being submitted and a statement that the board of education of the District has formally adopted a motion approving the Plan and authorizing its transmittal to the State Board of Education.

- b) Districtwide Program Data, Calculations and Allocations

The Plan shall include calculations, based upon the formulas and procedures applicable to the plan year as specified in Section 18-8(A)(5)(i)(1) of The School Code, showing:

STATE BOARD OF EDUCATION
NOTICE OF EMERGENCY RULES

- 1) A count of all enrolled students in each attendance center on the twentieth school day of the school year;
- 2) A count of all enrolled State Chapter 1 Eligible Pupils in each attendance center in the prior school year determined at the end of June;
- 3) The amount of the per pupil expenditure for each attendance center in the prior school year and the amount of the per pupil expenditure to be provided each attendance center in the plan year;
- 4) The amount of the State Chapter 1 Funds provided to each attendance center in the prior school year;
- 5) The amount of all other funds provided to each attendance center in the prior school year;
- 6) The total amount of State Chapter 1 Funds made available by application of the weighting formula in Section 18-8(a)(1)(n) of The School Code;
- 7) The proportion (which may not exceed the proportion allowed by law) of the total given for subsection (b)(6) which is set aside and appropriated by the District for the purpose of providing desegregation programs and related transportation for students, and the remainder resulting therefrom;
- 8) The amounts resulting from separating the remainder calculated in subsection (b)(7) into
 - A) the amount which represents Nontargeted State Chapter 1 Funds,
 - B) the amount which represents Targeted State Chapter 1 Funds, and
 - C) the amount of the State Chapter 1 Funds required to be expended only on supplemental programs as defined in Section 202.10;
- 9) For each attendance center in the plan year, the calculations needed to demonstrate that
 - A) its average per pupil expenditure (i.e., from all funds) for the plan year will not be less than ninety percent (90%) of the same average for the preceding school year, and

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STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

- 3) the program and cost allocation matrix developed pursuant to subsection (c) is consistent with the decisions of Local School Councils as reflected in the expenditure plans they have approved pursuant to Section 34-2.3 of The School Code;
- 4) no portion of a supplemental program included in the expenditure plan of any attendance center for the plan year and supported with State Chapter 1 Funds required to be spent only on such programs has ever been identified as a regular and basic program; and
- 5) the funds identified as appropriated and set aside for the provision of desegregation programs and related transportation will be so spent.

Section 202.40 Plan Approval Procedures and Standards
EMERGENCY

a) The State Board of Education will, within thirty (30) days of receipt of the Plan, adopt a motion to accept or reject said Plan based upon the standards set forth in subsection (b). This action shall include a statement of the modifications necessary to the subsequent approval of any Plan which is rejected.

b) Standards

Each Plan received as required by Section 202.20 will be analyzed to determine that it

- 1) has been submitted in the form and contains the components specified in Section 202.30;
- 2) includes the statements of transmittal and of assurances required in Sections 202.30(a) and 202.30(d);
- 3) includes formulas, calculations, allocations, data elements and other descriptive information which are accurate and applicable to the plan year; and
- 4) includes sufficient descriptive information and other data to enable the State Board of Education to determine that the Plan does not propose to use State Chapter 1 Funds in any manner or for any purposes other than those authorized by Section 18-8(A) of The School Code and by this Part.

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

Section 202.50 Enforcement Procedures
EMERGENCY

- a) The Regional Superintendent having supervision over the District and the District Superintendent shall receive written notification from the State Board of Education that
 - 1) the District has not submitted a Plan on or before December 1 of the year for which a Plan is required; or
 - 2) the District has failed to submit a modified Plan within forty-five (45) days of its notification of the rejection of a Plan pursuant to Section 202.40; or
 - 3) the State Board of Education has rejected a modified Plan; or
 - 4) the State Board of Education has approved a Plan or modified Plan.
- b) Upon receipt of a notification pursuant to subsection (a), the Regional Superintendent shall withhold or transmit the Targeted and Nontargeted State Chapter 1 funds affected by the Plan or modified Plan as specified in the notification. During any period in which funds are withheld, the Regional Superintendent shall invest such funds in the manner provided in "AN ACT relating to certain investments of public funds by public agencies" (Ill. Rev. Stat. 1987, ch. 85, pars. 901 et seq.) and shall transmit the funds and all accrued interest to the District upon receipt of written notification from the State Board of Education that the Board has approved the District's Plan.
- c) All written notifications sent pursuant to this Section shall be sent by certified U.S. mail, return receipt requested. The date of receipt of notification shall be deemed to be the date of delivery entered upon the return receipt.

Section 202.60 Quarterly Expenditure Reports and Site Visits
EMERGENCY

- a) The District shall submit three (3) copies of an expenditure report which includes a school year update for the information required in Section 202.30(b)(3) and (c) for the periods ending November 30, the last day of February, May 31, and August 31. The quarterly expenditure reports shall be submitted to the State Superintendent of Education within 30 days of the end of each reporting period.

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY RULES

- b) State Board of Education staff will use the reports received pursuant to subsection (a) in conjunction with visits to at least fifteen percent (15%) of the attendance centers in the District during each Plan Year. Such visits shall be for the purpose of determining that attendance center programs and expenditures conform to those set forth in the Plan approved by the State Board of Education.
- c) If the analyses of expenditure reports and/or the visits conducted pursuant to subsection (b) produce evidence that the District has failed to distribute State Chapter 1 funds as required in its approved Plan, then the Plan for the following year shall allocate funds in addition to those otherwise required by Section 18-8(A)(5)(1)(a) of The School Code to each affected attendance center in amounts at least equal to such underfunding.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part:
Illinois Clinical Laboratories Code
- 2) Code Citation:
77 Ill. Adm. Code 450
- 3) Section Numbers:
450.20
Emergency Action:
Amendment
- 4) Statutory Authority:
Illinois Clinical Laboratory Act

111. Rev. Stat. 1987, ch. 111 1/2, par. 621 et seq., as amended by P.A. 85-1025, effective June 30, 1988, P.A. 85-1202, effective August 25, 1988, P.A. 85-1251, effective August 30, 1988, and P.A. 86-141, effective August 3, 1989.

5) Effective Date of Rules:
August 14, 1989.

6) If the Emergency Amendments are to Expire Before the End of the 150-day Period, Please Specify the Date on which it is to Expire:
Not Applicable.

7) Date Filed in Agency's Principal Office:
August 14, 1989.

8) Reason for Emergency:
Public Act 86-141, effective August 3, 1989 specifies that new applications under the Illinois Clinical Laboratory Act from entities which were previously exempt may be filed by December 31, 1989. This statutory change conflicts with the current rules which require applications by October 1, 1989. This conflict causes potential confusion among the thousands of health care providers who for the first time will be regulated under this Act.

9) A Complete Description of the Subjects and Issues Involved:
This rulemaking should have no economic effect on the regulated industry.

This rulemaking changes the date of application for all laboratories which were previously exempt from October 1, 1989 to December 31, 1989 in order

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

to remove a conflict between the statute and the rules.

The Department believes that these emergency rules will have minimal economic effect on the regulated industry.

10) Are there any other Amendments Pending on this Part? Yes ___ No X

11) Statement of Statewide Policy Objectives:

This rulemaking is required by Public Act 86- 141. The Department believes this rulemaking does not expand or contract a state mandate.

12) Information and Questions regarding this Emergency Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

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

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER d: LABORATORIES AND BLOOD BANKS

PART 450
ILLINOIS CLINICAL LABORATORIES CODE

SUBPART A: GENERAL

- Section 450.5 Scope and Applicability
- 450.10 Definitions
- 450.20 Registration, Permit and License Application
- EMERGENCY
- 450.30 Laboratories required to be licensed, have a permit, or be registered.
- 450.35 Testing Limitations for Registration, Permit, and Licensed Laboratories
- 450.40 Penalties and Fines
- 450.50 Incorporated Materials
- 450.60 Administrative Hearings

SUBPART B: DIRECTORS OF CLINICAL LABORATORIES

- Section 450.210 Qualifications of the Director of a Clinical Laboratory
- 450.220 Operational Participation of the Director
- 450.230 Number of Laboratories Permitted to Operate

SUBPART C: LOCATION, CONSTRUCTION AND SANITATION

- Section 450.310 Location
- 450.320 Conformance to Local Ordinances
- 450.330 Safety and Sanitation Manual

SUBPART D: QUALIFICATIONS OF PERSONNEL

- Section 450.410 General Supervisor
- 450.420 Medical Technologist
- 450.430 Cytotechnologist
- 450.440 Technician
- 450.450 Laboratory Assistant

SUBPART E: EQUIPMENT

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTSSection 450.20 Registration, Permit and License Application
EMERGENCY

A LABORATORY THAT IS REQUIRED TO OBTAIN A LICENSE OR PERMIT PURSUANT TO THIS ACT BY JULY 1, 1989, BUT WAS PREVIOUSLY EXEMPT FROM SUCH REQUIREMENT, SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT, BUT WILL HAVE UNTIL DECEMBER 31, 1989 TO COMPLY WITH THIS REQUIREMENT. ANY SUCH LABORATORY WHICH COMPLIES WITH THIS DEADLINE WILL BE PERMITTED TO CONTINUE OPERATION UNTIL RECEIPT OF A PERMIT OR LICENSE OR NOTICE OF DENIAL OF APPLICATION FOR A PERMIT OR LICENSE FROM THE DEPARTMENT. REGISTRATION LABORATORIES MUST FILE A REGISTRATION FORM WITH THE DEPARTMENT BY DECEMBER 31, 1989. (Section 3-103(b) of the Act)

~~An application for a permit or a license must be submitted to the Department by October 1, 1989. The Department shall issue the appropriate permits and licenses by January 1, 1990. All laboratories which comply with this deadline will be permitted to continue operation until receipt of a permit or license or denial of application for a permit or license from the Department. Registration laboratories must file a registration form with the Department by October 1, 1989.~~

- a) All applications shall be submitted on forms provided by the Department, shall be notarized, and shall include all information requested on the form. (See Appendix A for a copy of the application form, except Class III permit laboratories see Appendix B)
- b) If during the calendar year in which the license, permit, or renewal thereto has been issued there is a change of owner, location or name of the laboratory, the Department shall be notified prior to such change.
- c) If the license or permit is to be issued to two or more persons who are co/owners, all such persons shall be identified upon the application for license or permit or renewal of license or permit and all such persons shall sign such application and it shall be notarized.
- d) An application for a license or permit, where the owner is a corporation, shall clearly disclose the names of all persons owning 5% or more of the shares of the corporation. A duly authorized officer of the corporation shall sign the application and it shall be notarized.
- e) The description of the program shall be provided in sufficient detail to permit the Department to determine the fields of science represented by the services of the laboratory and the tests which may fall within the scope of its program and services.

(Source: Emergency amendment at 13 Ill.Reg. 13678, effective August 14, 1989, for a maximum of 150 days)

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Service Plan Development
- 2) Code Citation: 89 Ill. Adm. Code 700
- 3) Section Numbers: Emergency Action:
700.200 amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434(g)) and P.A. 86-0065, effective July 1, 1989.
- 5) Effective Date of Rule(s) (Amendments, Repealer): August 14, 1989
- 6) If this emergency rule (amendment, repealer) is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed in Agency's Principal Office: August 14, 1989
- 8) Reason for Emergency: Emergency action is being taken to ensure DORS' compliance with P.A.86-0065, effective July 1, 1989, which provides for a wage increase for Personal Assistants.
- 9) A Complete Description of the Subjects and Issues Involved: This section is being amended to reflect the wage increase for Personal Assistants which was granted through legislation.
- 10) Are there any proposed amendments to the Part pending? No
Section Numbers Proposed Action Illinois Register Citation
- 11) Statement of Statewide Policy Objectives:
- 12) Information and questions regarding this rule (amendment, repealer) shall be directed to:

Leigh Reed
P.O. Box 19429, Springfield, Illinois 62794-9429
(217)785-3896

The full text of the emergency rules (amendments, repealer) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

c) Maintenance Home Health Services

1) Maintenance Home Health Services may be provided only by personnel who are specially licensed or certified by the Illinois Departments of Registration and Education or of Public Health, as applicable, including nurses, therapists and home health aides. This service will be purchased through Medicare/Medicaid approved Home Health agencies, it available, at no more than the approved Medicare/Medicaid rates set for each agency by the Department of Public Aid.

2) Maintenance Home Health Services may be provided by individuals who are not Medicaid approved providers (see 42 CFR 440.70, 10/82) unless the client is eligible for available Medicaid paid Home Health service. However, DORS will first attempt to secure Home Health Service providers which are Medicaid approved. An individual provider must be able to provide the local office staff with a certification from a training program recognized by the certifying State of Illinois Department or with a license, as appropriate to the type of Home Health Service provider needed. The individual provider is then paid at no more than the prevailing local rate as determined by the local Home Health agency or hospital. If the individual provider cannot demonstrate that a recognized training program has been completed to qualify the individual provider to be a Home Health provider, the individual provider may not provide Maintenance Home Health services. Individual Home Health providers will only be used when agency Home Health services are not available and/or when an individual provider is less costly than an agency provider.

d) Home delivered meals are generally provided by volunteers working through agencies such as the Red Cross or local hospitals. Prevailing local rates are to be paid insofar as the home delivered meals service agency provides the service needed by the client at a cost which is less than that which would otherwise be paid to a Personal Care Attendant or another home delivered meals service agency to perform the same service.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 700

SERVICE PLAN DEVELOPMENT

Section	700.100	Service Plan Development
	700.150	Securing a Service Provider
	700.200	Rates of Payment and Types and Skill Levels of Service Providers
EMERGENCY	700.300	Selection of Appropriate Type of Service Providers
	700.400	Service Provision as Affected by Available Resources
	700.500	Service Provision by Family Members
	700.600	Service to School Age Children
APPENDIX A		Guidelines for Service Tasks

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (111. Rev. Stat. 1987, ch. 23, par. 3434(g)), and P.A. 86-0065, effective July 1, 1989.

SOURCE: Adopted and codified at 7 Ill. Reg. 8930, effective July 18, 1983; amended at 11 Ill. Reg. 5315, effective March 16, 1987; amended at 11 Ill. Reg. 11823, effective July 1, 1987; amended at 13 Ill. Reg. 3101, effective February 26, 1989, emergency amendment at 13 Ill. Reg. 13684, effective 8/14/89, for a maximum of 150 days.

Section 700.200 Rates of Payment and Types and Skill Levels of Service Providers

a) Personal Care Attendant services are to be provided by individuals (rather than by agencies) who are selected, hired, trained, supervised and dismissed by the client or other responsible person. Personal care attendants do not necessarily have formal training. DORS will pay no more than \$3.68 per hour for such services.

b) Homemaker services may be provided only by employees of Homemaker agencies with whom DORS has a contract and are, therefore, paid at no more than the maximum rate established for non-institutional rates under 89 Ill. Adm. Code 356 for each agency. These individuals are trained and professionally supervised.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- e) Electronic Home Response Services are provided through hospitals or through community service agencies and utilize some form of electrical or electronic alerting device which is monitored by the agency providing this service. Emergency health care professionals then respond if signaled by the client. Prevailing local rates are to be paid insofar as the electronic home response service agency provides the service needed by the client at a cost which is less than that which would otherwise be paid for Personal Care Attendant Service or for other electronic home response services. When it is cost effective to do so, this service may instead be provided through the use of burglar or fire alarms which have a communication link with local fire or police stations or into private concerns operating this type of system; also paid at prevailing rates as above.

(Source: Emergency Amendment at 13 Ill. Reg. 13684, effective August 14, 1989, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Action:
140.110 Refusal
- 4) Date Notice of Proposed Rule Published in the Register:
July 15, 1988 (12 Ill. Reg. 11701)
- 5) Date JCAR Statement of Objection Published in the Register:
August 18, 1989 (13 Ill. Reg. 13295)
- 6) Summary of Action Taken by the Agency: Because of the controversy surrounding the disproportionate share policy, the Department delayed rulemaking on the subject so that the final rule would accurately reflect existing policy (see section 140.110 recodified to Section 148.120). Because this policy is so vital to medical assistance program providers, the Department must respectfully decline to meet the Committee's objection.

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PROCLAMATION
89-358

Recognizes Joe Sterle/Outstanding Illinois Citizen

WHEREAS, Joe Sterle was born in Auburn, Illinois, in 1923; and

WHEREAS, although Joe now resides in Joliet, Illinois, he continues to support his hometown community; and

WHEREAS, Joe provides bus transportation from Joliet and two bands each year for Auburn's Missouri-Central Illinois Slovenefest, which attracts participants from all over the United States; and

WHEREAS, Joe's contributions to the Slovenefest and the City of Auburn help to preserve the Slovenian culture and celebrate its heritage; and

WHEREAS, thanks to Joe Sterle's support and generosity, the City of Auburn is able to donate approximately \$5,000 each year to scholarship funds and a variety of charities, including paramedics/fire departments and nursing homes;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, recognize JOE STERLE as an OUTSTANDING ILLINOIS CITIZEN and urge all Slovenian citizens and residents of the City of Auburn to express their appreciation to Joe Sterle for his contributions and generosity.

Issued August 4, 1989. Filed August 14, 1989.

PROCLAMATION
89-359
Chamber Of Commerce Week

WHEREAS, chambers of commerce work with the business community to advance the civic, economic, industrial, professional, and cultural welfare of the State of Illinois; and

WHEREAS, chambers of commerce have contributed to the civic and economic life in Illinois for more than 150 years since the founding of the Galena Chamber of Commerce in 1838; and

WHEREAS, the State of Illinois is home to international chambers of commerce, the north central regional office of the U.S. Chamber of Commerce, the Illinois State Chamber of Commerce, and more than 300 local chambers of commerce; and

WHEREAS, chambers of commerce encourage the growth of existing industries and businesses and encourage new firms and individuals to locate in Illinois; and

WHEREAS, chambers of commerce act as a liaison between the State of Illinois, local governments, and the business community;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim September 24-30, 1989, as CHAMBER OF COMMERCE WEEK in Illinois and call its significance to the attention of all Illinoisans.

Issued August 8, 1989. Filed August 14, 1989.

PROCLAMATION

89-360

National Communications Forum Week

WHEREAS, since its inception in Illinois in 1944, the National Engineering Consortium, which is comprised of representatives of industry and academia, has been dedicated to the advancement of engineering and professional growth of engineers; and

WHEREAS, Illinois is recognized as an international center for high technology research and technology--driven businesses and industries; and

WHEREAS, the National Engineering Consortium will sponsor the 1989 National Communications Forum in Chicago on October 2-4. This forum will be the largest meeting in the information industry dedicated solely to education and interaction. Over 4,000 key industrial professionals are expected to participate; and

WHEREAS, university professors, representing more than 100 universities, will participate and receive valuable information to help develop university courses and aid research; and

WHEREAS, outstanding students, who are receiving the William L. Everitt Student Awards of Excellence for 1989, will be honored. Products and services judged most outstanding will receive the coveted Comforum Awards;

WHEREAS, James R. Thompson, Governor of the State of Illinois, proclaims October 1-7, 1989, as NATIONAL COMMUNICATIONS FORUM WEEK in Illinois, in recognition of the National Engineering Consortium and the contribution of telecommunications to the diverse and expanding Illinois economy.

Issued August 8, 1989. Filed August 14, 1989.

PROCLAMATION

89-361

U.S. Coast Guard's 200th Anniversary Year

WHEREAS, August 4, 1989, marks the start of the 200th anniversary of the United States Coast Guard; and

WHEREAS, the U.S. Coast Guard has served this nation well in war and peace, and in both the defense of this nation against foreign enemies and the use of the sea for crimes against the nation; and

WHEREAS, the U.S. Coast Guard has also served the nation well in protecting against the perils of the sea by rescuing those in danger at sea, maintaining aids to navigation, protecting the environment, and regulating the safety of vessels and ports; and

WHEREAS, the U.S. Coast Guard's present-day battle against the importation of drugs by sea reminds us of the origins of those first 10 cutters charged by the first Congress with guarding the coast against smugglers;

WHEREAS, James R. Thompson, Governor of the State of Illinois, proclaims August 4, 1989, through August 4, 1990, as the U.S. COAST GUARD'S 200TH ANNIVERSARY YEAR and encourage all citizens of Illinois to take notice of this special occasion.

Issued August 8, 1989. Filed August 14, 1989.

PROCLAMATION
89-362
Angeline Tufano Day

WHEREAS, Angeline Tufano, a resident of Norridge, Illinois, was elected as national president of the Italian-American War Veterans of the U.S. Inc. Ladies Auxiliary on August 6, 1988, after serving in various capacities for many years; and

WHEREAS, she was a member of the organizing committee for the Department of Illinois Ladies Auxiliary in 1972 and became state president in May 1980; and

WHEREAS, she has served the ITAM Veterans organization with dedication and expertise and has selflessly given much of her personal time toward all programs embraced by the ITAM Veterans; and

WHEREAS, her community services include being an officer in the Norridge Youth Activities Committee; a member of the Mother's Club, assuming responsibility for the Norridge park district programs; and past president of the Joint Civic Committee of Italian Americans;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim August 18, 1989, as ANGELINE TUFANO DAY in Illinois, in recognition of her honorable services to her community and to her fellow citizens.

Issued August 9, 1989. Filed August 14, 1989.

PROCLAMATION
89-363
Bud Billiken Day

WHEREAS, for fifty-nine years the annual Chicago Defender Charities Bud Billiken Parade and Picnic has provided wholesome fun and entertainment without charge to thousands of children; and

WHEREAS, the Bud Billiken observance gives adults an opportunity to share fun and fellowship with youth; and

WHEREAS, this year's Bud Billiken Parade marks the 60th year of this noteworthy, neighborly celebration; and

WHEREAS, the Bud Billiken Parade and Picnic has been one of the most distinguished and outstanding events in the City of Chicago, worthy of the wholehearted support of all citizens;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois proclaim August 12, 1989, as BUD BILLIKEN DAY in Illinois and urge all citizens to participate in the splendid spirit and purpose for which this occasion is designed.

Issued August 9, 1989. Filed August 14, 1989.

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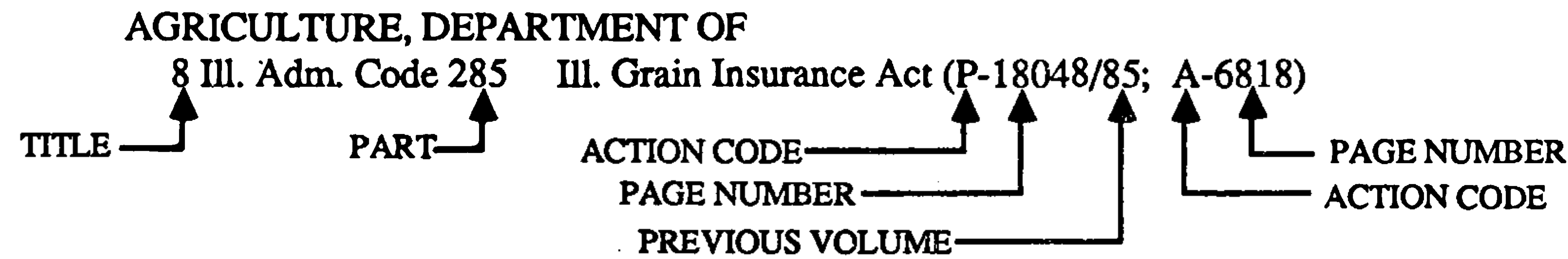
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ACTION CODES

JCAR - Joint Committee on Administrative Rules

- | | |
|-------------------------------------------------|-----------------------------------------------|
| <i>A</i> - Adopted Rule | <i>P</i> - Proposed Rule |
| <i>AR</i> - Adopted Repealer | <i>PF</i> - Prohibited Filing Ordered by JCAR |
| <i>C</i> - Notice of Corrections | <i>PP</i> - Peremptory or Court ordered Rules |
| <i>CC</i> - Codification Changes | <i>PR</i> - Proposed Repealer |
| <i>E</i> - Emergency Rule | <i>R</i> - Refusal to meet JCAR objection |
| <i>ER</i> - Emergency Repealer | <i>RC</i> - Statement of Recommendation |
| <i>M</i> - Modification to meet JCAR objections | <i>S</i> - Suspension ordered by JCAR |
| <i>O</i> - JCAR Statement of Objections | <i>W</i> - Withdrawal to meet JCAR objections |

EXAMPLE:



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-685) (P-10821/88; O-9594; R-11956; A-11193) (P-13353) (E-13638)
- 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054) (P-13119)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 255 Agrichemical Facilities (P-2571; A-13532)
- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-19153/88; A-3617)
- 8 Ill. Adm. Code 25 Animal Welfare Act (P-19164/88; A-3628)
- 8 Ill. Adm. Code 75 Bovine Brucellosis (P-19172/88; A-3636)
- 8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)
- 8 Ill. Adm. Code 85 Diseased Animals (P-19185/88; A-3642)
- 8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-2598; A-10489) (P-17139/88; A-3653)
- 68 Ill. Adm. Code 600 Grain Dealers (P-19795/88; A-3665)
- 8 Ill. Adm. Code 80 Ill. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676)
- 8 Ill. Adm. Code 90 Ill. Dead Animal Disposal Act (P-19201/88; A-3681)
- 8 Ill. Adm. Code 115 Ill Pseudorabies Control Act (P-19218/88; A-3685)
- 8 Ill. Adm. Code 230 Ill. Seed Law (P-3511; A-10499) (E-4015)
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 263.103 r (P-16352/88; A-9515)
 263.201 r (P-16352/88; A-9515)
 263.202 r (P-16352/88; A-9515)
 263.301 r (P-16352/88; A-9515)
 263.303 r (P-16352/88; A-9515)
 263.304 r (P-16352/88; A-9515)
 263.305 r (P-16352/88; A-9515)
 263.306 r (P-16352/88; A-9515)
 263.307 r (P-16352/88; A-9515)
 263.308 r (P-16352/88; A-9515)
 263.309 r (P-16352/88; A-9515)
 263.401 r (P-16352/88; A-9515)
 263.402 r (P-16352/88; A-9515)
 263.501 r (P-16352/88; A-9515)
 277.101 r (P-16346/88; A-9513)
 277.102 r (P-16346/88; A-9513)
 277.103 r (P-16346/88; A-9513)
 277.201 r (P-16346/88; A-9513)
 277.202 r (P-16346/88; A-9513)
 277.301 r (P-16346/88; A-9513)
 277.302 r (P-16346/88; A-9513)
 277.401 r (P-16346/88; A-9513)
 277.402 r (P-16346/88; A-9513)
 283.101 r (P-16365/88; A-9501)
 283.102 r (P-16365/88; A-9501)
 283.103 r (P-16365/88; A-9501)
 283.201 r (P-16365/88; A-9501)
 283.202 r (P-16365/88; A-9501)
 283.203 r (P-16365/88; A-9501)
 283.204 r (P-16365/88; A-9501)
 283.301 r (P-16365/88; A-9501)
 283.302 r (P-16365/88; A-9501)
 283.303 r (P-16365/88; A-9501)

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 283.402 r (P-16365/88; A-9501)
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 283.404 r (P-16365/88; A-9501)
 283.405 r (P-16365/88; A-9501)
 283.501 r (P-16365/88; A-9501)
 283.502 r (P-16365/88; A-9501)
 283.503 r (P-16365/88; A-9501)
 283.504 r (P-16365/88; A-9501)
 283.505 r (P-16365/88; A-9501)
 283.506 r (P-16365/88; A-9501)
 283.601 r (P-16365/88; A-9501)
 283.602 r (P-16365/88; A-9501)
 283.603 r (P-16365/88; A-9501)
 283.604 r (P-16365/88; A-9501)
 283.605 r (P-16365/88; A-9501)
 283.606 r (P-16365/88; A-9501)
 283.701 r (P-16365/88; A-9501)
 283.702 r (P-16365/88; A-9501)
 283.703 r (P-16365/88; A-9501)
 283.704 r (P-16365/88; A-9501)
 285.101 r (P-16365/88; A-9517)
 285.102 r (P-16365/88; A-9517)
 285.103 r (P-16365/88; A-9517)
 285.104 r (P-16365/88; A-9517)
 285.201 r (P-16365/88; A-9517)
 285.202 r (P-16365/88; A-9517)
 285.203 r (P-16365/88; A-9517)
 285.204 r (P-16365/88; A-9517)
 285.205 r (P-16365/88; A-9517)
 285.206 r (P-16365/88; A-9517)
 285.301 r (P-16365/88; A-9517)
 285.302 r (P-16365/88; A-9517)
 301.200 am (P-15823/88; A-5984)
 301.260 am (P-15823/88; A-5984)
 301.365 am (P-15823/88; A-5984)
 301.430 am (P-15823/88; A-5984)
 302.211 am (P-15844/88; A-5998)
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 302.504 am (P-15844/88; A-5998)
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 302.509 am (P-15844/88; A-5998)
 303.323 n (P-7863)
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 304.124 am (P-15815/88; A-5976)
 304.140 r (P-15815/88; A-5976)
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 304.218 n (P-9656)
 304.220 n (P-11397/88; A-2060)
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 304.302 n (P-11669/88; A-851)
 305.102 am (P-15839/88; A-5989)
 306.503 n (P-13173)
 307.1102 am (P-7530)

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724.110	am	(P-9909)
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724.115	am	(P-9909)
724.118	am	(P-9909)
724.124	am	(P-9909)
724.134	am	(P-9909)
724.173	am	(P-9909)
724.190	am	(P-9909)
724.191	am	(P-9909)
724.192	am	(P-9909)
724.197	am	(P-9909)
724.198	am	(P-9909)
724.199	am	(P-9909)
724.211	am	(P-9909)
724.212	am	(P-9909)
724.214	am	(P-9909)
724.217	am	(P-9909)
724.218	am	(P-9909)
724.241	am	(P-9909)
724.242	am	(P-9909)
724.244	am	(P-9909)
724.247	am	(P-9909)
724.251	am	(P-9909)
724.290	am	(P-9909)
724.293	am	(P-9909)
724.296	am	(P-9909)
724.700	n	(P-9909)
724.701	n	(P-9909)
724.702	n	(P-9909)
724.703	n	(P-9909)
724.Ap. I	am	(P-15455/88; A-458)
725.101	am	(P-15402/88; A-437)
725.113	am	(P-9737)
725.173	am	(P-9737)
725.212	am	(P-9737)
725.214	am	(P-9737)
725.218	am	(P-9737)
725.241	am	(P-9737)
725.247	am	(P-9737)
725.290	am	(P-9737)
725.293	am	(P-9737)
725.296	am	(P-9737)
725.301	am	(P-9737)
726.120	am	(P-9988)
728.101	am	(P-9786)
728.104	am	(P-9786)
728.105	am	(P-9786)
728.106	am	(P-9786)
728.107	am	(P-9786)
728.108	n	(P-9786)
728.130	am	(P-9786)
728.131	am	(P-9786)
728.132	am	(P-9786)
728.133	n	(P-9786)
728.140	am	(P-9786)
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378.203	n	(P-12753/88; A-1190)
378.204	n	(P-12753/88; A-1190)
378.301	n	(P-12753/88; A-1190)
378.302	n	(P-12753/88; A-1190)
378.Ap. A	n	(P-12753/88; A-1190)
378.Ap. B	n	(P-12753/88; A-1190)
378.Ap. C	n	(P-12753/88; A-1190)
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601.105	am	(P-262)
604.203	am	(P-255)
605.104	am	(P-269; C-2539)
661.302	am	(P-1738)
702.104	am	(P-9835)
702.110	am	(P-9835)
702.152	am	(P-9835)
702.160	am	(P-9835)
702.181	am	(P-9835)
702.182	am	(P-9835)
702.183	am	(P-9835)
702.184	am	(P-9835)
702.185	am	(P-9835)
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702.187	am	(P-9835)
703.123	am	(P-15444/88; A-447)
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703.209	n	(P-9860)
703.222	am	(P-9860)
703.223	am	(P-9860)
703.230	am	(P-9860)
703.247	n	(P-9860)
703.260	n	(P-9860)
703.270	n	(P-9860)
703.271	n	(P-9860)
703.272	n	(P-9860)
703.273	n	(P-9860)
703.280	n	(P-9860)
703.281	n	(P-9860)
703.282	n	(P-9860)
703.283	n	(P-9860)
703.Ap. A	n	(P-9860)
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720.110	am	(P-15327/88; A-362)
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721.104	am	(P-15347/88; A-382)
721.105	am	(P-15347/88; A-382)
721.132	am	(P-9683)
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307.1704	am	(P-16396/88; A-1794)
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307.2903	am	(P-16396/88; A-1794)
307.3110	am	(P-16396/88; A-1794)
307.3129	am	(P-16396/88; A-1794)
307.3500	am	(P-16396/88; A-1794)
307.3501	am	(P-16396/88; A-1794)
307.3503	am	(P-16396/88; A-1794)
307.3509	am	(P-16396/88; A-1794)
307.3590	n	(P-16396/88; A-1794)
307.4004	am	(P-16396/88; A-1794)
307.7700	am	(P-9471)
307.7701	am	(P-9471)
307.7702	am	(P-9471)
307.7703	am	(P-9471)
307.7704	am	(P-9471)
307.7705	am	(P-9471)
307.7706	am	(P-9471)
307.8100	am	(P-16396/88; A-1794)
309.281	am	(P-15893/88; A-5993)
310.107	am	(P-16384/88; A-2463)
310.110	am	(P-16384/88; A-2463)
310.111	n	(P-9426)
310.221	am	(P-9426)
310.222	am	(P-9426)
310.230	am	(P-9426)
310.232	am	(P-9426)
310.233	am	(P-9426)
310.234	am	(P-9426)
310.531	am	(P-9426)
310.542	am	(P-9426)
310.602	am	(P-9426)
310.604	am	(P-9426)
310.605	am	(P-9426)
310.606	am	(P-9426)
310.610	am	(P-9426)
310.611	n	(P-9426)
310.612	n	(P-9426)
310.613	n	(P-9426)
310.621	am	(P-9426)
310.631	am	(P-9426)
310.632	am	(P-9426)
310.633	am	(P-9426)
310.634	am	(P-9426)
310.801	am	(P-9426)
310.903	am	(P-9426)
310.910	am	(P-9426)
310.912	am	(P-9426)
310.913	am	(P-9426)
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731.131 n (P-2650; A-9519)
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731.134 n (P-2650; A-9519)
731.140 n (P-2650; A-9519)
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731.152 n (P-2650; A-9519)
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731.173 n (P-2650; A-9519)
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855.103 am (P-19834/88; A-13206)
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400.142 am (P-1985; A-8927)
400.150 am (P-1985; A-8927)
400.440 am (P-1985; A-8927)
400.510 am (P-1985; A-8927)
400.615 am (P-1985; A-8927)
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400.1550 am (P-1985; A-8927)
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170.73 n (P-1756) (E-1886)
170.75 am (P-1756) (E-1886)
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170.420 n (A-5669)
170.430 n (A-5669; O-13305)
170.440 n (A-5669)
170.450 n (A-5669)
170.460 n (A-5669; O-13305)
170.470 n (A-5669)
170.480 n (A-5669; O-13305)
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170.550 n (A-5669)
170.560 n (A-5669)
170.570 n (A-5669)
170.580 n (A-5669)
170.590 n (A-5669)
170.600 n (A-5669)
170.610 n (A-5669; O-13305) (A-8875)
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919.60 am (P-13535/88; C-17456/88; A-1204)
919.70 am (P-13535/88; C-17456/88; A-1204)
919.80 am (P-13535/88; C-17456/88; A-1204)
919.90 am (P-13535/88; C-17456/88; A-1204)
919.Ex. A n (P-13535/88; C-17456/88; A-1204)
2008.10 am (P-251; A-8520) (E-586; O-3471)
2008.20 am (P-251; A-8520) (E-586; O-3471)
2008.30 am (P-251; A-8520) (E-586; O-3471)
2008.40 am (P-251; A-8520) (E-586; O-3471)
2008.50 am (P-251; A-8520) (E-586; O-3471)
2008.60 am (P-251; A-8520) (E-586)
2008.70 am (P-251; A-8520) (E-586; O-3471)
2008.71 n (P-251; A-8520) (E-586)
2008.80 am (P-251; A-8520) (E-586; O-3471)
2008.81 n (P-251; A-8520) (E-586)
2008.82 n (P-251; A-8520) (E-586)
2008.90 am (P-251; A-8520) (E-586; O-3471)
2008.Ap. A am (P-251; A-8520) (E-586; O-3471)
2008.Ap. B am (P-251; A-8520) (E-586; O-3471)
2008.Ap. C am (P-251; A-8520) (E-586; O-3471)
2008.Ap. E n (P-251; A-8520) (E-586; O-3471)
2008.Ap. F n (P-251; A-8520) (E-586; O-3471)
2008.Ap. G n (P-251; A-8520) (E-586; O-3471)
2011.10 n (P-13558/88; A-3804)
2011.20 n (P-13558/88; A-3804)
2011.30 n (P-13558/88; A-3804)
2011.40 n (P-13558/88; A-3804)
2011.50 n (P-13558/88; A-3804)
2011.60 n (P-13558/88; A-3804)
2011.70 n (P-13558/88; A-3804)
2011.Ap. A n (P-13558/88; A-3804)
2011.Ap. B n (P-13558/88; A-3804)
2011.Ap. C n (P-13558/88; A-3804)
2012.10 n (P-9181)
2012.20 n (P-9181)
2012.30 n (P-9181)
2012.40 n (P-9181)
2012.50 n (P-9181)
2012.60 n (P-9181)
2012.70 n (P-9181)
2012.80 n (P-9181)
2012.90 n (P-9181)
2012.100 n (P-9181)
2012.110 n (P-9181)
2012.Ex. A n (P-9181)
2012.Ex. B n (P-9181)
2012.Ex. C n (P-9181)

TITLE 50 (CONT'D)

2502.10 r (P-2234; A-12053)
2502.20 r (P-2234; A-12053)
2801.50 am (P-3531)
3113.50 am (P-12935)
3113.60 am (P-12935)
6301.Ex. A am (P-14502/88; A-1780)
6302.40 am (P-15269/88; A-3801)
6701.10 n (P-17617/88; A-5951)
6701.20 n (P-17617/88; A-5951)
6701.30 n (P-17617/88; A-5951)
6701.Ex. A n (P-17617/88; A-5951)

TITLE 56

350.20 am (P-15272/88; W-6819) (P-5839)
350.280 am (P-15272/88; W-6819) (P-5839)
350.300 n (P-15272/88; W-6819) (P-5839)
350.310 n (P-15272/88; W-6819) (P-5839)
350.320 n (P-15272/88; W-6819) (P-5839)
350.330 n (P-15272/88; W-6819) (P-5839)
350.340 n (P-15272/88; W-6819) (P-5839)
350.350 n (P-15272/88; W-6819) (P-5839)
350.360 n (P-15272/88; W-6819) (P-5839)
350.370 n (P-15272/88; W-6819) (P-5839)
350.380 n (P-15272/88; W-6819) (P-5839)
350.400 n (P-15272/88; W-6819) (P-5839)
350.410 n (P-15272/88; W-6819) (P-5839)
350.420 n (P-15272/88; W-6819) (P-5839)
350.430 n (P-15272/88; W-6819) (P-5839)
350.440 n (P-15272/88; W-6819) (P-5839)
350.450 n (P-5839)
2090.105 am (P-17)
2600.20 am (P-3515) (E-4028) (P-4331)
2600.30 am (P-3515) (E-4028)
2610.60 am (P-5017)
2610.100 am (P-4366; O-13282)
2610.130 am (P-4366)
2610.Ap. A n (P-5017)
2625.20 n (P-3513) (E-4019)
2625.30 n (P-3513) (E-4019)
2625.40 n (P-3513) (E-4019)
2625.50 n (P-3513) (E-4019)
2712.201 n (P-15257/88; O-22482/88; R-965; A-795)
2712.202 n (P-15257/88; O-22482/88; R-965; A-795)
2712.203 n (P-15257/88; O-22482/88; R-965; A-795)
2712.205 n (P-15257/88; O-22482/88; R-965; A-795)
2712.207 n (P-15257/88; O-22482/88; R-965; A-795)
2712.210 n (P-15257/88; O-22482/88; R-965; A-795)
2720.1 am (P-5362; W-11960) (P-11139)
2720.130 am (P-5362; W-11960) (P-11139) (E-11890)

TITLE 56 (CONT'D)

2720.132 n (P-5362; W-11960) (P-11139) (E-11890)
2725.20 am (P-5344; W-11959) (P-11120) (E-11872)
2725.100 am (P-5344; W-11959) (P-11120) (E-11872)
2725.105 am (P-5344; W-11959) (P-11120) (E-11872)
2725.120 am (P-5344; W-11959) (P-11120) (E-11872)
2725.250 am (P-5344; W-11959) (P-11120) (E-11872)
2725.270 am (P-5344; W-11959) (P-11120) (E-11872)
2732.200 n (P-12748)
2732.210 n (P-1945; A-8864)
2765.205 n (P-752)
2765.325 n (P-5375; W-11961) (P-11155) (E-11911)
2765.326 n (P-11155) (E-11911)
2765.328 n (P-5375; W-11961) (P-11155)
2765.330 n (P-5375; W-11961) (P-11155)
2765.332 n (P-5375; W-11961) (P-11155) (E-11911)
2765.333 n (P-5375; W-11961) (P-11155) (E-11911)
2765.334 n (P-5375; W-11961) (P-11155) (E-11911)
2765.335 n (P-5375; W-11961) (P-11155) (E-11911)
2770.105 am (P-743; A-11507)
2815.105 am (P-13141) (E-13268)
2905.1 am (P-2229; A-11502)
2905.15 am (P-2229; A-11502)
2905.25 r (P-2229; A-11502)
2905.40 n (P-2229; A-11502)
2920.5 am (P-11153) (E-11899)
2920.65 r (P-11153) (E-11899)
2920.68 n (P-22295/88; A-5936)
2920.70 r (P-11153) (E-11899)
2920.75 r (P-11153) (E-11899)
2920.80 r (P-11153) (E-11899)
2960.105 am (P-17; A-5940)
6000.10 am (P-7845) (E-8025)
6000.280 am (P-7845) (E-8025)
6000.310 n (P-7845) (E-8025)
6000.320 n (P-7845) (E-8025)

TITLE 59

106.15 am (P-18087/88; A-3821)
112.10 n (P-8208)
112.20 n (P-8208)
112.30 n (P-8208)

TITLE 62

220.10 am (P-23; A-5955)
220.80 am (P-23; A-5955)

TITLE 62 (CONT'D)

220.160 am (P-756; A-13220)
1700.11 am (P-12217)
1701.Ap. A am (P-12222)
1761.11 am (P-12197)
1761.12 am (P-12197)
1772.12 am (P-12311)
1773.5 n (P-12317)
1773.11 am (P-12317)
1773.15 am (P-12317)
1773.17 am (P-12317)
1773.19 am (P-12317)
1773.20 n (P-12317)
1773.21 n (P-12317)
1774.15 am (P-12334)
1774.17 am (P-12334)
1778.13 am (P-12303)
1778.14 am (P-12303)
1779.12 am (P-12347)
1779.20 r (P-12347)
1780.16 am (P-12352)
1780.21 am (P-12352)
1780.31 am (P-12352)
1783.12 am (P-12366)
1783.20 r (P-12366)
1784.14 am (P-12371)
1784.17 am (P-12371)
1784.21 am (P-12371)
1800.21 am (P-12205)
1800.40 am (P-12205)
1800.60 am (P-12205)
1816.49 am (P-12255)
1816.61 am (P-12255)
1816.64 am (P-12255)
1816.67 am (P-12255)
1816.68 am (P-12255)
1816.83 am (P-12255)
1816.97 am (P-12255)
1816.99 am (P-12255)
1816.102 am (P-12255)
1817.49 am (P-12280)
1817.61 am (P-12280)
1817.64 am (P-12280)
1817.66 am (P-12280)
1817.67 am (P-12280)
1817.68 am (P-12280)
1817.83 am (P-12280)
1817.97 am (P-12280)
1817.122 am (P-12280)
1843.11 am (P-12341)
1846.1 n (P-12248)
1846.5 n (P-12248)
1846.12 n (P-12248)
1846.14 n (P-12248)
1846.17 n (P-12248)
1846.18 n (P-12248)

TITLE 68 (CONT'D)

1320.95	n	(P-8606/88; A-6994)
1320.100	am	(P-8606/88; A-6994)
1320.110	am	(P-8606/88; A-6994)
1320.250	n	(P-8606/88; A-6994)
1320.310	n	(P-8606/88; A-6994)
1360.10	r	(P-14963/88; A-4234)
1360.20	am	(P-14963/88; A-4234)
1360.30	am	(P-14963/88; A-4234)
1360.40	am	(P-14963/88; A-4234)
1360.45	n	(P-14963/88; A-4234)
1360.50	am	(P-14963/88; A-4234)
1360.55	am	(P-14963/88; A-4234)
1360.60	am	(P-14963/88; A-4234)
1360.65	n	(P-14963/88; A-4234)
1360.70	am	(P-14963/88; O-3450; RC-3452; R-4308; A-4234)
1360.75	n	(P-14963/88; RC-3452; A-4234)
1360.80	r	(P-14963/88; A-4234)
1360.85	am	(P-14963/88; A-4234)
1360.90	am	(P-14963/88; A-4234)
1360.95	am	(P-14963/88; A-4234)
1360.ap. A	r	(P-14963/88; A-4234)
1360.ap. B	r	(P-14963/88; A-4234)
1400.10	r	(P-2913)
1400.20	am	(P-2913)
1400.20	am	(E-2519)
1400.30	am	(E-2519)
1400.30	am	(P-2913)
1400.40	am	(P-2913)
1400.40	am	(E-2519)
1400.50	am	(P-2913)
1400.50	am	(E-2519)
1400.60	am	(P-2913)
1400.65	am	(P-2913)
1400.70	am	(P-2913)
1400.80	am	(P-2913)
1400.90	am	(P-2913)
1465.10	n	(P-1388) (E-1616)
1465.20	n	(P-1388) (E-1616)
1465.30	n	(P-1388) (E-1616)
1465.40	n	(P-1388) (E-1616)
1465.50	n	(P-1388) (E-1616)
1465.60	n	(P-1388) (E-1616)
1465.70	n	(P-1388)
1465.90	n	(P-1388)
1470.5	n	(P-5426) (E-5771)
1470.7	n	(P-5426) (E-5771)
1470.10	am	(E-5771)
1470.10	r	(P-5426)
1470.10	n	(P-5426)
1470.20	r	(E-5771)
1470.20	n	(E-5771)
1470.20	am	(P-5426)
1470.30	am	(E-5771) (P-5426)
1470.40	r	(P-5426)
1470.50	r	(P-5426)
1470.60	r	(P-5426)

TITLE 68 (CONT'D)

1285.100	n	(P-8571/88; A-483)
1285.110	n	(P-8571/88; A-483)
1285.120	n	(P-8571/88; A-483)
1285.130	n	(P-8571/88; A-483)
1285.140	n	(P-8571/88; A-483)
1285.200	n	(P-15880/88; A-10925)
1285.205	n	(P-15880/88; A-10925)
1285.210	n	(P-15880/88; A-10925)
1285.215	n	(P-15880/88; A-10925)
1285.220	n	(P-15880/88; A-10925)
1285.225	n	(P-15880/88; A-10925)
1285.230	n	(P-15880/88; A-10925)
1285.235	n	(P-15880/88; A-10925)
1285.240	n	(P-15880/88; A-10925)
1285.245	n	(P-15880/88; A-10925)
1285.250	n	(P-15880/88; A-10925)
1285.255	n	(P-15880/88; A-10925)
1285.260	n	(P-15880/88; A-10925)
1285.265	n	(P-15880/88; A-10925)
1285.270	n	(P-15880/88; A-10925)
1285.275	n	(P-15880/88; A-10925)
1285.310	n	(P-15880/88; A-10925)
1285.320	n	(P-15880/88; A-10925)
1285.330	n	(P-15880/88; A-10925)
1290.10	r	(P-15854/88; A-10923)
1290.10	r	(P-15854/88; A-10923)
1290.20	r	(P-15854/88; A-10923)
1290.30	r	(P-15854/88; A-10923)
1290.35	r	(P-15854/88; A-10923)
1290.40	r	(P-15854/88; A-10923)
1290.50	r	(P-15854/88; A-10923)
1290.55	r	(P-15854/88; A-10923)
1290.60	r	(P-15854/88; A-10923)
1290.70	r	(P-15854/88; A-10923)
1290.80	r	(P-15854/88; A-10923)
1290.90	r	(P-15854/88; A-10923)
1290.100	r	(P-15854/88; A-10923)
1290.110	r	(P-15854/88; A-10923)
1290.120	r	(P-15854/88; A-10923)
1290.130	r	(P-15854/88; A-10923)
1290.135	r	(P-15854/88; A-10923)
1290.140	r	(P-15854/88; A-10923)
1290.150	r	(P-15854/88; A-10923)
1290.160	r	(P-15854/88; A-10923)
1290.170	r	(P-15854/88; A-10923)
1290.180	r	(P-15854/88; A-10923)
1290.190	r	(P-15854/88; A-10923)
1320.20	am	(P-8606/88; A-6994)
1320.30	am	(P-8606/88; A-6994)
1320.40	am	(P-8606/88; A-6994)
1320.50	am	(P-8606/88; A-6994)
1320.55	am	(P-8606/88; A-6994)
1320.60	am	(P-8606/88; A-6994)
1320.70	am	(P-8606/88; A-6994)
1320.80	am	(P-8606/88; A-6994)
1320.90	am	(P-8606/88; A-6994)

TITLE 68 (CONT'D)

1285.100	n	(P-274; O-9594; A-10613) (E-651)
1285.110	n	(P-8571/88; A-483)
1285.120	n	(P-8571/88; A-483)
1285.130	n	(P-8571/88; A-483)
1285.140	n	(P-8571/88; A-483)
1285.250	n	(P-15880/88; A-10925)
1285.255	n	(P-15880/88; A-10925)
1285.260	n	(P-15880/88; A-10925)
1285.265	n	(P-15880/88; A-10925)
1285.270	n	(P-15880/88; A-10925)
1285.275	n	(P-15880/88; A-10925)
1285.310	n	(P-15880/88; A-10925)
1285.320	n	(P-15880/88; A-10925)
1285.330	n	(P-15880/88; A-10925)
1290.10	r	(P-15854/88; A-10923)
1290.10	r	(P-15854/88; A-10923)
1290.20	r	(P-15854/88; A-10923)
1290.30	r	(P-15854/88; A-10923)
1290.35	r	(P-15854/88; A-10923)
1290.40	r	(P-15854/88; A-10923)
1290.50	r	(P-15854/88; A-10923)
1290.55	r	(P-15854/88; A-10923)
1290.60	r	(P-15854/88; A-10923)
1290.70	r	(P-15854/88; A-10923)
1290.80	r	(P-15854/88; A-10923)
1290.90	r	(P-15854/88; A-10923)
1290.100	r	(P-15854/88; A-10923)
1290.110	r	(P-15854/88; A-10923)
1290.120	r	(P-15854/88; A-10923)
1290.130	r	(P-15854/88; A-10923)
1290.135	r	(P-15854/88; A-10923)
1290.140	r	(P-15854/88; A-10923)
1290.150	r	(P-15854/88; A-10923)
1290.160	r	(P-15854/88; A-10923)
1290.170	r	(P-15854/88; A-10923)
1290.180	r	(P-15854/88; A-10923)
1290.190	r	(P-15854/88; A-10923)
1320.20	am	(P-8606/88; A-6994)
1320.30	am	(P-8606/88; A-6994)
1320.40	am	(P-8606/88; A-6994)
1320.50	am	(P-8606/88; A-6994)
1320.55	am	(P-8606/88; A-6994)
1320.60	am	(P-8606/88; A-6994)
1320.70	am	(P-8606/88; A-6994)
1320.80	am	(P-8606/88; A-6994)
1320.90	am	(P-8606/88; A-6994)

600.30	am	(P-19795/88; A-3665)
600.60	am	(P-19795/88; A-3665)
600.80	am	(P-19795/88; A-3665)
600.90	n	(P-19795/88; A-3665)
600.100	n	(P-19795/88; A-3665)
600.110	n	(P-19795/88; A-3665)
610.10	am	(P-19205/88; A-3690)
610.20	am	(P-19205/88; A-3690)
610.30	am	(P-19205/88; A-3690)
610.40	am	(P-19205/88; A-3690)
610.60	am	(P-19205/88; A-3690)
750.1000	r	(P-6934)
750.1000	n	(P-6949)
750.1010	r	(P-6934)
750.1010	r	(P-6949)
750.1010	n	(P-6934)
750.1010	r	(P-6949)
750.2000	r	(P-6934)
750.2000	n	(P-6949)
750.2040	r	(P-6934)
750.2040	n	(P-6949)
750.3000	r	(P-6934)
750.3000	n	(P-6949)
750.3030	n	(P-6949)
750.3030	r	(P-6934)
750.3060	n	(P-6949)
750.3060	r	(P-6934)
750.3070	n	(P-6949)
750.4000	r	(P-6934)
750.4010	n	(P-6934)
750.4020	n	(P-6934)
750.4030	n	(P-6934)
750.4040	n	(P-6934)
750.4050	n	(P-6934)
750.4060	n	(P-6934)
750.4070	r	(P-6934)
750.4080	n	(P-6934)
750.5000	r	(P-6934)
1175.425	am	(E-6810) (P-7185)
1175.600	am	(E-6810) (P-7185)
1200.30	am	(P-11993; C-12648)
1220.110	am	(P-5867/88; A-4191)
1220.120	am	(P-5867/88; A-4191)

TITLE 68

TITLE 68 (CONT'D)

1470.60 n (P-5426)
 1470.70 am (E-5771)
 1470.70 am (P-5426)
 1470.80 am (P-5426)
 1470.90 am (P-5426)
 1470.100 am (P-5426)
 1480.20 am (E-5781; O-9605) (P-5424)
 1500.10 am (P-18100/88; A-3826)
 1500.11 am (P-18100/88; A-3826)

TITLE 71

40.130 am (P-1283; A-6973)
 1510.100 n (P-14813/88; O-3442; R-5210; A-5098)
 1510.110 n (P-14813/88; O-3442; R-5210; A-5098)
 1510.120 n (P-14813/88; O-3442; R-5210; A-5098)
 1510.130 n (P-14813/88; O-3442; R-5210; A-5098)
 1510.140 n (P-14813/88; O-3442; R-5210; A-5098)
 1510.150 n (P-14813/88; O-3442; R-5210; A-5098)
 1510.200 n (P-14813/88; O-3442; R-5210; A-5098)
 1510.210 n (P-14813/88; O-3442; R-5210; A-5098)
 1510.220 n (P-14813/88; O-3442; R-5210; A-5098)
 1510.300 n (P-14813/88; O-3442; R-5210; A-5098)
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 (P-12942) (E-12990)
 790.3032 am (P-12942) (E-12990)
 790.3048 am (P-12942) (E-12990)
 790.3054 am (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 780.3060 am (P-12942) (E-12990)
 790.3085 am (P-16425/88; A-856) (P-12942)
 (E-12990)
 790.3100 am (P-16425/88; A-856)
 790.3220 am (P-12942) (E-12990)
 790.3260 am (P-12942) (E-12990)
 790.3300 am (P-16425/88; A-856) (P-3015;
 A-11717) (E-3108)
 790.3315 am (P-3015; A-11717) (E-3108)
 790.3335 am (P-16425/88; A-856)
 790.3340 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.3420 am (P-12991/88; A-856) (P-3015;
 A-11717) (E-3108) (P-12942)
 (E-12990)
 790.3425 am (P-16425/88; A-856)
 790.3437 am (P-12991/88; A-856) (P-3015;
 A-11717) (E-3108)
 790.3440 n (P-16425/88; A-856)
 790.3475 n (P-16425/88; A-856)
 790.3492 am (P-3015; A-11717) (E-3108)
 790.3500 am (P-16425/88; A-856)
 790.3540 am (P-16425/88; A-856)
 790.3620 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.3700 am (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.3720 n (P-16425/88; A-856)
 790.3730 am (P-12942) (E-12990)
 790.3740 am (P-12942) (E-12990)
 790.3900 am (P-16425/88; A-856)
 790.3907 am (P-12991/88; A-856) (P-12942)
 (E-12990)
 790.3910 n (P-12991/88; P-16425/88; A-856)
 790.3910 am (P-3015; A-11717) (E-3108)
 790.3940 am (P-3015; A-11717) (E-3108)
 790.3945 am (P-16425/88; A-856) (P-12942)
 (E-12990)
 790.4012 am (P-16425/88; A-856) (P-3015;
 A-11717) (E-3108)

TITLE 77 (CONT'D)

790.4040 am (P-16425/88; A-856) (P-3015;
 A-11717) (E-3108) (P-12942)
 (E-12990)
 790.4060 am (P-16425/88; A-856)
 790.4100 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.4140 am (P-12942) (E-12990)
 790.4220 am (P-16425/88; A-856)
 790.4260 am (P-12942) (E-12990)
 790.4300 am (P-3015; A-11717) (E-3108)
 790.4340 am (P-12942) (E-12990)
 790.4380 am (P-12942) (E-12990)
 790.4396 am (P-12991/88; P-16425/88; A-856)
 790.4398 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.4420 am (P-12942) (E-12990)
 790.4430 am (P-16425/88; A-856)
 790.4460 am (P-16425/88; A-856)
 790.4540 am (P-3015; A-11717) (E-3108)
 790.4580 am (P-16425/88; A-856)
 790.4620 am (P-16425/88; A-856)
 790.4660 am (P-16425/88; A-856) (P-3015;
 A-11717) (E-3108) (P-12942)
 (E-12990)
 790.4670 am (P-12991/88; A-856) (P-3015;
 A-11717) (E-3108) (P-12942)
 (E-12990)
 790.4680 am (P-12991/88; A-856) (P-12942)
 (E-12990)
 790.4720 am (P-12991/88; P-16425/88; A-856)
 (P-12942) (E-12990)
 790.4740 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.4820 am (P-16425/88; A-856)
 790.4900 am (P-12942) (E-12990)
 790.4960 n (P-16425/88; A-856)
 790.4963 n (P-12942) (E-12990)
 790.4965 n (P-12942) (E-12990)
 790.5020 am (P-12942) (E-12990)
 790.5060 am (P-16425/88; A-856)
 790.5140 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.5180 am (P-16425/88; A-856)
 790.5220 am (P-12991/88; A-856) (P-3015;
 A-11717) (E-3108)
 790.5300 am (P-16425/88; A-856) (P-12942)
 (E-12990)
 790.5312 am (P-12991/88; A-856) (P-3015;
 A-11717) (E-3108) (P-12942)
 (E-12990)
 790.5320 n (P-12942) (E-12990)
 790.5380 am (P-12942) (E-12990)

TITLE 77 (CONT'D)

790.5420 am (P-16425/88; A-856) (P-3015;
 A-11717) (E-3108)
 790.5483 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.5520 n (P-16425/88; A-856)
 790.5530 am (P-16425/88; A-856)
 790.5540 am (P-16425/88; A-856) (P-3015;
 A-11717) (E-3108) (P-12942)
 (E-12990)
 790.5544 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.5555 n (P-12942) (E-12990)
 790.5560 n (P-16425/88; A-856)
 790.5620 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.5640 n (P-12991/88; A-856)
 790.5660 am (P-3015; A-11717) (E-3108)
 790.5740 am (P-12942) (E-12990)
 790.5780 am (P-3015; A-11717) (E-3108)
 790.5792 am (P-12991/88; P-16425/88; A-856)
 (P-12942) (E-12990)
 790.5795 n (P-16425/88; A-856)
 790.5807 am (P-16425/88; A-856) (P-3015;
 A-11717) (E-3108)
 790.5820 am (P-12991/88; P-16425/88; A-856)
 790.5830 am (P-12991/88; P-16425/88; A-856)
 (P-12942) (E-12990)
 790.5835 am (P-12942) (E-12990)
 790.5837 n (P-12991/88; A-856)
 790.5840 am (P-16425/88; A-856)
 790.5872 am (P-16425/88; A-856)
 (P-12942) (E-12990)
 790.5893 am (P-16425/88; A-856)
 790.5900 am (P-16425/88; A-856) (P-12942)
 (E-12990)
 790.5924 am (P-12991/88; A-856) (P-3015;
 A-11717) (E-3108)
 790.5940 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.5980 am (P-16425/88; A-856)
 790.5992 am (P-3015; A-11717) (E-3108)
 (P-12942) (E-12990)
 790.6140 am (P-16425/88; A-856)
 790.6180 am (P-3015; A-11717) (E-3108)
 790.6260 am (P-16425/88; A-856) (P-3015;
 A-11717) (E-3108)
 790.6275 am (P-12991/88; P-16425/88; A-856)
 (P-3015; A-11717) (E-3108)
 790.6280 am (P-16425/88; A-856)
 790.6284 am (P-16425/88; A-856) (P-12942)
 (E-12990)

TITLE 77 (CONT'D)

830.560	r	(P-3325/88; A-2090)
830.570	r	(P-3325/88; A-2090)
830.600	am	(P-3325/88; A-2090)
830.610	r	(P-3325/88; A-2090)
830.620	am	(P-3325/88; A-2090)
830.630	am	(P-3325/88; A-2090)
830.640	am	(P-3325/88; A-2090)
830.650	am	(P-3325/88; A-2090)
830.660	r	(P-3325/88; A-2090)
830.670	r	(P-3325/88; A-2090)
830.700	am	(P-3325/88; A-2090)
830.800	n	(P-3325/88; A-2090)
830.800	n	(P-3325/88; A-2090)
830.820	am	(P-3325/88; A-2090)
830.830	n	(P-3325/88; A-2090)
830.840	n	(P-3325/88; A-2090)
830.850	n	(P-3325/88; A-2090)
830.860	n	(P-3325/88; A-2090)
830.870	n	(P-3325/88; A-2090)
830.870	n	(P-3325/88; A-2090)
830.II.A	n	(P-3325/88; A-2090)
830.II.B	n	(P-3325/88; A-2090)
855.10	am	(P-6564/88; A-2768)
855.20	am	(P-6564/88; A-2768)
855.50	am	(P-6564/88; A-2768)
855.55	n	(P-6564/88; A-2768)
855.60	am	(P-6564/88; A-2768)
855.70	am	(P-6564/88; A-2768)
855.80	am	(P-6564/88; A-2768)
855.130	am	(P-6564/88; A-2768)
855.140	am	(P-6564/88; A-2768)
855.180	am	(P-6564/88; A-2768)
855.220	am	(P-6564/88; A-2768)
855.240	am	(P-6564/88; A-2768)
855.260	am	(P-6564/88; A-2768)
855.270	am	(P-6564/88; A-2768)
855.275	n	(P-6564/88; A-2768)
855.280	am	(P-6564/88; A-2768)
855.290	am	(P-6564/88; A-2768)
855.300	am	(P-6564/88; A-2768)
855.330	n	(P-6564/88; A-2768)
855.340	n	(P-6564/88; A-2768)
855.345	n	(P-6564/88; A-2768)
855.350	n	(P-6564/88; A-2768)
855.355	n	(P-6564/88; A-2768)
855.360	n	(P-6564/88; A-2768)
855.Ap.A	am	(P-6564/88; A-2768)
855.Ap.B	am	(P-6564/88; A-2768)
855.Ap.C	n	(P-6564/88; A-2768)
855.Ap.D	n	(P-6564/88; A-2768)
855.Ap.E	n	(P-6564/88; A-2768)
855.Ap.F	n	(P-6564/88; A-2768)
855.Ap.G	n	(P-6564/88; A-2768)
855.Ap.H	n	(P-6564/88; A-2768)

TITLE 77 (CONT'D)

790.9100	am	(P-3015; A-1171) (E-3108)
790.9140	am	(P-12942) (E-12990)
790.9180	am	(P-12942) (E-12990)
790.9220	am	(P-3015; A-1171) (E-3108)
790.9320	am	(P-3015; A-1171) (E-3108)
790.9380	am	(P-3015; A-1171) (E-3108)
790.9420	am	(P-12942) (E-12990)
790.9475	am	(P-3015; A-1171) (E-3108)
790.9486	am	(P-12991/88; P-16425/88; A-856)
790.9500	am	(P-12942) (E-12990)
790.9530	am	(P-12991/88; P-16425/88; A-856)
820.210	am	(P-12990)
830.10	am	(P-3325/88; A-2090)
830.20	n	(P-3325/88; A-2090)
830.100	am	(P-3325/88; A-2090)
830.110	am	(P-3325/88; A-2090)
830.120	am	(P-3325/88; A-2090)
830.130	am	(P-3325/88; A-2090)
830.140	am	(P-3325/88; A-2090)
830.150	r	(P-3325/88; A-2090)
830.160	r	(P-3325/88; A-2090)
830.170	r	(P-3325/88; A-2090)
830.180	r	(P-3325/88; A-2090)
830.250	am	(P-3325/88; A-2090)
830.260	am	(P-3325/88; A-2090)
830.270	am	(P-3325/88; A-2090)
830.280	r	(P-3325/88; A-2090)
830.290	n	(P-3325/88; A-2090)
830.300	n	(P-3325/88; A-2090)
830.310	n	(P-3325/88; A-2090)
830.315	r	(P-3325/88; A-2090)
830.400	am	(P-3325/88; A-2090)
830.410	am	(P-3325/88; A-2090)
830.420	r	(P-3325/88; A-2090)
830.430	am	(P-3325/88; A-2090)
830.440	am	(P-3325/88; A-2090)
830.450	am	(P-3325/88; A-2090)
830.460	am	(P-3325/88; A-2090)
830.500	am	(P-3325/88; A-2090)
830.510	r	(P-3325/88; A-2090)
830.520	am	(P-3325/88; A-2090)
830.530	am	(P-3325/88; A-2090)
830.540	am	(P-3325/88; A-2090)

TITLE 77 (CONT'D)

790.7280	am	(P-16425/88; A-856) (P-3015; A-1171) (E-3108)
790.7288	n	(P-16425/88; A-856)
790.7288	am	(P-3015; A-1171) (E-3108)
790.7291	am	(P-12942) (E-12990)
790.7296	n	(P-12942) (E-12990)
790.7400	am	(P-12991/88; A-856) (P-3015; A-1171) (E-3108)
790.7420	am	(P-12942) (E-12990)
790.7500	am	(P-3015) (E-3108)
790.7540	am	(P-12991/88; P-16425/88; A-856)
790.7540	am	(P-16425/88; A-856)
790.7660	am	(P-12942) (E-12990)
790.7700	am	(P-16425/88; A-856) (P-3015; A-1171) (E-3108)
790.7820	am	(P-3015; A-1171) (E-3108)
790.7828	am	(P-12991/88; P-16425/88; A-856)
790.8015	am	(P-12942) (E-12990)
790.8020	am	(P-3015; A-1171) (E-3108)
790.8136	am	(P-12942) (E-12990)
790.8140	am	(P-3015; A-1171) (E-3108)
790.8232	am	(P-12942) (E-12990)
790.8248	r	(P-3015; A-1171) (E-3108)
790.8260	am	(P-12991/88; A-856) (P-3015; A-1171) (E-3108)
790.8378	am	(P-16425/88; A-856)
790.8380	am	(P-16425/88; A-856)
790.8420	am	(P-3015; A-1171) (E-3108)
790.8500	am	(P-12942) (E-12990)
790.8580	am	(P-16425/88; A-856) (P-3015; A-1171) (E-3108)
790.8700	am	(P-16425/88; A-856) (P-3015; A-1171) (E-3108)
790.8724	am	(P-3015; A-1171) (E-3108)
790.8740	am	(P-3015; A-1171) (E-3108)
790.8900	am	(P-16425/88; A-856) (P-3015; A-1171) (E-3108)
790.8940	am	(P-16425/88; A-856) (P-3015; A-1171) (E-3108)
790.8980	am	(P-12942) (E-12990)
790.9020	am	(P-12991/88; A-856) (P-3015; A-1171) (E-3108)
790.9035	am	(P-16425/88; A-856)
790.9045	am	(P-12942) (E-12990)
790.9048	n	(P-12942) (E-12990)
790.9060	am	(P-12991/88; P-16425/88; A-856)
790.9084	am	(P-3015; A-1171) (E-3108)
790.9084	am	(P-12991/88; A-856) (P-3015; A-1171) (E-3108)

TITLE 77 (CONT'D)

II. H n (P-6564/88; A-2768)
II. I n (P-6564/88; A-2768)
855.Ap. C n (P-6564/88; A-2768)
II. A n (P-6564/88; A-2768)
II. B n (P-6564/88; A-2768)
II. C n (P-6564/88; A-2768)
II. D n (P-6564/88; A-2768)
II. E n (P-6564/88; A-2768)
II. F n (P-6564/88; A-2768)
890.120 am (P-4543)
890.620 am (P-4543)
890.630 am (P-4543)
890.640 am (P-4543)
890.730 am (P-4543)
890.820 am (P-4543)
890.830 am (P-4543)
890.920 am (P-4543)
890.1040 am (P-4543)
890.1070 am (P-4543)
890.1110 am (P-4543)
890.1210 am (P-4543)
890.1410 am (P-4543)
890.1460 am (P-4543)
890.1540 am (P-4543)
890.1550 am (P-4543)
890.1620 am (P-4543)
890.1640 am (P-4543)
890.1650 am (P-4543)
890.1720 am (P-4543)
890.1750 am (P-4543)
890.2000 am (P-4543)
890.2110 am (P-4543)
890.3010 n (P-4543)
890.3020 n (P-4543)
890.3030 n (P-4543)
890.3040 n (P-4543)
890.3050 n (P-4543)
890.3060 n (P-4543)
890.3070 n (P-4543)
890.3080 n (P-4543)
890.3090 n (P-4543)
890.4000 n (P-4543)
900.10 am (P-17206/88; A-12578)
900.15 n (P-17206/88; A-12578)
900.20 am (P-17206/88; A-12578)
900.30 am (P-17206/88; A-12578)
900.40 am (P-17206/88; A-12578)
900.50 am (P-17206/88; A-12578)
900.60 am (P-17206/88; A-12578)
900.65 n (P-17206/88; A-12578)
900.70 am (P-17206/88; A-12578)
900.80 am (P-17206/88; A-12578)
900.90 am (P-17206/88; A-12578)
900.100 am (P-17206/88; A-12578)
900.Tb.C am (P-17206/88; A-12578)
906.10 n (P-19332/88; A-12608)

TITLE 77 (CONT'D)

906.20 n (P-19332/88; A-12608)
906.25 n (P-19332/88; A-12608)
906.30 n (P-19332/88; A-12608)
906.40 n (P-19332/88; A-12608)
906.50 n (P-19332/88; A-12608)
906.60 n (P-19332/88; A-12608)
906.70 n (P-19332/88; A-12608)
906.Ap.A n (P-19332/88; A-12608)
II.A n (P-19332/88; A-12608)
II.B n (P-19332/88; A-12608)
II.C n (P-19332/88; A-12608)
II.D n (P-19332/88; A-12608)
II.E n (P-19332/88; A-12608)
II.F n (P-19332/88; A-12608)
II.G n (P-19332/88; A-12608)
II.H n (P-19332/88; A-12608)
II.I n (P-19332/88; A-12608)
Ex. A n (P-19332/88; A-12608)
Ex. B n (P-19332/88; A-12608)
Ex. C n (P-19332/88; A-12608)
Ex. D n (P-19332/88; A-12608)
Ex. E n (P-19332/88; A-12608)
Ex. F n (P-19332/88; A-12608)
Ex. G n (P-19332/88; A-12608)
Ex. H n (P-19332/88; A-12608)
Ex. I n (P-19332/88; A-12608)
910.5 am (P-8282)
910.10 am (P-8282)
910.15 am (P-8282)
910.20 am (P-8282)
910.30 am (P-8282)
910.40 am (P-8282)
910.50 am (P-8282)
910.60 am (P-8282)
910.70 am (P-8282)
910.80 am (P-8282)
920.30 am (P-17233/88; A-11796)
920.50 am (P-17233/88; A-11796)
920.70 am (P-17233/88; A-11796)
920.80 am (P-17233/88; A-11796)
920.90 am (P-17233/88; A-11796)
920.120 am (P-17233/88; A-11796)
920.130 am (P-17233/88; A-11796)
920.150 am (P-17233/88; A-11796)
920.150 am (P-17233/88; A-11796)
925.15 n (P-17252/88; A-11816)
925.30 am (P-17252/88; A-11816)
925.40 am (P-17252/88; A-11816)
1100.40 r (P-5596)
1100.220 am (P-5596)
1100.560 am (P-5596)
1100.570 am (P-5596)
1100.620 am (P-5596)
1100.630 am (P-5596)
1100.660 am (P-5596)
1110.30 am (P-5619)

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120.62	am	(E-11929)
120.63	am	(E-11929)
120.70	am	(P-3281)
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640.135	n	(P-1485; A-9374)
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455.30	r	(P-1987/88; A-6787)
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600.110	n	(P-1448; A-9336)
600.115	n	(P-1448; A-9336)
600.120	n	(P-1448; A-9336)
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610.105	n	(P-1460; A-9336)
610.110	n	(P-1460; A-9336)
610.115	n	(P-1460; A-9336)
610.120	n	(P-1460; A-9336)
610.125	n	(P-1460; A-9336)
610.130	n	(P-1460; A-9336)
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620.110	n	(P-1468; A-9357)
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630.110	n	(P-1473; A-9362)
630.115	n	(P-1473; A-9362)
630.120	n	(P-1473; A-9362)
630.125	n	(P-1473; A-9362)
630.130	n	(P-1473; A-9362)
630.135	n	(P-1473; A-9362)
640.105	n	(P-1485; A-9374)
640.110	n	(P-1485; A-9374)
640.115	n	(P-1485; A-9374)
640.120	n	(P-1485; A-9374)
640.125	n	(P-1485; A-9374)
640.130	n	(P-1485; A-9374)
640.135	n	(P-1485; A-9374)
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650.105	n	(P-1493; A-9383)
650.110	n	(P-1493; A-9383)
650.115	n	(P-1493; A-9383)
650.120	n	(P-1493; A-9383)
1910.5	n	(P-8790)
1910.10	am	(P-8790)
1910.20	am	(P-8790)
1910.25	n	(P-8790)
1910.30	am	(P-8790)
1910.40	am	(P-8790)
1910.50	#	(P-8790)
1910.60	am	(P-8790)
1910.63	n	(P-8790)
1910.65	n	(P-8790)
1910.67	#	(P-8790)
1910.67	am	(P-8790)
1910.68	n	(P-8790)
1910.69	n	(P-8790)
1910.70	am	(P-8790)
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104.285	am	(P-2958)
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