

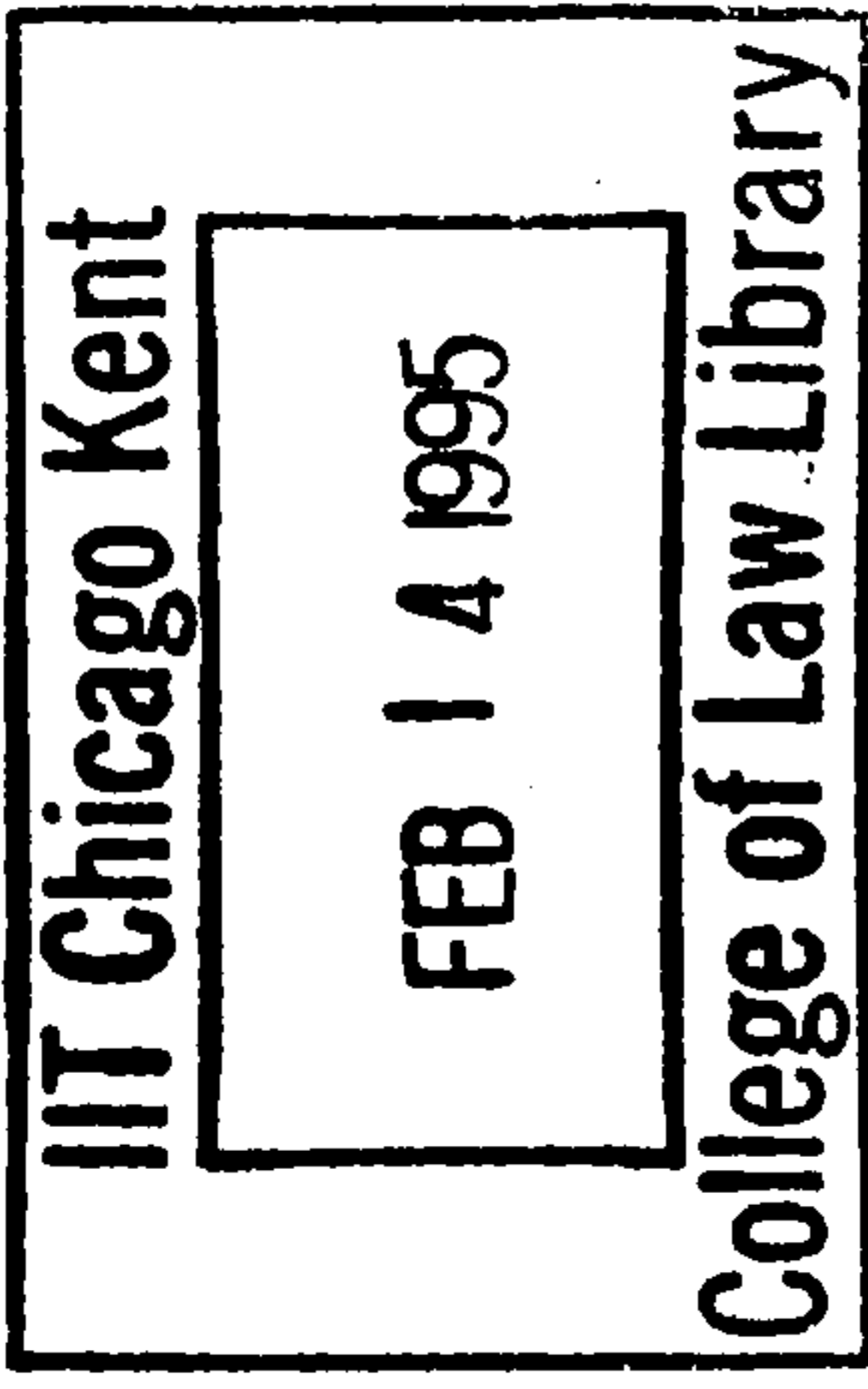
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1995

Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 06— Feb. 10, 1995

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Administrative Code Div.
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Springfield, IL 62756
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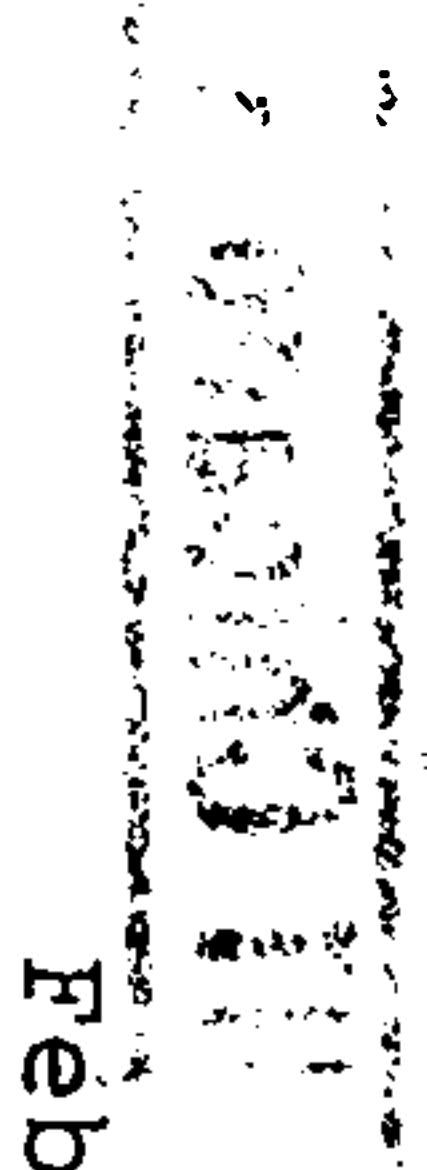


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June 27, 1995	July 7, 1995		July 7, 1995				

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

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services

2) Code Citation: 77 Ill. Adm. Code 2090

3) Section Numbers: Proposed Action:

2090.35 Amended

2090.90 Amended

2090.100 Amended

2090.110 Amended

4) Statutory Authority: Illinois Alcoholism and Other Drug Dependency Act, 20 ILCS 301/5-10.

5) A Complete Description of the Subjects and Issues Involved: Additional quality criteria are set for Medicaid Certification and the Department's audit process is clarified. Also the required reporting procedure is clarified.

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

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

8) Does this rulemaking contain an incorporation by reference? No.

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

10) Statement of Statewide Policy Objectives: A Statement of Statewide Policy Objectives is not necessary.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons should address their written comments concerning these rules within (45) days to:

Nancy J. Bennett, General Counsel
Department of Alcoholism and Substance Abuse

James R. Thompson Center
100 W. Randolph Street, Suite 5-600

Chicago, Illinois 60601

312/814-6329

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: For profit and not-for-profit individuals, corporations, or other entities that perform Medicaid reimbursable substance abuse treatment services.

B) Reporting, bookkeeping or other procedures required for compliance: The reporting format is standardized.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

13) Types of professional skills necessary for compliance: No new or additional professional skills are necessary.

The full text of the Proposed Rule begins on the following page of this issue of the Illinois Register:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
 SUBCHAPTER 9: MEDICAID PROGRAM STANDARDS

PART 2090
 SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section	
2090.10	Purpose
2090.20	Definitions
2090.30	Medicaid Enrollment Licensure
2090.35	General Requirements
2090.40	Reimbursable Services
2090.50	Utilization Review
2090.60	Recordkeeping
2090.70	Rate Setting
2090.80	Rate Appeals
2090.90	Application and Certification Process
2090.100	Recertification and Inspection
2090.110	Sanctions for Non-Compliance/Audits

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6354-1) [20 ILCS 301/5-10].

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 2090.35 General Requirements

- a) A physician must review and approve the eligible client's diagnosis and treatment plan within fourteen days after initial service. Medical involvement and treatment plan development and review shall be consistent with 77 Ill. Adm. Code 2058.321, 2058.333 and 2058.336. A Qualified Treatment Professional shall develop and review treatment plans according to the following review times:
- 1) upon admission, transfer, and discharge;
 - 2) upon a change in the level of client functioning such as, but not limited to, when treatment plan objectives are met or new problems or needs are identified;
 - 3) at times specified for review in the individualized treatment plan;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

- 4) at the end of the estimated length of treatment and thereafter on the revised estimate of additional length of treatment; or
 - 5) every ninety days, whichever comes first.
- b) The provider shall submit Medicaid claims on a timely basis. Claims shall be submitted as soon after the service date as is reasonable unless there is good cause for later submission. In any event, if a clean claim for a service provided within a State Fiscal Year is not submitted to the State on a timely enough basis to be paid within the State Fiscal Year lapse period, the provider must pursue reimbursement through the Court of Claims. Claims submitted later than 12 months from the date of service shall not be reimbursed by the State.
- c) The provider shall report, on a monthly basis, service data as required by DASA's Automated Reporting and Tracking System (DARTS). The Department will supply DARTS software.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 2090.90 Application and Certification Process

- a) Applications may be obtained by submitting a request in writing to:
- Illinois Department of Alcoholism and Substance Abuse
 James R. Thompson Center
 Quality Assurance Certification Unit
 100 West Randolph Street
 Suite 5-600
 Chicago, IL 60601
- b) The Department shall forward the application materials not later than 15 calendar days after receipt of the request.
- c) Applicants for new certification will be accepted from programs which have been in business at least two years (or whose parent company has). Applicants shall demonstrate two years of experience in providing quality substance abuse services of the kind for which certification is being requested and for the type of population which will be served.
- d) Applicants shall submit documentation of the following:
- 1) solvency of the organization;
 - 2) number and type of people served in the previous two years in the category for which certification is sought (by culture, by drug choice, by gender, by income level etc.);
 - 3) quality assurance standards and utilization review processes consistent with Section 2090.50 (documentation of the program's quality assurance system and UR policy with the program's clinical standards) which have been used for the previous two years, plus a copy of the two most recent utilization review reports;
 - 4) outcome measures used for the past two years and statistics on the program's patient outcomes;

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

requirements of this Part including the appropriate state licensure for each enrolled treatment service category. This statement shall be signed by the Authorized Program Representative of the facility.

C) Copies of the all UR reports since the date of last certification and of the current UR policies and procedures.

D) Results of the program's outcome evaluations since the date of last certification.

2) Providers who receive funding from the Department shall be in compliance with 77 Ill. Adm. Code 2030 Subparts D, G, and Section 2030.710 and 2030.740.

3) Providers who do not receive funding from the Department shall submit one copy of the all annual audit audit(s) during the previous certification period, according to the standards established in 77 Ill. Adm. Code 2030.620, and two copies of statistical and financial data submitted on forms required by the Department.

4) The Department shall review the program to determine whether certification may be re-approved based on the criteria set forth in Section 2090.90, and as evidenced by the program's history of compliance and performance and the recertification material.

5) Should recertification be denied the provider will be given thirty (30) days notice in writing with a reason for the denial, and will arrange for transfer of Medicaid clients as appropriate. The provider may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000. Certification shall not remain in effect pending the hearing.

b) Inspections

1) The Department shall conduct inspections of providers certified under this Part to enforce compliance with provisions of this Part.

2) The Department inspectors shall be granted access to all facilities and service areas, client records, and all other records required under this Part.

c) The provider shall notify the Department in writing within 30 days of any changes in policies or procedures required in this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 2090.110 Sanctions for Non-Compliance/Audits

a) Failure to comply with the requirements of this Part shall result in the provider being issued a written warning or having its certification suspended or terminated for the Illinois Medical Assistance Program.

b) The Department shall issue a written warning to a certified provider who has failed to comply with Sections 2090.40(a)(1), (3) or (4),

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF PROPOSED AMENDMENTS

(b)(1), (3) or (4), (c)(1), (3) or (4), (d)(1), (3) or (4), (e)(1) or (3), (f)(1), (3) or (4), (g), (h), or 2090.50 or 2090.60.

1) Where a certified provider has been determined to have violated the provisions specified in subsection (b), the Department shall notify the provider in writing of the deficiencies.

2) The provider shall have a maximum of 60 calendar days from the date of the written notice to correct the cited deficiencies.

c) The Department may also conduct post-payment audits based on volume of billings, complaints, identified deficiencies or non-compliance with this Part, or pursuant to a random selection process as necessary to monitor for compliance with this Part.

d) The Department shall audit a statistically significant randomly selected sampling of client records at the audited program.

e) The Department shall follow the recoupment formula approved by the Department of Public Aid, should the audit result in recoupment.

f) Upon completion of the post-payment audit the Department shall submit written notification to the program regarding audit findings and amounts determined to be recoupable. The program shall respond to the notification within 15 days with supporting documentation regarding the recoupment amount. If such documentation proves that the recoupment amount is inaccurate, the amount shall be revised. The program may also request a 100% audit. The department may reduce future payments at a percentage per month or in a lump sum, or demand repayment in a lump sum.

ge) The Department and the Department of Public Aid shall jointly initiate administrative proceedings pursuant to 89 Ill. Adm. Code 140(c) to suspend or terminate certification and eligibility to participate in the Illinois Medical Assistance Program where the provider:

1) Has failed to comply with Section 2090.40(a)(2), (b)(2), (c)(2), (d)(2), (e)(2) or (f)(2) or

2) Has failed to comply with subsection (b)(2) or

3) Does not have a valid license for an enrolled treatment service category issued by the appropriate licensing authority;

4) Meets any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16.

hd) The Department shall immediately refer evidence of billing discrepancies or suspected improprieties to the Department of Public Aid for further action or may initiate post-payment audits.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

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

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Farm Development Authority

2) Code Citation: 8 Ill. Adm. Code 1400

3) Section Numbers: Proposed Action: 1400.146 Amendment 1400.147 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 5, par. 1207 (20 ILCS 3605/7)

5) A Complete Description of the Subjects and Issues Involved: The changes to Sections 1400.146 and 1400.147 are to incorporate Public Act 88-0571.

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

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

8) Do these proposed amendments contain incorporations by reference? No.

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

10) Statement of Statewide Policy Objectives: Not applicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All interested persons are invited to submit their written comments on the proposed action at any time during the first notice period to:

Laura A. Lanterman
Chief Financial Officer
Illinois Farm Development Authority
427 East Monroe Street, Suite 201
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: January 25, 1995.

B) Types of small businesses affected: Farms.

C) Reporting, bookkeeping or other procedures required for compliance: No new measures are required by the proposed amendments.

D) Types of professional skills necessary for compliance: No new skills are required by the proposed amendments.

Ken

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER VII: ILLINOIS FARM DEVELOPMENT AUTHORITYPART 1400
ILLINOIS FARM DEVELOPMENT AUTHORITY

Section	
1400.10	Definitions
1400.20	Composition, Appointment and Terms of Office
1400.30	Officers
1400.40	Executive Director
1400.50	Meetings
1400.60	Quorum
1400.70	Reimbursement
1400.80	Rules of Order
1400.90	Records and Reports
1400.100	Public Participation
1400.110	Rulemaking Procedures
1400.120	Purchasing Rules and Regulations
1400.130	Rules and Guidelines Applicable to All Bond Programs
1400.140	Bond Programs and Rules Applicable to Each
1400.145	Rules and Guidelines Applicable to the Interest Buy Down Program
1400.146	Rules and Guidelines Applicable to the Young Farmer Guarantee Program
1400.147	Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt
1400.148	Rules and Guidelines Applicable to the Farm Debt Relief Program
1400.149	Rules and Guidelines Applicable to the State Guarantee Program for Agri-Industries
1400.150	Seal
1400.160	Principal Office
1400.170	Revision
1400.180	Construction; Waiver; Severability
ILLUSTRATION A	OIALP Regions (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Farm Development Act (Ill. Rev. Stat. 1991, ch. 5, par. 1201 et seq.) [20 ILCS 3605] and by the Farm Credit Allocation Act (Ill. Rev. Stat. 1991, ch. 5, par. 1251 et seq.) [20 ILCS 3610].

SOURCE: Emergency rules adopted at 6 Ill. Reg. 9340, effective July 15, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 242, effective December 22, 1982; emergency amendment at 8 Ill. Reg. 363, effective December 27, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 8489, effective May 31, 1984; emergency amendment at 9 Ill. Reg. 8186, effective May 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 15493, effective October 1, 1985; emergency amendment at 9 Ill. Reg. 17879, effective October 31, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 2059, effective January 10, 1986,

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4599, effective February 28, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11001, effective June 9, 1986; amended at 11 Ill. Reg. 3862, effective February 27, 1987; amended at 11 Ill. Reg. 9894, effective May 12, 1987; amended at 12 Ill. Reg. 11219, effective June 20, 1988; amended at 13 Ill. Reg. 2440, effective February 10, 1989; amended at 13 Ill. Reg. 14376, effective August 30, 1989; amended at 17 Ill. Reg. 3618, effective March 5, 1993; amended at 17 Ill. Reg. 15808, effective September 10, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 1400.146 Rules and Guidelines Applicable to the Young Farmer Guarantee Program

- a) General Description of Program. The Young Farmer Guarantee Program (YFG) is designed to enhance credit availability to younger farmers who are purchasing capital assets. Loan funds may be used for new purchases of capital assets such as land, buildings, machinery, equipment, breeding livestock, soil and water conservation projects, etc. In some cases, up to 50% of the loan proceeds may be used to refinance existing debt as needed to improve lien positions. The provisions of this Section are applicable only to the YFG.
- b) Definitions Applicable to the YFG.

"Applicant" means a farmer whose application for a Young Farmer Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in trusts; payments or grants; and any other assets. (Ill. Rev. Stat. 1991, ch. 5, par. 1202) [20 ILCS 3605/2]

"Debt to Asset Ratio" means total outstanding liabilities, including any debt to be financed or refinanced under this Section, divided by total outstanding assets. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

"Fund" means the Illinois Farmer and Agribusiness Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on young farmer guarantee loans. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

"Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 U.S.C. 61).

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments accrued; interest payable; and any other liability. (Ill. Rev. Stat. 1991, ch. 5, par. 1202) (20 ILCS 3605/2)

"YFG Loan" means an installment note for which the State of Illinois shall be liable for 85% of the total principal and interest as determined by the Authority.

"Young Farmer" means a resident of Illinois who is at least eighteen (18) years of age, who is a principal operator of a farm or land, who derives or will derive at least 50% of gross annual income from farming, who has a net worth of not less than \$10,000 nor more than \$250,000, and whose debt to asset ratio is not less than 40%. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) (20 ILCS 3605/12.4)

must: 1) be at least eighteen (18) years of age and maintain his principal residence in the State; 2) be the principal operator of a farm who derives or will derive at least 50% of annual gross income from farming; 3) have a debt to asset ratio of 40% to 70% after purchase of the capital item and have a net worth of not less than \$10,000 and not more than \$250,000;

4) demonstrate the ability to adequately service the proposed debt. If this ability is not adequately demonstrated, he can have a guarantor sign the note with him and/or pledge additional collateral for the loan;

5) provide sufficient collateral to secure the YFG loan and agree to keep it adequately collateralized in the future. All real estate and depreciable property which is to be used as collateral on a YFG loan must be evaluated by a qualified appraiser. All real estate appraisals must meet Federal regulatory requirements and meet the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. Auctioneers and machinery and equipment dealers are qualified to appraise depreciable property. The applicant is liable for all appraisal fees connected with the YFG loan;

6) certify that all of his debts will be current at the time the YFG loan is closed. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) (20 ILCS 3605/12.4)

d) Limitations: 1) YFG loans shall not exceed \$300,000 per young farmer. A young farmer may use this program more than once provided the aggregated principal amount of YFG loans to that young farmer does not exceed \$300,000. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) (20 ILCS 3605/12.4)

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

2) each YFG loan shall be set up on a payment schedule not to exceed 30 years, but shall be no longer than 15 years in duration. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) (20 ILCS 3605/12.4) The payment schedule for the loan will be tailored to the applicant's collateral and cash flow. Real estate loans may be amortized up to twenty-five years with a fifteen year balloon. Loans with depreciable property as collateral will be amortized over a shorter period. 3) The YFG loan can be fully or partially paid at any time while the loan is outstanding as long as the loan is held in the lender's portfolio and not sold into a secondary market. YFG loans may not be assumed.

e) Application Procedures and Review. 1) Lenders shall apply for the YFG loans on forms provided by the Authority. The application shall at a minimum contain the young farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the application, and the collateral to be used to secure the state guarantee. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority. 2) Lenders shall certify that the application and any other documents submitted are true and correct.

3) Each applicant shall pay a \$300 application fee which will be submitted to the Authority at the time of the application. At the time the loan is closed, the applicant will be required to pay a closing fee of 3/4 of 1% of the YFG loan amount less the \$300 application fee. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State guarantee loan amount. The lender shall charge no fees or points in addition to those outlined herein. The applicant shall be responsible for paying any fee or charge involved in recording mortgages, releases, financing statements, insurance for secondary market issues, and any other similar fee or charge that the authority may require. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) (20 ILCS 3605/12.4)

4) When a State guarantee application is submitted to the Authority, it is complete and whether it meets the criteria established by the Act and this Section. When the Authority has completed the review of the guarantee application, the application shall be presented, along with a statement of recommended action, to the Board for review at its next regularly scheduled meeting. The review shall include whether the applicant and lender are in compliance with the requirements of the program. The review

to Kellie

ILLINOIS FARM DEVELOPMENT AUTHORITY

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shall also include an evaluation of collateral, percentage of loan, debt to asset ratio, cash flow, etc.

- 5) The Board shall approve the application and provide the Guarantee, pursuant to the Act and this Section; or, deny the application and serve upon the lender and applicant a written statement of the grounds for the denial.
- 6) If the application is denied, the applicant and the lender may request reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. The request should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the request at its next scheduled meeting, and shall either approve or deny the application. A denial of a request for reconsideration shall be final.
- 7) Upon approval of an application and receipt of the documentation necessary to prepare loan closing documents, a YFG Loan Closing Documents package, which contains all the appropriate forms and documents to execute, shall be prepared by the Authority and sent to the lender. Upon completion of all such forms and documents by the applicant, lender and Authority and after satisfaction of all loan closing requirements, the YFG loan guarantee will be considered in force.
- f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guarantee to any lender if, in addition to meeting the other criteria described in the Act and this Section, the lender:
 - 1) charges a fixed or adjustable interest rate that the Authority determines to be below the market rate of interest generally available to the borrower. If both the lender and applicant agree, the interest rate on the YFG loan can be converted to a fixed interest rate at any time during the term of the loan;
 - 2) agrees to pay to the authority an annual fee equal to 25 basic points on the loan;
 - 3) agrees to complete and certify that, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents submitted;
 - 4) identifies collateral acceptable to the Authority in accordance with subsection (h) that is at least equal to the State Guarantee loan request;
 - 5) assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting the Authority;
 - 6) assumes responsibility for and agrees to absorb the first 15% loss of the outstanding principal of the note for which the State Guarantee has been applied;
 - 7) assumes responsibility for the timely collection and disposition of collateral on a YFG loan that is in default; provided, however, that the lender shall not collect or dispose of

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- collateral on the YFG loan without the express written prior approval of the Authority. Approval shall be granted if the collateral is disposed of in a commercial manner, which nets an amount closely approximating the value of the collateral;
- 8) agrees that the Authority has final approval on the sale of all collateral for the YFG loan. After the sale of collateral, the State shall be reimbursed its 85% guaranteed portion of the principal balance at default. If funds from the sale of collateral remain after this payment, the lender shall be reimbursed its 15% of the principal balance at default. If excess funds remain after paying the principal to the State and lender, then the State and lender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's portion.
 - g) The YFG loan shall be reviewed annually by the lender and IFDA for adequacy of collateral and performance by the applicant. The applicant is required to provide the lender with a current financial statement annually.
 - 1) If it is determined that there is not sufficient collateral to adequately secure the YFG loan, additional collateral may be required. If the applicant is unwilling or unable to pledge additional collateral, the YFG loan may be called due and payable.
 - 2) If a YFG loan is going to be called for any reason, written notice which specifies the reasons for said action must be served to all parties (IFDA, lender, and borrower) not less than ninety days prior to call of the loan.
 - 3) Failure of the applicant to make any payment on or before its due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire YFG loan. The YFG loan cannot be reinstated after the 90-day delinquency period.
 - h) In the event of default that is not cured within ninety days or in the event a loan is called for any reason, the Authority shall make payment of the guaranteed portion of the YFG loan to the holder of the guarantee. This payment shall be equal to the sum of:
 - 1) 85% of the principal balance as of the date of default or date of call less any proceeds received from sales of collateral;
 - 2) 85% of the interest balance as of the date of default or call; and
 - 3) 85% of the interest accrued from the date of default or call until the date payment is made up to a maximum of 120 days.
 - i) The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be used to secure State guarantee on YFG loans. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.4) [20 ILCS 3605/12.4]

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- 1) The Authority shall guarantee up to \$35,000,000 in loans through the YFG and SGP. The Illinois Farmer and Agribusiness Loan Guarantee Fund shall be funded with \$10,000,000 to cover any losses under these programs.
- 2) The Authority shall direct payments from this fund to guarantee holders as described in subsection (h) above.
- 3) Monies returned to the State on the disposition of collateral as described in subsection (f) above shall be deposited to this fund.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1400.147 Rules and Guidelines Applicable to the State Guarantee Program for Restructuring Agricultural Debt

- a) General Description of Program. The State Guarantee Program ("SGP") is intended to provide farmers who are experiencing financial difficulties caused by high interest rates and low commodity prices with a debt restructuring schedule to consolidate and spread out existing debt over a longer term at a reduced interest rate so that farmers will be able to continue existing farming operations. The provisions of this Section 1400.147 of this Part are applicable only to the SGP, and the provisions of Sections 1400.130 and 1400.140 of this Part are inapplicable to the SGP and procedures provided for pursuant to this Section.
- b) Definitions Applicable to the SGP only.

"Applicant" means a farmer whose application for a State Guarantee has been submitted to the Authority by a lender.

"Asset" includes, but is not limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities not readily marketable; accounts receivable; notes receivable; cash invested in growing crops; net value of life insurance; machinery and equipment; cars and trucks; farm and other real estate including life interest in trusts; government payments or grants; and any other assets.

"Current Outstanding" means on the date of the application for any State Guarantee.

"Current Status" means the absence of any arrearages in any previously incurred debt for which a State Guarantee is sought.

"Debt to Asset Ratio" means the current outstanding liabilities of the farmer divided by the current outstanding assets of the farmer. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

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- "Farmer" means a resident of Illinois, who is a principal operator of a farm or land, at least 50% of whose gross annual income is derived from farming and whose debt to asset ratio shall not be less than 40% (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- "Fund" means the Illinois Agricultural Loan Guarantee Fund, which is the State's fund to cover losses resulting from defaults on State Guarantee loans. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]
- "Gross Annual Income" means income as defined in Section 61 of the Internal Revenue Code (26 U.S.C. 61).

"Liability" includes, but is not limited to, the following: accounts payable; notes or other indebtedness owed to any source; taxes; rent; amounts owed on real estate contracts or real estate mortgages; judgments accrued; interest payable; and any other liability. (Ill. Rev. Stat. 1991, ch. 5, par. 1202) [20 ILCS 3605/2]

"State Guarantee" means a note for which the State of Illinois shall be liable for 85% of the total principal and interest of the note as determined by the Authority.

Eligible Farmers. To qualify for participation in the SGP, each farmer must:

- 1) maintain his principal residence in the State;
- 2) be at least eighteen (18) years of age at the time of application;
- 3) be the principal operator of the farming business for which the funds guaranteed by the SGP are contemplated to be used;
- 4) be able to show, based upon his/her most recent Federal Income Tax Return and current data, that at least 50% of his/her annual gross income is derived from farming;
- 5) have a debt to asset ratio of not less than 40% and not greater than 65%;
- 6) provide sufficient collateral to secure the State Guarantee and agree to keep the State Guarantee adequately collateralized in the future;
- 7) certify and agree that he/she will only use the State Guarantee to consolidate and restructure existing farming debts.

- 1) No State Guarantee shall exceed \$300,000 per farmer or farming operation.
- 2) Each State Guarantee shall be set up on a payment schedule not to exceed 30 years, but shall be no longer than 10 years in duration.
- 3) Only one State Guarantee shall be outstanding per made-to-any-one farmer at any one time. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

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- 4) Only one State Guarantee shall be made for any one farming operation. If applicants file separate Schedule F's for their Federal Income Tax Returns, then they will be considered to operate separate farming operations.
- e) Application Procedures and Review.
- 1) Lenders interested in the SGP must complete a Letter of Interest and return it to the Authority's office in Springfield, Illinois. After the Letter of Interest has been received by the Authority, the lender will be placed on the mailing list for the SGP.
 - 2) *The lenders shall apply (on forms approved and provided by the Authority) for State Guarantees to the Authority. The application shall, at a minimum, contain the farmer's name, address, present credit and financial information, including cash flow statements, financial statements, balance sheets, and any other information pertinent to the state guarantee. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]*
 - 3) After approval of the application and receipt of the documentation necessary prior to closing the loan, the Authority shall send a State Guarantee Closing Documents package to the lender containing all the appropriate forms and documents to execute. Upon completion of all such forms and documents by the applicant, lender and Authority, the State Guarantee loan will be considered closed.
 - 4) The lender shall certify that all the information contained on the application and other submitted documents is correct, and shall be liable to the Authority for any damages suffered by any incorrect or untrue statement contained in any certified application.
 - 5) The application period for the SGP shall commence immediately upon the determination that these Rules are properly filed with the office of the Secretary of State, and end when the Authority has issued State Guarantees equal to \$160,000,000 or at any later time as may be set from time to time by legislative extension.
 - 6) Following submission of the Guarantee application by the lender, the Authority shall review the application. The Authority's review shall include, but will not be limited to, whether the applicant is an eligible farmer and whether the lender has complied with the requirements of subsection (f) of this Section. The Authority will base its evaluation on collateral, percentage of loan, debt to asset ratio, cash flow, etc.
 - 7) When a State Guarantee application is submitted to the Authority, the Executive Director shall review the application to determine whether it is complete and whether it meets the criteria established by the Act and this Part:
 - A) If the Executive Director determines that the loan application is incomplete, he or she shall, within fourteen (14) days of such determination, inform the lender and the applicant of such determination, and detail the information

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- or material that is necessary to complete the application. For the purposes of subsection (j) of this Section, no application shall be deemed complete until the lender or applicant has provided the additional information or material requested by the Executive Director.
- B) When the Executive Director has completed his or her review of the Guarantee application, he or she shall present the application, with a statement of recommended action to the Board at its next regularly scheduled meeting. The Executive Director will base the review on collateral, percentage of loan, debt to asset ratio, cash flow, etc.
 - 8) The Board shall review each loan application presented by the Executive Director in accordance with the provision of the Act and this Part, and the Board shall:
 - A) approve the application and provide the Guarantee, pursuant to the Act and this Part; or
 - B) deny the application and serve upon the lender and applicant a written statement of the grounds of the denial.
 - 9) Each applicant shall pay a \$300 application fee which will be submitted to the lender at the time of the application. At the time the loan is made, the applicant may be required to pay a closing fee not greater than 3/4 of 1% of the State Guarantee which may be used to pay for administrative expenses incurred by the lender and the Authority. Of this 3/4 of 1% closing fee, the Authority shall receive 1/2% to cover administrative and legal expenses and the lender shall receive 1/4% to cover administrative expenses in completing the application packet and closing documents. The 3/4 of 1% closing fee may be included in the State Guarantee Loan amount. The Authority shall credit the \$300 application fee against the closing fee. The lender shall charge no fees or points in addition to those outlined herein. *The applicant shall be responsible for paying any fees or charges involved in recording mortgages, releases, financing statements, insurance for secondary market issues and any similar fees necessary for closing and maintaining the State guarantee or selling it into the secondary market. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]*
 - 10) If the application is denied, the applicant and the lender may file a Request for Reconsideration stating reasons why the Board should withdraw its denial of the application and approve the State Guarantee. This Request for Reconsideration must be filed with the Authority not later than 21 days after such denial. The Request for Reconsideration should be accompanied by supporting documents and/or information not previously considered by the Board. The Board shall review the Request for Reconsideration at its next scheduled meeting, and shall either approve the application or deny the Request for Reconsideration. The applicant will have the opportunity to present new relevant facts

the case of bankruptcy or extenuating circumstances which prevent the lender from liquidating the collateral. The lender shall repay this interest to the state until the collateral for the State Guaratee has been liquidated and the state has been reimbursed. If the lender fails to repay the state the interest as outlined herein, the Authority shall turn the matter over to the Attorney General's office for appropriate legal action; agrees that the Authority has final approval on the sale of all collateral for the State Guaratee. After the sale of collateral, the state shall be reimbursed 85% of the remaining principal amount of the State Guaratee loan. If funds from the sale of collateral remain after this payment, the lender shall be reimbursed 15% of the remaining principal amount of the loan. If excess funds remain after paying the remaining principal to the State and lender, then the State and lender shall be repaid interest on a prorated basis; 85% of such excess funds shall be allocated to the State's portion and 15% shall be allocated to the lender's portion. If excess funds exist after repaying both the State and the lender, they shall be paid back to the farmer. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

9) Annual Review.

1) The lender and the Authority shall each, on an annual basis, review State Guarantees for any purpose including, but not limited to, present collateral value; timeliness of payments made by the farmer or any other purposes reasonably calculated to aid in determining the farmer's present and projected repayment capacity. If the Authority determines that the existing collateral is insufficient to cover the state's liability, additional collateral may be required. If the applicant fails to pledge such additional collateral, the State Guaratee loan may be called.

2) No State Guaratee shall be called by the lender or Authority during the first 3 years of the date on which the application is closed for any reason except defaults on payments or insufficient collateral.

3) Except as otherwise provided in the Act or this Part, a State Guaratee may be called by the lender or Authority upon a 90-day written notice to all parties specifying the reasons for such call (e.g., submission of false documentation, changing loan documents, and change of state residency).

4) After the first 3 years of the SGP, the lender may review and withdraw or continue with the SGP. If a lender undertakes such a review, it must provide all parties with written notification of its decision whether to withdraw or continue. Such notification must be provided on or before the date on which payment is due. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]

5) The applicant must make all payments on the State Guaratee within 90 days of the stated payment date. Failure to make

on his previous denial to the Board, and if such facts will establish eligibility, the Request will be granted. A denial of a Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application shall be deemed complete for the purposes of subsection (j) of this Section.

f) Provision or Renewal of State Guarantees. The Authority shall provide or renew a State Guaratee to any lender if, in addition to meeting the other criteria described in the Act and this Part, the lender: 1) agrees to bring the farmer's debt to a current status at the time the State Guaratee is provided;

2) Charges a fixed or adjustable interest rate which is below the market rate of interest generally available to the borrower. The market rate of interest is that rate which would be charged by the same lender for the same project without the State Guaratee. If both the lender and the applicant agree, the interest rate on the State Guaratee loan can be converted to a fixed interest rate at any time during the term of the loan;

3) agrees to pay to the Authority an annual fee equal to 25 basis points on the loan and any other necessary and ordinary administrative expenses in excess of the 25 basis points as determined from time to time pursuant to the Act and this Part;

4) agrees to complete and certify that, to the best of the lender's knowledge, all information is true and correct on the application, balance sheets, security analysis, cash flow projection and any other documents that the Authority may request;

5) identifies collateral acceptable to the Authority in accordance with subsection (h) that is at least equal to the State Guaratee loan request;

6) assumes all responsibility and costs for pursuing legal action on collecting any loan that is delinquent or in default subject to consulting the Authority;

7) assumes responsibility for and agrees to absorb the first 15% loss of the outstanding principal of the note for which the State Guaratee has been applied;

8) assumes responsibility for proceeding with the collecting and disposing of collateral on the State Guaratee within 14 months of the date that the loan is declared delinquent; provided, however, that the lender shall not collect or dispose of collateral on the State Guaratee without the express written prior approval of the Authority. Approval shall be granted if the collateral is disposed of in a reasonably commercial manner, based on the manner, time and place of the sale, the purchase price and the purchaser. In the event that the lender fails to dispose of the collateral within 14 months, the lender shall repay to the State interest on the State Guaratee at the same rate as the lender charges on the loan; provided, however, that the Authority shall extend the 14-month period for a lender in

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payments on or before their due date shall render the loan delinquent. Notice of this delinquency shall immediately be sent to all parties. If the loan remains delinquent for a period of 90 days, the total outstanding principal and interest shall become due and payable immediately on the entire State Guarantee Loan. The State Guarantee cannot be reinstated after the 90-day delinquency period.

- h) Valuation of Collateral. The value of collateral shall be determined by a qualified farmland appraiser. A qualified appraiser is one who is qualified by virtue of membership in the Illinois Society of Farm Managers and Appraisers, or one whose qualifications have been reviewed by the Authority. The Authority shall have final authority to determine whether the collateral is sufficient to cover the State's liability and may appoint an independent appraiser to aid in its determination on the sufficiency of collateral. The Authority will view real estate as the primary collateral on SGP loans, with machinery and equipment and breeding livestock to be used as secondary collateral, except where no real estate is available. Collateral value may be reviewed each year by the lender or an independent appraiser appointed by the Authority. The Authority may, among other things, take a mortgage or lien on land or other assets to cover the State's liability. Collateral may be transferred only upon written approval by the Authority and the lender.
- i) Fund. To implement and carry out the objectives of the SGP, the Fund has been created as a special Fund outside of the State Treasury.
- 1) *The Authority may request transfer of not more than \$45,000,000 to the Fund during the SGP, to secure State Guarantees issued pursuant to this Section. Any amount transferred from the Fund to the General Revenue Fund under powers granted to the Governor by Public Act 87-14 shall not be considered in determining if the maximum of \$45,000,000 has been transferred into the Fund.*
 - 2) *In no event will the State be liable for more than \$45,000,000 to secure State Guarantees issued pursuant to this Section.*
 - 3) *If a farmer defaults on a loan secured by a State Guarantee, after 90 days of delinquency the lender shall request payments on the loan to be made by the fund. The Authority shall direct a single payment equal to 85% of the remaining principal plus interest at the set rate from the date of delinquency until the date of payment by the Authority.*
 - 4) *The Fund shall be reimbursed for any amount paid under this subsection upon liquidation of collateral which the lender shall seize and convert to cash in a reasonably commercial manner. (Ill. Rev. Stat. 1991, ch. 5, par. 1212.1) [20 ILCS 3605/12.1]*
- j) Priority of Applications. Applications shall be processed by the Authority on a first come, first served basis, based upon the receipt of all completed documents by the Authority.
- k) Guarantors and Additional Collateral. An applicant for a State Guarantee Loan may have a guarantor co-sign the note and/or pledge

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additional collateral for the State Guarantee Loan if the lender and Authority determine that the applicant alone cannot provide sufficient collateral for the State Guarantee.

- l) The State Guarantee. In the event of default, the Authority shall make payment on the State Guarantee of 85% of the outstanding principal and interest owed on the State Guarantee Loan to the holder of the State Guarantee. The payment shall be made by the Authority to the holder of the State Guarantee within 30 days after an appropriate request by a lender certifying that the 90-day delinquency period has elapsed. The payment shall include 85% of past due interest and 85% of the remaining principal.
- m) Prepayment of Loans. Each loan shall be paid on an annual basis with one payment due each year on the date on which the loan was closed for a period of ten years or until the loan is repayed, whichever occurs first. The State Guarantee Loan may be prepaid in full or in part at any time the loan is outstanding without penalty.
- n) Assumption of Loans. No State Guarantee loan may be assumed by any entity unless specifically authorized by the Authority. Such authorization will be granted only in extraordinary cases (e.g., death or serious illness of the applicant with assumption by an immediate family member).
- o) Total Obligations through the SGP. The Authority shall have outstanding guarantees in an aggregate principal amount up to \$160,000,000 through the SGP. The Illinois Agriculture Loan Guarantee Fund shall be funded with \$45,000,000 to cover any losses.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section

1150.10	Category I - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated After January 1, 1990
1150.20	Category II - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990
1150.30	Application for Licensure by Examination
1150.40	Examination
1150.50	Approved Architecture Programs
1150.60	Licensure by Endorsement
1150.65	Inactive Status
1150.70	Restoration
1150.80	Corporations and Partnerships
1150.85	Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
1150.90	Standards of Professional Conduct
1150.95	<u>Design Complaint Committee</u>
1150.100	Renewals
1150.110	Granting Variances
ILLUSTRATION A	Architect Seal Requirements
APPENDIX A	Categories of Diversified Professional Training

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. _____, effective _____.

DEPARTMENT OF PROFESSIONAL REGULATION

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Section 1150.95 Design Complaint Committee

- a) The Design Complaint Committee of the Architecture Licensing Board authorized by Sections 10 and 24 of the Act shall be composed of two voting members of each of the following boards:
- 1) the Architecture Licensing Board;
 - 2) the State Board of Professional Engineers;
 - 3) the Structural Engineering Board; and
 - 4) the Land Surveyors Examining Board;
- and a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Architecture Licensing Board members of the Complaint Committee shall be the Chairman and Vice Chairman of the Architecture Licensing Board. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee. The Board members shall be the only voting members of the Complaint Committee.
- b) The Complaint Committee shall meet at least once every two months to exercise its functions and duties set forth in subsection (c) below. At least one member of the Architecture Licensing Board shall be in attendance in order for any business relating to the practice of architecture to be transacted by the Complaint Committee. However, the Complaint Committee may vote to allow the Board members from one of the professions to meet separately if it is in the interests of expedient processing of cases solely within the practice of their profession or in the interests of protection of the public on an emergency basis. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.
- c) The Complaint Committee shall have the following duties and functions:
- 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.
 - 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
 - 3) To recommend that a case file be closed.
 - 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
 - 5) To refer the case file to Prosecutions for review and action.
 - 6) To report the actions of the Design Complaint Committee at each Board meeting and to present enforcement statistics such as the

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1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1270

3) Section Numbers: Proposed Action:

1270.55 New Section

4) Statutory Authority: Implementing Sections 8 and 29 of the Illinois Professional Land Surveyor Act of 1989 (225 ILCS 330/8 and 29).

5) A Complete Description of the Subjects and Issues Involved: Section 8(f) of the Act authorizes the Land Surveyors Examining Board to appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule. This rulemaking establishes those procedures in a new Section. The new Section specifies the composition of a Design Complaint Committee, establishes that the Committee shall meet at least once every two months, lists the duties and functions of the Committee and specifies the Committee's role in determining whether the Department should proceed with investigation and prosecution of a case file.

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

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

8) Do these proposed amendments contain incorporations by reference? No

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

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

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

Department of Professional Regulation

Attention: Jean A. Courtney

320 West Washington, 3rd Floor

Springfield, IL 62786

217/785-0800

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF PROFESSIONAL REGULATION

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d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.

e) At any time after referral to Prosecutors, the Department may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Department.

f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Architecture Licensing Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Architecture Licensing Board or the Complaint Committee.

g) Disqualification of an Architecture Licensing Board member. 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.

2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.

h) An informal conference is the procedure established by the Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Department attorney and shall include a member(s) of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed land surveyors.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking involves the formation of a Complaint Committee for the Design professions and does not establish any requirements for licensees.
- C) Types of professional skills necessary for compliance: Land surveying skills are required for licensure.
- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: It was included in the January 1995 regulatory agenda.

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section

- 1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination
- 1270.10 Application for Licensure as a Professional Land Surveyor by Examination
- 1270.13 Experience
- 1270.15 Definition of Related Sciences
- 1270.20 Examinations
- 1270.30 Endorsement
- 1270.35 Inactive Status
- 1270.40 Restoration
- 1270.45 Corporations and Partnerships
- 1270.50 Renewals
- 1270.55 Design Complaint Committee
- 1270.60 Granting Variances

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified at 5 Ill. Reg. 11039; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 1270.55 Design Complaint Committee

- a) The Design Complaint Committee of the Land Surveyors Examining Board

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shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.

At any time after referral to Prosecutors, the Department may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Department.

No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Land Surveyors Examining Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Land Surveyors Examining Board or the Complaint Committee.

Disqualification of a Land Surveyors Examining Board member. 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.

Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.

An informal conference is the procedure established by the Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Department attorney and shall include a member(s) of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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authorized by Sections 8 and 29 of the Act shall be composed of two voting members of each of the following boards:

- 1) the Architecture Licensing Board;
2) the State Board of Professional Engineers;
3) the Structural Engineering Board; and
4) the Land Surveyors Examining Board;

and a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Land Surveyors Examining Board members of the Complaint Committee shall be designated by the Chairman of the Land Surveyors Examining Board. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee. The Board members shall be the only voting members of the Complaint Committee.

The Complaint Committee shall meet at least once every two months to exercise its functions and duties set forth in subsection (c) below. At least one member of the Land Surveyors Examining Board shall be in attendance in order for any business relating to the practice of Land Surveying to be transacted by the Complaint Committee. However, the Complaint Committee may vote to allow the Board members from one of the professions to meet separately if it is in the interests of expedient processing of cases solely within the practice of their profession or in the interests of protection of the public on an emergency basis. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

The Complaint Committee shall have the following duties and functions: 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.

2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.

3) To recommend that a case file be closed.
4) To recommend that an Administrative Warning Letter be issued and the case file closed.
5) To refer the case file to Prosecutors for review and action.
6) To report the actions of the Design Complaint Committee at each Examining Board meeting and to present enforcement statistics such as the type of alleged violation.

d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: The Professional Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1380
- 3) Section Numbers: Proposed Action:
1380.305 New Section
- 4) Statutory Authority: Implementing Sections 7 and 26 of the Professional Engineering Practice Act of 1989 [225 ILCS 325/7 and 26].
- 5) A Complete Description of the Subjects and Issues Involved: Section 7(b) of the Act authorizes the State Board of Professional Engineers to appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule. This rulemaking establishes those procedures in a new Section. The new Section specifies the composition of a Design Complaint Committee, establishes that the Committee shall meet at least once every two months, lists the duties and functions of the Committee and specifies the Committee's role in determining whether the Department should proceed with investigation and prosecution of a case file.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0800

All written comments received within 45 days of this issue of the Illinois Register will be considered.

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Licensed professional engineers.
 - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking involves the formation of a Complaint Committee for the Design professions and does not establish any requirements for licensees.
 - C) Types of professional skills necessary for compliance: Professional engineering skills are required for licensure.
- 3) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: It was included in the January 1995 regulatory agenda.

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

a) The Design Complaint Committee of the State Board of Professional Engineers authorized by Sections 7 and 26 of the Act shall be composed of two voting members of each of the following boards:

1) the Architecture Licensing Board;

2) the State Board of Professional Engineers;

3) the Structural Engineering Board;

4) the Land Surveyors Examining Board;

and a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The State Board of Professional Engineers members of the Complaint Committee shall be designated by the Chairman of the State Board of Professional Engineers. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee. The Board members shall be the only voting members of the Complaint Committee. The Complaint Committee shall meet at least once every two months to exercise its functions and duties set forth in subsection (c) below. At least one member of the State Board of Professional Engineers shall be in attendance in order for any business relating to the practice of professional engineering to be transacted by the Complaint Committee. However, the Complaint Committee may vote to allow the Board members from one of the professions to meet separately if it is in the interests of expedient processing of cases solely within the practice of their profession or in the interests of protection of the public on an emergency basis. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

b)

The Complaint Committee shall have the following duties and functions:

1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings. To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.

2)

To recommend that a case file be closed.

3)

To refer the case file to Prosecutions for review and action.

4)

To report the actions of the Design Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation.

d) In determining what action to take or whether to proceed with

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380

THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section 1380.210 Approved Engineering Program

1380.220 Definition of Degree in Basic Engineering or Related Science

1380.230 Approved Experience

1380.240 Application for Enrollment as an Engineer Intern by Examination

1380.250 Application for Licensure as a Professional Engineer by Examination

1380.260 Examination

1380.270 Restoration

1380.280 Endorsement

1380.285 Inactive Status

1380.290 Corporations and Partnerships

1380.300 Standards of Professional Conduct

1380.305 Design Complaint Committee

1380.310 Renewals

1380.320 Granting Variances

APPENDIX A Significant Dates for the Administration of Section 19 of the Act - Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 (225 ILCS 325) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (20 ILCS 2105/60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 ILL. REG. 11055; codified and amended at 5 ILL. REG. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 ILL. REG. 7448, effective June 15, 1982; Part repealed at 9 ILL. REG. 10038, effective June 18, 1985; new Part adopted at 9 ILL. REG. 10040, effective June 18, 1985; amended at 10 ILL. REG. 19507, effective November 5, 1986; amended at 11 ILL. REG. 8767, effective April 20, 1987; recodified from Chapter I, 68 ILL. ADM. CODE 380 (Department of Registration and Education) to Chapter VII, 68 ILL. ADM. CODE 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988; amended at 12 ILL. REG. 2942; amended at 14 ILL. REG. 247, effective December 28, 1990; amended at 15 ILL. REG. 17729, effective November 26, 1991; amended at 16 ILL. REG. 15553, effective September 28, 1992; amended at 18 ILL. REG. 14737, effective September 19, 1994; amended at 19 ILL. REG. _____, effective

Section 1380.305 Design Complaint Committee

no Kell

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investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.

- e) At any time after referral to Prosecutions, the Department may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Department.
- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the State Board of Professional Engineers. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the State Board of Professional Engineers or the Complaint Committee.
- g) Disqualification of a State Board of Professional Engineers member.
 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
 2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.
- h) An informal conference is the procedure established by the Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Department attorney and shall include a member(s) of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: The Structural Engineering Licensing Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3) Section Numbers: Proposed Action:
 1480.215 New Section
- 4) Statutory Authority: Implementing Sections 8 and 22 of the Structural Engineering Licensing Act of 1989 [225 ILCS 340/8 and 22].
- 5) A Complete Description of the Subjects and Issues Involved: Section 8(e) of the Act authorizes the Structural Engineering Board to appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule. This rulemaking establishes those procedures in a new Section.
- The new Section specifies the composition of a Design Complaint Committee, establishes that the Committee shall meet at least once every two months, lists the duties and functions of the Committee and specifies the Committee's role in determining whether the Department should proceed with investigation and prosecution of a case file.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|-----------------------------------|
| 1480.190 | Amendment | 18 Ill. Reg. 16901 (11-28-94) |
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0800

All written comments received within 45 days of this issue of the Illinois

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

Section 1480.215 Design Complaint Committee

- a) The Design Complaint Committee of the Structural Engineering Board authorized by Sections 8 and 22 of the Act shall be composed of two voting members of each of the following boards:
- 1) the Architecture Licensing Board;
 - 2) the State Board of Professional Engineers;
 - 3) the Structural Engineering Board; and
 - 4) the Land Surveyors Examining Board;
- and a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Structural Engineering Board members of the Complaint Committee shall be designated by the Chairman of the Structural Engineering Board. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee. The Board members shall be the only voting members of the Complaint Committee.
- b) The Complaint Committee shall meet at least once every two months to exercise its functions and duties set forth in subsection (c) below. At least one member of the Structural Engineering Board shall be in attendance in order for any business relating to the practice of structural engineering to be transacted by the Complaint Committee. However, the Complaint Committee may vote to allow the Board members from one of the professions to meet separately if it is in the interests of expedient processing of cases solely within the practice of their profession or in the interests of protection of the public on an emergency basis. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.
- c) The Complaint Committee shall have the following duties and functions:
- 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.
 - 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
 - 3) To recommend that a case file be closed.
 - 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
 - 5) To refer the case file to Prosecutions for review and action.
 - 6) To report the actions of the Design Complaint Committee at each Board meeting and to present enforcement statistics such as the

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- type of alleged violation
- d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.
- e) At any time after referral to Prosecutions, the Department may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Department.
- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Structural Engineering Board. Those case files that previously have been before the Board and are the subject of a Consent Order or formal Order of the Director may be closed without further recommendation or approval of the Structural Engineering Board or the Complaint Committee.
- g) Disqualification of a Structural Engineering Board member.
- 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
 - 2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.
- h) An informal conference is the procedure established by the Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Department attorney and shall include a member(s) of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this part? Yes

Sections Proposed Action Illinois Register Citation

140.11	Amendment	December 27, 1994 (19 Ill. Reg. 165)
140.12	Amendment	December 27, 1994 (19 Ill. Reg. 165)
140.16	Amendment	November 4, 1994 (18 Ill. Reg. 16059)
140.19	Amendment	November 4, 1994 (18 Ill. Reg. 16059)
140.32	Amendment	November 4, 1994 (18 Ill. Reg. 16059)
140.413	Amendment	July 8, 1994 (18 Ill. Reg. 10637)
140.523	Amendment	December 27, 1994 (19 Ill. Reg. 165)
140.645	Amendment	December 16, 1994 (18 Ill. Reg. 17865)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762, (217) 524-3215. The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
- 140.400 Amendment
- 140.435 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments are based upon changes in federal regulations imposed by OBRA '90 and are intended to describe Department coverage for services provided by certified pediatric nurse practitioners and certified family nurse practitioners. The proposed rulemaking specifies criteria regarding education and training, licensing and certification, and other requirements which nurse practitioners will be required to meet in order to be eligible for reimbursement under the Medical Assistance Program.

According to these amendments, payment for nurse practitioner services shall be made only to a registered professional nurse (R.N.) who has a valid Illinois license and is legally authorized under State law to practice as a nurse practitioner so long as such practice is not in conflict with the Illinois Nursing Act of 1987, Medical Practice Act of 1987 and the implementing regulations. The nurse practitioner shall also have completed a program of study and clinical experience for certified pediatric nurse practitioner or certified family nurse practitioner which is accredited and approved by the appropriate Accreditation Board as described in Section 140.435(a)(2).

Further requirements pertaining to coverage under these proposed amendments specify that a nurse practitioner must have and maintain a current agreement with a physician licensed to practice medicine in all its branches who has hospital admitting privileges including delivery privileges where applicable. Such an agreement must specify which procedures or categories of procedures may be performed by the nurse practitioner, and which procedures may be performed in the physician's absence. A nurse practitioner may bill the Department only for services which have been personally provided by the individual nurse practitioner.

These proposed amendments are expected to result in a decrease in annual Department expenditures. However, the amount of the decrease cannot be estimated at this time because the nurse practitioners will have the option of billing the Department directly, or continuing to bill through their employers.

PUBLIC AID

DEPARTMENT OF PUBLIC AID

AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

: Nurse practitioners

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

liance:

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

e
included in the
Reg. 470.

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under GA
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

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NOTICE OF PROPOSED AMENDMENTS

140.22	Magnetic Tape Billings	140.22	
140.23	Payment of Claims	140.23	
140.24	Payment Procedures	140.24	
140.25	Overpayment or Underpayment of Claims	140.25	
140.26	Payment to Factors Prohibited	140.26	
140.27	Assignment of Vendor Payments	140.27	
140.28	Record Requirements for Medical Providers	140.28	
140.30	Audits	140.30	
140.31	Emergency Services Audits	140.31	
140.32	Prohibition on Participation, and Special Permission for Participation	140.32	
140.33	Publication of List of Terminated, Suspended or Barred Entities	140.33	
140.35	False Reporting and Other Fraudulent Activities	140.35	
140.40	Prior Approval for Medical Services or Items	140.40	
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI, VII, and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24,

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maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201,

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effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; emergency amendment suspended effective November 15, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners, Nurses and Laboratories

- a) This Section applies to physicians, dentists, nurses, optometrists, podiatrists, chiropractors and independent laboratories.
 - 1) Practitioners, nurses and independent laboratories are required to bill the Medical Assistance Program at the same rate they charge patients paying their own bills and patients covered by other third party payors.
 - 2) A practitioner or nurse may bill only for services he personally provides or which are provided under his direct supervision in his office by his staff, so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and implementing regulations. A certified pediatric nurse practitioner or certified family nurse practitioner may bill only for the services personally provided by the individual nurse practitioner. A practitioner may not bill for services provided by another practitioner even though he may be in the employ of the other.
 - 3) Payment will be made only in the practitioner's or nurse's name or a Department approved alternate payee.
 - 4) Payments will be made according to a schedule of statewide pricing screens established by the Department of Public Aid. (Exception: A certified pediatric nurse practitioner, certified family nurse practitioner and, except for covered services, of a nurse midwife, which will be reimbursed for covered services at 70% of the established screen, and covered services provided by qualifying providers under the Healthy Moms/Healthy Kids Program, which will be reimbursed at enhanced rates (see subsection (b)

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The pricing screens are to be established based on consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average statewide charge. The upper limit for services shall not exceed the lowest Medicare charge levels.

b) Providers who meet the qualifications for and enter into a primary Care Provider Agreement for participation in the Healthy Moms/Healthy Kids Program, as described in Subpart G, will receive enhanced reimbursement in accordance with Section 140.930(a)(1).

c) The Department will distribute (initially and upon revision of the amounts) to practitioners, nurses and laboratories the maximum allowable amounts for the most commonly billed procedures codes. Interested individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of Comprehensive Health Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure codes and associated descriptions.

(Source: Amended at 19 III. Reg. _____, effective

Section 140.435 Nurse Services

a) Payment for nurse services shall be made only to licensed nurses. 1) Payment for nurse midwife services shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or regulation to practice as a nurse-midwife so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and its implementing regulations and has completed a program of study and clinical experience for nurse-midwives accredited/approved by the American College of Nurse-Midwives. A nurse-midwife must have and maintain a current agreement with a physician licensed to practice medicine in all its branches who has hospital delivery privileges. A copy of this signed agreement must be on file with the Department.

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2) Payment for certified pediatric nurse practitioners and certified family nurse practitioners shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or rule to practice as a nurse practitioner so long as such practice is not in conflict with the Illinois Nursing Act of 1987, Medical Practice Act of 1987 and the implementing regulations. The nurse practitioner shall also have completed a program of study and clinical experience for certified pediatric nurse practitioner or certified family nurse practitioner which is accredited and approved by the appropriate Accreditation Board. Certified pediatric nurse practitioners must be certified by the American Nurses Association or by the National Board of Pediatric Nurse Practitioners and Associates. A certified family nurse practitioner must be certified by the American Nurses Association. A certified pediatric or family nurse practitioner must have and maintain a current agreement with the physician licensed to practice medicine in all its branches who has hospital admitting privileges including delivery privileges where applicable.

3) The agreement required under Section 140.435(a)(1) and (2) shall be in the following form. This agreement must explain the oversight of the nurse by a physician authorized to practice medicine in all its branches and authorize the specific procedures or categories of procedures which may be performed. The services to be provided must be services which the physician generally provides his or her patients in the normal course of their medical practice. The agreement must specify which authorized procedures do not require a physician's presence as the procedures are being performed. The nurses shall identify themselves as a nurse practitioner to the patient. The issuance of a prescription or a medical diagnosis does not constitute an authorized procedure. The agreement must specify the parameters and detail all authorized procedures that may be carried out. A copy of this signed agreement must be on file with the Department and must be updated annually.

b) Payment shall be made for nurse services specified below.

- 1) In-Home Nursing Services
2) Private duty nursing services
c) Payment shall be made for nurse midwife services for the management and care of women through the maternity cycle including the six weeks postpartum checkup and the management and care of newborn babies up to six weeks following delivery, so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and its implementing regulations.

d) Payment shall be made for certified pediatric and family nurse practitioner services in compliance with the physician agreement required under this Section so long as such services do not conflict

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- b) Providers who meet the qualifications for and enter into a Primary Care Provider Agreement for participation in the Healthy Moms/Healthy Kids Program, as described in Subpart G, will receive enhanced reimbursement in accordance with Section 140.930(a)(1).
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(Source: Amended at 19 III. Reg. _____, effective _____)

Section 140.435 Nurse Services

- a) Payment for nurse services shall be made only to licensed nurses.
 - 1) Payment for nurse midwife services shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or regulation to practice as a nurse-midwife so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and its implementing regulations and has completed a program of study and clinical experience for nurse-midwives accredited/approved by the American College of Nurse-Midwives. A nurse-midwife must have and maintain a current agreement with a physician licensed to practice medicine in all its branches who has hospital delivery privileges. A copy of this signed agreement must be on file with the Department.

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Payment for certified pediatric nurse practitioners and certified family nurse practitioners shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or rule to practice as a nurse practitioner so long as such practice is not in conflict with the Illinois Nursing Act of 1987, Medical Practice Act of 1987 and the implementing regulations. The nurse practitioner shall also have completed a program of study and clinical experience for certified pediatric nurse practitioner or certified family nurse practitioner which is accredited and approved by the appropriate accreditation Board. Certified pediatric nurse practitioners must be certified by the American Nurses Association or by the National Board of Pediatric Nurse Practitioners and Associates. A certified family nurse practitioner must be certified by the American Nurses Association. A certified pediatric or family nurse practitioner must have and maintain a current agreement with the physician licensed to practice medicine in all its branches who has hospital admitting privileges including delivery privileges where applicable.

- 3) The agreement required under Section 140.435(a)(1) and (2) shall be in the following form. This agreement must explain the oversight of the nurse by a physician authorized to practice medicine in all its branches and authorize the specific procedures or categories of procedures which may be performed. The services to be provided must be services which the physician generally provides his or her patients in the normal course of their medical practice. The agreement must specify which authorized procedures do not require a physician's presence as the procedures are being performed. The nurses shall identify themselves as a nurse practitioner to the patient. The issuance of a prescription or a medical diagnosis does not constitute an authorized procedure. The agreement must specify the parameters and detail all authorized procedures that may be carried out. A copy of this signed agreement must be on file with the Department and must be updated annually.

- b) Payment shall be made for nurse services specified below.
 - 1) In-Home Nursing Services
 - 2) Private duty nursing services
- c) Payment shall be made for nurse midwife services for the management and care of women through the maternity cycle including the six weeks postpartum checkup and the management and care of newborn babies up to six weeks following delivery, so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and its implementing regulations.
- d) Payment shall be made for certified pediatric and family nurse practitioner services in compliance with the physician agreement required under this Section so long as such services do not conflict

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with the Illinois Nursing Act of 1987 or the Medical Practice Act of 1987 and their implementing regulations.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: College Immunization Code
- 2) Code Citation: 77 Ill. Adm. Code 694
- 3) Section Numbers: Proposed Action:
694.20 Amendment
- 4) Statutory Authority: Implementing and authorized by the College Student Immunization Act (Ill. Rev. Stat. 1991, par. 2600 et seq.) [110 ILCS '20].
- 5) A Complete Description of the Subject and Issues Involved: This rulemaking will implement Public Act 88-651 by excluding from the definition of a "post-secondary educational institution" in Section 694.20 those public colleges and universities that do not provide on-campus housing for their students in dormitories or equivalent facilities that are owned, operated, and maintained by the public college or university. The above-mentioned definition specifies which post-secondary educational institutions are required to comply with the college immunization requirements.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such in their comments.

"Certificate of immunity" means a form acceptable to a post-secondary "Act" means the College Student Immunization Act (Ill. Rev. Stat. 1991, ch. 144, par. 2600 et seq.) [110 ILCS 20].

Section 694.20 Definitions

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

AUTHORITY: Implementing and authorized by the College Student Immunization Act (Ill. Rev. Stat. 1991, ch. 144, par. 2600 et seq.) [110 ILCS 20].

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

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

Section 694.10 Purpose
694.20 Definitions

PART 694 COLLEGE IMMUNIZATION CODE
SUBPART A: GENERAL PROVISIONS

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

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

- C) Types of Professional Skills Necessary for Compliance: None
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
- A) Type of Small Businesses Affected:

This rulemaking will not affect small businesses.

12) Initial Regulatory Flexibility Analysis:

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educational institution signed by a health care provider who has administered an immunizing agent to a student (or has reviewed health records evidencing such administration), specifying the vaccine administered and the date of administration.

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

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

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

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

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

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

Any and all private colleges and universities; the University of Illinois; Southern Illinois University; the several universities and colleges under the governance of the Board of Governors of State Colleges and Universities; the several regency universities and colleges under the governance of the Board of Regents; and any other public university now or hereafter established or authorized by the General Assembly; except that a post-secondary educational institution does not mean or include any public college or university that does not provide on-campus housing for its students in dormitories or equivalent facilities that are owned, operated, and maintained by the public college or university [(Section 1(b)/VI of the Act (see Public Act 88-651)]. The term shall not include any public or private junior or community college (i.e., any public or private degree-granting institution at which the highest degree offered is an associate degree or an undergraduate certificate of two years or less), or any post-secondary educational institution at which the highest award offered is a diploma or certificate of two years or less, or any institution offering degrees and instruction which utilizes correspondence as its primary mode of student

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instruction. (Section 1(b) of the Act)

"Proof of immunity" means evidence of appropriate immunization, physician diagnosed disease, or laboratory evidence of immunization documented in writing by a health care provider in accordance with the requirements of this Part. The content of the immunization record form utilized by an institution shall include, as a minimum, the basic elements listed in Appendix C, in an outline form similar to that prescribed on the Certificate of Immunity Form provided by the Department.

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

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

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

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER U: MISCELLANEOUS PROGRAMS AND SERVICES

PART 980
 HEART DISEASE TREATMENT AND PREVENTION FUND RULES

Section

980.10	Definitions
980.20	Purpose
980.30	Eligibility
980.40	Application Procedures
980.50	Application Review Criteria
980.60	Notification of Award
980.70	Award and Use of Grant Funds
980.80	Monitoring Criteria
980.90	Contract Expiration
980.100	Termination of the Grant Agreement or Funding
980.110	Denial, Suspension or Revocation of Grant Application or Grant Agreement
980.120	Procedures for Hearings

AUTHORITY: Implementing and authorized by Section 55.76 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.76] (see P.A. 88-666, effective September 16, 1994).

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 980.10 Definitions

"Act" means Section 55.76 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.76] (see P.A. 88-666, effective September 16, 1994).

"Applicant" means any eligible hospital, laboratory, educational institution, or other organization in Illinois, the intent of which is to conduct research into causes, prevention and treatment of heart disease or to conduct public education relating to treatment and prevention of heart disease.

"Cause" means that which brings about a particular condition, result or effect.

"Department" means the Illinois Department of Public Health.

"Detection" means a determination of the presence of heart disease.

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"Director" means the Director of the Illinois Department of Public Health.

"Fellowship" means supervised practical experience for an individual in a health care or scientific specialty beyond such experience required to earn a doctorate degree or, in the case of medicine, beyond such experience provided to hospital resident physicians to broaden expertise in the treatment of heart disease.

"Funding Period or Grant Agreement Period" means the time during which an award is to be spent in support of a particular research project or training course. The funding period may coincide with the Department's fiscal year.

"General Award" means presentation of funds by the Department to an applicant to conduct research on heart disease.

"Governmental Unit Code" means the Illinois Comptroller's preassigned vendor identification number for governmental agencies and municipalities.

"Heart Disease" means any pathological condition of the heart.

"Not-for-Profit Corporation" means a corporation as described in the General Not-for-Profit Corporation Act of 1986 [805 ILCS 105].

"Peer Review Panel" means a group appointed by the Director, whose members demonstrate and are acknowledged to have expertise in areas dealing with heart disease research.

"Prevention" means the use of various techniques, including the adoption of specific health related habits or use of medications, to stop heart disease from developing in healthy individuals.

"Principal Investigator" means the person with prime responsibility or the lead person for conducting a research project.

"Project Period" means a minimum of one year and a maximum of three years (possibility of two continuation grants).

"Research" means a trained inquiry or experimentation related to investigating causes, prevention, and treatments for heart disease.

"Research Grant" means funding provided to qualified principal investigators to investigate specific questions related to heart disease research.

"Research Fund" means the Heart Disease Treatment and Prevention Fund

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which is a special fund in the State Treasury as described in the Act.

"Research Fund Checkoff" means a voluntary process by which an Illinois taxpayer may use a provision on the standard individual income tax form to contribute to the Heart Disease Treatment and

Prevention Fund.

"Screening" means examining and testing for heart disease.

"TIN" means the nine digit Federal Taxpayer Identification Number also known as the Federal Employer Identification Number (FEIN), Social Security Number, or Governmental Unit Code.

"Training and Continuing Education" means expanding or updating the knowledge of research scientists, health care professionals and other allied persons.

"Treatment" means the management and care of an individual for the purpose of combating heart disease.

Section 980.20 Purpose

The purpose of the Heart Disease Treatment and Prevention Fund is to make grants to public and private agencies for the purposes of funding research into causes, prevention, and treatment of heart disease and public education relating to treatment and prevention of heart disease. (Section 55.76 of the Act)

Section 980.30 Eligibility

From funds appropriated from the Heart Disease Treatment and Prevention Fund the Department shall award grants to at least one public agency and one private agency.

Section 980.40 Application Procedures

The Department shall provide written application instructions to potential applicants upon request.

a) All applications shall include the following:

1) the principal investigator's name, address, and telephone number, and FAX and Teletypewriter (TTY) numbers, if available

2) the name, address, and telephone number, and FAX and TTY numbers of the entity (such as a university) through which the application is being submitted, if different from the information required in subsection (a)(1) of this Section;

3) the curriculum vitae of principal investigator;

4) a one-page, non-technical abstract that includes a description of the significance of the applicant's project for heart disease

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treatment and prevention;

5) the Social Security Number, Taxpayer Identification Number (TIN) or Governmental Unit Code assigned by the Controller of the State of Illinois;

6) the signature of principal investigator or agency official authorized to certify the application;

7) the dates of the project period;

8) a detailed budget for the funding period, providing sufficient resources to carry out the project. The budget shall be by line item category and shall provide sufficient detail to justify the use of grant funds to support project activities. The applicant shall indicate the total cost of conducting the project(s), the anticipated funding request for the second and third years of the project (if applicable), the source of other funds supporting the project(s), and the amount of support requested from the Department;

9) a signed statement of assurances (as provided in the application packet) indicating compliance with applicable State requirements. In addition to the requirements of subsections (a)(1) through (9) of this Section, all initial applications shall include the following:

1) a statement of whether funds are being requested for a fellowship or a general award;

2) a statement of the research question or hypothesis, a description of the methods to be used to identify and select intervention(s) or model program(s) on which the project will be based;

3) a prioritized listing of measurable objectives for the funding period;

4) for each objective proposed for the first funding period of the project, a sequential listing of activities to achieve the objective, the time line for completing each activity, and identification of the individual responsible for coordinating the implementation of each objective; and

5) a description of the evaluation methods to be used to measure progress in achieving objectives and a plan for monitoring the overall project.

c) In addition to the requirements of subsections (a)(1) through (9) and (b)(1) through (5), all initial applications for a fellowship shall include the following:

1) the name of the individual to be supported through the fellowship;

2) the curriculum vitae of the individual; and

3) at last one letter of recommendation from the principal investigator or agency official authorized to certify the application.

d) In addition to the requirements of subsection (a)(1) through (9), all continuation applications shall include the following:

1) a progress report which contains a description of the findings to

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- date as specified in subsection (b)(5) of this Section;
- 2) a description of the applicant's progress in meeting each project objective;
 - 3) project objectives for the new funding period, along with activities and timelines for completion of each activity; and
 - 4) any revisions in the evaluation methods or the monitoring plan along with the rationale for such revisions.

Section 980.50 Application Review Criteria

Applications shall be subject to a nontechnical and technical review as follows:

- a) Criteria for the nontechnical review shall include:
 - 1) adherence to the format specified in Section 980.40;
 - 2) inclusion of all required forms as specified in Section 980.40; and
 - 3) the inclusion of a response to each required item as specified in Section 980.40.
- b) The technical review shall be based on the following criteria:
 - 1) the activities identified by the applicant will lead to achievement of the objectives;
 - 2) the project objectives are achievable in the stated timeframe;
 - 3) the evaluation methods measure progress toward the identified objectives;
 - 4) the budget required in Section 980.40(a)(8) provides sufficient resources and justifies the need for funds to carry out the project; and
 - 5) continuation applicants have documented the status of each activity in support of the current year objectives and have provided an estimate of the extent to which each current year objective will be met.

Section 980.60 Notification of Award

- a) The Department may award an amount less than the amount requested in an application.
- b) Receipt of an award transmittal letter and grant agreement from the Department for signature by the applicant shall constitute notification of award.
- c) Applicants who have not been selected for funding shall be notified in writing by the Department.
- d) A grant agreement shall not be sold, assigned or transferred in any manner. Any actual or attempted sale, assignment or transfer shall render the grant agreement null. If the grantee ceases operation for any reason, the grant agreement shall be terminated.

Section 980.70 Award and Use of Grant Funds

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- a) Grant funds awarded by the Department shall only be used for the direct cost of administering, operating and maintaining a project. The following direct costs are examples of those costs for which grant funds may be used, when specified in the grant agreement:
 - 1) personal services costs, including gross salaries and employer paid fringe benefits for full-time and part-time employees of the project;
 - 2) contractual services costs, including but not limited to, fees for consultants and specialists, exclusive of consultant services for patient care; conference registration fees; costs of repair and maintenance of furniture and equipment; postage and postal services; subscriptions; training and education costs; software; and telecommunications costs;
 - 3) travel of personnel in carrying out authorized activities. Travel costs are the expenses for transportation, lodging and subsistence for personnel who are on travel status on official business for the applicant. Out-of-State travel requires prior written approval of the Department;
 - 4) supplies/commodities as required for the operation of the project and that are directly related to its operation. Supplies include, but are not limited to, office, medical and educational supplies; equipment items costing less than \$100 each; and paper and printing; and
 - 5) equipment directly related to the operation of the project. Equipment is defined as items costing over \$100 each, with a useful life of more than one year (see Section 20 of the State Finance Act [30 ILCS 105/20]). Equipment costs shall include all freight and installation costs. Purchase of equipment items, other than those included in the approved budget require prior written approval from the Department.
- b) Payments to the grantee shall be made on a reimbursement basis.
 - 1) The grantee shall use the Department's Reimbursement Certification Form or a reasonable facsimile to request reimbursement.
 - 2) The grantee shall document actual expenditures incurred for the purchase of goods and services necessary for conducting program activities.
 - A) Expenditures shall be itemized on the Reimbursement Certification Form in such a manner as to establish an audit trail for future verification of appropriate use of grant funds.
 - B) Each item claimed on the Reimbursement Certification Form must be based on an expenditure traceable through the grantee's internal accounting system and shall include:
 - i) the check number or internal ledger transfer code;
 - ii) the date of payment;
 - iii) the dates goods or services were received or the period covered;

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- iv) a description of the goods or services for gross amount of the check or transfer; and
- v) the amount claimed for reimbursement from the department.
- 3) The grantee shall submit requests for reimbursement monthly or quarterly throughout the period of the grant. The final request for reimbursement shall be submitted within 45 calendar days after the end of the grant agreement period.
- 4) Requests for budget adjustments shall be submitted to the Department in writing and shall be received by the Department no later than 45 calendar days before the end of the grant agreement period.

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- finds that the public interest, health, safety, or welfare requires emergency action and if the Director incorporates a finding to that effect in the order, summary suspension of the grant agreement may be ordered pending proceedings for revocation. Such proceedings shall be promptly instituted and promptly determined.
- b) Such notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the grantee with an opportunity to request a hearing. If a written hearing request is not received within 10 days of receipt of the notice by the grantee, the right to a hearing is waived.

Section 980.120 Procedures for Hearings

The Department's "Rules of Practice and Procedure in Administrative Hearings" (77 Ill. Adm. Code 100) shall apply to all proceedings conducted under this part, with the exception that where the terms "License" and "Licensing" are used in part 100, the definitions of those terms shall be expanded to include any grantee awarded funds pursuant to this part and any grant agreement executed pursuant to this part.

Section 980.80 Monitoring Criteria

Grantees will be required to submit to the Department written reports of progress towards achieving project objectives and shall make such reports available for presentation before the advisory committee. Reports shall be submitted six months into the grant agreement period; at the time of submission of a continuation application; and at the end of the grant agreement period.

Section 980.90 Contract Expiration

All projects shall end on the date specified in the grant agreement and shall not be extended or renewed. A continuation application as provided for in Section 980.40(d) may result in a new grant agreement with a new expiration date.

Section 980.100 Termination of the Grant Agreement or Funding

- a) The grant agreement may be terminated by either party upon 30 calendar days written notice to the other party as specified in the grant agreement.

- b) The grant agreement may be terminated immediately without penalty of further payment being required if the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds for the award or if sufficient funds are not available in the Research Fund.
- c) The Department shall be empowered to suspend funding or terminate the contract of a grantee who has substantially failed to comply with this part or the terms and conditions of the grant agreement.

Section 980.110 Denial, Suspension or Revocation of Grant Application or Grant Agreement

- a) The Director, after notice and opportunity for hearing, may deny the application for grant funds or suspend or revoke the grant agreement of any grantee in any case in which the Director finds substantial or continued failure to comply with this part. If, however, the Director

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1) Heading of the Part:

Hemophilia Treatment Fund Rules

2) Code Citation:

77 Ill. Adm. Code 990

3) Section Numbers:Proposed Action:

990.10	New Section
990.20	New Section
990.30	New Section
990.40	New Section
990.50	New Section
990.60	New Section
990.70	New Section
990.80	New Section
990.90	New Section
990.100	New Section
990.110	New Section
990.120	New Section

4) Statutory Authority:

Implementing and authorized by Section 55.77 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.77] (see P.A. 88-666, effective September 16, 1994).

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

This rulemaking implements Senate Bill 1693 (Public Act 88-666, effective September 16, 1994), which creates a new income tax checkoff for taxpayer contributions to the Hemophilia Treatment Fund. The Public Act authorizes the Department to make grants from monies appropriated from the Hemophilia Treatment Fund to public and private organizations in Illinois for the purposes of treatment of hemophilia. The proposed rules establish application procedures and application review criteria for eligible institutions, guidelines for use of grant funds, contract monitoring criteria, and conditions for which a grant may be terminated.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No7) Does this Rulemaking Contain an Automatic Repeal Date? No8) Does this Rulemaking Contain any Incorporations by Reference? No9) Are there any Other Proposed Amendments Pending on this Part? No

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10) Statement of Statewide Policy Objectives:

To award funds from the Hemophilia Treatment Fund to eligible public and private Statewide hemophilia organizations, for the treatment and the administration of treatment of individuals with hemophilia.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:A) Type of Small Businesses Affected:

These rules will not have an impact on small businesses.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

C) Types of Professional Skills Necessary for Compliance:

None.

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

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NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: MISCELLANEOUS PROGRAMS AND SERVICES

PART 990

HEMOPHILIA TREATMENT FUND RULES

Section 990.10

Definitions

990.20 Purpose

990.30 Eligibility

990.40 Application Procedures

990.50 Application Review Criteria

990.60 Notification of Award

990.70 Award and Use of Grant Funds

990.80 Monitoring Criteria

990.90 Contract Expiration

990.100 Termination of the Grant Agreement or Funding

990.110 Denial, Suspension or Revocation of Grant Application or Grant Agreement

990.120 Procedures for Hearings

AUTHORITY: Implementing and authorized by Section 55.77 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.77] (see P.A. 88-666, effective September 16, 1994).

SOURCE: Adopted at 19 III. Reg. _____, effective

Section 990.10 Definitions

"Act" means Section 55.77 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.77] (see P. A. 88-666, effective September 16, 1994).

"Applicant" means any eligible public or private statewide hemophilia organization in Illinois, the intent of which is to provide funds for the treatment or the administration of treatment to individuals with hemophilia.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health.

"Funding period or Grant Agreement period" means the time during which an award is to be spent in support of a particular research project or training course. The funding period may coincide with the Department's fiscal year.

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"General Award" means presentation of funds by the Department to an applicant.

"Governmental Unit Code" means the Illinois Comptroller's preassigned vendor identification number for governmental agencies and municipalities.

"Hemophilia" means an abnormal bleeding tendency resulting from a genetically determined deficiency in the blood.

"Hemophilia Treatment Fund Checkoff" means a voluntary process by which an Illinois taxpayer may use a provision on the standard individual income tax form to contribute to the Hemophilia Treatment Fund.

"TIN" means the nine digit federal Taxpayer Identification Number also known as the Federal Employer Identification Number (FEIN), Social Security Number, or Governmental Unit Code.

"Treatment" means the management and care of individuals with hemophilia.

Section 990.20 Purpose

The purpose of grants from the Hemophilia Treatment Fund is to provide funds to public and private statewide hemophilia organizations for the purpose of treatment or the administration of treatment to individuals with hemophilia.

Section 990.30 Eligibility

From funds appropriated from the Hemophilia Treatment Fund, the Department of Public Health shall award grants to eligible public and private statewide hemophilia organizations. (Section 55.77 of the Act)

Section 990.40 Application Procedures

The Department shall provide written application instructions to potential applicants upon request.

a) All applications shall include the following:

- 1) the applicant's name, address, and telephone number, and FAX number, if available;
- 2) a one-page, non-technical abstract including a description of the significance of the applicant's project;
- 3) the Social Security Number, Taxpayer Identification Number (TIN) or Governmental Unit Code assigned by the Comptroller of the State of Illinois;
- 4) the signature of an agency official authorized to certify the application;

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- 5) the dates of the project period;
 - 6) a detailed budget for the funding period, providing sufficient resources to carry out the project. The budget shall be by line item category and shall provide sufficient detail to justify the use of grant funds to support project activities. The applicant shall indicate the total cost of conducting the project(s), the anticipated funding request for the second and third years of the project (if applicable), the source of other funds supporting the project(s), and the amount of support requested from the Department;
 - 7) a signed statement of assurances (as provided in the application packet) indicating compliance with applicable State requirements.
- b) In addition to the requirements of subsections (a)(1) through (7) of this Section, all initial applications shall include the following:
- 1) a prioritized listing of measurable objectives for the funding period;
 - 2) for each objective proposed for the first year of the project, a sequential listing of activities to achieve the objective, the time line for completing each activity, and identification of the individual responsible for coordinating the implementation of each objective; and
 - 3) a description of the evaluation methods to be used to measure progress in achieving objectives and a plan for monitoring the overall project.
- c) In addition to the requirements of subsections (a)(1) through (7) of this Section, all continuation applications shall include the following:
- 1) a progress report which contains a description of the findings to date as specified in subsection (b)(3) of this Section;
 - 2) a description of the applicant's progress in meeting each project objective;
 - 3) project objectives for the new funding period, along with activities and time lines for completion of each activity; and
 - 4) any revisions in the evaluation methods or the monitoring plan along with the rationale for such revisions.

Section 990.50 Application Review Criteria

Applications shall be subject to a non-technical and technical review as follows:

- a) Criteria for the non-technical review shall include:
 - 1) adherence to the format specified in Section 990.40;
 - 2) inclusion of all required forms as specified in Section 990.40; and
 - 3) the inclusion of a response to each required item as specified in Section 970.40.
- b) The technical review shall be based on the following criteria:
 - 1) the activities identified by the applicant will lead to

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- achievement of the objectives;
- 2) the project objectives are achievable in the stated time frame;
- 3) the evaluation methods measure progress toward the identified objectives;
- 4) the budget required in Section 990.40 (a)(6) provides sufficient resources and justifies the need for funds to carry out the project; and
- 5) continuation applicants have documented the status of each activity in support of the current year objectives and have provided an estimate of the extent to which each current year objective will be met.

Section 990.60 Notification of Award

- a) The Department may award an amount less than the amount requested in an application.
- b) Receipt of an award transmittal letter and grant agreement from the Department for signature by the applicant shall constitute notification of award.
- c) Applicants who have not been selected for funding shall be notified in writing by the Department.
- d) A grant agreement shall not be sold, assigned or transferred in any manner. Any actual or attempted sale, assignment or transfer shall render the grant agreement null, void and of no further effect. If the Grantee for whatever reason ceases operation, the grant agreement shall be terminated.

Section 990.70 Award and Use of Grant Funds

- a) Grant funds awarded by the Department shall only be used for the direct cost of administering, operating and maintaining a project to provide treatment or the administration of treatment to individuals with hemophilia. The following direct costs are examples of those for which grant funds may be used, when specified in the grant agreement:
 - 1) personal services costs, including gross salaries and employer paid fringe benefits for full-time and part-time employees of the project;
 - 2) contractual services costs, including but not limited to, fees for consultants and specialists, exclusive of consultant services for patient care; training and education costs; software; and telecommunications costs;
 - 3) travel of personnel in carrying out authorized activities. Travel costs are the expenses for transportation, lodging and subsistence for personnel who are on travel status on official business for the applicant. Out-of-State travel requires prior written approval of the Department;
 - 4) supplies/commodities, as required, which are directly related to the treatment or the administration of treatment to individuals

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Illinois Trauma Center Code

2) Code Citation:

77 Ill. Adm. Code 540

3) Section Numbers:Proposed Action:

540.30	Amendments
540.70	Amendments
540.80	Amendments
540.90	Amendments
540.100	Amendments
540.120	Amendments
540.130	Amendments
540.Appendix B	New Section

4) Statutory Authority: Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 5501 et seq.) [210 ILCS 50]5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 540 regulate hospitals with Trauma Center designation. The specific changes are as follows:

Section 540.30 - Incorporated materials used in the program are updated.

Section 540.70 - Language regarding surgeon certification is corrected; language is added to clarify when surgeons must respond to the Trauma Center to care for patients, and flexibility is provided for cardiovascular surgeon coverage; resident coverage is allowed for radiology; criteria for trauma nurse specialist staffing are amended; helicopter landing requirements are changed for out-of-state facilities designated as Illinois Trauma Centers; the availability of medical audits is clarified; unnecessary equipment requirements are deleted; a policy is added for Department notification when resource limitations result in diversion of trauma patients to other facilities.

Section 540.80 - Many of the changes in this Section, which governs Level II Trauma Center designation, are the same as those set forth in Section 540.70 for Level I Trauma Center designation. In addition, the amendments allow Level II Trauma Centers to utilize surgical residents; clarify response times for anesthesiologists; require written transfer agreements for some surgical specialties.

Section 540.90 - Requirements for the Trauma Region Plan are amended by

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adding minimal criteria for trauma activation and specifying Level I or II designation based on transport time.

Section 540.100 - Uniform reporting requirements are amended to update computer equipment requirements and revise the required data elements.

Section 540.120 - The 60-day notice requirement is deleted for filing requests for renewal with the Department prior to the designation expiration date.

Section 540.130 - Reference to the Area Hospital Emergency Services Committee, which no longer exists, is deleted.

Section 540.Appendix B - This Appendix is being added to set forth minimum trauma field triage criteria.

These amendments were developed in cooperation with the State Emergency Medical Services Council.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the Notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No7) Does this Rulemaking Contain an Automatic Repeal Date? No8) Does this Rulemaking Contain Any Incorporations By Reference? Yes9) Are there any other Proposed Amendments Pending on this Part? No10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER E: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

PART 540

ILLINOIS TRAUMA CENTER CODE

Section

540.10	Purpose and Applicability
540.20	Definitions
540.30	Incorporated Materials
540.35	Trauma Center Designation Delegation to Local Health Departments
540.40	Trauma Region Designation
540.50	Trauma Center Designation
540.60	Application Process
540.65	Trauma Patient Evaluation
540.70	Level I Trauma Center Designation Criteria
540.80	Level II Trauma Center Designation Criteria
540.90	Trauma Region Plan
540.100	Uniform Reporting Requirements
540.110	Term of Designation
540.120	Renewal of Designation
540.130	Inspections and Investigations
540.140	Denial of Application for Designation or Request for Renewal
540.150	Voluntary Termination of Designation
540.160	Compensatory Provisions and Shortage Areas
540.170	Misrepresentation
540.180	Failure to Develop Protocols
540.190	Confidentiality and Immunity
540.200	Inspection and Revocation of Designation
540.210	Level I Trauma Center Grants
540.220	Trauma Center Fund
APPENDIX A	
A Request for Designation (RFD) Trauma Center	
APPENDIX B	
Minimum Trauma Field Triage Criteria	

AUTHORITY: Implementing and authorized by Emergency Medical Services (EMS) Systems Act (III. Rev. Stat. 1991, ch. 111 1/2, pars. 5501 et seq.) [210 ILCS 50].

SOURCE: Adopted at 11 Ill. Reg. 20153, effective December 1, 1987; amended at 13 Ill. Reg. 15441, effective September 15, 1989; emergency amendment at 14 Ill. Reg. 13856, effective August 13, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 19041, effective December 15, 1990; amended at 15 Ill. Reg. 1084, effective January 15, 1991; amended at 17 Ill. Reg. 8258, effective May 21, 1993; emergency amendment at 17 Ill. Reg. 12439, effective July 7, 1993, for a maximum of 150 days; emergency expired on December 4, 1993; amended at 18 Ill. Reg. 2620, effective February 10, 1994; amended at 19 Ill. Reg. , effective

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Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gall M. Devito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected:
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
- C) Types of Professional Skills Necessary for Compliance:

None
None

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

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 540.30 Incorporated Materials

The following are standards incorporated or referenced in this Part:

- a) Codes and Standards
 - 1) Glasgow Coma Scale
Champion HR, Sacco WJ, Carnazzo AJ et al: CritCare Med 9(9): 672-676, 1981 (See Section 540.100)
 - 2) Revised Trauma Score
American Trauma Society
P.O. Box 13526
Baltimore, Maryland 21203 (See Section 540.100)
 - 3) Abbreviated injury Score ~~(1985)~~ (1990)
American Association of Automotive Medicine
Arlington Heights, Illinois, 60005 (See Section 540.100)
 - 4) Injury Severity Score
Baker S.P., O'Neil B., Hadon W., et al;
Journal of Trauma 1974; 14: 187-196 (See Section 540.100)
 - 5) International Classification of Diseases 9th Revision, Clinical Modification (ICD-9-CM)
Alphabetic Index to External Causes of Injury (E-Codes)
Second Printing 1980
World Health Organization, Geneva, Switzerland and National Center for Health Statistics, published in the United States of America by Edwards Brothers, Inc., Ann Arbor, Michigan.
- b) Federal Guidelines, Statutes and Regulations
 - 1) Sections 307 and 309 of the Federal Aviation Act of 1958 (P.L. 85-726, 72 Stat. 731)
 - 2) 14 CFR 157 and 77, Subpart D 1989 (See Sections 540.70(h) and 540.80(i)).
- c) State of Illinois Statutes
 - 1) Hospital Licensing Act (Ill. Rev. Stat. ~~1987~~ 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85]. (See Sections 540.20, 540.190(b)).
 - 2) Illinois Nursing Act of 1987 (Ill. Rev. Stat. ~~1987~~ 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65]. (See Sections 540.20, 540.70(e)(1)(B), 540.70(e)(4)(B), 540.70(f)(2), 540.80(f)(1)(B), 540.80(f)(8)(B), 540.80(g)(2)).
 - 3) Medical Practice Act of 1987 (Ill. Rev. Stat. ~~1987~~ 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60]. (See Sections 540.70, 540.70(e)(1)(A), 540.70(e)(4)(A), 540.70(f)(1), 540.80(f)(1)(A), 540.80(f)(8)(A), 540.80(g)(1)).
 - 4) Code of Civil Procedure (Ill. Rev. Stat. ~~1987~~ 1991, ch. 110, par. 8-2101 et. seq.) [735 ILCS 5]. (See Section 540.190(a)).
- d) State of Illinois Regulations
 - 1) Aviation Safety (92 Ill. Adm. Code 14.790, 14.792, 14.795). (See Sections 540.70(h) and 540.80(i)).
 - 2) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100). (See Section 540.140(b)).

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- e) All incorporations by reference of federal rules and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 540.70 Level I Trauma Center Designation Criteria

- a) The Level I Trauma Center, under the direction of the Level I Trauma Center Medical Director, shall be responsible for the coordination and management of trauma care in the Trauma Region. This responsibility includes obtaining the cooperation of all Level II Trauma Centers, Affiliate Trauma Hospitals, and EMS Systems in the Trauma Region.
- b) The Trauma Center Medical Director shall be a trauma surgeon, American College--of--Surgeons board certified, in surgery, with at least one year of experience in trauma care and with twenty-four--~~(24)~~ hour independent operating privileges.
- c) The Trauma Center shall provide a Trauma Service separate from the general surgery service, which is an identified hospital service functioning under a designated director and staffed by general or trauma surgeons with one year of experience in trauma, and who are available twenty-four--~~(24)~~ hours a day in-house. This requirement may be fulfilled by residents with a minimum of four ~~(4)~~ years of general surgery residency training with independent operating privileges, with a staff specialist on call ~~and--available--within thirty--(30)--minutes-~~ to arrive at the hospital to treat the patient within 30 minutes after notification that his or her services are needed at the hospital.
- d) The Trauma Center shall provide have the following surgical services within-thirty-(30)-minutes on call to arrive at the hospital to treat the patient within 30 minutes of notification that their services are needed at the hospital:
 - 1) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a trauma/general surgeon with experience in cardiothoracic surgery for life-saving procedures, who must have cardiothoracic privileges;
 - 2) Neurosurgical;
 - 3) Obstetrics;
 - 4) Orthopedic;
 - 5) Reimplantation;
 - 6) ~~5)~~ Vascular;
 - 7) ~~6)~~ Ophthalmologic;
 - 8) ~~7)~~ Oral-Dental;
 - 9) ~~8)~~ Otorhinolaryngologic;
 - 10) ~~9)~~ Plastic/Maxillofacial;
 - 11) ~~10)~~ Urologic; and

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- hours a day in-house:
- A) A physician credentialed by the hospital. This requirement may be fulfilled by second and third year residents who have had adult intensive care training and are under the supervision of a staff physician possessing full adult intensive care privileges;
 - B) Registered Professional Nurses; and
 - C) The following equipment:
 - i) Airway control and ventilation devices;
 - ii) Oxygen source with concentration controls;
 - iii) Cardiac emergency cart;
 - iv) Temporary-transvenous-pacemaker;
 - v) Electrocardiograph-oscilloscope-defibrillator;
 - vi) Cardiac output monitoring;
 - vii) Electronic pressure monitoring;
 - viii) Mechanical ventilator-respirators;
 - ix) Patient-weighting-devices;
 - x) Pulmonary function measuring devices;
 - xi) Temperature control devices;
 - xii) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements, specifically 250.1050, 250.2140, and 250.2710;
 - xiii) Intracranial pressure monitoring devices;
 - xiv) Temporary pacemaker; and
 - xv) Intra-aortic balloon pump capability.
- 5) Laboratory twenty-four (24) hours a day in-house, providing the following:
- A) Standard analysis of blood, urine, and other body fluids
 - B) Blood typing and cross-matching;
 - C) Coagulation studies;
 - D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically 250.520);
 - E) Blood gases and pH determinations;
 - F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
 - G) Drug and alcohol screening.
- 6) Cardiology -- sixty (60) minutes;
 - 7) Internal Medicine -- sixty (60) minutes;
 - 8) Neuroradiology staffed by a radiologist with the ability to read CAT scans and perform angiography -- thirty (30) minutes; this requirement may be met by a PGY II radiology resident or PGY I resident with six months experience in CT and angiography;
 - 9) Pediatrics -- sixty (60) minutes;
 - 10) Postanesthetic recovery room twenty-four (24) hours a day;
 - 11) Acute hemodialysis capability twenty-four (24) hours a day or a

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- e) The Trauma Center shall provide the following nonsurgical services within the designated times:
 - i) Emergency Medicine staffed twenty-four (24) hours a day in the Emergency Department by:
 - A) A physician who has competency in trauma as demonstrated by:
 - i) board certification by the American Board of Emergency Medicine; or
 - ii) completion of twelve (12) months of internship, followed by at least 7000 hours of hospital-based Emergency Medicine over at least a 60 month period (including 2800 hours within one 24-month period), verified in writing by the hospital(s) at which the internship and subsequent hours were completed, and continuing medical education totaling 50 hours for each post-internship year in which the physician completed any hospital-based Emergency Medicine hours (the physician may attend less than 50 hours in any given year provided the total number averages 50 hours per year of practice); or
 - iii) completion of a residency in Emergency Medicine in a residency program approved by the Residency Review Committee for Emergency Medicine; and
 - B) Registered Professional Nurses.
- 2) Anesthesiology Services:
 - A) The anesthesiology service or department shall be supervised by anesthesiologists. "Supervise" for the purposes of this subsection, including being present in the trauma center and immediately available for consultation while the services are being performed.
 - B) Anesthesiology services shall be available twenty-four (24) hours a day in-house.
 - C) Direct patient care services may be performed by an anesthesiologist or a certified registered nurse anesthetist (CRNA) acting under the direct supervision of an anesthesiologist.
- 3) Radiology staffed by:
 - A) A technician with the ability to perform a computerized axial tomography (CAT) scan twenty-four (24) hours a day in-house; and
 - B) A radiologist with the ability to read CAT scans and perform angiography available within thirty (30) minutes. This requirement may be met by a Post Graduate Year (PGY) II radiology resident or a PGY I resident with six months experience in CT and angiography.
- 4) Intensive Care Medicine Unit having available twenty-four (24)

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transfer agreement;

- 12) Burn center staffed by Registered Nurses trained in burn care ~~twenty-four-(24) hours a day or a transfer agreement;~~
- 13) Acute spinal cord injury management ~~twenty-four-(24) hours a day or a transfer agreement; and~~
- 14) Reimplantation service within ~~thirty-(30) minutes, or a transfer agreement.~~
- f) The Trauma Center shall meet the following professional staff requirements:
- 1) The Emergency Department Director shall be a physician board certified by the American Board of Emergency Medicine;
 - 2) The nurses in charge on each shift in the Emergency Department and the Trauma Service shall be Registered Nurses with at least two years of experience in trauma care. ~~The staffing requirement for the Trauma Service shall be based upon the average census and acuity, as determined by historical trends and patterns. Staffing shall be at least one Registered Nurse who has completed the Trauma Nurse Specialist Course or a course approved by the Department as equivalent to the standards set forth in the Trauma Nurse Specialist Course Code (77 Ill. Adm. Code 542), and a recognized course in advanced cardiac care such as the American Heart Association's Advanced Cardiac Life Support class, for every per average trauma patient indicated by the average census and acuity. This staffing requirement for the Trauma Service shall be exclusive of the charge nurses and the staffing of the Emergency Department. In addition, this requirement in no way limits the utilization of the nursing staff assigned to the Trauma Service in the Emergency Department when the nursing staff is not needed in the Trauma Service. An approval of an equivalent for the purpose of this Section may be requested by submitting a written proposal to the Department. Any written proposal shall include a detailed description of the proposed equivalent, an analysis of the differences between the equivalent and the provisions of this Section, and an explanation of the effect of these differences on the qualifications of the individual. The capability of the proposed equivalent to provide the knowledge and experience provided by the provisions of this Section based upon the information submitted shall be the basis for approval or denial of the request for approval of a proposed equivalent, and The staffing requirement for the Trauma Services shall be exclusive of the charge nurses and shall include Registered Nurse(s) immediately available for care of any trauma patient and who have completed a Trauma Nurse Specialist Course (77 Ill. Adm. Code 542). A back-up policy shall provide for a nurse with experience evidenced by successful completion of an institution orientation to trauma care in addition to a current Trauma Nurse Core Curriculum (TNCC) or 16 hours equivalent in trauma nursing education, approved by the Department, in a four year period. A~~

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- back-up schedule must be maintained; and
- 3) An operating room shall be staffed in-house and available ~~twenty-four-(24) hours a day.~~
- g) The Trauma Center shall provide and maintain the following equipment:
- 1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, and mechanical ventilator;
 - 2) Suction ~~device~~ devices and equipment (pulmonary and gastric);
 - 3) Electrocardiograph-oscilloscope-defibrillator;
 - 4) Apparatus to establish central venous pressure monitoring;
 - 5) All standard intravenous fluids and administration devices, ~~including normal saline, half-normal saline, lactated ringers, macro-drop, micro-drop, blood tubing, blood pump and intravenous catheters;~~
 - 6) Sterile surgical sets of procedures standard for ED, such as cricothyrotomy, tracheostomy, thoracotomy, thoracostomy, and cut down;
 - 7) ~~Gastric lavage equipment;~~
 - 8) ~~7) Drugs and supplies necessary for emergency care;~~
 - 9) ~~8) X-ray and CAT scan capability, 24 hour coverage by in-house technicians;~~
 - 10) ~~9) Spinal immobilization equipment;~~
 - 11) ~~10) Temporary pacemaker; and~~
 - 12) ~~11) Specialized pediatric resuscitation cart in the Emergency Area.~~
- h) *The Trauma Center must provide helicopter landing capabilities approved by State and Federal authorities. (Section 27(a)(13) of the Act). The helicopter landing capabilities shall:*
- 1) Comply with the Aviation Safety Rules of the Illinois Department of Transportation (92 Ill. Adm. Code 14.790, 14.792, 14.795);
 - 2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14 CFR Part 157 and 14 CFR Part 77, Subpart D; and
 - 3) Be provided on the campus of the Trauma Center.
 - 4) Out-of-state trauma centers are exempted from this requirement but must provide proof of compliance with their state rules that govern aviation safety.
- i) The Trauma Center shall perform medical audits focused outcome analyses of its trauma services quarterly, the results of which shall be forwarded to the Department, and shall have the results available for review at the request of the Department.
- j) The Trauma Center shall provide a proposed Trauma Region Plan which shall include the following:
- 1) The protocols for treating patients in the Level I Trauma Center;
 - 2) The protocols for transferring trauma patients to more specialized care;

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patient within 30 minutes of the patient being declared as a trauma pursuant to Section 540.65 of this part. The trauma surgeon requirement may be fulfilled by residents with a minimum of four years general surgery residency training with independent operating room privileges with a staff specialist on call to arrive at the hospital to treat the patient within 30 minutes of notification that his or her services are needed at the hospital. The Trauma Center shall maintain a call schedule that identifies at least a primary surgeon and a back-up surgeon.

1) The Trauma Center shall have the option of allowing the emergency department personnel to determine that a trauma patient with isolated injuries may be treated by one of the specialty surgical services listed in subsection (d) or (e) below, in lieu of a trauma surgeon. Such services shall be provided within 60 minutes of the patient being declared as a trauma; notification of the surgeon that his or her services are needed at the hospital, except for neurosurgery, which shall be provided within 30 minutes.

2) A Trauma Center electing to implement subsection (c)(1) above shall follow the protocols established in Section 540.90 (c)(1)(A) of this part.

d) The Trauma Center shall provide the following surgical services within sixty (60) minutes:

1) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a trauma/general surgeon with experience in cardiothoracic surgery for life-saving procedures, who must have cardiothoracic privileges;

2) Obstetrics;

3) Orthopedic; and

4) Urologic.

e) The Trauma Center shall provide the following surgical services within sixty (60) minutes--(60) minutes--or-by-transfer--specialties on call to arrive at the hospital to treat the patient within 60 minutes of notification that their services are needed. These services may be provided by written transfer agreement. These services must be provided according to subsection (c)(1) for isolated injuries when the trauma surgeon is not required to respond.

1) Neurologic;

2) Ophthalmologic;

3) Oral-Dental;

4) Otorhinolaryngologic;

5) Replantation; and

6) Plastic/Maxillofacial.

f) The Trauma Center shall provide the following nonsurgical services within the designated times:

1) Emergency Medicine staffed twenty-four (24) hours a day in the Emergency Department by:

A) A physician who has competency in trauma as demonstrated

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3) Procedures for the development, maintenance and updating of region-wide protocols as required in Section 540.90 of this part;

4) Recommendations for Level II Trauma Center designations and Affiliate Trauma Hospitals to serve the Trauma Region;

5) Sample agreements with the recommended hospitals outlining their respective responsibilities in providing Trauma Services and the integration of communications in the Trauma Region;

6) Sample agreements with all EMS systems providing services within the Trauma Region to assure integration of communications and transportation;

7) A disaster preparedness plan which explains the actions and responsibilities of the Level I Trauma Center, the EMS systems, the recommended Level II Trauma Centers and the recommended Affiliate Trauma Hospitals within the Trauma Region. This may incorporate or consist of existing Disaster Plans; and

8) The procedures for reviewing the medical-audits focused outcome analyses performed by Level II Trauma Centers within the Trauma Region to assure compliance with the written agreements required by Section 540.90 of this part.

k) The Trauma Center shall develop a policy that identifies resource limitations that would result in the diversion of a trauma patient to another facility. This policy shall include notification procedures for pre-hospital personnel and for surrounding trauma centers.

1) Such diversion must be reported to the Department by telephone if it occurs during business hours. Otherwise, written notification of diversion must be sent no more than 48 hours following the diversion.

2) Both forms of notification shall include at minimum:

A) The name of the Trauma Center;

B) Date and time resource limitation started and ended; and

C) Reason for resource limitation.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

a) A Level II Trauma Center, under the direction of a Level II Trauma Center Medical Director, shall be responsible for providing trauma care in accordance with the Trauma Region Plan.

b) The Trauma Center Medical Director shall be a trauma surgeon, American College of Surgeons board certified in surgery, with at least one year of experience in trauma care and with twenty-four (24) hour independent operating privileges.

c) The Trauma Center shall provide a Trauma Service, which is an identified hospital service functioning under a designated director and staffed by general or trauma surgeons with one year of experience in trauma, who arrive at the hospital to assess and treat the trauma

Section 540.80 Level II Trauma Center Designation Criteria

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by:

- i) board certification by the American Board of Emergency Medicine; or
 - ii) completion of 12 months of internship, followed by at least 7,000 hours of hospital-based Emergency Medicine over at least a 60-month period (including 2800 hours within one 24-month period), verified in writing by the hospital(s) at which the internship and subsequent hours were completed, and continuing medical education in Emergency Medicine totalling 50 hours for each post-internship year in which the physician completed any hospital-based Emergency Medicine hours (the physician may attend less than 50 hours in any given year provided the total number averages 50 hours per year of practice); or
 - iii) completion of a residency in Emergency Medicine in a residency program approved by the Residency Review Committee for Emergency Medicine; and
- B) Registered Professional Nurses.
- 2) Anesthesiology Services:
- A) Anesthesiology services shall be in compliance with the Hospital Licensing Act. (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) and the Hospital Licensing Requirements, 77 Ill. Adm. Code 250.1410. Such--services--shall--be available--within--thirty--(30)--minutes. Staff shall be on call to arrive at the hospital to administer anesthesia within 30 minutes of notification that their services are needed at the hospital.
 - B) Direct patient care services may be performed by an anesthesiologist or a certified registered nurse anesthetist (CRNA).
- 3) Laboratory -- ~~twenty-four-(24)~~ hours a day in-house, providing the following:
- A) Standard analysis of blood, urine, and other body fluids;
 - B) Blood typing and cross-matching;
 - C) Coagulation studies;
 - D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (See Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically Section 250.520);
 - E) Blood gases and pH determinations;
 - F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
 - G) Drug and alcohol screening.
- 4) Radiology staffed by:
- A) A technician with the ability to perform a CAT scan available within ~~thirty-(30)~~ minutes; and
 - B) A radiologist with the ability to read CAT scans and perform

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angiography available within ~~sixty-(60)~~ minutes. This requirement may be met by a PGY II radiology resident or PGY I resident with six months experience in CT and angiography.

- 5) Cardiology -- ~~sixty-(60)~~ minutes₊
 - 6) Internal Medicine -- ~~sixty-(60)~~ minutes₊
 - 7) Postanesthetic recovery room staffed and available within ~~thirty-(30)~~ minutes.
 - 8) Intensive Care Medicine Unit having available the following:
 - A) A physician credentialed by the hospital and available within ~~thirty-(30)~~ minutes. This requirement may be fulfilled by second and third year residents who have had adult intensive care training and are under the supervision of a staff physician possessing full adult intensive care privileges;
 - B) Registered Professional Nurses ~~twenty-four-(24)~~ hours a day in the Intensive Care Unit; and
 - C) The following equipment ~~twenty-four-(24)~~ hours a day in-house:
 - i) Airway control and ventilation devices;
 - ii) Oxygen source with concentration controls;
 - iii) Cardiac emergency cart;
 - ~~iv)~~ Temporary-transvenous-pacemaker;
 - ~~v)~~ (iv) Electrocardiograph-oscilloscope-defibrillator;
 - ~~vi)~~ Pulmonary-function-measuring-devices;
 - ~~vii)~~ Temperature control devices;
 - ~~viii)~~ vi) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically Sections 250.1050, 250.2140, and 250.2710;
 - ~~ix)~~ vii) Temporary pacemaker; and
 - ~~x)~~ viii) Mechanical ventilator-respirators₊-and₊
 - ~~xi)~~ Patient-weighting-devices.
 - 9) Pediatrics -- ~~sixty-(60)~~ minutes₊
 - 10) Acute hemodialysis capability ~~twenty-four-(24)~~ hours a day or a transfer agreement₊
 - 11) Burn center staffed by Registered Nurses trained in burn care ~~twenty-four-(24)~~ hours a day or a transfer agreement₊-and₊
 - 12) Acute spinal cord injury management ~~twenty-four-(24)~~ hours a day or a transfer agreement.
- g) The Trauma Center shall meet the following professional staff requirements:
- 1) The Emergency Department Director shall be a physician board certified by the American Board of Emergency Medicine, or a physician that who has completed 12 months of internship, followed by 60 months plus 7,000 hours of hospital based Emergency Medicine (2800 of the 7,000 hours must be completed within one ~~twenty-four-(24)~~ month period), and 50 hours of continuing medical education in Emergency Medicine for each

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- A) The name of the Trauma Center;
B) Date and time resource limitation started and ended; and
C) Reason for resource limitation.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 540.90 Trauma Region Plan

- a) Within six (6) months of designation by the Department, the Level I Trauma Center serving a Trauma Region shall submit to the Department a Trauma Region Plan. If more than one Level I Trauma Center serves a Trauma Center Region, then the Level I Trauma Centers must establish and implement an agreement of cooperation for the review and coordination of services within the Trauma Center Region.
- b) The Level I Trauma Center shall assemble a committee which shall develop the Trauma Region Plan. The Committee shall consist of:
- 1) The Trauma Region's Level I Trauma Center Medical Director;
 - 2) The Trauma Region's Level II Trauma Center Medical Directors;
 - 3) The Project Medical Directors from all the EMS Systems within the Trauma Region;
 - 4) The Project Medical Directors from all EMS Systems outside the Trauma Region which transfer patients into the Trauma Region;
 - 5) Administrators of the associate hospitals of the EMS System of which the prehospital care provider is a part;
 - 6) Nursing Directors of the associate hospitals of the EMS System of which the prehospital care provider is a part;
 - 7) A representative of an ambulance service provider from each EMS system within the trauma region. (Section 27e of the Act)
- c) The Trauma Region Plan shall include but not be limited to the following:
- 1) Protocols addressing the following:
 - A) The treatment of trauma patients in each Trauma Center in the Trauma Region. These protocols shall address which trauma patients with isolated injuries may be treated by a specialty surgical service in lieu of a trauma surgeon, pursuant to Section 540.80 (c)(1) of this Part. The protocols shall also specify that any patient not specifically identified as one who may be treated by a specialty surgical service shall be treated by a trauma surgeon;
 - B) The evaluation and identification of when patients shall be transported to a Trauma Center, Affiliate Trauma Hospital, or other hospital;
 - C) The bypassing of any level Trauma Hospital;
 - D) The transfer of trauma patients to a Level I Trauma Center or to more specialized care;
 - E) Field triage (See Section 540. Appendix B);

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- F) Hospital triage (See Section 540. Appendix B);
G) Medical/legal issues; and
H) Local conflict mediation.
- 2) Written agreements addressing the following:
 - A) The respective responsibilities of the Level I Trauma Center, the Level II Trauma Centers, the Affiliate Trauma Hospitals and the EMS Systems within the Trauma Region in providing integrated trauma services, transportation and communications; and
 - B) The respective responsibilities of EMS Systems and hospitals providing speciality care outside of the Trauma Region in providing trauma patient care.
 - 3) A Disaster Preparedness Plan which includes the actions and responsibilities of the Level I Trauma Center, the Level II Trauma Centers, the Affiliate Trauma Hospitals and the EMS Systems within the Trauma Region.
 - 4) A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients at all Trauma Centers and Affiliate Trauma Hospitals.
 - 5) A program for informing all participants involved in the care of trauma patients within the Trauma Region of field triage treatment protocols and all other aspects of the Trauma Region Plan.
 - 6) Written Protocols
 - A) Written Protocols which shall provide that a person shall not be transported to a facility other than the regional trauma center or the nearest trauma center or hospital unless the Project Medical Director or his qualified designee has determined and certified that, based upon the reasonable risks and benefits to the patient, and based on the information available at the time:
 - i) the medical benefits reasonably expected from the provision of appropriate medical treatment at a more distant facility outweigh the increased risks to the patient from transport to the more distant facility, and
 - ii) the more distant facility has available space and qualified personnel for the treatment of the patient. (Section 27e of the Act) A trauma center, associate hospital or participating hospital affiliated with the EMS System may be presumed to have available space and qualified personnel in accordance with its level of participation within the System, unless such facility has notified the Project Medical Director that it has a shortage or limitation of space or qualified personnel.
 - B) The Trauma Region's protocols shall be consistent with the

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protocols of the EMS System within the Region, including but not limited to, a System's protocols for accommodating the patient's choice of facility other than the nearest hospital or trauma center.

(c) For purposes of this subsection, the "nearest hospital" is the hospital which is closest to the scene of the emergency as determined by travel time, and which operates a full-time emergency department at the minimum level recognized by the System in its Department approved program plan. The "nearest trauma center" is either the Level I Trauma Center serving the trauma region in which the EMS System is located or the Level II Trauma Center which is closest to the scene of the emergency as determined by travel time.

(d) Revised Trauma Score I) The Revised Trauma Score, as specified by the American College of Surgeons, shall be used in all Trauma Regions. The Revised Trauma Score is determined by using the following criteria:

A) Respiratory Rate	Value	Points
	10-29/Min	4
	less than 29/Min	3
	6-9/Min	2
	1-5/Min	1
	0	0

B) Systolic Blood Pressure	greater than 89	4
	76-89	3
	50-75	2
	1-49	1
	0 no pulse	0

C) Glasgow Coma Scale		
1) Eye Opening Response	Spontaneous	4
	To Voice	3
	To Pain	2
	None	1
ii) Best Verbal Response	Oriented	5
	Confused	4
	Inappropriate Words	3
	Incomprehensible Sounds	2
	None	1
iii) Best Motor Response	Obeys Commands	6
	Localizes (Pain)	5
	Withdraw (Pain)	4
	Flexion (Pain)	3

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Extension (Pain) None

Revised Trauma Points	Total
= 0	3
= 1	4-5
= 2	6-8
= 3	9-12
= 4	13-15

REVISED TRAUMA SCORE = Total Points A + B + C

2) Each Trauma Region may include other criteria in addition to the Revised Trauma Score in defining a trauma patient and specifying where trauma patients should be transported according to the severity of the injury.

(Source: Amended at 19 III. Reg. effective

Section 540.100 Uniform Reporting Requirements

a) Each facility shall have available to the Trauma Service use of a micro Soft Disc Operating System (MS-DOS), IBM compatible microcomputer with a hard-disk-(minimum-capacity-of-10-megabytes) that meets the following minimum standards: 386 microprocessor, two megabytes Random Access Memory (RAM), 40 megabytes hard drive, color monitor and back-up capability. The microcomputer must be available for the Illinois Trauma Registry to operate properly. Additional equipment required is a modem and printer. The Department shall provide Trauma Registry software for use by the facility. This software shall be used for data collection and shall have a provision to prepare electronic media reports to the Department on a quarterly basis.

b) The facility shall provide the following information on each reportable trauma patient that is admitted to the Trauma Center: 1) Patient name; 2) Date of birth; 3) Sex; 4) Race; 5) Social-Security-Number; 6) Home zip code; 7) Location of geographical site where injury occurred; 8) Type of site where injury occurred (i.e. home, school, road, etc.); 9) Mechanism of injury (International Classification of Disease

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- (ICD)9 E codes - 4 digits);
~~10~~9) Initial Trauma Triage score (such as the Glasgow Coma Scale, or the Trauma Score may be utilized);
~~11~~ 6-digit-ambulance-license-number-of-transporting-vehicle;
~~12~~10) Pre-hospital treatment;
~~13~~11) Trauma triage score upon arrival to hospital;
~~14~~12) Treatment prior to surgery;
~~15~~13) Times of;
 A) injury,
 B) start of pre-hospital treatment,
 C) arrival in Emergency Department, and
 D) start of surgery;
~~16~~14) Trauma score prior to transfer;
~~17~~15) Method and reason for transfer;
~~18~~16) Trauma score upon arrival at the next level of care;
~~19~~17) Treatment prior to surgery/transfer;
~~20~~18) Surgical procedures;
~~21~~19) Complications;
~~22~~20) Abbreviated Injury Score for each injury (Abbreviated Injury Score of the American Association of Automotive Medicine);
~~23~~21) Injury Severity Score (range from 1 to 75) (I.S.S.);
~~24~~22) Total hospital stay (subdivided into Intensive Care Unit (ICU) and non-ICU);
~~25~~23) Patient outcome (died, discharged, transferred, etc.);
~~26~~24) ICD9 N Code for nature of illness;
~~27~~25) Method of payment used by patient;
~~28~~26) Total charges for care provided;
~~29~~ Total-unreimbursed-care-provided;
~~30~~27) Date of initial injury; and
~~31~~28) Date injury was identified or diagnosed by health care provider.

c) Reportable trauma patients

- 1) A reportable trauma patient is one who was involved in a traumatic event and:
 A) was transferred to the trauma center from another trauma center, or
 B) was transferred from the trauma center to another trauma center, or
 C) was admitted to the trauma center as an inpatient, or
 D) was assigned an observation status with disposition outside of the Emergency Department, or
 E) was dead on arrival (DOA), or
 F) died in the emergency department (DIE), or
 G) signed out against medical advice (AMA).
 2) A traumatic event is one in which there was a transfer of energy resulting in injury, involving any of the following:
 A) aircraft;
 B) watercraft;

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- C) motor vehicles;
 D) railway;
 E) recreational vehicles;
 F) farm machinery;
 G) animals, including bites;
 H) explosion;
 I) falls;
 J) thermal/chemical/radiation injuries;
 K) lightning;
 L) weather related (tornado, flood, blizzard) injuries;
 M) struck by falling object;
 N) sports related;
 O) caught between objects;
 P) cutting or piercing instruments or objects;
 Q) firearms;
 R) electric current;
 S) suicide or self-inflicted injury;
 T) homicide;
 U) injury inflicted by others;
 V) hanging;
 W) strangulation;
 X) inhalation.

d) Illinois trauma registry reporting schedule

<u>Patients discharged</u>	<u>Report Date</u>
<u>January - March</u>	<u>June 30</u>
<u>April - June</u>	<u>September 30</u>
<u>July - September</u>	<u>December 31</u>
<u>October - December</u>	<u>March 31</u>

- e) Data shall be collected for all trauma patients in the State for each level of Injury Severity Score mean mortality rates, and standard deviations shall be calculated using standard statistical methods. Trauma Centers with mortality rates more than one standard deviation above the mean in three (3) or more ISS levels shall have an in-depth evaluation by the Department prior to renewal of designation. Trauma Centers with mortality rates more than two standard deviations above the mean in any ISS level less than twenty-five (25) shall also be evaluated for compliance with the Act and this Part prior to renewal of designation. The Trauma Center's mortality rate shall not constitute the sole basis for refusing to renew a trauma center's designation.
 f) Data collected from individual Trauma Centers shall be cross-referenced with Vital Records Death Certificates to confirm accuracy.
 g) Annual reports shall be prepared by the Department presenting summary data to allow Trauma Centers and the public to evaluate performance. This data shall have all hospital and patient identifiers removed.

overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects. Including methods for documenting compliance with 42 CFR 2A, pars. 4 a-j, 6 a-b, 7 a-b1; methods for the processing of data; storage and security measures taken to insure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g. Federal Contract); the curriculum vitae of the principal investigator; and a list of collaborators. In addition, the research request must specify what patient or facility identifying information is needed and how the information will be used.

2) All requests to conduct research and modifications to approved research proposals involving the use of data which includes patient or facility identifying information shall be subject to a review to determine compliance with the following conditions:

A) A request for patient or facility identifying information contains stated goals or objectives.

B) The request documents the feasibility of the study design in achieving the stated goals and objectives.

C) The request documents the need for the requested data to achieve the stated goals and objectives.

D) The requested data can be provided within the timeframe set forth in the request.

E) The request documents that the researcher has qualifications relevant to the type of research being conducted.

F) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research.

G) Other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights because the Department will only release the patient, physician in accordance with the provisions of this Section, or facility identifying information which is necessary for the research.

3) Research Agreements:

A) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used in accordance with the standards in subsection (c) above. In addition, the researcher shall include an assurance that:

i) Use of data is restricted to the specifications of the protocol;

ii) Any and all data which may lead to the identity of any patient, research subject, physician, other person, or

and.

(4) All data received by the Department shall be kept confidential. Patient identifiers shall be kept in such a way to assure that confidentiality is maintained and is not available to the public.

(1) All reports and records made pursuant to the Act and maintained by the Department and other appropriate persons, officials and institutions pursuant to the Act shall be confidential. Information shall not be made available to any individual or institution except to:

A) Appropriate staff of the Department;

B) Any person engaged in a bona fide research project, with the permission of the director of Public Health, except that no information identifying the subjects of the reports or the reporters shall be made available to researchers unless the Department requests and receives consent for such release pursuant to the provisions of this section; and

C) The council, except that no information identifying the subjects of the reports or the reporters shall be made available to the council unless consent for release is requested and received pursuant to the provisions of this Section. Only information pertaining to Head and Spinal Cord Injuries as defined in Section 1 of "AN-ACEF in--retation--to certain--injuries" the Head and Spinal Cord Injury Act (III. Rev. Stat. 1991, ch. III 1/2, par. 7851 et seq.) [410 ILCS 515] shall be released to the council. (Section 3 of "AN-ACEF in--retation--to certain--injuries" the Head and Spinal Cord Injury Act)

2) The Department shall not reveal the identity of a patient, physician or hospital, except that the identity of the patient may be released upon written consent of the patient, parent or guardian, the identity of the physician may be released upon written consent of the physician; and the identity of the hospital may be released upon written consent of the hospital. (Section 3 of "AN-ACEF in--retation--to certain--injuries" the Head and Spinal Cord Injury Act)

3) The Department shall request consent for release from a patient, a physician or hospital only upon a showing by the applicant for such release that obtaining the identities of certain patients, physicians or hospitals is necessary for his bona fide research directly related to the objectives of the Act. (Section 3 of "AN-act-in-retation-to-certain-injuries" the Head and Spinal Cord Injury Act)

(4) Availability of Registry Information

1) All requests by medical or epidemiologic researchers for confidential registry data must be submitted in writing to the registry. The request must include a study protocol which contains: objectives of the research; rationale for the research including scientific literature justifying current proposal;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

hospital is strictly privileged and confidential and agrees to keep all such data strictly confidential at all times;

- iii) All officers, agents and employees will keep all such data strictly confidential, will communicate the requirements of this Section to all officers, agents, and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within ~~forty-eight~~ 48 hours of any violation of this Section, including full details of the violation and corrective actions to be taken;
- iv) All data provided by the Department pursuant to this contract may only be used for the purposes named in this contract and that any other or additional use of the data may result in immediate termination of this contract by the Department;
- v) All data provided by the Department pursuant to this contract is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of this contract.
- B) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) above prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.
- 4) The Department shall disclose individual patient or facility information to the reporting facility, which originally supplied that information to the Department, upon written request of the facility.

~~h+j)~~ The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Part 21 of Article 8 of the Code of Civil Procedure (Ill. Rev. Stat. ~~1989~~ 1991, ch. 110, par. 8-2101) [735 ILCS 5]. Therefore, this information is privileged from disclosure by the Part 21 of Article 8 of the Code of Civil Procedure.

~~h+k)~~ The identity of any facility, or any group of facts which tends to lead to the identity, of any person whose condition or treatment is submitted to the Department shall not be open to public inspection or dissemination. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section.

~~j+l)~~ Every hospital shall provide representatives of the Department with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

access to information from all medical, pathological, and other pertinent records and logs related to reportable registry information. The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital and the Department. The Department shall not require hospitals to provide information on cases which are dated more than two years before the Department's request for further information.

~~k+m)~~ Every hospital shall provide access to information regarding specified patients or other patients specified for research studies, related to reportable registry information, conducted by the ~~department~~ Department. Any disputes as to access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 540.120 Renewal of Designation

All requests for renewal of Trauma Center designations shall be filed in writing with the Department ~~at least sixty~~ 60 days before the designation expiration date. If the renewal request meets the requirements of this Section, the existing designation shall continue in full force and effect until a final Department decision on the renewal request has been issued.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 540.130 Inspections and Investigations

The Department shall conduct a site visit to inspect the facilities of all applicants, both initial and renewed, for compliance with this Part. A report of the inspection shall be provided to the Director within 30 days after the site-visit. Within 30 days of receipt of the inspection report, the Director may accept or reject the plan for designation based upon the findings and recommendations of such report and other relevant information including any comments provided by the State Emergency Medical Services Council, and local health authorities, ~~and Area Hospital Emergency Services (AHES) Committee.~~ (Section 29(b) of the Act)

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 540. APPENDIX B Minimum Trauma Field Triage Criteria

GRAPHIC MATERIAL

See printed copy of IAC for detail

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

assessments, resources, and outcomes.

(Source: Added at 19 Ill. Reg. _____, effective

(1) > 25 minutes from Trauma Center, transport to nearest affiliate trauma

hospital.

> 30 minutes from Trauma Center or affiliate trauma hospital, transport

to nearest hospital.

Adapted from Trauma Care System Guidelines, ACEP, 1992, and Resources for
Optimal Care of the Injured Patient, ACS, 1993. It is expected that each
Region will expand upon this minimal triage set based on individual

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) Section Numbers: Proposed Action:
150.430 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 121, par. 307.10 [20 ILCS 2610/10].
- 5) A Complete Description of the Subjects and Issues Involved: Section 150.430 - This change will allow all Lieutenant, Captain, and Major candidates to participate in assessment exercises and to calculate the top 65% after all components of the promotional process have been completed.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this part? No.
- 10) Statement of Statewide Policy Objectives: Not Applicable
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within fourteen (14) days of the date of publication of this Notice, any interested person may request the opportunity to submit comments, data, views or arguments regarding the proposed amendments. The request and submissions must be in writing and directed to: Mr. James E. Seiber, Executive Director, Department of State Police Merit Board, 3180 Adloff Lane, Suite 100, Springfield, Illinois 62703, 217/786-6240. The Board will consider any written submission or comments if received in writing by the Board within forty-five (45) days of the date of publication of this Notice.
- 12) Initial Regulatory Flexibility Analysis: The Department of State Police Merit Board has determined that this rulemaking will not affect small business.

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

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150

PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer
150.540 Petition for Review
150.550 Form and Content of Petition for Review
150.560 Filing Procedures
150.565 Procedure for Processing Petition for Review
150.570 Director's Review
150.575 Discipline Afforded the Director
150.580 Complaint Procedures
150.585 Scheduling the Hearing

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DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

- f) The Board will certify to the Director the top 65% of those Troopers, Special Agents and Sergeants participating in the total promotional process. ~~All---Master---Sergeants,---Lieutenants,---and---Captains participating---in---the---total---promotional---process---will---be---certified---by---the---Board.~~
- g) There will be statewide certification lists for the ranks of Lieutenant, Captain, and Major. The certification lists for Sergeant and Master Sergeant will be according to Districts, as defined jointly by the Illinois State Police and the Illinois State Police Merit Board for promotional purposes and the list for Special Agents to Sergeant will be according to Areas.
- h) The top ten (10) candidates on each certification list for all ranks are equally eligible for promotion by the Director; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration. The Director may promote accordingly any one of the eligible candidates in accordance with Equal Employment Opportunity Commission regulations (29 CFR 1600 et seq. (July 1, 1982)) and Illinois Department of Human Rights guidelines.
- 1) As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;
 - 2) Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration.
- i) Upon written notification from the Department to the Board that a candidate on the certification list has been suspended, is on leave of absence, or has applied for disability benefits, the Board will remove the candidate's name from the certification list. The candidate's name will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed.
- j) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Christa McAuliffe Fellowship Program
- 2) Code Citation: 23 Ill. Adm. Code 2766
- 3) Section numbers:

2766.10	<u>Proposed Action:</u>
2766.20	New
2766.30	New
2766.40	New
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947] and Title IV, Part A, Subpart 2 of the Higher Education Act of 1965, as amended (20 U.S.C. 1107) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 88-0228 transferred the administrative responsibility for ten scholarship and grant programs from the Illinois State Board of Education (ISBE) to ISAC. One of these programs was the federal Christa McAuliffe Fellowship Program, under which fellowships are awarded to reward excellence in teaching by encouraging outstanding teachers to continue their education or to pursue other selected, related activities. The McAuliffe Fellowship Program is governed primarily by federal statute (Title V, Part C, Subpart 2 of the Higher Education Act of 1965, as amended) and federal regulations (34 CFR 237).

These proposed rules will implement ISAC's discretionary authority as the program administrator for the McAuliffe Fellowship Program in the State of Illinois. ISAC serves as the program administrator pursuant to an interagency agreement with ISBE. These proposed rules set forth the eligibility criteria for applicants, the selection criteria for McAuliffe Fellows, and the procedures for the awarding of assistance under this program.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par 2203) [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Dook Road
Deerfield, Illinois 60015
(708) 948-8500
12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2766
CHRISTA McAULIFFE FELLOWSHIP PROGRAM

Section	2766.10	Summary and Purpose
	2766.20	Definitions
	2766.30	Fellow Eligibility
	2766.40	Program Procedures

AUTHORITY: Implementing the Higher Education Student Assistance Act (110 ILCS 947) and Title V, Part C, Subpart 2 of the Higher Education Act of 1965, as amended (20 U.S.C. 1107) and authorized by Section 20(f) of the Higher Education Student Assistance Act (110 ILCS 947/20(f)).

SOURCE: Adopted at 19 III. Reg. _____, effective _____.

Section 2766.10 Summary and Purpose

a) The Christa McAuliffe Fellowship Program is designed to reward excellence in teaching by encouraging outstanding teachers to continue their education, to develop innovative programs, to consult with or assist local school districts, private schools, or private school systems, and to engage in other educational activities that will improve the knowledge and skills of teachers and the education of students.
b) Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), Institutions, and Fellows. This part implements ISAC's discretionary authority as the program administrator for the State of Illinois.
c) Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

Section 2766.20 Definitions

"Federal Regulations" - Regulations promulgated by the U.S. Department of Education (ED) and codified at 34 CFR 237.

"Qualified Applicant" - An Applicant who meets the requirements of Section 2766.30, Fellow Eligibility.

"Fellow" - An individual who receives fellowship assistance under this Part.

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NOTICE OF PROPOSED RULES

Section 2766.30 Fellow Eligibility

- a) A completed application for a Christa McAuliffe Fellowship must be received in ISAC's Deerfield Office on or before January 15 preceding the Academic Year for which the fellowship is being requested.
- b) In addition to submitting an application on a timely basis, a Qualified Applicant must:
 - 1) be a United States Citizen, or eligible Noncitizen;
 - 2) be a Resident of Illinois;
 - 3) have completed eight or more years as a full-time public or private elementary or secondary school teacher; and
 - 4) currently be a full-time teacher in a public or private elementary or secondary school.
- c) Applicants will be notified if they are not Qualified Applicants. A non-Qualified Applicant may appeal a finding of ineligibility in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.
- d) Applications shall include:
 - 1) A written narrative describing the proposed project to improve education, for which the fellowship may be used, including:
 - A) Sabbaticals for study or research directly associated with the purpose of this Fellowship Program, or academic improvement, including:
 - i) improving the teacher's knowledge base in an area of expertise, or learning a new area of expertise; and
 - ii) increasing skills and professional ability; and
 - iii) enhancing the ability of teachers to work with specialized populations, including gifted and talented children, limited-English proficient children, children with disabilities and economically and educationally disadvantaged children;
 - B) Consultation with or assistance to local school districts, private schools, or private school systems other than those with which the fellow is employed or associated;
 - C) Development of special innovative programs;
 - D) Projects or partnerships that involve the business community and the schools;
 - E) Programs that incorporate the use and sharing of technologies to help students learn; or
 - F) Expanding or replicating model programs of staff development.
 - 2) A description of the applicant's background, including:
 - A) educational background and experience;
 - B) educational leadership activities at local, state or national level;
 - C) educational presentations at the local, state or national level;
 - D) any professional publications; and
 - E) special honors, awards and recognitions (school, community,

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

- state or national level).
- 3) Statements of recommendation from:
 - A) two of the applicant's teaching peers;
 - B) the applicant's principal; and
 - C) the applicant's superintendent, regarding the quality of the proposal and its educational benefit.
- e) A Fellow may not receive an award for any two consecutive years.
- f) A Fellow must return to a teaching position, in his or her place of employment prior to the fellowship award, for at least two years following completion of the fellowship. In the case of extenuating circumstances, (e.g., temporary disability), a Fellow has a five-year period within which to complete this teaching requirement. (See 34 CFR 237.33(b).)
- g) Each Fellow shall keep any records and submit any reports required by ED.
- h) If the Fellow fails to carry out either the activities described in the application (see Section 2766.30(d)(1) of this Part), or the teaching requirement (see Section 2766.30(f)), the Fellow shall repay the funds received in an amount prorated to the amount of time for which either the fellowship or teaching activities were not completed. (See 34 CFR 237.34(b).)

Section 2766.40 Program Procedures

- a) Applications for the Christa McAuliffe Fellowship Program are available for distribution to teachers from: approved high schools in Illinois; offices of District and Regional Superintendents of Education in Illinois; and the offices of ISAC in Springfield, Chicago and Deerfield.
- b) ISAC shall accept applications for Christa McAuliffe Fellowships in accordance with Section 2766.30 of this Part, Fellow Eligibility.
- c) Applications will be considered for processing as of the dates they are received in ISAC's Deerfield office.
- d) From among timely applications, Qualified Applicants shall be identified.
- e) Fellow(s) shall be selected from among the highest scoring Qualified Applicants based upon the proposal submitted with the application and in accordance with the following criteria:
 - 1) Applicant's background. Information regarding the applicant's background indicating a teacher with the skills and knowledge to complete the proposal submitted;
 - 2) Proposal Usage Areas and Educational Benefits. How well the proposal applies to one of the five statutory usage areas identified in Section 533(b) of the Higher Education Act of 1965, as amended (20 U.S.C. 1105b), and how well the overall proposal improves the knowledge and skills of teachers and the education of students;
 - 3) Recommendations. The applicant's potential for successfully

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver Program

2) Code Citation: 23 Ill. Adm. Code 2765

3) Section numbers: 2765.10 New
2765.20 New
2765.30 New
2765.40 New
2765.50 New

4) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65-15(a)(2) of the Higher Education Student Assistance Act.

5) A Complete Description of the Subjects and Issues Involved: Public Act 88-0228 transferred administrative responsibility for ten scholarship and grant programs from the Illinois State Board of Education (ISBE) to ISAC. One of these programs was the Illinois Special Education Teacher Tuition Waiver Program, which encourages academically talented students to pursue careers in any area of special education as a public, private or parochial elementary or secondary school teacher in Illinois. These proposed rules govern the administration of the Illinois Special Education Teacher Tuition Waiver Program. These rules set forth the eligibility criteria for applicants, the selection criteria for Special Education Scholars, and the procedures for the awarding of assistance under this program.

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

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

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

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

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (III. Rev. Stat. 1991, ch. 85, par 2203) [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

completing the fellowship, based upon the recommendations from the superintendent, principal and teacher peers;

4) Budget. An analysis of whether the budget line item requests relate to the written proposal and whether the amounts appear realistic to accomplish the purposes of the proposal; and

5) Overall Assessment. An assessment of the overall proposal as to its worth and funding for a fellowship.

f) Each application will be read and scored and the winning Fellow(s) selected, based on his or her score and the available funding for the program for that year.

g) The total number of fellowships awarded in a given fiscal year is contingent upon available funding. A full fellowship shall be in an amount equal to the fellow's annual salary at his or her current place of employment for the award period. If appropriated funds are insufficient to award a full fellowship, then ISAC may choose to offer a partial fellowship in the amount of available funds. In the event that a fellow declines the offer of a fellowship award then ISAC may offer the award to the next highest scoring Qualified Applicant.

h) The selected Fellow(s) will be informed of their selection by the April 15 preceding the Academic Year for which the fellowship was requested.

i) All other Qualified Applicants will be notified that they were not selected.

j) Federal funds are drawn down by the Illinois State Board of Education (ISBE) for disbursement by ISAC, which will issue payments to the Fellow's school district, in accordance with Federal Regulations.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Ms. Raquel G. Martinez
 Compliance Counsel
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, Illinois 60015
 (708) 948-8500

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER PROGRAM

Section	
2765.10	Summary and Purpose
2765.20	Definitions
2765.30	Scholar Eligibility
2765.40	Program Procedures
2765.50	Institutional Procedures

AUTHORITY: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65-15(a)(2) of the Higher Education Student Assistance Act.

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 2765.10 Summary and Purpose

- a) The Illinois Special Education Teacher Tuition Waiver Program encourages current teachers and academically talented students to pursue careers as public elementary and secondary Illinois school teachers in any area of Special Education.
- b) This part establishes the Rules which govern the Illinois Special Education Teacher Tuition Waiver Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

Section 2765.20 Definitions

"Eligible Institution" - For the purposes of this Part, the University of Illinois, Southern Illinois University and state colleges and universities under the jurisdiction of the Board of Governors and the Board of Regents.

"Fees" - For the purposes of this Part, the Fees that a Special Education Scholar is exempt from paying include: any matriculation, graduation, activity, term or incidental fee. The fees for which the Scholar remains responsible include: multipurpose fees or any other fees such as book rental, service, laboratory, supply, union building, hospital and medical insurance fees and any fees established for the operation and maintenance of buildings, the income of which is pledged to the payment of interest and principal on bonds issued by the

NOTICE OF PROPOSED RULES

governing board of any university or community college.

"Qualified Applicant" - An Applicant who meets the requirements of Section 2765.30(b).

"Special Education" - A postsecondary educational program designed to teach persons how to meet the needs of all children designated as handicapped in Article 14 of the School Code [105 ILCS 5/14-1 et seq.]. These programs prepare persons for meeting the needs of children who exhibit handicapping or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach handicapped children or children with learning disabilities. [See 105 ILCS 5/14-1.02 and 1.03a.]

"Special Education Scholar" - An individual who receives assistance under this Part.

"Tuition Waiver" - An exemption from paying the tuition and fees at an Eligible Institution.

Section 2765.30 Scholar Eligibility

- a) A completed application must be received in ISAC's Deerfield office on or before February 15 immediately preceding the Academic Year for which the scholarship is being requested, in order to receive priority consideration.
- b) In addition to filing a timely application, a Qualified Applicant must:

- 1) be a United States Citizen or an eligible Noncitizen;
- 2) be a Resident of Illinois;
- 3) be an individual who has agreed to take courses that will prepare him/her for the teaching of handicapped children or children with learning disabilities; and
- 4) A high school graduate (or a student scheduled to graduate from high school by the end of the school term in which the award is made) who ranks in the upper half of his or high school graduating class; or,
- B) a person holding a valid teaching certificate that is not in the discipline of Special Education;

- 4) be Enrolled, or accepted for enrollment, on a full-time basis as an undergraduate or graduate student seeking certification in any area of Special Education;
- 5) attend, or plan to attend, an Eligible Institution; and
- 6) not have received the Illinois Special Education Teacher Tuition Waiver in the past.

c) Applicants will be notified if they are not Qualified Applicants. A non-Qualified Applicant may appeal a finding of ineligibility in

NOTICE OF PROPOSED RULES

accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.

d) Prior to receiving assistance, the Special Education Scholar must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following:

- 1) a pledge on the part of the scholar to teach in the field of Special Education for two of the five years immediately following graduation or termination of enrollment in any recognized public, private or parochial school in Illinois; and
 - 2) a further stipulation that, if the teaching requirement is not fulfilled, the scholarship converts to a loan and the Special Education Scholar must repay the entire amount of the tuition waiver prorated to the fraction of the teaching obligation not completed, plus interest at a rate equal to 5% per annum.
- e) A Special Education Scholar shall not be in violation of the teaching agreement, and thus may defer repayment as set forth in subsection (d)(2) of this Section, if the Special Education Scholar:
- 1) serves, for not more than four years, as a member of the United States armed services;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is pursuing a postgraduate degree and is enrolled on a full-time basis;
 - 4) is seeking and unable to find, for not more than two years, full-time employment as a Special Education teacher, and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to a teacher certification in Special Education but remains Enrolled on a full-time basis in another academic discipline.

g) A Special Education Scholar shall not be required to pay the amount of the tuition and fees waived if s/he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the Scholar has died.

Section 2765.40 Program Procedures

- a) Applications for the Illinois Special Education Teacher Tuition Waiver Program are available from Eligible Institutions; the offices of Regional Superintendents of Education in Illinois; state legislative and federal congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.
- b) ISAC shall accept applications to be a Special Education Scholar in accordance with Section 2765.30 of this Part, Scholar Eligibility.
- c) If the Applicant section of an application is incomplete, notification will be sent to the Applicant. The Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when

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the student section is complete and received in ISAC's Deerfield office.

- d) On or before March 1 of each year, ISAC, on behalf of principals of public, private and parochial high schools in Illinois, will provide the Regional Superintendents of each county with a roster of the names of all students in their county who are anticipated to be Qualified Applicants.
- e) On or before May 15 of each year, the Regional Superintendents shall certify the eligibility of Qualified Applicants on a roster that shall be returned to ISAC.
- f) ISAC shall award 250 Special Education Teacher Tuition Waivers annually.
- g) A maximum of forty (40) Tuition Waivers may be awarded annually to Qualified Applicants who hold valid teaching certificates that are not in the discipline of Special Education. (See Section 2765.30(b)(3)(B) of this Part.) If more than forty (40) applicants qualify under these provisions, a lottery shall be used to select forty (40) Special Education Scholars.
- h) A minimum of two-hundred ten (210) Tuition Waivers shall be awarded annually to high school graduates (or students scheduled to graduate) who rank in the upper half of their class. (See Section 2765.30(b)(3)(A) of this Part.) Any of the forty (40) Tuition Waivers not awarded pursuant to subsection (g), above, shall be awarded to this group.
- i) ISAC shall select Scholars, who do not hold valid teaching certificates, from among Qualified Applicants based on the highest Illinois Standard Test Scores. (See 23 Ill. Adm. Code 2760.30 and Appendices A and B.)
- j) A lottery will be used to determine Special Education Scholars if the number of Qualified Applicants sharing the same Illinois Standard Test Score exceeds the number of waivers to be awarded.
- k) Notice of eligibility will be sent by July 1 to each Qualified Applicant who is selected to receive a Special Education Teacher Tuition Waiver. The Special Education Scholar is then responsible for providing a copy of the notice of eligibility to the institution. All other Qualified Applicants will be notified that they were not selected.

Section 2765.50 Institutional Procedures

- a) Tuition Waivers are available towards credit for any semester/quarter within an Academic Year.
- b) When a Special Education Scholar graduates, withdraws, or otherwise ceases to be Enrolled in a Special Education program, the Institution shall certify to ISAC the total amount of Tuition and Fees that have been waived on behalf of the Special Education Scholar.
- c) A Special Education Scholar shall be exempt from paying Tuition and Fees at an Eligible Institution for up to four calendar years.

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- d) In any Academic Year in which the Special Education Scholar accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship (23 Ill. Adm. Code 2763), or the DeBolt Teacher Shortage Scholarship (23 Ill. Adm. Code 2764) the Scholar shall forfeit his or her eligibility for assistance under this Part.
- e) A Special Education Scholar may not concurrently receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735).
- f) Special Education Scholars must be Enrolled on a full-time basis. However, leaves of absence may be granted by the president of the Eligible Institution, or her or his designee, for the following reasons:
 - 1) earning funds to defray the Scholar's educational expenses;
 - 2) illness of the Scholar or a member of the Scholar's immediate family, as established by the sworn statement of a licensed physician; or
 - 3) military service.
- g) A Special Education Scholar must complete his or her course of study within six years. However, a leave of absence granted for military service shall not be considered part of the six years within which a Scholar must complete a degree.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2755

ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Section

- 2755.10 Summary and Purpose
 2755.20 Definitions
 2755.30 Scholar Eligibility
 2755.40 Program Procedures
 2755.50 Institutional Procedures
 APPENDIX A Geographic Districts

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

Section 2755.10 Summary and Purpose

- a) The Robert C. Byrd Honors Scholarship Program promotes student excellence and outstanding academic achievement by providing scholarships to exceptional High School Graduates who show promise of continued academic excellence.
- b) Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), Institutions, and Scholars. This Part implements ISAC's discretionary authority as the program administrator for the State of Illinois.
- c) Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

Section 2755.20 Definitions

"Byrd Scholar" - An individual who receives scholarship assistance under this Part.

"Cost of Attendance" - Defined at Section 472 of the Higher Education Act of 1965, as amended (HEA).

"Federal Regulations" - Regulations promulgated by the U.S. Department of Education (ED) and codified at 34 CFR 654.

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"High School Graduate" - An individual who has a high school diploma or a General Educational Development (GED) certificate.

"Qualified Applicant" - An Applicant who meets the requirements of Section 2755.30.

"Geographic Districts" - One of fifteen geographic areas in Illinois, each consisting of one or more counties, designated in order to ensure an equitable geographic distribution of scholarships within the state.

Section 2755.30 Scholar Eligibility

- a) A completed application for a Robert C. Byrd Honors Scholarship must be received in ISAC's Deerfield Office on or before January 15 preceding the Academic Year for which the scholarship is being requested.
- b) In addition to filing an application on a timely basis, a "Qualified Applicant" must:
 - 1) be a United States Citizen or Eligible Noncitizen;
 - 2) be a Resident of Illinois;
 - 3) become a High School Graduate in the same high school year in which s/he submits the scholarship application, and must demonstrate outstanding academic achievement as measured by test scores and high school records; or
 - 4) have received a General Educational Development (GED) test score recognized by the General Educational Development Testing Service as the equivalent to ranking in the top five percent of the United States' High School Graduates; and
 - 5) be Enrolled or accepted for enrollment on a full-time basis as an undergraduate student; and
 - 6) be Enrolled or accepted for enrollment in a postsecondary Institution that is approved by the U.S. Department of Education to participate in federal student financial assistance programs. (See, e.g., 34 CFR 600.10, 600.20, 668.12.)
- c) Applicants will be notified whether they are Qualified Applicants. A non-Qualified Applicant may appeal a finding of ineligibility in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.
- d) Byrd Scholars must be Enrolled on a full-time basis for the first year of study. If after the first year of study, the Byrd Scholar has unusual circumstances, s/he may request a waiver of the full-time enrollment requirement. A waiver form shall be completed by the Scholar, and submitted to ISAC with accompanying documentation. Provided the student continues to be enrolled on at least a half-time basis, the circumstances under which an exception to the full-time enrollment requirement may be granted include:
 - 1) the Byrd Scholar's employment hours will not permit additional course load;
 - 2) the Byrd Scholar has medical problems that will not permit

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- Full-time attendance, as established by the sworn statement of a licensed physician;
- 3) the Byrd Scholar is in his/her last semester of school and additional course work to complete the degree is not required; or the care of an immediate family member due to illness or incapacitation will not permit an additional course load.
- e) A Byrd Scholar may postpone or interrupt his or her full-time enrollment at an institution for a maximum of 12 months.
- f) A student who receives a scholarship under this Part, and who is subsequently determined to be ineligible, shall repay to ISAC the total amount of the funds received for the period during which s/he was ineligible.

a) Applications for the Robert C. Byrd Scholarship are available for offices of district and Regional Superintendents of Education of the State of Illinois; offices of ISAC in Springfield, Chicago and Deerfield.

b) ISAC shall accept applications to be a Robert C. Byrd Honors Scholar in accordance with Section 2755.30 of this Part, Scholar Eligibility.

c) If the student section of the application is incomplete, notification shall be sent to the Applicant. The Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.

d) From among timely applications, ISAC shall identify Qualified Applicants.

e) ISAC shall select new Byrd Scholars from among the highest scoring Qualified Applicants on the basis of the following criteria:

1) Academic Data. A Qualified Applicant's score shall be computed as follows:

$$[(\text{number in class divided by rank}) \times .05] + [(\text{grade point average divided by scale}) \times 100] + [(\text{Illinois Standard Test Score} \times 10) = \text{score}]$$

A) Grade point average shall be computed as of the end of the sixth semester of high school study.

B) SAT I scores are converted to ACT scores and test scores used in this Part shall be converted to the Illinois Standard Test Score as described in Part 2760, State Scholar Program, Section 2760.30 and Appendices A and B.

C) If both ACT and SAT I scores are submitted, the higher score, after conversion to ACT, is used.

D) For Applicants qualifying by virtue of their GBD scores (see Section 2755.30(b)(4) of this Part), class rank shall be set at 5 out of 100 (top 5%) and average GBD percentile rank

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- 2) Geographic District. New Robert C. Byrd Honors Scholarships will be allocated to Geographic Districts in accordance with Appendix A of this Part. An Applicant's county of residence shall be determined by his or her permanent home address.
- f) Scholarships will be awarded first to renewing Scholars. A Byrd Scholar will continue to be eligible for a scholarship if the postsecondary Institution at which the student is enrolled certifies that the Byrd Scholar is:
- 1) maintaining enrollment as a full-time student, except as provided in Section 2755.30(d) of this Part
- 2) maintaining Satisfactory Academic Progress as determined by the Institution;
- 3) not in default on any Federal student loan nor owing repayment on any state or federal student financial assistance grant; and,
- 4) not receiving federal financial aid in excess of the student's cost of attendance, as determined by the Institution.
- g) ISAC performs the calculations regarding grade point averages, test scores, class rank and size in accordance with the procedures established for the State Scholar Program (see 23 Ill. Adm. Code 2760.30 and Appendices A and B).
- h) New Byrd Scholars are selected from each of the 15 Geographic Districts, and on an at-large basis, in accordance with the number of awards set forth in Appendix A to this Part. The at-large Scholars shall be chosen from among the highest scoring non-selected Qualified Applicants statewide, regardless of their geographic district.
- i) The total number of scholarships awarded in a given fiscal year is contingent upon available funding, (see Section 419D of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d-34), Allocation Among States), notwithstanding the number of new scholarships outlined in Appendix A to this Part.

j) Byrd Scholars will be informed of their selection by the April 1 preceding the Academic Year for which the scholarship was requested. All high schools with Robert C. Byrd Scholars will be notified of the Scholars attending their institution by April 15.

k) All Qualified Applicants not selected to be Byrd Scholars will be sent letters notifying them that they have not been chosen.

m) If an individual does not accept the offer of a new scholarship award, the next highest scoring Qualified Applicant not yet selected from the same Geographic District will be chosen to receive a scholarship.

n) New and renewal Byrd Scholars will complete an "Eligibility Certification," which includes annual certification statements required by ED.

o) ISAC shall send verification/payment rosters to Institutions on which they will certify the students' eligibility to receive the Byrd Scholarships.

p) Scholarship funds are applicable towards two semesters/three quarters

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of full-time study within an Academic Year, and shall be sent to the Institution on behalf of the Scholar(s).

Section 2755.50 Institutional Procedures

- a) Institutions shall ensure that ISAC receives verification/payment rosters prior to the beginning of the fall Term.
- b) Upon receipt of scholarship funds, the Institution(s) shall verify that the Byrd Scholar(s) continues to be Enrolled. The Institution may then credit scholarship funds to the recipient's account for expenses then due and payable. The balance of the scholarship funds shall be released to the Scholar. If the Byrd Scholar withdraws from enrollment, the Institution shall return the amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.
- c) The total amount of the Byrd Scholarship awarded to a Byrd Scholar in any given Academic Year, when added to the other Federal or State financial aid available to the Byrd Scholar for that year, cannot exceed the student's Cost of Attendance.
 - 1) The amount of any federally guaranteed student loans should be decreased prior to reducing the amount of the Byrd Scholarship.
 - 2) The Byrd Scholarship should be decreased prior to reducing the amount of a Federal Pell Grant
 - 3) A Monetary Award Program (MAP) grant should be decreased prior to reducing the amount of a Byrd Scholarship.
- d) Except as provided in Section 2755.50(c) of this Part, a Byrd Scholar may receive \$1500 for each Academic Year, up to a maximum of four years of study.

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Section 2755.APPENDIX A Geographic Districts

District Number	Counties	Number of New Scholarships
1	Cook	110
2	DuPage	22
3	Lake	11
4	Winnebago, Boone, McHenry	11
5	Mercer, McDonough, Adams, Schuyler, Warren, Fulton, Sangamon, Cass, Menard, Hancock, Mason, Henderson	11
6	DeKalb, Kane, Lee	11
7	Kendall, Will, Grundy	11
8	Jo Daviess, Ogle, Carroll, Henry, Bureau, Rock Island, Whiteside, Stephenson	11
9	LaSalle, Putnam, Livingston, Ford, McLean, Kankakee, Iroquois	11
10	Knox, Stark, Marshall, Peoria, Woodford, Tazewell	11
11	Champaign, Edgar, Vermilion, Coles, Clark, Douglas, Cumberland, Jasper, Crawford	11
12	Logan, DeWitt, Piatt, Macon, Christian, Moultrie, Shelby, Montgomery, Clay, Marion, Effingham, Bond, Fayette	11
13	Calhoun, Green, Scott, Brown, Pike, Jersey, Morgan, Madison, Macoupin	11
14	Richland, Wayne, Lawrence, Wabash, Edwards, White, Jefferson, Union, Franklin, Hardin, Hamilton, Saline, Gallatin, Johnson, Pope, Jackson,	11

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

1) Heading of the Part: Illinois Design Standards for Slow Rate Land Application of Treated Wastewater

2) Code Citation: 35 Ill. Adm. Code 372

3) Section Numbers: Adopted Action:

- 372.100 New Section
372.110 New Section
372.200 New Section
372.210 New Section
372.220 New Section
372.230 New Section
372.240 New Section
372.250 New Section
372.300 New Section
372.310 New Section
372.320 New Section
372.400 New Section
372.410 New Section
372.420 New Section
372.430 New Section
372.500 New Section
372.510 New Section

4) Statutory Authority: Implementing and authorized by Sections 4(h) and 39(a) of the Illinois Environmental Protection Act [415 ILCS 5/4(h) and 39(a)] and by 35 Ill. Adm. Code 309.262.

5) Effective Date of Rulemaking: January 31, 1995

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

7) Does this rulemaking contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: January 25, 1994

9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 4524, March 25, 1994.

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

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

a) Section 372.220(c)(2): "based on Illinois State Water Survey data or other available well drilling logs or boring records for the area" added at the end.

b) Section 372.230(a): "subsurface irrigation" added after "gated

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Number of New Scholarships
District Counties
Massac, Alexander, Pulaski, Williamson

St. Clair, Perry, Clinton, Monroe, Washington, Randolph

15 At-Large

- 372.100 New Section
372.110 New Section
372.200 New Section
372.210 New Section
372.220 New Section
372.230 New Section
372.240 New Section
372.250 New Section
372.300 New Section
372.310 New Section
372.320 New Section
372.400 New Section
372.410 New Section
372.420 New Section
372.430 New Section
372.500 New Section
372.510 New Section

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pipes".

- c) Section 372.230(a): "or residential lot lines" added at the end.
- d) Section 372.230(b): "50 feet from any residential lot line" deleted and the following added:
- "1) 200 feet, unless the requirements in (b)(2) or (b)(3) of this Section are met:
- 2) 25 feet, if the application area is surrounded by a fence with a minimum height of 40 inches; or
- 3) No distance restriction when the application area is:
- A) a golf course, if the application occurs only during the hours between dusk and dawn; or
- B) a restricted access area (an area to which the public access is controlled), if the application and its associated drying time occur during a period when the area is closed to the public."
- e) Section 372.300(c): subsection (c)(2) "System Pressure Spray systems utilizing a pressure greater than 50 psi at the spray nozzle shall be limited to agricultural or forested areas that do not have general public access" deleted.
- f) Section 372.420(a): "All land application systems must provide adequate storage, with adequacy being determined using either of the following methods, except that those facilities that do not generate wastewater year round must use Method 1" and "Method 1" added at the beginning of the section; "provided for all land application systems" deleted.
- g) Section 372.420(a): "The minimum storage volume shall not be less than 150 days at design average flow except that in southern Illinois areas, defined as Interstate 70 highway and south, a minimum of 120 days storage volume shall be provided" deleted and subsection (a)(2) added:
- "Method II
The minimum storage capacity, by volume, shall be capable of storing at least 150 days production of wastewater, at design average flow, except that in southern Illinois areas (defined as all areas south of Interstate 70) a minimum of 120 days storage capacity shall be provided."
- h) Section 372.500(d): "as specified by the Agency permit for the

ENVIRONMENTAL PROTECTION AGENCY

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project to measure compliance with groundwater standards" added at the end of the first sentence.

- i) Various grammatical and editorial changes.
- 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 rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:
These rules establish standards for the design of treatment and disposal systems wherein treated domestic wastewater is sprayed or otherwise applied to the surface of the land.
- 16) Information and questions regarding these adopted rules shall be directed to:

Name: Thomas J. McSwiggin
Address: Division of Water Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: (217) 782-0610

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

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NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 372

ILLINOIS DESIGN STANDARDS FOR SLOW RATE LAND APPLICATION OF TREATED WASTEWATER

SUBPART A: INTRODUCTION

The purpose of this part is to establish design standards and permit application requirements for wastewater treatment systems involving the non-discharging low-rate application of wastewater to land.

Section 372.100 Purpose

SUBPART A: INTRODUCTION

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SOURCE: Adopted at 19 Ill. Reg. 12924, effective

JAN 31 1995

Section 372.100

Purpose

372.110 Scope and Applicability

SUBPART B: SITE SELECTION CONSIDERATIONS

a) These design standards apply to non-discharging low-rate land application of secondary and tertiary treated domestic wastewater to land upon which crops, turf or trees are grown. These design standards are to be used in the preparation of all engineering documents.

Section 372.200

General

372.210

Site Location

372.220

Hydrogeology and Soils

372.230

Buffer Zone

372.240

Loading Factors on Application Fields

372.250

Project Layout

SUBPART C: APPLICATION SYSTEM

Section 372.300

Equipment Design

372.310

Runoff Control

372.320

Application Area Access Control

SUBPART D: PREAPPLICATION TREATMENT AND STORAGE

Section 372.400

Degree of Treatment Required Relative to Application Area

372.410

Reapplication Treatment Plant Design

372.420

Storage

372.430

Treatment and Storage Area Access Control

SUBPART E: MONITORING REQUIREMENTS

Section 372.500

Groundwater Monitoring

372.510

System Flow and Stored Volume Measurement

AUTHORITY: Implementing and authorized by Sections 4(h) and 39(a) of the Environmental Protection Act (415 ILCS 5/4(h) and 39(a)).

Section 372.210 Site Location

a) General

The following factors shall be considered in the selection of the site:

1) Present and proposed land use regarding residences, buildings, developments, public access areas, for the site and adjoining properties;

2) Present and proposed water supply wells;

3) Surface waters and waterways, wetlands and 10-year floodplains;

4) Subsurface drainage tiles and storm sewers;

5) Abandoned wells and shafts;

Section 372.200 General

The preliminary engineering report required under subsection 372.110(b) shall address all of the elements contained in this Subpart B, as well as any of the planning elements of Subparts C through E that are applicable to the feasibility of the project for which the preliminary engineering report is submitted.

SUBPART B: SITE SELECTION CONSIDERATIONS

Recommended Standards for Sewage Works.

Facilities are contained in 35 Ill. Adm. Code 370, Illinois

and specifications or permit applications.

review and approval prior to the preparation and submission of plans

b) A preliminary engineering report must be submitted to the Agency for

documents.

standards are to be used in the preparation of all engineering

application of secondary and tertiary treated domestic wastewater to

land upon which crops, turf or trees are grown. These design

standards apply to non-discharging low-rate land

Section 372.110 Scope and Applicability

The purpose of this part is to establish design standards and permit application requirements for wastewater treatment systems involving the non-discharging low-rate application of wastewater to land.

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- 6) Buffer zones;
 - 7) Area for expansion of the wastewater treatment and land application systems;
 - 8) Depth to groundwater;
 - 9) Depth to bedrock; and
 - 10) Topography.
- b) Well Setback Requirements
The location of the treatment facilities and land application area with respect to wells shall be in conformance with the setback zone requirements of the Illinois Groundwater Protection Act [415 ILCS 55].
- c) Topography
- 1) Cultivated Fields
Slopes on cultivated fields shall be limited to 4% unless runoff control measures such as berms, collection ditches or check dams are provided.
 - 2) Sodded Fields and Forested Areas
Slopes on sodded fields and forested areas shall be limited to 8% unless runoff control measures such as berms, collection ditches or check dams are provided.
 - 3) Steep Slopes
For slopes steeper than those covered under subsections (c)(1) and (2) above, the engineering documents shall include the runoff control measure recommendations of the Soil Conservation Service (SCS) or county soil conservation district.
- d) Location to Surface Water
Treated wastewater shall not be applied or discharged to wetlands, streams, waterways or other surface waters. Floodplains which have a flood return frequency of less than 10 years shall not be used for land application unless alternate application sites or additional lagoon storage is provided. Storage shall be designed in accordance with Section 372.420.
- e) Depth to Groundwater
The system design shall be based on rational calculations that take into account that treated wastewater is not to be applied when groundwater is within 4 feet of the ground surface. The design shall include storage capacity for such high groundwater periods and such periods shall be accounted for in the computation of the available treated wastewater application days. The design shall also take into account the effect that the application of additional water will have on groundwater levels.
- f) Depth to Bedrock
For land application of treated wastewater the proposed site shall have a minimum of 10 feet of earth cover over bedrock, unless the preapplication treatment system complies with Section 372.400(b).

Section 372.220 Hydrogeology and Soils

- a) General

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The engineering documents shall contain information on location, geology, groundwater, soil characteristics, ground slopes, area for expansion, and any other factors that will affect the feasibility and acceptability of the proposed land application system. Data shall be obtained from available and identified sources or onsite investigations.

- b) Geology
Geological conditions present at the land treatment site and their potential effects, including depth to bedrock, thickness of surficial deposits, and the presence of any special conditions must be described. The major geological factors which shall be considered are:
- 1) Structure, weathering and fracturing of bedrock;
 - 2) Lithology;
 - 3) Texture; and
 - 4) Soil profile.
- c) Groundwater
The following data and information for the proposed site shall be provided:
- 1) Depth to the seasonal high groundwater table and the duration of seasonal variations;
 - 2) Identification and depth to each aquifer based on Illinois State Water Survey data or other available well drilling logs or boring records for the area;
 - 3) Direction of groundwater movement and the location of any points of groundwater resurfacing;
 - 4) A chemical analysis of the existing groundwater quality for those parameters set out in Section 372.500(d) which may be affected by the application of treated wastewater; and
 - 5) An evaluation of the effects of the applied treated wastewater on groundwater movement and quality.
- d) Soil Characteristics
The soil at the proposed site must be evaluated based on on-site surveys and the most up-to-date published soil survey for:
- 1) Types and texture classifications;
 - 2) Mantle thickness;
 - 3) Chemical characteristics;
 - 4) pH;
 - 5) Nutrient levels including nitrogen and phosphorus;
 - 6) Cation exchange capacity;
 - 7) Subsurface soil characteristics;
 - 8) Soil borings to a minimum depth of 10 feet; and
 - 9) Permeability of the most impermeable layer of the soil mantle at each soil boring location.

Section 372.230 Buffer Zone

- a) Non-Spray Surface Application

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

a) General Requirements

- 1) The design of all application systems shall provide facilities to assure uniform distribution of the treated wastewater over the disposal area.
- 2) Sufficient spare equipment and parts shall be available to assure continuity of application during application periods.
- 3) A single irrigation pumping unit may be utilized if a spare pump in working condition is available in dry storage.
- 4) The design shall provide for draining all pipes and equipment to prevent freeze damage.

b) Non-Spray Surface Application Systems

Non-spray surface application systems which provide for even distribution of wastewater effluent on the land site may be utilized, including ridge and furrow, gated pipe, or equivalent systems. These systems may be mobile or fixed on the site. They shall be designed to minimize clogging and to allow for ease of maintenance.

c) Spray Irrigation Systems

1) Spray Equipment

- A) Fixed head systems and center pivot rigs may be utilized. A permanent connection point must be provided for each setting of moveable spray irrigation equipment. The design shall include provisions for shutting off the peripheral spray heads to prevent drift of spray beyond the application area under design wind conditions.
- B) The irrigation system controls shall be simple and be protected from lightning damage.
- C) The design maximum wind velocities shall be 15 MPH in urban and residential areas and 25 MPH in agricultural areas.

2) Nozzle Pressure Regulation

Regulation of nozzle pressure to compensate for field elevations and line losses shall be provided.

Section 372.310 Runoff Control

The design shall provide for control of the application intensity to prevent runoff in response to treated wastewater application on all parts of the application field. In order to minimize runoff during precipitation events, the exclusion of runoff from adjacent areas shall be considered.

Section 372.320 Application Area Access Control

The entire application area and buffer area shall be posted at 100 yard intervals around the perimeter identifying the area as a "Treated Wastewater Application Area". The application area shall be fenced to prevent access by children and unauthorized personnel unless the pretreatment provided meets the urban area pretreatment requirements of Section 372.400(b) or the land application system is located in an agricultural area or a forested area that does not have general public access.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

SUBPART D: PREAPPLICATION TREATMENT AND STORAGE

Section 372.400 Degree of Treatment Required Relative to Application Area

a) Agricultural Areas

Agricultural or forested areas that do not have public access shall provide at a minimum a two cell lagoon system or a mechanical secondary treatment facility.

b) Urban Areas

Urban parks, forest preserves and golf courses and other areas with public access shall utilize as a minimum a two cell lagoon system with tertiary sand filtration and disinfection or a mechanical secondary treatment facility with disinfection.

Section 372.410 Preapplication Treatment Plant Design

a) Design and Construction Requirements

All preapplication treatment systems shall be designed and constructed in accordance with 35 Ill. Adm. Code 370, Illinois Recommended Standards for Sewage Works.

b) Screening

All treatment systems except those requiring tertiary filtration must have a screening device sized to minimize plugging of the spray nozzles following the storage lagoon prior to the irrigation distribution system.

Section 372.420 Storage

a) Storage Volume

All land application systems must provide adequate storage, with adequacy being determined using either of the following methods, except that those facilities that do not generate wastewater year round must use Method I:

1) Method I

Adequate storage shall be based on a rational design that must include capacity for the wettest year with a 20-year return frequency. The volume provided shall be sufficient to hold flows received during the following periods:

- A) When the soil is frozen, including subsoil frost layers;
- B) When there is an ice or snow cover on the ground;
- C) When the soil temperature at 4" depth is less than 40°F or the mean air temperature is less than 35°F;
- D) When the ground is saturated or there is standing water (as from late winter snowmelt or spring rains);
- E) When the groundwater table is within 4 feet of the surface;
- F) During days when precipitation exceeds 0.1 inch;
- G) During agricultural and horticultural practices;
- H) During days set aside for equipment maintenance;

d) Testing and Monitoring Equipment Provision shall be made for testing groundwater for nitrates, ammonia, nitrogen, chlorides, sulfates, pH, total dissolved solids, phosphate, and coliform bacteria as specified by the Agency permit for the project to measure compliance with groundwater standards. Testing shall be performed in accordance with 40 CFR 136 (1992) (no later amendments or editions), and may be done either at an onsite laboratory or through a contractual arrangement with an offsite laboratory.

Section 372.510 System Flow and Stored Volume Measurement

a) System Flows Plant influent and effluent irrigation flow measurement shall be provided. Flow measurement shall not be less than elapsed time meters used in conjunction with pumping rate tests or calibrated weirs. All flow measurement equipment shall be sized to function effectively in the full range of flows expected and shall be protected against freezing.

b) Stored Volume Measurement A staff gauge shall be provided in the storage lagoon located near the draw-off structure and must be easily read from the lagoon dike.

c) Monitoring Systems Monitoring equipment for wastewater application sites shall include equipment for measuring air temperature, soil temperature, precipitation, wind speed and direction, and depth to groundwater.

1) During days when the design maximum wind velocity is exceeded; and

J) When the soil is barren, except for seeded areas, areas with growing crops, or areas with a trashy cover to prevent erosion.

2) Method II The minimum storage capacity, by volume, shall be capable of storing at least 150 days production of wastewater, at design average flow, except that in southern Illinois areas (defined as all areas south of Interstate 70) a minimum of 120 days storage capacity shall be provided.

b) Design and Construction Requirements The storage lagoon must be designed and constructed in accordance with 35 Ill. Adm. Code 370, Illinois Recommended Standards for Sewage Works.

Section 372.430 Treatment and Storage Area Access Control

The entire treatment and storage lagoon area shall be enclosed with fencing to preclude livestock and prevent access by the general public. Warning signs shall be posted at 100-yard intervals on exterior fences designating the area as a "Wastewater Treatment Facility". A vehicle access gate of sufficient width to accommodate mowing equipment and maintenance vehicles shall be provided. All access gates shall be provided with locks.

SUBPART E: MONITORING REQUIREMENTS

Section 372.500 Groundwater Monitoring

a) General 1) Saturated zone groundwater monitoring shall be provided for all land application systems. A minimum of three groundwater monitoring wells must be provided, one upgradient for determining background concentrations and two downgradient in the dominant direction of groundwater movement from the land application system.

2) Provision shall be made for sampling of the discharge from any drainage tiles underlying the application area.

b) Potable Water Supply Wells Where the project site is within 1,000 feet of existing potable water wells but the wells are outside the minimum setback zone of the Illinois Groundwater Protection Act [415 ILCS 55], groundwater monitoring wells must be provided between each potable water well and the land application system.

c) Monitoring Well Design The monitoring wells shall be constructed with provisions for sampling at the surface of the water table and at 5 feet below the water table at each monitoring site.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Numbers: Adopted Action:
303.322 Amendment
- 4) Statutory Authority: 415 ILCS 5/27
- 5) Effective Date of Amendments: January 30, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Board's principal office: Order adopted in R93=13 on January 12, 1995.
- 9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 14219, September 16, 1994
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

Added "the foundry located at the intersection of Interstate 74 and G Street in Danville, Illinois, owned by" before "General Motors".

Added "on January 31, 1995" after "Corporation".

Replaced "as caused by the General Motors Corporation discharge" with "as caused by the discharge from the foundry facility".
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In docket number R93=13, General Motors (GM) is seeking to modify 35 Ill. Adm. Code 303.322, which establishes a site-specific water quality standard for fluoride in the unnamed tributary of the Vermilion River and the Vermilion River from the juncture of the unnamed tributary to the Indiana border. GM seeks to increase the fluoride water quality standard for the unnamed tributary and the Vermilion River from the juncture of the unnamed tributary to a point

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

0.9 miles downstream of that juncture from 5 mg/l to 10 mg/l. The rule is explained in more detail in the Board's opinion of September 1, 1994 which is available from the Pollution Control Board at the address below.

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

Diane F. O'Neill
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
(312) 814-6062

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: THERMAL DISCHARGES

Section 303.500 Scope and Applicability
 303.502 Lake Sangchris Thermal Discharges

APPENDIX A References to Previous Rules
 APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13 and-27).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161 effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1810, effective

JAN 30 1995

Section 303.322 Unnamed Tributary of the Vermillion River

The fluoride standard of Sec. 302.208 shall not apply to waters of the State which are located from the point of a discharge from the foundry located at the intersection of Interstate 74 and G Street in Danville, Illinois, owned by General Motors Corporation on January 31, 1995, to an unnamed tributary of the Vermillion River, said point being located 3900 feet south of the Vermillion River, 1900 feet north of I-74, at 40° 6'35" north latitude and 87° 69'52" west longitude, to the confluence of said unnamed tributary with the Vermillion River; and from there downstream to its juncture with the Indiana-state-border River; a point 0.9 river miles downstream of the juncture at the crossing of a Norfolk and Western Railroad bridge. Fluoride levels in such waters as caused by the discharge from the foundry facility shall meet a water quality standard for fluoride (Storet Number 00950) of 5 $\bar{1}0$ mg/l.

(Source: Amended at 19 Ill. Reg. 1810, effective

JAN 30 1995

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 303

WATER USE DESIGNATIONS AND SITE SPECIFIC

WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section 303.100 Scope and Applicability
 303.101 Multiple Designations
 303.102 Rulemaking Required

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section 303.200 Scope and Applicability
 303.201 General Use Waters
 303.202 Public and Food Processing Water Supplies
 303.203 Underground Waters
 303.204 Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS

Section 303.300 Scope and Applicability
 303.301 Organization
 303.311 Ohio River Temperature
 303.312 Waters Receiving Fluorspar Mine Drainage
 303.321 Wabash River Temperature
 303.322 Unnamed Tributary of the Vermillion River
 303.323 Sugar Creek and Its Unnamed Tributary
 303.331 Mississippi River North Temperature
 303.341 Mississippi River North Central Temperature
 303.351 Mississippi River South Central Temperature
 303.352 Unnamed Tributary of Wood River Creek
 303.353 Schoenberger Creek; Unnamed Tributary of Cahokia Canal
 303.361 Mississippi River South Temperature
 303.400 Bankline Disposal Along the Illinois Waterway/River
 303.430 Unnamed Tributary to Dutch Creek
 303.431 Long Point Slough and Its Unnamed Tributary
 303.441 Secondary Contact Waters
 303.442 Waters Not Designated for Public Water Supply
 303.443 Lake Michigan

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Number: Adopted Action:
160.77 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 5/12-13]
- 5) Effective Date of Amendments: January 30, 1995
- 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: January 30, 1995
- 9) Notice of Proposal Published in Illinois Register:
August 19, 1994 (18 Ill. Reg. 12604)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments?
No
- 11) Differences between proposal and final version: As recommended by the Administrative Code Division, in the Table of Contents: Section 160.77, "Occupational" was stricken to agree with the change in the text. The following sentence was added at the end of Section 160.77(e):

Factors for an acceptable payment plan will include, but are not limited to:
1. the amount of past-due child support owed;
 2. the amount of current child support obligations being paid;
and
 3. the individual's ability to pay.
- 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

DEPARTMENT OF PUBLIC AID

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- 14) Are there any Amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
160.12	New Section	September 23, 1994 (18 Ill. Reg. 14296)
160.70	Amendment	November 14, 1994 (18 Ill. Reg. 16510)

- 15) Summary and Purpose of Amendments: Pursuant to routine data sharing agreements, the Department may receive from State licensing agencies information relating to license applications and renewals for purposes of identifying responsible relatives who are delinquent in complying with a support order and have or are applying for a license or renewal of a license. These amendments are necessary to establish procedures for the Department to certify to State licensing agencies past-due support owed by a responsible relative under a support order entered by a court or administrative body of this or any other state when the responsible relative has or is applying for a license. The State licensing agency may then elect to take disciplinary action. The Department and the State licensing agency will provide the responsible relative with a joint notice of the right to a hearing prior to the Department certifying the past-due support information to the agency.

As a result of this rulemaking, the Department and the licensing agency will notify the responsible relative in writing with the following information:

- a) the reasons for the intended actions;
- b) a statement of the right to request a hearing;
- c) a statement of the time, place and nature of the hearing, if one is requested;
- d) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- e) a reference to the sections of the statutes and rules involved; and
- f) a statement of the right to prevent certification and disciplinary action by payment of the past-due support in full or by entering into a payment plan acceptable to the Department.

These amendments provide that a party may request a hearing within 10 days after receipt of the Department's notice of the intent to certify past-due support owed by a responsible relative to a State licensing agency and the licensing agency's intention to take disciplinary action. Pursuant to these amendments, the only issues at a hearing initiated pursuant to Section 104.209 are whether the responsible relative has or is applying for a license, the amount, if any, of delinquent child support owed pursuant to a support order entered by court or administrative body, and whether the responsible relative is more than 30 days delinquent. A party alleging that the support order referenced in the notice has subsequently

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER F: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

160.1 Incorporation by Reference

160.5 Definitions

160.10 Child Support Enforcement Program

160.15 Application Processing Fee for IV-D Non-AFDC Cases

160.20 Assignment of Rights to Support

160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

160.30 Cooperation with Support Enforcement Program

160.35 Good Cause for Failure to Cooperate with Support Enforcement

160.40 Proof of Good Cause for Failure to Cooperate with Support Enforcement

160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF

CHILD SUPPORT ORDERS

Section

160.60 Establishment of Support Obligations

160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

160.70 Enforcement of Support Orders

160.75 Withholding of Income to Secure Payment of Support

160.77 Past Due Support Information to State Recreational Licensing Agencies

160.80 Amnesty - 20% Charge

160.85 Diligent Efforts to Serve Process

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

been modified will have the burden of producing a certified copy of the modified order.

This rulemaking establishes that the Department will be stayed from certifying information to a State licensing agency until a final administrative decision has been made by the Department. The responsible relative can prevent certification and disciplinary action by payment in full of the past-due support amount or by entering into a payment plan acceptable to the Department. Factors for an acceptable payment plan will include, but are not limited to:

1. the amount of past-due child support owed;
2. the amount of current child support obligations being paid; and
3. the individual's ability to pay.

Related changes have been proposed in the rules governing Administrative Hearings (89 Ill. Adm. Code 104).

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

Name: Judy Umuna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 160.100 Distribution Of Child Support For AFDC Recipients
 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
 160.130 Distribution Of Intercepted Income Tax Refunds and Other State Payments

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- Section
 160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

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

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

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16738, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective JAN 30 1995.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 160.77 Past Due Support Information to State Occupational Licensing Agencies

- a) ~~The Department shall provide the following information concerning the payment records of responsible relatives in IV-D cases to State occupational licensing agencies pursuant to data sharing agreements when the amount of past due support is equal to at least one month's support obligation pursuant to the order for support, the responsible relative is not subject to the income withholding provisions of the support statutes and the agency states that the responsible relative has applied for renewal of an occupational license:~~
- 1) ~~the name, last known address and Social Security Number of the responsible relative; and~~
 - 2) ~~the terms and amount of past due support which has accumulated under the order for support.~~
- b) ~~The Department shall provide the responsible relative with a notice at least 45 days prior to furnishing past due support information to a State occupational licensing agency, which advance notice shall inform the relative of the following:~~
- 1) ~~the IV-D case and identification number;~~
 - 2) ~~the past due support amount which will be reported;~~
 - 3) ~~the date past due support will be reported; and~~
 - 4) ~~the right to prevent reporting by payment of the past due support amount in full or to contest the determination of the amount of past due support by requesting a redetermination by the Department within 30 days after the date of mailing of the notice.~~
- c) ~~The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past due support found to be owed or to contest the results of the redetermination by requesting a hearing within 30 days from the date of mailing of the notice.~~
- d) ~~The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for hearing.~~
- e) ~~The Department shall be stayed from providing information to a State occupational licensing agency by either of the following:~~
- 1) ~~A request for a:~~
 - A) ~~redetermination; or~~
 - B) ~~hearing contesting the determination that past due support is owed or the amount of past due support; or~~
 - 2) ~~Payment in full of the amount of the past due support stated in the:~~
 - A) ~~advance notice; or~~
 - B) ~~notice of redetermination or hearing results.~~
- f) ~~For purposes of computing whether a request for redetermination or hearing was made within the 30-day period, the day immediately after the mailing of the advance notice or notice of redetermination results shall be considered as the first day and the day the request for~~

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Sections 104.208 and 104.211

The following changes have been made in the proposed amendments:

Section 104.208(a)(5) has been revised to read "a reference to the provisions of the statutes and rules involved."

Section 104.208(b)(8) has been revised to read "a reference to the provisions of the statutes and rules involved."

In the first sentence of Section 104.211(a), the word "or" has been added after "Title XVIII" and the comma has been removed.

Section 104.211(a)(4) has been revised to read "a reference to the provisions of the statutes and rules involved, and".

Section 104.209 through 104.244

In Section 104.209(e), the word "sections" was capitalized.

Section 104.209(f) has been revised as follows:

a statement of the right to prevent certification and disciplinary action by payment of the past-due support in full or by entering into a payment plan acceptable to the Department.

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

Section 104.103

These amendments delete the de novo process for hearings on petitions to contest the determination of the amount of past-due support or of the share of jointly-owned funds. As a result of these amendments, hearings on petitions to contest the determination of the amount of past-due support or of the share of jointly-owned funds will be governed by the provisions in Section 104.102, except that subsections (a) and (c) will not apply.

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NOTICE OF ADOPTED AMENDMENTS

These amendments will not result in any additional expenditures by the Department.

Sections 104.208 and 104.211

These amendments are intended to implement federal requirements regarding exclusion of a vendor by the Department of Health and Human Services (HHS). According to a recent HHS interpretation of federal regulations, in a Department action to terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program which is based upon exclusion to participate by HHS, provisions concerning administrative hearings found in the Department's rules will not be applicable.

The amendments require termination of the vendor's eligibility to participate and termination of the vendor's provider agreement, except when the HHS exclusion is for a period of less than one year. In that case, the Department may suspend the vendor's eligibility for a period to coincide with the period of exclusion by HHS. The amendments require the Department to provide a written notification to the vendor concerning the intended termination or suspension action, which includes a statement that the action is a final and binding administrative decision unless the vendor is notified otherwise by the Department prior to the effective date.

Sections 104.209 through 104.244

Pursuant to routine data sharing agreements, the Department may receive from State licensing agencies information relating to license applications and renewals for purposes of identifying responsible relatives who are delinquent in complying with a support order and have or are applying for a license or renewal of a license. These amendments are necessary to establish procedures for the Department to certify to State licensing agencies past-due support owed by a responsible relative under a support order entered by a court or administrative body of this or any other state when the responsible relative has or is applying for a license. The State licensing agency may then elect to take disciplinary action. The Department and the State licensing agency will provide the responsible relative with a joint notice of the right to a hearing prior to the Department certifying the past-due support information to the agency.

As a result of this rulemaking, the Department and the licensing agency will notify the responsible relative in writing with the following information:

- a) the reasons for the intended actions;
- b) a statement of the right to request a hearing;

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NOTICE OF ADOPTED AMENDMENTS

- (c) a statement of the time, place and nature of the hearing, if one is requested;
- (d) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (e) a reference to the sections of the statutes and rules involved; and
- (f) a statement of the right to prevent certification and disciplinary action by payment of the past-due support in full or by entering into a payment plan acceptable to the Department.

These amendments provide that a party may request a hearing within 10 days after receipt of the Department's notice of intent to certify past-due support owed by a responsible relative to a State licensing agency and the licensing agency's intention to take disciplinary action. Pursuant to these amendments, the only issues at a hearing initiated pursuant to Section 104.209 are whether the responsible relative has or is applying for a license, the amount, if any, of delinquent child support owed pursuant to a support order entered by court or administrative body, and whether the responsible relative is more than 30 days delinquent. A party alleging that the support order referenced in the notice has subsequently been modified will have the burden of producing a certified copy of the modified order.

This rulemaking establishes that the Department will be stayed from certifying information to a State licensing agency until a final administrative decision has been made by the Department. The responsible relative can prevent certification and disciplinary action by payment in full of the past-due support amount or by entering into a payment plan. Related changes have been proposed in the rules governing Child Support Enforcement (89 Ill. Adm. Code 160).

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

Sections 104.208 and 104.211

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

Sections 104.103 and 104.209 through 104.244

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Name: Judy Umnuna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

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

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONSPART 104
PRACTICE IN ADMINISTRATIVE HEARINGS

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SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.103 Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds

a) Hearings on petitions to contest the determination of the amount of past-due support or of the share of jointly-owned funds shall be governed by Section 104.102, except that subsections (a)(2) and (c) shall not apply, and the following terms as used therein are redefined:

1) "administrative support order" shall mean determinations of past-due support or of share of jointly-owned funds.
2) "liability" shall mean past-due support or share of jointly-owned funds.
3) "responsible relative" shall also mean joint payee.

b) Upon receipt of a hearing request from a responsible relative or joint payee concerning:
1) an advance notice of intercept, the Department shall, if the request concerns a joint federal or State income tax refund or other joint state payment, inform the responsible relative or joint payee of the steps necessary for the joint payee to secure his proper share of the refund or payment, as stated in the advance notice.
2) an amount already intercepted, the Department shall refer the responsible relative or joint payee to the Internal Revenue Service, if the request concerns a joint federal income tax refund.

c) Within 45 days of the receipt of a notification from a state intercepting a federal income tax refund that the Department has requested an administrative review in this state, the Department shall complete the procedures set forth in subsection (a) above. The Department shall notify the submitting state promptly of the decision and notify the Department of Health and Human Services of the deletion of the amount referred for intercept.

(Source: Amended at 19 III. Reg. 1321; effective JAN 30 1995)

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement

a) If, in an action other than one under 89 Ill. Adm. Code 140.16(a)(2) or one under 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, the Department--Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a

DEPARTMENT OF PUBLIC AID

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104.400 Suspected Intentional Violation of the Program
104.410 Advance Notice of Administrative Disqualification Hearing
104.420 Postponement of Hearing
104.430 Administrative Disqualification Hearing Procedures
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104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing

104.470 Administrative Disqualification Hearing Decision and Notice of Decision
104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section 104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25, and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13) [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753 effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1994. amended at 19 Ill. Reg. 1321; effective JAN 30 1995

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

vendor's provider agreement, it shall notify the vendor in writing, setting forth:

- 1) the reason for the Department's action,
 - 2) a statement of the right to request a hearing prior to the intended action taking effect,
 - 3) a statement of the time, place and nature of the hearing,
 - 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 5) a reference to the ~~sections~~ provisions of the statutes and rules involved.
- b) If, in an action under 89 Ill. Adm. Code 140.16(a)(2) except in an action initiated pursuant to Section 104.211, or one under Section 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, the Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:
- 1) the reason for the Department's action,
 - 2) the effective date of the action,
 - 3) a statement that the vendor has the opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made,
 - 4) a statement that the action will be effective on such date regardless of whether any hearing requested has been completed,
 - 5) a statement of the right to request a hearing,
 - 6) a statement of the time, place and nature of the hearing,
 - 7) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 8) a reference to the ~~sections~~ provisions of the statutes and rules involved.
- c) The notice shall also inform the vendor, where applicable, that the final administrative decision of the Department could result in suspension for a specific period of time as well as termination.

(Source: Amended at 19 Ill. Reg. 1321, effective JAN 30 1995)

Section 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to a State Licensing Agency and to Take Disciplinary Action

If the Department intends to certify past-due support owed by a responsible relative to a State licensing agency and the licensing agency intends to take disciplinary action, the Department and the licensing agency shall notify the responsible relative in writing, setting forth:

- a) the reasons for the intended actions;
- b) a statement of the right to request a hearing;
- c) a statement of the time, place and nature of the hearing, if one is

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requested;

- d) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- e) a reference to the Sections of the statutes and rules involved; and
- f) a statement of the right to prevent certification and disciplinary action by payment of the past-due support in full or by entering into a payment plan acceptable to the Department.

(Source: Added at 19 Ill. Reg. 1321, effective JAN 30 1995)

Section 104.210 Right to Hearing

- a) An entity may request a hearing within 10 days after the entity's receipt of the Department's notice of:
 - 1) the Department's decision to deny an application (as provided in Section 104.204);
 - 2) the Department's intent to recover money (as provided in Section 104.206); or
 - 3) the Department's intent to terminate or suspend a vendor's eligibility or terminate (or not renew) a vendor's provider agreement (as provided in Section 104.208); or
 - 4) the Department's intent to certify past-due support owed by a responsible relative to a State licensing agency and the licensing agency's intent to take disciplinary action (as provided in Section 104.209).
- b) A request for hearing must be received by the Department within 10 days of the date on which the vendor received the Department's notice.
- c) This request must be in writing and must contain a brief statement of the basis upon which the Department's action is being challenged.
- d) If such a request is not received within 10 days, or is received but later withdrawn, the Department's decision and the grounds asserted as the basis therefor in the notice shall be a final and binding administrative determination.
- e) In actions initiated pursuant to Section 104.206 or 104.208(b), if a vendor requests a hearing, such a request shall not delay the effective date of action set forth in the Notice. In all other actions initiated pursuant to 104.204 or 104.208, the action shall not take place until the final administrative decision has been issued.

(Source: Amended at 19 Ill. Reg. 1321, effective JAN 30 1995)

Section 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services

- a) In an action under 89 Ill. Adm. Code 140.16(a)(2) based on the Department of Health and Human Service exclusion of an entity from

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

participation in any program under Title XIII or Title XIX of the Social Security Act or any State health care program, the Department shall terminate the vendor's eligibility to participate in the Medical Assistance Program and terminate the vendor's provider agreement. If the exclusion is for a period of less than one year, the Department may suspend the vendor's eligibility for a period to coincide with the period of the exclusion by the Department of Health and Human Services. The Department shall notify the vendor in writing setting forth:

- 1) the reason for the Department action,
- 2) the effective date of the action,
- 3) a statement that the provider may submit in writing prior to the effective date evidence that there is no exclusion of the provider, and the name and address of the person to whom such evidence is to be sent,
- 4) a reference to the provisions of the statutes and rules involved, and
- 5) a statement that the action is a final and binding administrative decision as of the effective date of the action unless the vendor is notified otherwise by the Department prior to the effective date.

b) The hearing provisions set forth elsewhere in Subpart C shall specifically not apply to an action under this Section.

(Source: Amended at 19 JAN 30 1995, Reg. 1321, effective)

Section 104.221 Issues at Hearings

- a) The sole issue at a hearing where the basis for denial of an application pursuant to 89 Ill. Adm. Code 140.14(d) is that the vendor does not have a necessary license, certificate or authorization, shall be whether or not the vendor has such a license, certificate or authorization.
- b) The sole issue at a hearing where the basis of the denial of an application is as set forth in 89 Ill. Adm. Code 140.14(b) shall be whether the vendor has demonstrated, according to the factors listed in that Section, in light of the prior activities, that he should be admitted to the Medical Assistance Program.
- c) The sole issue at a hearing where the basis for termination is as set forth in 89 Ill. Adm. Code 140.16(a)(2) shall be whether or not the appropriate licensing, certifying or authorizing agency has determined that the vendor does not have a necessary license, certificate or authorization.
- d) The sole issue at a hearing requested by a previously suspended vendor that is being terminated pursuant to 89 Ill. Adm. Code 140.19(b) shall be whether or not the vendor has corrected the deficiencies on which the suspension was based.

DEPARTMENT OF PUBLIC AID

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- e) At a hearing conducted pursuant to Subpart D of this Part, the sole relevant time with respect to the existence of the violations of the Department's requirements alleged in the notice shall be the date or dates in the notice.
- f) The only issues at a hearing initiated pursuant to Section 104.209 are whether the responsible relative has or is applying for a license, the amount, if any, of delinquent child support owed pursuant to a support order entered by a court or administrative body, and whether the responsible relative is more than 30 days delinquent.

(Source: Amended at 19 JAN 30 1995, Reg. 1321, effective)

Section 104.244 Burden of Proof

- a) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.14 shall be on the Department if the application was denied because the vendor engaged in activities which constitute grounds for termination or was denied pursuant to 89 Ill. Adm. Code 140.14(c). The burden of proof shall be on the applicant if the application was denied because of:
 - 1) a determination that a previously terminated or barred vendor cannot reasonably be expected to meet the requirements of the Department; or
 - 2) a determination that based on the activities which served as the basis for terminating or barring a vendor, the application should not be approved.
- b) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.15 or Subpart D of this Part shall be on the Department.
- c) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.16 shall be on the Department.
- d) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.32 shall be on the party seeking special permission, and in hearings conducted pursuant to 89 Ill. Adm. Code 140.19(b) shall be on the vendor.
- e) In the case of any new matter introduced in connection with any affirmative defense, the burden of proof with respect thereto shall be upon the party which alleges such new matter. In hearings initiated pursuant to Section 104.209, a party alleging that the support order referenced in the notice has subsequently been modified shall have the burden of producing a certified copy of the modified order.
- f) The standard of proof with respect to all hearings conducted pursuant to these rules shall be a preponderance of the evidence.

(Source: Amended at 19 JAN 30 1995, Reg. 1321, effective)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Request For Public Records
- 2) Code Citation: 2 Ill. Adm. Code 1226
- 3) Section Numbers: Adopted Action:

1226.10	Amend
1226.20	Amend
1226.110	Amend
1226.120	Amend
1226.310	Amend
1226.330	Amend
1226.420	Amend
1226.Appendix B	Amend
- 4) Statutory Authority: Implementing and authorized by Section 1 et seq. of the Freedom of Information Act [5 ILCS 140/1]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]; and also authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].
- 5) Effective date of rules: January 31, 1995
- 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: January 30, 1995
- 9) Notice of proposal published in Illinois Register: Not applicable.
- 10) Has JCAR issued a Statement of Objections to these rules? Not applicable.
- 11) Differences between proposal and final version: Not applicable.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Not applicable.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: The Department is amending Part 1226 pursuant to inquiries by district personnel concerning updating FOIA charges. After an examination of the fees charged for the duplication of public records, the Department has determined that some revisions to Part 1226 are necessary. This rulemaking incorporates those revisions which, among other things, include the updating of some duplication fees, updating several addresses, and updating all statutory citations.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

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

Mr. John Burke, Chief, Bureau of Information and Public Assistance
 Illinois Department of Transportation
 Office of Chief Counsel
 2300 South Dirksen Parkway, Room 300
 Springfield, Illinois 62764
 (217) 782-6953

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

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DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

addresses of the District highway offices are as follows:

District 1
~~1000-Plaza-Drive~~ 201 West Center Court
 Schaumburg, IL 601964

District 2
 819 Depot Avenue
 Dixon, IL 61021

District 3
 700 East Norris Drive
 Ottawa, IL 61350

District 4
~~6035-N.-Knoxville-Ave.~~ 401 Main Street
 Peoria, IL 6161402

District 5
~~State-Highway-Building~~ Route 133, West, P.O. Box 610
 Paris, IL 61944

District 6
 126 East Ash Street
 Springfield, IL 627064

District 7
 State Highway Building
 Effingham, IL 62401

District 8
~~9300-St.-Clair-Avenue~~ 1100 East Port Plaza Drive
~~Fairview-Heights, IL 62208~~ Collinsville, IL 62234

District 9
 State Highway Building
 P. O. Box 100
 Carbondale, IL 629013

- b) Requests for records other than records maintained by a District highway office which are sent to a District highway office may be returned as improperly submitted. If a person making a request is unsure where the requested records are maintained, the request should be sent to the Director of Public Affairs at the address in paragraph subsection (a)(1) of this Section.
- c) An envelope containing a request for records shall be plainly marked "REQUEST FOR RECORDS". Failure to so mark the envelope may delay processing.
- d) Requests for records which are not submitted to the Director of Public

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NOTICE OF ADOPTED AMENDMENTS

Affairs or to District Engineers as provided in this Section will be handled expeditiously. However, the required response times contained in the FOIA and ~~these rules~~ this Part do not apply to requests which are not submitted as provided in this Section.

(Source: Amended at 19 Ill. Reg. 1334, effective JAN 31 1995)

Section 1226.120 Form and Content of Requests

- a) Requests in accordance with the FOIA and ~~these rules~~ this Part shall be made in writing. Requests shall be legible and in English. Such requests may be submitted on FOIA request forms provided by the Department. (See Section 1226. Appendix A.)
- b) The ~~requestor~~ requester shall provide the following information in a request for public records:
- 1) The ~~requestor's~~ requester's name, address and phone number.
 - 2) A specific description of the public records requested.
 - 3) Whether the request is for inspection of public records, copies of public records, or both.
- c) A request for copies of public records may request that the records be certified.
- d) Oral requests will be handled expeditiously. However, the provisions contained in the FOIA and ~~these rules~~ this Part do not apply to oral requests.
- e) A request not meeting the requirements of ~~these rules~~ this Part may be returned as improperly submitted.

(Source: Amended at 19 Ill. Reg. 1334, effective JAN 31 1995)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 1226.310 Appeal of a Denial

- a) A ~~requestor~~ requester whose request has been denied may appeal the denial to the Secretary of the Department. The notice of appeal shall be made in writing and sent to:

Secretary
 Illinois Department of Transportation
 2300 South Dirksen Parkway
 Springfield, Illinois 62764

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the ~~requestor~~ requester, and a statement of the reasons why the appeal should be granted.
- c) An appeal not meeting the requirements of ~~these rules~~ this Part may be returned to the person making the appeal as improperly filed.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 III. Reg. 1334, effective

JAN 31 1995

Section 1226.330 Delegation by Secretary

The Secretary delegates to the Deputy Assistant Secretary the authority to decide appeals under the FOIA and these rules this Part.

(Source: Amended at 19 III. Reg. 1334, effective

JAN 31 1995

Section 1226.420 Copies of Public Records

a) Copies of public records shall be provided to the requester requester only upon payment of any charges which are due.

b) A requester shall make any check or money order payable to the "State Treasurer of Illinois" for payment of charges that are due.

bc) Charges for copies of public records and certification shall be assessed in accordance with the "Fee Schedule for Duplication of

Public Records" attached as Section 1226.Appendix B.

ed) Charges shall be waived if the requester requester is a State agency, a constitutional officer or a member of the General Assembly. Charges may be waived in any other case where the Department determines that the waiver serves the public interest.

(Source: Amended at 19 III. Reg. 1334, effective

JAN 31 1995

19 III. Reg.

1334

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 1226.APPENDIX B Fee Schedule for Duplication of Public Records

Type of Duplication

Charge

Paper copy from paper original (not exceeding 8 1/2 inches x 14 inches) \$.10

Paper copy from microfilm original (not exceeding 8 1/2 inches x 14 inches) .10

Paper copy from microfilm original (not exceeding 8 1/2 inches x 14 inches)

Microfilm from microfilm original 5.78

Computer printout Batch processing, per CPU Hour 615.00

Per tape mount .95

Paper printout, per 1000 lines .33

Black and white photograph (8 inches x 10 inches) From negative 2+54.00

From photograph 4+09.00

Color photograph (8 inches x 10 inches) From negative 20+85.50

From photograph 26+35

Microfiche

Paper

Film

.08

.75

The fee for certifying copies is \$1.00 per request.

Charges for specially compiled bulletins, manuals, maps and other publications will be in accordance with Attachment 2 to "Illinois Department of Transportation Statements Under Sections 4 and 5 of the Freedom of Information Act," copies of which are available from the Director of Public Affairs and the District Engineers. See Section 1226.110 for addresses.

The fee for a specially made copy or any other copy not otherwise provided for shall be the actual cost of reproduction.

(Source: Amended at 19 III. Reg. 1334, effective

JAN 31 1995

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Peremptory Action:
 125.10 Amended
 125.100 Amended
 125.260 Amended
 125.270 Amended
 125.380 Amended
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 316) [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 59 FR 62551 and 60 FR 174.
- 5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 301 et seq.) [225 ILCS 650].
- 6) Effective Date: January 27, 1995
- 7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry inspection are hereby adopted.

"The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations by amending the definition of "meat" to include as "meat", product resulting from advanced meat/bone separation machinery and recovery systems that do not crush, grind, or pulverize bones to remove attached skeletal tissue from the bones of livestock carcasses and parts of carcasses. This final rule also establishes the criteria, including that for calcium content, for meat from advanced meat/bone separation machinery and meat recovery systems to assure consistency with the characteristics and composition of meat, and establishes compliance procedures and recordkeeping requirements for the calcium content criteria." (59 FR 62551, December 6, 1994). Specifically, Sections 125.10, 125.100, and 125.270 are amended. These amendments appear in the December 6, 1994 issue of the Federal Register, page 62551.

The FSIS is also amending "its final nutrition labeling regulations to provide codified language for provisions that previously cross-referenced those requirements contained in the final nutrition labeling regulations

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

of the Food and Drug Administration (FDA) that FSIS adopted. . . . Full codification of the final FSIS nutrition labeling regulations will facilitate their use by improving their clarity and accessibility." (60 FR 174, January 3, 1995) Specifically, Sections 125.260 and 125.380 are amended. These amendments appear in the January 3, 1995 issue of the Federal Register, page 174.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: January 25, 1995
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:
 Name: Debbie Wakefield
 Address: Illinois Department of Agriculture
 State Fairgrounds, Springfield,
 Illinois 62794-9281
 Telephone: 217/782-2172 FAX: 217/785-4505

The full text of the peremptory amendments begins on the next page:

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DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective

JAN 27 1995

DEPARTMENT OF AGRICULTURE

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SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
POULTRY INSPECTION

Section 125.10 Definitions

- a) Terms shall be as defined in 9 CFR 301, 303.1(d)(2), (ii), (iii) (a), (b), (d), (e) and (f), (iv), (v) and (vi), 381.1, 381.10(d)(2), (ii), (iii)(a), (b), (d), (iv), (v) and (vi), and 352.1(b) through (t) (1990); 59 FR 62551, effective January 5, 1995), unless they are otherwise defined in The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 301 et seq., as amended by P.A. 87-165, effective January 1, 1992) or in this Section as follows:

"Act" means The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 301 et seq., as amended by P.A. 87-165, effective January 1, 1992).

"Approved veterinarian" means any person who has graduated from a veterinary college that is recognized by the American Veterinary Medical Association.

"Birds" shall mean poultry as defined in Section 2.7 of the Act.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product made from rabbits or the processing, handling, or packaging which may affect the wholesomeness of such product.

"Livestock" means cattle, sheep, swine, buffalo, catalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo, and goats.

"Members of the household" means those persons who occupy a single family unit.

- b) With regard to the definitions of consumer and similar type establishment, the Director has not designated any other type of establishment or institution under these terms other than those specifically stated in the incorporated language.
- c) With regard to the definitions of retail store, only those sections which are incorporated by reference as stated in Section 125.10(a) shall be included in the definition. References within the incorporated language to the section of the federal rules pertaining to operations of types traditionally and usually conducted at retail stores and restaurants refer to the operations defined in Section 5(A) of the Act. No product exempted from inspection in accordance with Section 5 of the Act shall be prepared in any retail store, restaurant or similar retail-type establishment.
- d) References in the incorporated language to 9 CFR 312 and 313 shall be

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

interpreted as references to Sections 125.90 and 125.220 respectively. References to the Humane Methods and Slaughter Act of 1978 shall mean as set forth in Section 125.220.

(Source: Peremptory amendment at 19 Ill. Reg. **1842**, effective JAN 27 1995)

Section 125.100 Records and Reports

a) The Department incorporates by reference 9 CFR 320.1(b), 320.6(a), 320.7, 381.175(b), 381.175(b)(4), 381.175(b)(5), 381.180(a) and 381.181 (1990); 57 FR 27870, effective July 22, 1992; 57 FR 4355, effective October 21, 1992; 58 FR 41138, effective September 1, 1993; 58 FR 632 and 58 FR 43787, effective July 6, 1994; 59 FR 62551, effective January 5, 1995.

b) Access to the establishment, its premises, records and inventories shall be provided to the Department in accordance with Section 14 of the Act and Section 125.70.

c) Each person who is required to be licensed in accordance with Section 3 of the Act shall keep records as stated in the incorporated language of 9 CFR 320.1(b) and 381.175(b), except that for custom slaughtering and custom processing transactions, the recordkeeping requirements shall be those set forth in Section 5(B)(2)(f) of the Act. Records shall be retained for 5 years after December 31 of the year in which the transaction to which the record relates has occurred. If a record must be retained for longer than 5 years because of an on-going investigation or litigation, the Department shall notify the licensee in writing as to which record is to be retained, the reasons for such retention and the retention period. The Department shall consider when determining the retention period the court date, if known, or the time needed to conclude the investigation (e.g., considering the type of disease being investigated, the number of animals involved, and laboratory testing procedures, if applicable).

d) The licensee of the official establishment shall maintain such records at the establishment. In the case of a broker, the records shall be maintained at the office listed on the application for license. The Department shall request a licensee to submit an evaluation of the inspection program or of the inspector's performance when the Department is conducting a review of the effectiveness of the Meat and Poultry Inspection Program or when a complaint on the inspector's performance has been received.

(Source: Peremptory amendment at 19 Ill. Reg. **1842**, effective JAN 27 1995)

Section 125.260 Labeling, Marking and Containers

a) The Department incorporates by reference 9 CFR 317.1 through

DEPARTMENT OF AGRICULTURE

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317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.369, 317.380, 317.400 (1990; 55 FR 7289, effective August 28, 1990; 55 FR 34678, effective September 24, 1990; 55 FR 49826 and 50081, effective May 29, 1991; 56 FR 1359, effective September 3, 1991; 56 FR 22638, effective January 2, 1992; 56 FR 41445, effective September 20, 1991; 56 FR 67485, effective March 2, 1992; 57 FR 24542, effective July 10, 1992; 58 FR 42188, effective September 8, 1993; 58 FR 38046, effective August 16, 1993; 59 FR 12536, effective April 18, 1994; 59 FR 14528, effective May 27, 1994; 58 FR 632, 58 FR 43787, 58 FR 47624, 58 FR 66075, and 59 FR 12157, effective July 6, 1994; 59 FR 40209, effective August 8, 1994; 59 FR 45189, effective September 1, 1994; 60 FR 174, effective January 3, 1995).

b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.

c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.

e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1991, ch. 147, par. 101 et seq.) [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600.120).

f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this part.

h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the

DEPARTMENT OF AGRICULTURE

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Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 19 Ill. Reg. 1842, effective JAN 27 1995)

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

- a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.23, 318.24, 318.300 through 318.311 (1990; 54 FR 43041, effective January 18, 1990; 55 FR 7294, effective August 28, 1990; 55 FR 34678, effective September 24, 1990, as amended by 55 FR 49991, December 4, 1990; 57 FR 27870, effective July 22, 1992; 57 FR 42885, effective October 19, 1992; 58 FR 4067, effective February 12, 1993; 58 FR 41138, effective September 1, 1993; 58 FR 42188, effective September 8, 1993; 58 FR 45238 and 58 FR 45240, effective September 27, 1993; 58 FR 59934, effective December 13, 1993; 58 FR 63521, effective January 3, 1994; 59 FR 12536, effective April 18, 1994; 59 FR 33641, effective June 30, 1994; 59 FR 41640, effective September 14, 1994; 59 FR 62551, effective January 5, 1995).
- b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment

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shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

- c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.
- d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.
- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.
- f) Casings or webs and shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products; their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.
- k) Disinfectants shall be those as set forth in Section 125.180.
- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steam pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.

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DEPARTMENT OF AGRICULTURE

PEREMPTORY AMENDMENTS

Amended at 19 Ill. Reg. **1342**, effective
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DEPARTMENT OF LABOR

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Child Labor Law
- 2) Code Citation: 56 Ill. Adm. Code 250
- 3) Register Citation to Notice of Proposed Rules: 19 Ill. Reg. 19 (Jan. 6, 1995)
- 4) Date, Time and Location of Public Hearing:

February 17, 1995
10:00 A.M.
Illinois Department of Labor
160 North LaSalle St., Suite C-1300
Chicago, Illinois 60601
- 5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Labor will adhere to the following procedures in the conduct of the hearing:
 1. No oral testimony shall exceed an aggregate of twenty (20) minutes.
 2. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 3. No person will be recognized to speak for a second time persons wishing to testify have done so.
 4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.
- 6) Name and Address of Agency Contact Person: Questions regarding the proposed Repealer or the public hearing shall be directed to:

Sharon Ballin, Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle St., Suite C-1300
Chicago, Illinois 60601

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 24, 1995 through January 30, 1995, and have been scheduled for review by the Committee at its February 7, 1995 or March 14, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice of First JCAR Meeting
Department of Conservation, Sport and Fishing Regulations for the Waters of Illinois (17 III Adm Code 810) 12/9/94 18 III Reg 17297
Department of Public Health, Drinking Water Systems Code (77 III Adm Code 900) 7/8/94 18 III Reg 10640

2/25/95 Department of Children and Family Services, Licensing Standards for Group Day Care Homes (89 III Adm Code 408) 2/25/94 18 III Reg 2700
2/25/95 Department of Children and Family Services, Licensing Standards for Day Care Homes (89 III Adm Code 406) 2/25/94 18 III Reg 2683

3/15/95 Illinois Racing Board, Pick (N) Pools (II III Adm Code 308) 12/9/94 18 III Reg 17429
3/15/95 Illinois Racing Board, Licensing (11 III Adm Code 502) 12/9/94 18 III Reg 17424

3/15/95 Department of Revenue, Service Occupation Tax (86 III Adm Code 140) 11/4/94 18 III Reg 16291

PROCLAMATIONS

95-012
DUSABLE HIGH SCHOOL CONCERT BAND RECOGNIZED

Whereas, Dusable High School Concert Band from Chicago has been selected to represent the State of Illinois in the 1995 American Musical Salute to the Veterans of World War II in Washington, D.C., commemorating the 50th anniversary of World War II; and
Whereas, the band, under the direction of Mr. Timothy Galloway, was selected on the basis of superior performance ratings and recommendations from adjudicators, officials, and peers in Illinois; and
Whereas, this Musical Salute provides the opportunity for some of America's finest performing groups to honor and thank the veterans of World War II who served in foreign lands, along with their families and those who served on the home front; and
Whereas, these students, many of whom are the grandchildren of veterans, will perform in a salute to the men and women who sacrificed so much in preserving the freedom we now enjoy.

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize the DUSABLE HIGH SCHOOL CONCERT BAND for their talents, hard work, and dedication to excellence and urge our citizens to join them in paying tribute to those unselfish heroes of the past who helped ensure a safer and better tomorrow.
Issued by the Governor January 17, 1995.
Filed with the Secretary of State January 27, 1995.

95-013
ELI LIPSCHULTZ DAY

Whereas, Eli Lipschultz has devoted a distinguished 42-year career to human services; and
Whereas, 22 of those years were directly beneficial to the State of Illinois through his service with the U.S. Department of Health and Human Services, Region V; and
Whereas, he has directed his efforts for the past 12 years to helping older citizens live independently and with dignity in their own homes and communities; and
Whereas, Eli Lipschultz has provided valuable leadership to the Illinois Department on Aging and the state's entire Aging Network; and
Whereas, he is entering his retirement years at the dawn of a brand new year and in an expression of sincere gratitude for his unparalleled career; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 19, 1995, as ELI LIPSCHULTZ DAY in Illinois and on behalf of all Illinoisans offer congratulations for a job well done and many happy, peaceful years of retirement.
Issued by the Governor January 17, 1995.
Filed with the Secretary of State January 27, 1995.

95-014
MEDICAL ASSISTANTS WEEK

Whereas, the health of all our citizens is directly affected by the many

professional medical assistants who support and assist physicians in rendering life-saving services; and

Whereas, many medical assistants seek to maintain the highest standards of professional excellence by taking advantage of educational programs offered by professional organizations such as the American Association of Medical Assistants. This involvement ensures that our citizens receive the best medical care possible; and

Whereas, we should commend the dedication of those in medical fields who seek to upgrade their profession and improve their careers as valuable members of medical teams;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 19-26, 1995, as MEDICAL ASSISTANTS WEEK in Illinois and extend thanks to all the medical assistants who have given their best to this profession so that we all may receive quality medical care.

Issued by the Governor January 17, 1995.

Filed with the Secretary of State January 27, 1995.

95-015

MUSIC EDUCATION DAY

Whereas, music in the schools of Illinois is designed to bring about recognition of the vital place of music in the educational process; and

Whereas, music is a powerful and aesthetic force that gives our young people a sense of civilization because it dignifies the realm of feeling by merging intellect and emotion in the search for a humane way of life; and

Whereas, music is a basic influence in the lives of millions of people who participate in performing, listening, and observing experiences developed through music in the schools; and

Whereas, Music Education Day at our Capitol is a special opportunity for citizens to understand and support the ongoing process of music education; and

Whereas, it is fitting for the State of Illinois to recognize music in our schools as an essential part of the learning process and to encourage and support his basic art form in the curriculums of the schools of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 23, 1995, as MUSIC EDUCATION DAY in Illinois.

Issued by the Governor January 17, 1995.

Filed with the Secretary of State January 27, 1995.

95-016

USE IT & LOSE IT MONTH

Whereas, in all 50 states it is illegal for those under the age of 21 to purchase, possess, and consume alcohol; and

Whereas, drivers license suspension/revocation has proven to be an effective deterrent for all drivers, but especially so with younger drivers since they value their driver's licenses so highly; and

Whereas, Zero Tolerance is a new law which took effect January 1, 1995. It allows law enforcement officers to request a chemical test after a traffic stop if there is probable cause that the individual has consumed alcohol; and

Whereas, Zero Tolerance is necessary because those under the age of 21 are breaking the law if they consume alcohol; and

Whereas, inexperienced drinking combined with inexperienced driving have proven to be a lethal combination; and

Whereas, in 1993, 2,364 15 to 20-year-olds died in alcohol-related crashes;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1995 as USE IT & LOSE IT MONTH in Illinois.

Issued by the Governor January 17, 1995.

Filed with the Secretary of State January 27, 1995.

95-017

AMERICAN POW RECOGNITION DAY

Whereas, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action; and

Whereas, American prisoners of war have often suffered unconscionable treatment despite international codes on the subject, and many have died as a result of cruel and inhuman acts by their enemy captors; and

Whereas, it is fitting that we recognize the sacrifices of American prisoners of war and those missing in action;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 9, 1995, as AMERICAN POW RECOGNITION DAY in Illinois and call upon Illinoisans to observe the day with appropriate ceremonies and programs so that the memory of those brave Americans will not be lost.

Issued by the Governor January 18, 1995.

Filed with the Secretary of State January 27, 1995.

95-018

EARL WYATT DAY

Whereas, Earl Wyatt has dedicated 50 years to production agriculture as the owner and operator of his family farm, located near Chrisman, Illinois; and

Whereas, Earl Wyatt Farms of Chrisman is recognized by the Illinois Department of Agriculture as a Centennial Farm; and

Whereas, on December 31, 1994, Earl officially retired from his life-long commitment to farming; and

Whereas, during his career, with the support and constant devotion of his wife, Jo Ann, they together have established a loving home for their family; and

Whereas, Earl Wyatt has influenced the lives of so many with his quiet teachings and humble wisdom; and

Whereas, January 23, 1995, is Earl's 66th birthday;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 23, 1995, as EARL WYATT DAY in Illinois in recognition of his life-long commitment to agriculture and his eternal devotion to his family.

Issued by the Governor January 18, 1995.

Filed with the Secretary of State January 27, 1995.

95-019

GIRLS AND WOMEN IN SPORTS DAY

Whereas, the girls' and women's sports programs in Illinois have been dedicated to promoting the educational importance, cultural values, and skills involved in athletic competition; and

Whereas, the girls' and women's sports programs in Illinois enhance the

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War II.

Issued by the Governor January 19, 1995.

Filed with the Secretary of State January 27, 1995.

95-023

DANA HOWARD DAY

Whereas, Illinois' football programs offer the unique opportunity for young men to utilize football as an educational and motivational tool; and

Whereas, Illinois football provides excitement and entertainment to many fans throughout the State of Illinois; and

Whereas, University of Illinois' Dana Howard is one of the strongest inside linebackers Illinois has ever had. He possesses excellent quickness and change of direction; and

Whereas, Dana Howard has shown tremendous talent and was honored with the 1995 Butkus Award; and

Whereas, the Butkus Award is presented to the nation's top collegiate linebacker;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 14, 1995, as DANA HOWARD DAY in Illinois.

Issued by the Governor January 23, 1995.

Filed with the Secretary of State January 27, 1995.

95-024

**ILLINOIS SCHOOL FOR THE DEAF 1994
DEAF NATIONAL FOOTBALL CHAMPIONS DAY**

Whereas, the Illinois School for the Deaf 1994 Football Team has been named 1994 deaf national champions by The Silent News; and

Whereas, the Tigers finished the season with a 7-3 record and lost only to the number one ranked team in the first game of the small-school state playoffs; and

Whereas, four players, running back Tyrone Harris, quarterback Chris Kuhn, linebacker Craig Kuhn, and defensive end Curt Kuhn, were named deaf all-Americans; and

Whereas, four players, Teddy Hall, Don Arocho, Ken Dean, and Andres Cisneros, were named honorable mention deaf all-Americans;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 31, 1995, as ILLINOIS SCHOOL FOR THE DEAF 1994 DEAF NATIONAL FOOTBALL CHAMPIONS DAY, and I urge all Illinois citizens to recognize this important achievement and acknowledge the talent, hard work, discipline, and determination displayed by this team.

Issued by the Governor January 23, 1995.

Filed with the Secretary of State January 27, 1995.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR* Objections	S - Suspension ordered by JCAR*
O - JCAR* Statement Of Objections	W - Withdrawal to meet JCAR* Objections
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGRICULTURE, DEPARTMENT OF

- | | |
|----------------------|--|
| 8 Ill. Adm. Code 255 | Agrichemical Facilities (P-1) |
| 8 Ill. Adm. Code 60 | Bees And Apiary Act (P-754) |
| 8 Ill. Adm. Code 256 | Lawn-care Wash Water And Rinsate Collection (P-13) |
| 8 Ill. Adm. Code 125 | Meat And Poultry Inspection Act (PP-1342) |

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- | | |
|------------------------|---|
| 77 Ill. Adm. Code 2090 | Subacute Alcoholism And Substance Abuse Treatment Services (P-1156) |
|------------------------|---|

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

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This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. II Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/94; A-6520). The codes are listed below.

TYPE OF RULE MAKING

ACTION CODE

- am = amend to existing Section
- cc = codification changes
- n = New section
- r = repeal of existing Section
- re = recodified
- # = renumbered
- A = Adopted Rule
- E = Emergency
- P = Proposed Rule
- PP = Peremptory
- M = Modification
- W = Withdrawal
- CC = Codification Changes
- RQ = Request for Correction
- R = Refusal
- PF = Prohibited Filing
- S = Suspension
- O = JCAR Objection
- F = Failure to Remedy Objections
- RC = Recommendations
- EC = Expedited Correction
- C = Correction

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TITLE 2	am	(A-1334)	1226.20
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TITLE 2	am	(A-1334)	1228.110
TITLE 2	am	(A-1334)	1228.120
TITLE 2	am	(A-1334)	1228.310
TITLE 2	am	(A-1334)	1228.330
TITLE 2	am	(A-1334)	1228.420
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TITLE 8	am	(P-754)	60.70
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TITLE 8	am	(PP-1342)	125.100
TITLE 8	am	(PP-1342)	125.260
TITLE 8	am	(PP-1342)	125.270
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TITLE 8	am	(P-1)	255.50
TITLE 8	am	(P-1)	255.60
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TITLE 20 (CONTD)	n	(P-152)	425.90
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TITLE 20 (CONTD)	n	(P-152)	425.120
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