# TABLE OF CONTENTS

January 11, 2008  Volume 32, Issue 2

## PROPOSED RULES
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF
Illinois Cares Rx Program
89 Ill. Adm. Code 119 .................................................................296
Medical Payment
89 Ill. Adm. Code 140 .................................................................298
Reimbursement for Nursing Costs for Geriatric Facilities
89 Ill. Adm. Code 147 .................................................................300
Hospital Services
89 Ill. Adm. Code 148 .................................................................303
Hospital Reimbursement Changes
89 Ill. Adm. Code 152 .................................................................305
Long Term Care Reimbursement Changes
89 Ill. Adm. Code 153 .................................................................307

## LABOR, DEPARTMENT OF
Employee Classification
56 Ill. Adm. Code 240 .................................................................309

## ADOPTED RULES
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF
Hospital Services
89 Ill. Adm. Code 148 .................................................................312

SECRETARY OF STATE
Uniform Partnership Act (1997)
14 Ill. Adm. Code 166 .................................................................332
Uniform Limited Partnership Act (2001)
14 Ill. Adm. Code 171 .................................................................346

STATE BOARD OF INVESTMENT, ILLINOIS
Rules and Regulations of the Board
74 Ill. Adm. Code 800 .................................................................360

## EMERGENCY RULES
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF
Illinois Cares Rx Program
89 Ill. Adm. Code 119 .................................................................373
Medical Payment
89 Ill. Adm. Code 140 .................................................................383
Reimbursement for Nursing Costs for Geriatric Facilities
89 Ill. Adm. Code 147 .................................................................415
Hospital Services
89 Ill. Adm. Code 148 .................................................................518
Hospital Reimbursement Changes
89 Ill. Adm. Code 152 .................................................................529
Long Term Care Reimbursement Changes
89 Ill. Adm. Code 153 .................................................................535
Child Support Enforcement
89 Ill. Adm. Code 160 .................................................................543
LABOR, DEPARTMENT OF
Employee Classification
56 Ill. Adm. Code 240 .................................................................574

PEREMPTORY RULES
AGRICULTURE, DEPARTMENT OF
Meat and Poultry Inspection Act
8 Ill. Adm. Code 125 .................................................................590
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Pay Plan
80 Ill. Adm. Code 310 .................................................................598

SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received ..............................................................632

REGULATORY AGENDA
CIVIL SERVICE COMMISSION
Rules of the Civil Service Commission
80 Ill. Adm. Code 1 .................................................................633
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS
General Program
35 Ill. Adm. Code 1500 .................................................................634
EMERGENCY MANAGEMENT AGENCY, ILLINOIS
Compensation of Local Governments for Emergency Planning and
Participation in Nuclear Emergency Response Exercises
32 Ill. Adm. Code 501 .................................................................637
HUMAN RIGHTS, DEPARTMENT OF
Procedures of the Department of Human Rights
56 Ill. Adm. Code 2520 .................................................................669
HUMAN SERVICES, DEPARTMENT OF
Access to Public Records
2 Ill. Adm. Code 1176 .................................................................672
LABOR, DEPARTMENT OF
Minimum Wage Law
56 Ill. Adm. Code 210 .................................................................708
PUBLIC HEALTH, DEPARTMENT OF
Ambulatory Surgical Treatment Center Licensing Requirements
77 Ill. Adm. Code 205 .................................................................714
REVENUE, DEPARTMENT OF
Lottery (General)
11 Ill. Adm. Code 1770 .................................................................731
SECRETARY OF STATE
Illinois Business Brokers Act of 1995
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Ill. Adm. Code 140</td>
<td></td>
<td>757</td>
</tr>
<tr>
<td>23 Ill. Adm. Code 1</td>
<td>Public Schools Evaluation, Recognition and Supervision</td>
<td>779</td>
</tr>
<tr>
<td>23 Ill. Adm. Code 2700</td>
<td>General Provisions</td>
<td>785</td>
</tr>
<tr>
<td></td>
<td>EXECUTIVE ORDERS AND PROCLAMATIONS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GOVERNOR, OFFICE OF THE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cervical Cancer Awareness Month (Revised)</td>
<td>793</td>
</tr>
<tr>
<td>2007-422</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engineer's Week</td>
<td>793</td>
</tr>
<tr>
<td>2007-424</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Radon Action Month</td>
<td>794</td>
</tr>
<tr>
<td>2007-425</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Salvation Army Day</td>
<td>795</td>
</tr>
<tr>
<td>2007-426</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Special Session</td>
<td>796</td>
</tr>
<tr>
<td>2007-427</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INTRODUCTION

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

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

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

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

2008 REGISTER SCHEDULE VOLUME #32

<table>
<thead>
<tr>
<th>Issue #</th>
<th>Rules Due Date</th>
<th>Date of Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>December 21, 2007*</td>
<td>January 4, 2008</td>
</tr>
<tr>
<td>2</td>
<td>December 31, 2007</td>
<td>January 11, 2008</td>
</tr>
<tr>
<td>3</td>
<td>January 7, 2008</td>
<td>January 18, 2008</td>
</tr>
<tr>
<td>5</td>
<td>January 22, 2008</td>
<td>February 1, 2008</td>
</tr>
<tr>
<td>6</td>
<td>January 28, 2008</td>
<td>February 8, 2008</td>
</tr>
<tr>
<td>7</td>
<td>February 4, 2008</td>
<td>February 15, 2008</td>
</tr>
<tr>
<td>8</td>
<td>February 11, 2008</td>
<td>February 22, 2008</td>
</tr>
<tr>
<td>9</td>
<td>February 19, 2008</td>
<td>February 29, 2008</td>
</tr>
<tr>
<td>10</td>
<td>February 25, 2008</td>
<td>March 7, 2008</td>
</tr>
<tr>
<td>11</td>
<td>March 3, 2008</td>
<td>March 14, 2008</td>
</tr>
<tr>
<td>12</td>
<td>March 10, 2008</td>
<td>March 21, 2008</td>
</tr>
<tr>
<td>13</td>
<td>March 17, 2008</td>
<td>March 28, 2008</td>
</tr>
<tr>
<td>14</td>
<td>March 24, 2008</td>
<td>April 4, 2008</td>
</tr>
<tr>
<td>15</td>
<td>March 31, 2008</td>
<td>April 11, 2008</td>
</tr>
<tr>
<td>16</td>
<td>April 7, 2008</td>
<td>April 18, 2008</td>
</tr>
<tr>
<td>17</td>
<td>April 14, 2008</td>
<td>April 25, 2008</td>
</tr>
<tr>
<td>18</td>
<td>April 21, 2008</td>
<td>May 2, 2008</td>
</tr>
<tr>
<td>19</td>
<td>April 28, 2008</td>
<td>May 9, 2008</td>
</tr>
<tr>
<td>20</td>
<td>May 5, 2008</td>
<td>May 16, 2008</td>
</tr>
<tr>
<td>21</td>
<td>May 12, 2008</td>
<td>May 23, 2008</td>
</tr>
<tr>
<td>22</td>
<td>May 19, 2008</td>
<td>May 30, 2008</td>
</tr>
<tr>
<td>23</td>
<td>May 27, 2008</td>
<td>June 6, 2008</td>
</tr>
<tr>
<td>Week</td>
<td>Date 1</td>
<td>Date 2</td>
</tr>
<tr>
<td>-------</td>
<td>----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>24</td>
<td>June 2, 2008</td>
<td>June 13, 2008</td>
</tr>
<tr>
<td>25</td>
<td>June 9, 2008</td>
<td>June 20, 2008</td>
</tr>
<tr>
<td>26</td>
<td>June 16, 2008</td>
<td>June 27, 2008</td>
</tr>
<tr>
<td>27</td>
<td>June 23, 2008</td>
<td>July 7, 2008</td>
</tr>
<tr>
<td>28</td>
<td>June 30, 2008</td>
<td>July 11, 2008</td>
</tr>
<tr>
<td>29</td>
<td>July 7, 2008</td>
<td>July 18, 2008</td>
</tr>
<tr>
<td>30</td>
<td>July 14, 2008</td>
<td>July 25, 2008</td>
</tr>
<tr>
<td>31</td>
<td>July 21, 2008</td>
<td>August 1, 2008</td>
</tr>
<tr>
<td>32</td>
<td>July 28, 2008</td>
<td>August 8, 2008</td>
</tr>
<tr>
<td>33</td>
<td>August 4, 2008</td>
<td>August 15, 2008</td>
</tr>
<tr>
<td>34</td>
<td>August 11, 2008</td>
<td>August 22, 2008</td>
</tr>
<tr>
<td>35</td>
<td>August 18, 2008</td>
<td>August 29, 2008</td>
</tr>
<tr>
<td>37</td>
<td>September 2, 2008</td>
<td>September 12, 2008</td>
</tr>
<tr>
<td>38</td>
<td>September 8, 2008</td>
<td>September 19, 2008</td>
</tr>
<tr>
<td>39</td>
<td>September 15, 2008</td>
<td>September 26, 2008</td>
</tr>
<tr>
<td>40</td>
<td>September 22, 2008</td>
<td>October 3, 2008</td>
</tr>
<tr>
<td>41</td>
<td>September 29, 2008</td>
<td>October 10, 2008</td>
</tr>
<tr>
<td>42</td>
<td>October 6, 2008</td>
<td>October 17, 2008</td>
</tr>
<tr>
<td>43</td>
<td>October 14, 2008</td>
<td>October 24, 2008</td>
</tr>
<tr>
<td>44</td>
<td>October 20, 2008</td>
<td>October 31, 2008</td>
</tr>
<tr>
<td>45</td>
<td>October 27, 2008</td>
<td>November 7, 2008</td>
</tr>
<tr>
<td>46</td>
<td>November 3, 2008</td>
<td>November 14, 2008</td>
</tr>
<tr>
<td>47</td>
<td>November 10, 2008</td>
<td>November 21, 2008</td>
</tr>
<tr>
<td>48</td>
<td>November 17, 2008</td>
<td>December 1, 2008</td>
</tr>
<tr>
<td>49</td>
<td>November 24, 2008</td>
<td>December 5, 2008</td>
</tr>
<tr>
<td>50</td>
<td>December 1, 2008</td>
<td>December 12, 2008</td>
</tr>
<tr>
<td>51</td>
<td>December 8, 2008</td>
<td>December 19, 2008</td>
</tr>
<tr>
<td>52</td>
<td>December 15, 2008</td>
<td>December 26, 2008</td>
</tr>
<tr>
<td>53</td>
<td>December 22, 2008</td>
<td>January 2, 2009</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part**: Illinois Cares Rx Program

2) **Code Citation**: 89 Ill. Adm. Code 119

3) **Section Number**: Proposed Action: 119.20 Amendment

4) **Statutory Authority**: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved**: Illinois Cares Rx (ICRx) income limits are set as hard dollar amounts in statute. Because the income limits are not indexed to the Federal Poverty Level (FPL), they remain constant. Each year, when members receive a Social Security Cost of Living Increase (COLA), some members’ income increases beyond the dollar amount set in statute. This causes some members to lose coverage. For 2007, HFS implemented rules to disregard an amount of income equal to the 2005 and 2006 Social Security COLA. This rule change prevented members from losing benefits as a result of these COLA increases. The proposed amendment allows the Department to continue to disregard the 2005 and 2006 COLAs, as well as the 2007 COLA for 2008. The proposed rule change will prevent ICRx members who are currently eligible from losing coverage due to Social Security COLAs.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking**: None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** Yes

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives**: This rulemaking does not affect units of local government.

12) **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:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

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, 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.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Not applicable

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2007

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the Illinois Register on page 373:
# NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part**: Medical Payment

2) **Code Citation**: 89 Ill. Adm. Code 140

3) **Section Number**: 140.82  
   **Proposed Action**: Amendment

4) **Statutory Authority**: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved**: The proposed amendment reflects the change and any future changes to the federal tax cap on developmentally disabled care provider assessments. The federal cap is 5.5 percent, effective January 1, 2008.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking**: None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** Yes

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** Yes

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.6</td>
<td>Amendment</td>
<td>31 Ill. Reg. 13570; October 5, 2007</td>
</tr>
</tbody>
</table>

11) **Statement of Statewide Policy Objectives**: This rulemaking does not affect units of local government.

12) **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:

    Tamara Tanzillo Hoffman  
    Chief of Staff  
    Illinois Department of Healthcare and Family Services
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

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, 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.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Illinois Medicaid funded Developmentally Disabled (DD) providers

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the Illinois Register on page 383:
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Reimbursement for Nursing Costs for Geriatric Facilities

2) **Code Citation:** 89 Ill. Adm. Code 147

3) **Section Numbers:**

   - 147.150 Amendment
   - 147.175 Amendment
   - 147.200 Amendment
   - 147.Table A Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved:** These emergency-proposed amendments concerning reimbursement for nursing facilities provide changes to the Minimum Data Set (MDS)-based reimbursement system to more clearly identify the needs of nursing facility residents and related services and to implement the additional monies for the MDS reimbursement system as provided in Senate Bill 783. Furthermore, the amendments make additions to the required documentation in order to clarify the type of documentation needed for verification of coded areas under the MDS-based reimbursement methodology implemented January 1, 2007. The documentation requirements provide additional guidance to facilities and provide support and evidence to Department staff who will be conducting monitoring reviews to substantiate that MDS items coded are being delivered to residents of the facility in accordance with the rules and the federal Resident Assessment Instrument Manual. Department staff has researched other states and found that these proposed documentation requirements are consistent with requirements found in other states and in accordance with good clinical practice. Additionally, a new calculation is included to incentivize the care of ventilator-dependent residents.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** Yes

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No
11) **Statement of Statewide Policy Objectives:** This rulemaking does not affect units of local government.

12) **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:

Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3rd Floor  
Springfield IL 62763-0002  
217/557-7157

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, 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.

13) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** Medicaid funded nursing facilities

B) **Reporting, bookkeeping or other procedures required for compliance:** None

C) **Types of professional skills necessary for compliance:** None
14) Regulatory Agenda on which this rulemaking was summarized: July 2007

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page 415:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Hospital Services

2) **Code Citation:** 89 Ill. Adm. Code 148

3) **Section Number:** Proposed Action:
   
<table>
<thead>
<tr>
<th>Section Number</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>148.130</td>
<td>Amendment</td>
</tr>
</tbody>
</table>

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved:** The proposed amendment makes an adjustment to the hospital outlier calculation to allow for recognition of excessively costly outlier stays for children specialty providers to permit outliers on recipients up to the age of 18 versus currently up to age 6. It is estimated that this will result in an additional $4M to true children specialty providers.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** Yes

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** Yes

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>148.126</td>
<td>Amendment</td>
<td>31 Ill. Reg. 13591; October 5, 2007</td>
</tr>
</tbody>
</table>

11) **Statement of Statewide Policy Objectives:** This rulemaking does not affect units of local government.

12) **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:

    Tamara Tanzillo Hoffman
    Chief of Staff
NOTICE OF PROPOSED AMENDMENT

Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

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].

This proposed amendment 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, 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.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Children specialty providers

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2007

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the Illinois Register on page 518:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Hospital Reimbursement Changes

2) **Code Citation:** 89 Ill. Adm. Code 152

3) **Section Numbers:**
   - 152.150 Amendment
   - 152.200 Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved:** The proposed amendment makes an adjustment to the hospital outlier calculation. It is anticipated that this change will result in a savings to the Department by approximately $40M annually (FY08 impact $10M). Further, this will result in less reimbursement to Illinois hospitals than anticipated under the current method. The proposed change is not predicted to be a net reduction in current funding levels and is only anticipated to slow the growth.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** Yes

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives:** This rulemaking does not affect units of local government.

12) **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:

    Tamara Tanzillo Hoffman  
    Chief of Staff  
    Illinois Department of Healthcare and Family Services
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

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, 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.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Illinois hospitals

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2007

The full text of the Proposed Amendments is identical to the text of the Emergency Amendment that appears in this issue of the Illinois Register on page 529:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Long Term Care Reimbursement Changes

2) **Code Citation:** 89 Ill. Adm. Code 153

3) **Section Number:** 153.125  
   **Proposed Action:** Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Complete Description of the Subjects and Issues Involved:** In accordance with SB 783, effective January 1, 2008, support rates for nursing facilities will be computed using the most recent cost reports on file with the Department no later than April 1, 2005 updated for inflation to January 1, 2006. Also allows for the cost reports to be audited and adjusted accordingly.

6) **Published studies or reports, and sources of underlying data, used to compose this rulemaking:** None

7) **Will this rulemaking replace any emergency rulemaking currently in effect?** Yes

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Does this rulemaking contain incorporations by reference?** No

10) **Are there any other proposed rulemakings pending on this Part?** No

11) **Statement of Statewide Policy Objectives:** This rulemaking does not affect units of local government.

12) **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:

    Tamara Tanzillo Hoffman  
    Chief of Staff  
    Illinois Department of Healthcare and Family Services  
    201 South Grand Avenue East, 3rd Floor  
    Springfield IL  62763-0002
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

217/557-7157

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, 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.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Nursing facilities certified under the Medical Assistance Program.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2007

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the Illinois Register on page 535:
DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

1) Heading of the Part: Employee Classification

2) Code Citation: 56 Ill. Adm. Code 240

3) Section Numbers: Proposed Action:
   240.100   New Section
   240.110   New Section
   240.120   New Section
   240.130   New Section
   240.140   New Section
   240.200   New Section
   240.210   New Section
   240.220   New Section
   240.230   New Section
   240.300   New Section
   240.310   New Section
   240.320   New Section
   240.400   New Section
   240.410   New Section
   240.500   New Section
   240.510   New Section
   240.520   New Section
   240.530   New Section
   240.540   New Section
   240.550   New Section
   240.560   New Section
   240.570   New Section

4) Statutory Authority: The Employee Classification Act [820 ILCS 185]

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements provisions of Public Act 95-26, the Employee Classification Act (Act). The intent and purpose of the Act is to address the practice in the construction industry of contractors misclassifying individuals as independent contractors in order to avoid payroll taxes, unemployment insurance contributions, workers’ compensation premiums and minimum wage and overtime payments. The Act sets forth the Department’s enforcement authority as well as penalties for violations of the Act. Section 65 of the Act gives the Department the authority to promulgate rules necessary to administer and enforce the Act.
DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

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

   Carmela González
   Illinois Department of Labor
   160 No. LaSalle Street, 13th Floor
   Chicago, IL 60601

   Telephone: 312/793-1808
   Facsimile: 312/793-5257

13) Initial Regulatory Flexibility Analysis:

   A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses performing construction as defined under the Act will be affected.

   B) Reporting, bookkeeping or other procedures required for compliance: Contractors will be required to maintain records as prescribed in this rulemaking for all individuals performing services for the contractor for a period of five years.

   C) Types of professional skills necessary for compliance: None
14) Regulatory Agenda on which this rulemaking was summarized: July 2007

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the Illinois Register on page 574:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Number: Adopted Action:
   148.126   Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendment: January 1, 2008

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 5, 2007; Ill. Reg. 13591

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences Between Proposal and Final Version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes.

13) Will this amendment replace any emergency amendment currently in effect? No

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

15) Summary and Purpose of Amendment: The proposed amendment will prevent related hospitals from being denied funding under the Safety Net Adjustment Payments (SNAP) program, due to a change in ER status, if the facilities are affiliated, within one mile of each other and there is no loss of service overall between the two facilities.

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

   Tamara Tanzillo Hoffman
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

The full text of the Adopted Amendment begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES  
NOTICE OF ADOPTED AMENDMENT  

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES  
SUBCHAPTER d: MEDICAL PROGRAMS  

PART 148  
HOSPITAL SERVICES  

SUBPART A: GENERAL PROVISIONS  

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>148.10</td>
<td>Hospital Services</td>
</tr>
<tr>
<td>148.20</td>
<td>Participation</td>
</tr>
<tr>
<td>148.25</td>
<td>Definitions and Applicability</td>
</tr>
<tr>
<td>148.30</td>
<td>General Requirements</td>
</tr>
<tr>
<td>148.40</td>
<td>Special Requirements</td>
</tr>
<tr>
<td>148.50</td>
<td>Covered Hospital Services</td>
</tr>
<tr>
<td>148.60</td>
<td>Services Not Covered as Hospital Services</td>
</tr>
<tr>
<td>148.70</td>
<td>Limitation On Hospital Services</td>
</tr>
</tbody>
</table>

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS  

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>148.80</td>
<td>Organ Transplants Services Covered Under Medicaid (Repealed)</td>
</tr>
<tr>
<td>148.82</td>
<td>Organ Transplant Services</td>
</tr>
<tr>
<td>148.85</td>
<td>Supplemental Tertiary Care Adjustment Payments</td>
</tr>
<tr>
<td>148.90</td>
<td>Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments</td>
</tr>
<tr>
<td>148.95</td>
<td>Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments</td>
</tr>
<tr>
<td>148.100</td>
<td>Outpatient Rural Hospital Adjustment Payments</td>
</tr>
<tr>
<td>148.103</td>
<td>Outpatient Service Adjustment Payments</td>
</tr>
<tr>
<td>148.105</td>
<td>Psychiatric Adjustment Payments</td>
</tr>
<tr>
<td>148.110</td>
<td>Psychiatric Base Rate Adjustment Payments</td>
</tr>
<tr>
<td>148.112</td>
<td>High Volume Adjustment Payments</td>
</tr>
<tr>
<td>148.115</td>
<td>Rural Adjustment Payments</td>
</tr>
<tr>
<td>148.117</td>
<td>Outpatient Assistance Adjustment Payments</td>
</tr>
<tr>
<td>148.120</td>
<td>Disproportionate Share Hospital (DSH) Adjustments</td>
</tr>
<tr>
<td>148.122</td>
<td>Medicaid Percentage Adjustments</td>
</tr>
<tr>
<td>148.126</td>
<td>Safety Net Adjustment Payments</td>
</tr>
<tr>
<td>148.130</td>
<td>Outlier Adjustments for Exceptionally Costly Stays</td>
</tr>
<tr>
<td>148.140</td>
<td>Hospital Outpatient and Clinic Services</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991, Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments
148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payments (CHAP)
148.296 Tertiary Care Adjustment Payments
148.297 Pediatric Outpatient Adjustment Payments
148.298 Pediatric Inpatient Adjustment Payments
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions (Repealed)
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.390 Hearings
148.400 Special Hospital Reporting Requirements
148.402 Medicaid Eligibility Payments
148.404 Medicaid High Volume Adjustment Payments
148.406 Intensive Care Adjustment Payments
148.408 Trauma Center Adjustment Payments
148.410 Psychiatric Rate Adjustment Payments
148.412 Rehabilitation Adjustment Payments
148.414 Supplemental Tertiary Care Adjustment Payments
148.416 Crossover Percentage Adjustment Payments
148.418 Long Term Acute Care Hospital Adjustment Payments
148.420 Obstetrical Care Adjustment Payments
148.422 Outpatient Access Payments
148.424 Outpatient Utilization Payments
148.426 Outpatient Complexity of Care Adjustment Payments
148.428 Rehabilitation Hospital Adjustment Payments
148.430 Perinatal Outpatient Adjustment Payments
148.432 Supplemental Psychiatric Adjustment Payments
148.434 Outpatient Community Access Adjustment Payments

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section
148.500 Definitions
148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section
148.600 Definitions
148.610 Scope of the Program
148.620 Assistance Level and Reimbursement
148.630 Criteria and Information Required to Establish Eligibility
148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
NOTICE OF ADOPTED AMENDMENT

148. TABLE C  List of Metropolitan Counties by SMSA Definition


NOTICE OF ADOPTED AMENDMENT

January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments

a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a), unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006. A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:

1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.

2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.

3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).

4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:

   A) Has an MIUR greater than 33 percent.

   B) Is designated a perinatal level two center by the Illinois Department of Public Health.

   C) Has fewer than 125 licensed beds.
5) The hospital is a rural hospital, as described in Section 148.25(g)(3).

6) The hospital meets all of the following criteria:
   A) Has an MIUR greater than 30 percent.
   B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
   C) Provided greater than 15,000 total days in the safety net hospital base year.

7) The hospital meets all of the following criteria:
   A) Does not already qualify under subsections (a)(1) through (a)(6) of this Section.
   B) Has an MIUR greater than 25 percent.
   C) Had an occupancy rate greater than 68 percent in the safety net hospital base year.
   D) Provided greater than 12,000 total days in the safety net hospital base year.

8) The hospital meets all of the following criteria in the safety net base year:
   A) Is a rural hospital, as described in Section 148.25(g)(3).
   B) Has an MIUR greater than 18 percent.
   C) Has a combined MIUR greater than 45 percent.
   D) Has licensed beds less than or equal to 60.
   E) Provided greater than 400 total days.
   F) Provided fewer than 125 obstetrical care days.
9) The hospital meets all of the following criteria in the safety net base year:
   A) Is a psychiatric hospital, as described in 89 Ill. Adm. Code 149.50(c)(1).
   B) Has licensed beds greater than 120.
   C) Has an average length of stay less than ten days.

10) The hospital meets all of the following criteria in the safety net base year:
    A) Does not already qualify under subsections (a)(1) through (a)(9) of this Section.
    B) Has an MIUR greater than 17 percent.
    C) Has licensed beds greater than 450.
    D) Has an average length of stay less than four days.

11) The hospital meets all of the following criteria in the safety net base year:
    A) Does not already qualify under subsections (a)(1) through (a)(10) of this Section.
    B) Has an MIUR greater than 21 percent.
    C) Has licensed beds greater than 350.
    D) Has an average length of stay less than 3.15 days.

12) The hospital meets all of the following criteria in the safety net base year:
    A) Does not already qualify under subsections (a)(1) through (a)(11) of this Section.
    B) Has an MIUR greater than 34 percent.
13) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(12) of this Section.

B) Has an MIUR greater than 35 percent.

C) Has an average length of stay less than four days.

14) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(13) of this Section.

B) Has a CMIUR greater than 25 percent.

C) Has an MIUR greater than 12 percent.

D) Is designated a perinatal Level II center by the Illinois Department of Public Health.

E) Has licensed beds greater than 400.

F) Has an average length of stay less than 3.5 days.

15) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(14) of this Section.

B) Has a CMIUR greater than 28 percent.

C) Is designated a perinatal Level II center by the Illinois Department of Public Health.
NOTICE OF ADOPTED AMENDMENT

D) Has licensed beds greater than 320.

E) Had an occupancy rate greater than 37 percent in the safety net hospital base year.

F) Has an average length of stay less than 3.1 days.

16) A hospital provider that would otherwise be excluded from payment by subsection (a) because it does not operate a comprehensive emergency room, if the hospital provider operates within 1 mile of an affiliate hospital provider that is owned and controlled by the same governing body that operates a comprehensive emergency room, as defined in 77 Ill. Adm. Code 250.710(a), and the provider operates a standby emergency room, as defined in 77 Ill. Adm. Code 250.710(c), and functions as an overflow emergency room for its affiliate hospital provider.

b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4), subsections (a)(6) through (a)(8) and subsections (a)(10) through (a)(15) of this Section:

1) Hospitals located outside of Illinois.

2) County-owned hospitals, as described in Section 148.25(b)(1)(A).

3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).

4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).

5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).

c) Safety Net Adjustment Rates

1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
NOTICE OF ADOPTED AMENDMENT

A) A qualifying hospital – $15.00.

B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2) – $20.00.

C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – $20.00.

D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:
   
i) Located within HSA 6 or HSA 7 – $296.00.
   
ii) Located outside HSA 6 or HSA 7 – $35.00.

E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
   
i) Located within HSA 6 or HSA 7 – $35.00.
   
ii) Located outside HSA 6 or HSA 7 – $15.00.

F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
   
i) Located within HSA 6 or HSA 7 – $12.00.
   
ii) Located outside HSA 6 or HSA 7 – $5.00.

G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – $255.50.

H) A children's hospital that is a rural hospital – $145.00.

I) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital that is located in HSA 6 and that:
   
i) Provides obstetrical care – $10.00.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – $5.00.

iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – $5.00.

iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – $35.00.

v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – $5.00; less than 4.00 days – $5.00; less than 3.75 days – $5.00.

vi) Provides obstetrical care and has an MIUR greater than 65 percent – $11.00.

vii) Has greater than 700 licensed beds – $57.25.

J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:

i) Provides obstetrical care – $70.00.

ii) Does not provide obstetrical care – $30.00.

iii) Is a trauma center, recognized by the Illinois Department of Public Health (IDPH), as of July 1, 2005 – $173.50.

K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year – $6.00.

L) A qualifying hospital with two or more graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory", with an average length of stay fewer than 4.00 days –
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

$48.00.

2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be $154.50.

3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:

A) A qualifying hospital – $40.00.

B) A hospital that has an average length of stay of fewer than 4.00 days, and:

   i) More than 150 licensed beds – $20.00.

   ii) Fewer than 150 licensed beds – $40.00.

C) A qualifying hospital with the lowest average length of stay – $15.00.

D) A hospital that has a CMIUR greater than 65 per centum – $35.00.

E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – $160.00.

4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be $55.00.

5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:

   A) The hospital that has the highest number of obstetrical care admissions – $30,840.00.

   B) The greater of:

       i) The product of $115.00 multiplied by the number of
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

obstetrical care admissions.

ii) The product of $11.50 multiplied by the number of general care admissions.

6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is $149.00.

7) For a hospital qualifying under subsection (a)(7) of this Section, the rate is $322.50.

8) For a hospital qualifying under subsection (a)(8) of this Section, the rate is $124.50.

9) For a hospital qualifying under subsection (a)(9) of this Section, the rate is $85.50.

10) For a hospital qualifying under subsection (a)(10) of this Section, the rate is $96.25.

11) For a hospital qualifying under subsection (a)(11) of this Section, the rate is $39.50.

12) For a hospital qualifying under subsection (a)(12) of this Section, the rate is $120.25.

13) For a hospital qualifying under subsection (a)(13) of this Section, the rate is $365.00.

14) For a hospital qualifying under subsection (a)(14) of this Section, the rate is $430.00.

15) For a hospital qualifying under subsection (a)(15) of this Section, the rate is $540.00.

d) Payment to a Qualifying Hospital

1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
2) For the safety net adjustment period occurring in State fiscal year 2007, total payments will equal the methodologies described in subsection (c) of this Section. For the period January 1, 2007 through June 30, 2007, payment will equal the State fiscal year 2006 amount less the amount the hospital received under the safety net adjustment period for the quarters ending September 30, 2006 and December 31, 2006.

3) For safety net adjustment periods occurring after State fiscal year 2007, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.

e) Definitions

1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.

2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).

3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (e)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).

4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.

5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois.

6) “MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.

7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.

8) "Obstetrical care days" means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (e)(7) of this Section.

9) "Occupancy rate" means a fraction, the numerator of which is the hospital's total days, excluding long term care and substance abuse days, and the denominator of which is the hospital's total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois".


11) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year and ending on June 30 of the following year.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

12) "Total admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

13) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

(Source: Amended at 32 Ill. Reg. 312, effective January 1, 2008)
SECRETARY OF STATE

NOTICE OF ADOPTED RULES

1) **Heading of the Part:** Uniform Partnership Act (1997)

2) **Code Citation:** 14 Ill. Adm. Code 166

3) **Section Numbers:**
   - 166.10 New
   - 166.15 New
   - 166.20 New
   - 166.25 New
   - 166.30 New
   - 166.35 New
   - 166.40 New
   - 166.45 New
   - 166.50 New
   - 166.55 New
   - 166.60 New
   - 166.65 New
   - 166.70 New
   - 166.75 New
   - 166.80 New

4) **Statutory Authority:** 805 ILCS 206

5) **Effective Date of Rule:** January 7, 2008

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

7) **Does this rulemaking contain incorporation by reference?** No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** 31 Ill. Reg. 12690; September 7, 2007

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:** Grammatical and punctuation changes were made as agreed upon with JCAR.
SECRETARY OF STATE

NOTICE OF ADOPTED RULES

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

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Rules: On January 1, 2003, the Uniform Partnership Act (1997) at 805 ILCS 206 became effective. The proposed rules in new Part 166 pertain directly to that Act.

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

Tony Gordon, Assistant General Counsel
Secretary of State
100 W. Randolph St.
Suite 5-400
Chicago, IL 60601

312/814-9509

The full text of the Adopted Rules begins on the next page:
SECRETARY OF STATE
NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 166
UNIFORM PARTNERSHIP ACT (1997)

Section 166.10 Prohibited Terms in Title
The name of a limited liability partnership shall not contain the terms "Corporation", "Corp.", "Incorporated", "Inc.", "Company", or "Co."

Section 166.15 Improper Names
The name of a limited liability partnership shall not contain any word or words that create a connotation that is offensive to good taste.

Section 166.20 Definitions

AUTHORITY: Implementing and authorized by the Uniform Partnership Act [805 ILCS 206].

In addition to the definitions contained in Section 101 of the Uniform Partnership Act [805 ILCS 206/101], the following definitions shall apply:

"Abstracts of Record" shall consist of a hard copy printout of the information shown on the computer records of the Department of Business Services of the Office of the Secretary of State.

"Department" shall mean the Department of Business Services of the Office of the Secretary of State.

"Director" shall mean the Director of the Department of Business Services.

"Interrogatories" shall mean a written request for information to ascertain whether a limited liability partnership has complied with the provisions of the UPA.

"RLLP" shall mean a Registered Limited Liability Partnership.

"Secretary" shall mean the Secretary of State of Illinois.

"UPA" shall mean the Uniform Partnership Act (1997) [805 ILCS 206].

"UPA Section" shall mean the unit of the Department that administers the provisions of the UPA.

Section 166.25 Applicability

The provisions of this Part shall be applicable to all registered limited liability partnerships that are, will be or may become subject to the provisions of the UPA.

Section 166.30 Filing Location

a) All documents required to be filed with the Secretary of State pursuant to the UPA shall be filed with the Department.

b) Documents submitted for filing in Springfield, the Department's headquarters, shall be filed at the following address:

    Department of Business Services
SECRETARY OF STATE

NOTICE OF ADOPTED RULES

Uniform Partnership Act Section
Room 357, Howlett Building
Springfield, Illinois 62756

c) Documents submitted by mail for filing should be sent to the Department's Springfield office.

Section 166.35 Business Hours

The Department of Business Services business hours are 8:00 a.m. to 4:30 p.m. in Springfield, Monday through Friday, except holidays.

Section 166.40 Filing Requirements

a) Corporations serving as partners in limited liability partnerships or foreign limited liability partnerships must comply with the following:

1) a domestic corporation shall be in good standing in Illinois and the statement of qualification shall be executed by a corporate officer.

2) a foreign corporation qualified in Illinois shall be in good standing in Illinois and the statement of qualification shall be executed by a corporate officer.

3) a foreign corporation not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by its state or jurisdiction with the statement of qualification, which shall be executed by a corporate officer.

b) Limited liability companies serving as partners in limited liability partnerships or foreign limited liability partnerships must comply with the following:

1) a domestic limited liability company shall be in good standing in Illinois and the statement of qualification shall be executed by a company member or manager.

2) a foreign limited liability company qualified in Illinois shall be in good standing in Illinois and the statement of qualification shall be executed by a member or manager.
SECRETARY OF STATE

NOTICE OF ADOPTED RULES

3) a foreign limited liability company not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by its state or jurisdiction with the statement of qualification, which shall be executed by a company member or manager.

c) Limited partnerships serving as partners in limited liability partnerships or foreign limited liability partnerships must comply with the following:

1) a domestic limited partnership must be in good standing in Illinois and the statement of qualification shall be executed by a general partner.

2) a foreign limited partnership qualified in Illinois shall be in good standing in Illinois and the statement of qualification shall be executed by a general partner.

3) a foreign limited partnership not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by its state or jurisdiction with the statement of qualification, which shall be executed by a general partner.

d) General partnerships serving as partners in limited liability partnerships must comply with the following:

1) both domestic and foreign general partnerships must identify their state of formation, the county of their formation, and their office of records address.

2) all partners are to be identified by name and those partners that are partnerships, corporations, limited liability companies, or other non-personal entities shall provide documentation of their existence in good standing in the states of formation or organization.

e) Trusts serving as partners in limited liability partnerships must provide to the Secretary of State evidence of existence by a statement of trustee, dated and executed.
f) Estates serving as partners in limited liability partnerships must provide the Secretary of State evidence of existence by a copy of the relevant court order, dated and executed.

g) All entities, other than natural persons, serving as partners in limited liability partnerships must provide evidence of existence upon request of the Secretary of State, and must comply with the following:

1) any partner using an Illinois address must be qualified in Illinois.

2) any partner with a foreign address and not qualified in Illinois shall provide a certificate of good standing issued by the state of formation within the preceding 30 days.

h) When filing its statement of foreign qualification pursuant to Section 1102 of the UPA, any foreign limited liability partnership shall submit an original certified copy of the domestic registration as well as a certificate of existence issued by its state or jurisdiction of formation. The Department shall reject any proposed filing that does not contain both the original certified copy of the domestic registration and a certificate of existence or good standing by the state or jurisdiction of formation.

i) When a limited partnership is a partner in a newly formed limited liability partnership, or when the limited partnership is substituted by amendment as a partner, then the name of the limited partnership shall be written, typed or printed in the space for the partner on the certificate of authority or amendments to the certificate.

Section 166.45 Additional Requirements for Forms

a) All documents required by this Act to be filed in the Office of the Secretary of State shall be made on the most recent version of forms prescribed and furnished by the Secretary of State. The Secretary of State employs the following forms:

1) Form UPA 303 Statement of Partnership Authority (see 805 ILCS 206/303);

2) Form UPA 304 Statement of Denial (see 805 ILCS 206/304);
SECRETARY OF STATE

NOTICE OF ADOPTED RULES

3) Form UPA 704 Limited Liability Partnership Statement of Dissociation (see 805 ILCS 206/704);

4) Form UPA 805 Statement of Dissolution (see 805 ILCS 206/805);

5) Form UPA 907 LLP/LP Statement of Merger (see 805 ILCS 206/907);

6) Form UPA 908 LLP/LLC Statement of Merger (see 805 ILCS 206/908);

7) Form UPA 1003(D) Application for Renewal of Domestic Limited Liability Partnership (see 805 ILCS 206/1003);

8) Form UPA 1003(F) Application for Renewal of Foreign Limited Liability Partnership (see 805 ILCS 206/1003);

9) Form UPA 1004 VWN Voluntary Withdrawal Notice (see 805 ILCS 206/1001(e) for domestic LLP) (see 805 ILCS 206/1102(f) for foreign LLP);

10) Form UPA 1001 Limited Liability Partnership Statement of Qualification (see 805 ILCS 206/1001);

11) Form UPA 1102 Limited Liability Partnership Statement of Foreign Qualification (see 805 ILCS 206/1102);

12) Form UPA 1103 Affidavit of Compliance for Service on Secretary of State (see 805 ILCS 206/1103(e) and 14 Ill. Adm. Code 166.70);

13) Form UPA 105 Statement of Amendment (see 805 ILCS 206/105);

14) Fees for the above forms can be found at 805 ILCS 206/108.

b) All documents filed with the Department shall contain the federal employer identification number of the limited liability partnership with respect to which the document was filed.

c) All documents and attachments submitted by a limited liability partnership shall be typewritten on 8½ x 11" white paper.
Section 166.50 Renewal Reports

a) The Secretary of State shall renew the registration of any limited liability partnership upon payment of the required fee, providing the submission of the renewal statement required by Section 1003 of the UPA is postmarked no later than the expiration date.

b) A renewal statement must be filed pursuant to Section 1003 of the UPA. Timely submitted renewals that require revisions or changes shall be granted a 30 day extension.

Section 166.55 Payment of Fees

All payments of fees with respect to the filing of statements of qualification (domestic) and statements of foreign qualification shall be by money order, certified check, cashier's check, or a check drawn on the account of an Illinois licensed attorney or certified public accountant, made payable to the "Secretary of State", or by a credit card, a debit card or an electronic funds transfer. All other payments may be made by entity check, payable to the "Secretary or State". Any check that is returned by the bank to the Secretary of State's Office for any reason will immediately void the transaction for which it was intended and the Secretary of State shall treat the filing event as never occurring.

Section 166.60 Sale of Information

a) Information concerning any limited liability partnership shall be available to the public from the Department of Business Services upon written request, or by telephone or in person, or, if technology is available, on line through interactive computer.

b) Information in the form of an abstract of record concerning the limited liability partnerships on file with the Department shall be printed from the computer file of the Department and shall consist of the limited liability partnership name, its date of qualification, its registered agent, the address of the office at which the records are maintained, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, and the file number assigned by the Department. The fee for each abstract of record shall be $25.

c) Copies of all documents pertaining to limited liability partnerships on file with the Department are available:
SECRETARY OF STATE

NOTICE OF ADOPTED RULES

1) upon written request and payment of the required fee.

2) by telephone request with advance payment using a credit card, a debit card or an electronic funds transfer.

3) in person and with payment of the required fee at the Department's address set forth in Section 166.30.

d) Computer connections by non-Department users:

1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency incurs all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.

2) Computer terminal connections may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, cost-effectiveness of providing the information through computer terminal connections as opposed to other methods, and other factors that may impede the operations of the Office of the Secretary of State. This service will be suspended at any time should the connection interfere with the Secretary's internal work schedules and processing.

3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on an annual basis for all information delivered during that year, as determined by the Secretary and the agency or person to be the economically simplest way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and any other appropriate factors, such as the statutory fees set forth at 805 ILCS 206/108 for certificates of information, and the requirements of this Part.
SECRETARY OF STATE

NOTICE OF ADOPTED RULES

4) No users may print any list or abstract from the computer connection. Lists of UPA information including the names and information for all limited partnerships may only be purchased pursuant to the provisions of this Part. Computer connections are to be used only to look up information. No changes on the Departments UPA files may be made by any computer connection user.

e) Terms and conditions for computer maintained UPA information:

1) The information supplied by the Department to other agencies, commercial users, or other persons shall be in the abstract format only, as specified in subsection (b) of this Section.

2) The fee for the entire file of current and expired limited liability partnerships shall be determined in accordance with the provisions of subsection (d)(3) of this Section. If the file is purchased on computer disc or tape, the purchaser shall supply the Department with computer disc, discs, tape or tapes, compatible with the Secretary's computer equipment, on to which discs or tapes the information shall be transferred.

3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is approved by the Director. Payment shall be made by check or money order payable to the "Secretary of State", or by credit or debit card.

4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may be deemed appropriate after negotiation between the Department and the purchaser.

5) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only as information specific to an individual limited partnership, as needed by the subscriber.
Section 166.65  Refunds

Refunds for overpayments exceeding $5 shall be paid by the Department upon request.

Section 166.70  Service of Process

a) For the purposes of the UPA, the procedures set forth in this Section shall apply.

b) Any process, notice or demand to be served under this Part shall be made upon the Secretary, the Director, or any employee of the Department designated by the Director to accept such service for him or her, in the following manner:

1) service shall comply with the provisions of Part 2 of the Code of Civil Procedure [735 ILCS 5/Art. II, Part 2], the Federal Rules of Civil Procedure (FRCP Rule 4), or any administrative rules of service, as may be appropriate.

2) an affidavit of compliance must be appended to the process, notice or demand to be served, containing the information described in subsection (c), shall be signed by the person instituting the action, suit or proceeding or by an attorney of record, and the signature of the affiant, without more, shall constitute the affirmation or acknowledgement, under penalties of perjury, that the affidavit is the act or deed of the affiant and that the facts stated in the affidavit are true.

c) The affidavit of compliance shall state:

1) the title of the court or administrative agency.

2) the title of the case, showing the names of the first named plaintiff and the first named defendant.

3) the number of the case.

4) the title of the instrument.

5) the title of the limited liability partnership to be served.
6) the basis for service on the Secretary.

7) the address to which the instrument is to be sent (by registered or certified mail) by the affiant.

8) the name, address and telephone number of the attorney of record for the plaintiff or other affiant.

d) Service of any process, notice or demand made under this Part shall be made with the Department at the address set forth in Section 166.30.

e) The Department shall maintain original file copies, which shall be in paper form or an acceptable archival medium, and originals may be discarded upon verification of archival medium (microfilm or electronic imaging) and upon approval by the State Records Commission (see 5 ILCS 160/16).

f) The fee for the service provided by the Department under subsection (e) shall be $25.

Section 166.75 Interrogatories

a) The Secretary of State may propound to any limited liability partnership subject to the provisions of the UPA, and to any partner, such interrogatories as may be reasonably necessary and proper to enable the Secretary to ascertain whether the limited liability partnership has complied with all the applicable provisions of the UPA and this Part. The interrogatories shall be answered within 30 days after mailing, or within such additional time as shall be fixed by the Secretary, and the answers shall be full and complete, and shall be made in writing and under oath. If the interrogatories are directed to a person, they shall be answered by him or her; if directed to a limited liability partnership, they shall be answered by the partners. The Secretary need not file any document to which the interrogatories relate until the interrogatories are answered and not then if the answers disclose that the document is not in conformity with the UPA and this Part. The Secretary of State shall certify to the Attorney General, for such action as the Attorney General may deem appropriate, all interrogatories and answers that disclose a violation of the UPA or this Part.

b) Interrogatories propounded by the Secretary of State and the answers shall not be open to public inspection, nor shall the Secretary disclose any facts or information
obtained, except insofar as official duty may require them to be made public or in
the event the interrogatories or the answers are required for evidence in any
criminal proceeding or in any other action by the State.

Section 166.80 Right to Counsel

a) Hearing procedures will be governed by 14 Ill. Adm. Code 150, Subpart A.

b) Any party may appear and be heard through an attorney at law licensed to practice
in the State of Illinois.

1) Attorneys admitted to practice in states other than the State of Illinois may
appear and be heard upon the attorney's verbal representation of written
documentation as to the attorney's admittance, pursuant admittance,
pursuant to an order pro hac vice, entered by a judge of the circuit court of
the county in which the hearing is conducted, as provided in Supreme
Court Rule 707.

2) A natural person may appear and be heard on his or her own behalf.

3) A corporation, limited liability company, association or partnership may
appear and present evidence by any bonafide officer, employee or
representative.

c) Only an attorney properly licensed shall represent anyone else in any hearing in
any matter involving the exercise of legal skill or knowledge. The standards of
conduct shall be the same as before the Courts of the State of Illinois.
SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part**: Uniform Limited Partnership Act (2001)

2) **Code Citation**: 14 Ill. Adm. Code 171

3) **Section Numbers**: Adopted Action:
   - 171.10 Amend
   - 171.15 Amend
   - 171.20 New
   - 171.25 New
   - 171.30 New
   - 171.35 New
   - 171.40 New
   - 171.45 New
   - 171.50 New
   - 171.55 New
   - 171.60 New
   - 171.65 New
   - 171.70 New
   - 171.75 New
   - 171.80 New

4) **Statutory Authority**: 805 ILCS 215/108, 108.5, 1098 and 902

5) **Effective Date of Rulemaking**: January 7, 2008

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

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: September 7, 2007; 31 Ill. Reg. 12703

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version**: Grammatical and punctuation changes were made as agreed upon with JCAR.
NOTICE OF ADOPTED AMENDMENTS

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

13) Will these amendments replace any emergency amendments currently in effect? No

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

15) Summary and Purpose of Amendments: The Revised Uniform Partnership Act (805 ILCS 210) is repealed effective January 1, 2008. That Act, which had rules at 14 IAC 170, is the predecessor to the Uniform Limited Partnership Act (2001).

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

   Tony Gordon, Assistant General Counsel
   Secretary of State
   100 W. Randolph St.
   Suite 5-400
   Chicago, IL 60601

   312/814-9509

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

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 171
UNIFORM LIMITED PARTNERSHIP ACT (2001)

Section 171.10  Prohibited Terms in Title
The name of a limited partnership or limited liability limited partnership or the assumed name of
a limited partnership or limited liability limited partnership shall not contain the terms
"Corporation", "Corp.", "Incorporated", "Inc.", "Company", or "Co."

(Source: Amended at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.15  Improper Names
NOTICE OF ADOPTED AMENDMENTS

The name of a limited partnership or limited liability limited partnership or the assumed name of a limited partnership or limited liability limited partnership shall not contain any word or words that create a connotation that is offensive to good taste. By way of example only, prohibited words and phrases include, but are not limited to, profanity, those that are likely to be considered slurs based on race, ethnicity, sexual orientation or gender, or those that otherwise defame a person or group of persons.

(Source: Amended at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.20 Assumed Names

a) A limited partnership or limited liability limited partnership may adopt, change, renew or cancel an assumed name by filing an application with the Department and paying the fee stated at Section 1302(b)(5) of the ULPA. The application shall contain the name of the limited partnership or limited liability limited partnership, the file number, and the assumed name to be adopted, changed, renewed, or cancelled.

b) The application to adopt, change, or cancel an assumed name shall be on a separate form from the application to renew an assumed name.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.25 Definitions

In addition to the definitions contained in Section 102 of the Uniform Limited Partnership Act (2001) the following definitions shall apply:

"Abstracts of Limited Partnerships" shall consist of a hard copy print-out of the information shown on the computer records of the Department of Business Services of the Office of the Secretary of State.

"Department" shall mean the Department of Business Services of the Office of the Secretary of State.

"Director" shall mean the Director of the Department of Business Services.
NOTICE OF ADOPTED AMENDMENTS

"Interrogatories" shall mean a written request for information to ascertain whether a limited partnership or a limited liability limited partnership has complied with the provisions of the ULPA.

"Secretary" shall mean the Secretary of State of Illinois.

"ULPA" shall mean the Uniform Limited Partnership Act (2001) [805 ILCS 215].

"ULPA Section" shall mean the unit of the Department that administers the ULPA.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.30  Applicability

The provisions of this Part shall be applicable to all limited partnerships and limited liability limited partnerships that are or that will or may become subject to the provisions of the Uniform Limited Partnership Act (2001).

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.35  Filing Location

a) All documents required to be filed with the Secretary of State pursuant to the ULPA shall be filed with the Department.

b) Documents submitted for filing in Springfield, the Department's headquarters, shall be filed at the following address:

   Department of Business Services
   Limited Partnership Section
   Room 357, Howlett Building
   Springfield, Illinois  62756

c) Documents submitted by mail for filing should be sent to the Department's Springfield office.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)
NOTICE OF ADOPTED AMENDMENTS

Section 171.40 Business Hours

The Department of Business Services business hours are 8:00 a.m. to 4:30 p.m. in Springfield, Monday through Friday, except holidays.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.45 Filing Requirements

a) Corporations serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:

1) A domestic corporation shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.

2) A foreign corporation qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.

3) A foreign corporation not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by that state or jurisdiction with the partnership registration application executed by a corporate officer.

b) Limited liability companies serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:

1) A domestic limited liability company shall be in good standing in Illinois and the partnership registration application shall be executed by a company member or manager.

2) A foreign limited liability company qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a company member or manager.

3) A foreign limited liability company not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to
that effect issued within the preceding 30 days by that state or jurisdiction with the partnership registration application executed by a company member or manager.

c) Limited partnerships serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:

1) a domestic limited partnership must be in good standing in Illinois and the partnership registration application shall be executed by a general partner.

2) a foreign limited partnership qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a general partner.

3) a foreign limited partnership not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by that state or jurisdiction with the partnership registration application executed by a general partner.

d) General partnerships serving as general partners in limited partnerships must comply with the following:

1) both domestic and foreign general partnerships must identify their state of formation, the county of their formation, and their office of record address.

2) all partners are to be identified by name and those partners that are partnerships, corporations, limited liability companies, or other non-personal entities shall provide documentation of their existence in good standing in the states of formation or organization.

e) Trusts serving as general partners in limited partnerships must provide to the Secretary of State evidence of existence by a statement of trustee, dated and executed.

f) Estates serving as general partners in limited partnerships must provide the Secretary of State evidence of existence by a copy of the relevant court order, dated and executed.
g) All entities, other than natural persons, serving as general partners in limited partnerships must provide evidence of existence upon request of the Secretary of State, and must comply with the following:

1) any general partner using an Illinois address must be qualified in Illinois.

2) any general partner with a foreign address and not qualified in Illinois shall provide a certificate of good standing from the state of formation.

h) When filing its admission to transact business pursuant to Section 901 of the ULPA, any foreign limited partnership shall submit an original certificate of existence issued by its state or jurisdiction of formation within the preceding 30 days. The Department shall reject any proposed filing that does not contain the certificate of existence or good standing by the state or jurisdiction of formation.

i) When a limited partnership is a general partner in a newly formed limited partnership, or when the limited partnership is substituted by amendment as a general partner, then the name of the limited partnership shall be written, typed or printed in the space for the general partner on the certificate of authority or amendments to the certificate.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.50 Additional Requirements for Forms

a) All documents required by the ULPA to be filed in the Office of the Secretary of State shall be made on the most recent version of forms prescribed and furnished by the Secretary of State.

b) All documents filed with the Department, except the original certificates of limited partnership and applications for admission of a foreign limited partnership shall contain the file number assigned to the partnership by the Department.

c) All documents and attachments submitted by a limited partnership or limited liability partnership shall be typewritten on 8½ x 11" white paper.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.55 Payment of Fees
NOTICE OF ADOPTED AMENDMENTS

All payments of fees with respect to the filing of certificates of limited partnership or limited liability limited partnership (domestic) and certificates of admission (foreign) shall be by money order, certified check, cashier's check, or a check drawn on the account of an Illinois licensed attorney or certified public accountant, made payable to the "Secretary of State", or by a credit card, a debit card or an electronic fund transfer. All other payments may be made by entity check, payable to the "Secretary or State". Any check that is returned by the bank to the Secretary of State's Office for any reason will immediately void the transaction for which it was intended and the Secretary of State shall treat the filing event as never occurring.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.60  Sale of Information

a) Information concerning any limited partnership or limited liability limited partnership shall be available to the public from the Department of Business Services upon written request, or by telephone or in person, or, if technology is available, on line through interactive computer.

b) Information in the form of an abstract of record concerning the limited partnerships or limited liability limited partnerships on file with the Department shall be printed from the computer file of the Department, and shall consist of the limited partnership or limited liability limited partnership name, its date of formation, any assumed name, its registered agent, the address of the office at which the records are maintained, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, and the file number assigned by the Department. The fee for each abstract of record requested on a routine basis shall be $25. If expedited service is requested pursuant to Section 1308 of the ULPA, an additional $20 will be required.

c) Copies and fees:

1) Copies of all documents pertaining to limited partnerships or limited liability limited partnerships on file with the Department are available:

   A) upon written request and payment of the required fee;

   B) by telephone request with advance payment using a credit card, a debit card or an electronic funds transfer;
SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

C) in person and with payment of the required fee at the Department's address as set forth in Section 171.35.

2) The fee for copies and certification of any documents is established in Section 1302 of the ULPA, and the expedited fee, if applicable, for copies is established in Section 1308 of the ULPA.

d) Computer connections by non-Department users:

1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency incurs all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.

2) Computer terminal connection may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, cost-effectiveness of providing the information through computer terminal connections as opposed to other methods, and other factors that may impede the operations of the Office of the Secretary of State. This service will be suspended at any time should the connection interfere with the Secretary's internal work schedules and processing.

3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on an annual basis for all information delivered during that year, as determined by the Secretary and the agency or person to be the economically simplest way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and any other appropriate factors, such as the statutory fees set forth at Sections 1302 and 1308 of the ULPA, for certificates of information and requirements of this Part.

4) No users may print any list or abstract from the computer connection. Lists of ULPA information including the names and information
SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

concerning all limited partnerships may only be purchased pursuant to the provisions of this Part. Computer connections are to be used only to look up information. No changes on the Department's ULPA files may be made by any computer connection user.

e) Terms and conditions for computer maintained ULPA information:

1) The information supplied by the Department to other agencies, commercial users, or other persons, shall be in the abstract format only, as specified in subsection (b) of this Section.

2) The fee for the entire file of current and dissolved limited partnerships and assumed names shall be determined in accordance with the provisions of subsection (d)(3) of this Section. If the file is purchased on computer disc or tape, the purchaser shall supply the Department with computer discs or tapes compatible with the Secretary's computer equipment on to which the information shall be transferred.

3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. Payment shall be made by check or money order payable to the "Secretary of State" or by credit or debit card.

4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may be deemed appropriate after negotiation between the Department and the purchaser.

5) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only on the basis of each limited partnership as needed by the subscriber.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.65 Refunds
Refunds for overpayments exceeding $5 shall be paid by the Department upon request.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

**Section 171.70 Service of Process**

a) For the purposes of the ULPA, the procedures set forth in this Section shall apply.

b) Any process, notice or demand to be served under this Part shall be made upon the Secretary, or the Director, or any employee of the Department designated by the Director to accept such service for him or her, in the following manner:

1) Service shall comply with the provisions of Part 2 of the Code of Civil Procedure [735 ILCS 5/Art. II, Part 2], the Federal Rules of Civil Procedure (FRCP Rule 4), or any administrative rules of service, as may be appropriate.

2) The affidavit of compliance required by Section 117 of the ULPA to be appended to the process, notice or demand to be served, containing the information described in subsection (b), shall be signed by the person instituting the action, suit or proceeding or by an attorney of record, and the signature of the affiant, without more, shall constitute the affirmation or acknowledgement, under penalties of perjury, that the affidavit is the act or deed of the affiant and that the facts stated in the affidavit are true.

c) The affidavit of compliance shall state:

1) the title of the court or administrative agency;

2) the title of the case, showing the names of the first named plaintiff and the first named defendant;

3) the number of the case;

4) the title of the instrument;

5) the title of the limited partnership to be served;
SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6) the basis for service on the Secretary;

7) the address to which the instrument is to be sent (by registered or certified mail) by the affiant;

8) the name, address and telephone number of the attorney of record for the plaintiff or other affiant.

d) Service of any process, notice or demand made under this Part shall be made with the Department at the address set forth in Section 171.35.

e) At the time of any service under this Part, there shall be paid a fee of $50 (see Section 1302 of the ULPA), payable by check or money order to the "Secretary of State". Each process, notice or demand shall be submitted with separate payment.

f) The Department shall maintain original file copies, which shall be in paper form or an acceptable archival medium, and originals may be discarded upon verification of archival medium (microfilm or electronic imaging) and upon approval by the State Records Commission (see 5 ILCS 160/16).

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.75 Interrogatories

a) The Secretary of State may propound to any limited partnership or limited liability limited partnership subject to the provisions of the ULPA, and to any partner, such interrogatories as may be reasonably necessary and proper to enable the Secretary to ascertain whether the limited partnership or limited liability limited partnership has complied with all the applicable provisions of the ULPA and this Part. The interrogatories shall be answered within 30 days after their mailing, or within such additional time as shall be fixed by the Secretary, and the answers shall be full and complete, and shall be made in writing and under oath. If the interrogatories are directed to a person, they shall be answered by him or her. If directed to a limited partnership or limited liability limited partnership, they shall be answered by the general partners or limited partners. The Secretary need not file any document to which the interrogatories relate until the interrogatories are answered as required by this subsection and not then if the answers disclose that the document is not in conformity with the provisions of the ULPA and this Part. The Secretary of State shall certify to the Attorney General,
SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

for such action as the Attorney General may deem appropriate, all interrogatories and answers that disclose a violation of any of the provisions of the ULPA and this Part.

b) Interrogatories propounded by the Secretary of State and the answers to those interrogatories shall not be open to public inspection, nor shall the Secretary disclose any facts or information obtained from interrogatories or answers, except insofar as official duty may require them to be made public or in the event the interrogatories or the answers are required for evidence in any criminal proceeding or in any other action by the State.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)

Section 171.80 Right to Counsel

a) Hearing procedures will be governed by 14 Ill. Adm. Code 150, Subpart A.

b) Any party may appear and be heard through an attorney at law licensed to practice in the State of Illinois.

1) Attorneys admitted to practice in states other than the State of Illinois may appear and be heard upon the attorney's verbal representation or written documentation as to the attorney's admittance, pursuant to an order pro hac vice, entered by a judge of the circuit court of the county in which the hearing is conducted, as provided in Supreme Court Rule 707.

2) A natural person may appear and be heard on his or her own behalf.

3) A corporation, limited liability company, association or partnership may appear and present evidence by any bona fide officer, employee or representative.

c) Only an attorney properly licensed shall represent anyone else in any hearing in any matter involving the exercise of legal skill or knowledge. The standards of conduct shall be the same as before the Courts of the State of Illinois.

(Source: Added at 32 Ill. Reg. 346, effective January 7, 2008)
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Rules and Regulations of the Board

2) **Code Citation:** 74 Ill. Adm. Code 800

3) **Section Numbers:**
   - 800.5 Amendment
   - 800.120 Amendment
   - 800.210 Amendment
   - 800.230 Amendment
   - 800.310 Amendment
   - 800.320 Amendment
   - 800.330 Amendment
   - 800.340 Amendment
   - 800.410 Amendment
   - 800.420 Amendment
   - 800.510 Amendment

4) **Statutory Authority:** Implementing and authorized by Section 22A-110 of the Illinois Pension Code [40 ILCS 5/22A-110] and implementing and authorized by Section 24-104 of the Illinois Pension Code [40 ILCS 5/24-104].

5) **Effective Date of Amendments:** December 26, 2007

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

7) **Does this rulemaking contain incorporations by reference?** Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** May 4, 2007; 31 Ill. Reg. 6667

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:** The final version of "Section 800.310 Investment Account" contains a citation for the Government Accounting Standards Board Statement No. 31, which is referenced within Section 800.310.
NOTICE OF ADOPTED AMENDMENTS

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

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Amendments: These amendments are the result of a comprehensive review of the Board's rules. At the request of the Joint Committee on Administrative Rules, these Sections are being amended to (i) update antiquated statutory references contained in this Part; (ii) list all Board functions and provide general statements of policy regarding those functions; (iii) expand language to describe Board policy on the commingling of assets, distribution of securities, accounting of fixed income investments and accounting of reserve amounts; (iv) add language to identify general guidelines or restrictions on investments; and (v) add language to identify Board policy regarding the Deferred Compensation Plan.

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

Emily A. Reid
Investment Compliance Officer
Illinois State Board of Investment
180 N. LaSalle Street, Suite 2015
Chicago, IL 60601

312/793/5712
ereid@mail.state.il.us

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

Section
800.5 Authority

SUBPART B: BY-LAWS

Section
800.110 Offices of the Board
800.120 Meetings
800.130 Officers and Their Duties
800.140 Committees

SUBPART C: GENERAL POLICIES

Section
800.210 Functions
800.220 Fiduciary Aspects
800.230 Delegation of Authority
800.240 Budget

SUBPART D: ACCOUNTING

Section
800.310 Investment Account
800.320 Pension Fund Credits
800.330 Pension Fund Charges
800.340 Reserve Balances

SUBPART E: REPORTS

Section
800.410 Fiscal Reporting
NOTICE OF ADOPTED AMENDMENTS

Section 800.510 Changes or Amendments


SUBPART A: AUTHORITY

Section 800.5 Authority

In accordance with Article 22A of the "Illinois Pension Code", (Chapter 108 1/4, Illinois Revised Statutes), [40 ILCS 5/Art. 22A] creating the Illinois State Board of Investment, effective October 10, 1969, with authority to manage, invest and reinvest, the reserves, funds, assets, securities and moneys of any pension fund, as provided in this Article, and to perform such other duties as may from time to time be authorized by the General Assembly (Section 22A-101 of the Code) and providing in Section 22A-110, that the Board may adopt such rules and regulations (not inconsistent with this Article 22A) as in its judgment are desirable to implement and properly administer this Article 22A (Section 22A-110 of the Code), the Illinois State Board of Investment, with the objective of investing for a total return over the long term, establishes this Part does hereby establish the following rules and regulations for the direction and administration of its affairs under this statutory authority and for the effective operation of the Board such agency created by the aforesaid statute.

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

SUBPART B: BY-LAWS

Section 800.120 Meetings

a) Regular meetings. Meetings of the Board shall be held at least once each calendar...
b) Special meetings. Special meetings may be called at any time by the Chair or Vice Chair of the Board or by any three members of the Board. As required by law, written notice shall be given at the time and place of each special meeting at least three days previous to the date of the meeting. The notice need not contain information regarding the subject matter for consideration at the meeting. Any business of whatever nature may be taken up and disposed of at any special meeting. Notice of any special meeting may be waived by the members. The waiver shall be duly recorded in the minutes of the meeting thereof.

c) Place and hour of meetings. Meetings of the Board shall be held at the general office of the Board or at any other place selected by the Chair or agreed upon by the Board, at the hour fixed by the Chair or by the members calling a special meeting.

d) Annual meeting. The annual meeting of the Board shall be held in the month of September.

e) Quorum. A majority of all members of the Board shall constitute a quorum for the transaction of business at any regular or special meeting.

f) Meetings open to the public. As required by law, all meetings of the Board shall be open to the public except as otherwise provided in the Open Meetings Act [5 ILCS 120] Chapter 102 of the Illinois Revised Statutes.

g) Proxies. Ex-officio members who cannot attend meetings of the Board or its committees may respectively designate one appropriate proxy from within the Office of the State Treasurer, members of the Pension Law Commission on Governmental Forecasting and Accountability, or Trustees of the pension or retirement system. The proxy shall have the same powers and authority as the ex-officio member being represented, but no member may designate a different proxy within one year after his last designation of a proxy unless the person last so designated has become ineligible to serve in that capacity. The ex-officio Board member shall notify the designated proxy in writing, with a copy to the Board. The designated proxy shall accept the designation in writing, with a copy to the Board.
h) Order of business:

1) The following order shall govern the transaction of business of the Board at any regular or special meeting:

   A) Roll Call
   B) Minutes of Previous Meeting
   C) Communications
   D) Report of Standing and Special Committees
   E) Report of the Chairman
   F) Report of the State Treasurer
   G) Report of the Director
   H) Report of Investment Counsel
   I) Reports of any Member of the Board
   J) Unfinished Business
   K) New Business
   L) Adjournment

2) Any motion or resolution may be presented and considered out of the regular order of business by consent of a majority of the members present at any regular or special meeting.

i) Voting. Each member shall have one vote on any question coming before the Board at any regular or special meeting at which that member is in attendance. Concurring votes by a majority of the members present at the meeting shall be necessary for the adoption of any resolution or action by the Board.
ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

j) Roll calls. The Chair or any member may request a roll call on any motion or resolution involving an expenditure of moneys, or the creation of a liability for the Board or on any other motions. The vote of each member present shall then be recorded in the minutes of the meeting.

k) Reconsideration. A motion for the reconsideration of any vote shall be in order only if made at the meeting at which the vote sought to be reconsidered shall have been taken, or at the next regular meeting thereafter.

l) Deferral of reports. Upon request of any two members of the Board, the consideration of any report presented by any committee shall be deferred for one meeting, and a copy of the report of the committee shall be provided each member of the Board.

m) Record of proceedings. The Board shall keep a full record of all its proceedings in which all of its transactions is recorded. All resolutions approved by the Board shall be signed by the Chair and Recording Secretary and shall be filed with the minutes of the meeting at which adopted. At least 5 days before the date of the next scheduled meeting, the Recording Secretary shall supply each Board member with a copy of the minutes of the last meeting.

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

SUBPART C: GENERAL POLICIES

Section 800.210 Functions

a) The functions of the Board are limited exclusively to investment management and such other duties and responsibilities as are directed or permitted by statute. With respect to investment management more specifically:

“To invest, reinvest, exchange and to perform all investment functions with regard to reserves, funds, assets, securities and moneys which the Board is authorized to invest, and to preserve and protect such reserves, funds, assets, securities and moneys, including, but not limited to, authority to vote any stocks, bonds or other securities and to give general or special proxies or powers of attorney with or without power of substitution” [40 ILCS 5/22A-106] (Ill. Rev. Stat. 1979, ch. 108½, par. 22A-106).
1) The Board shall manage investments by executing procedures that include, but are not limited to:

A) Performing due diligence on the investment portfolio. (Examples of due diligence include monitoring the performance of current investment portfolios, selecting new investment portfolios, determining the asset allocation per portfolio and selecting investment managers to invest portfolio assets.)

B) Adopting an asset allocation policy to achieve efficiently the Board's long-term investment objective of an 8.5% compounded rate of return. (Examples of policy considerations include examining all asset classes and their appropriate benchmarks and allocating specific percentages of assets to specific asset classes.)

C) Managing Board expenses. (Examples of such management include negotiating competitive asset management fees with investment managers and monitoring the Board's operating budget.)

D) Complying with the Illinois Pension Code [40 ILCS 5]. (Examples of compliance include adhering to statutory directives such as the prudent utilization of emerging investment managers in managing assets (see 40 ILCS 5/1-109.1(4)) and refraining from prohibited transactions.)

2) The Board's general policy governing investments shall require that, as fiduciaries, the Board discharge its duties, with respect to pension fund assets it manages, solely in the interest of the participants and beneficiaries. (Examples of general investment policy include maintaining an 8.5% compounded rate of return on investments; investing with the care, skill, prudence and diligence that a prudent person would use in the conduct of an enterprise of like character with like aims; and diversifying investments to reduce risk, enhance returns and commit meaningful investment positions.)

b) State Employees Deferred Compensation Plan (Plan)
ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

1) The Board shall be responsible for developing and establishing the Plan (see 40 ILCS 5/24-104).

2) With respect to developing and establishing the Plan, the Board shall:
   A) Review investment offerings and offer acceptable investment offerings as investment options for the Plan; and
   B) Supervise the Department of Central Management Services' administration of the Plan.

3) Further explanation regarding the Board's responsibilities with respect to the development and establishment of the Plan are found in the following Board regulations: 80 Ill. Adm. Code 2700: Subpart A (Introduction and Purpose of Plan); Subpart B (Definitions); Subpart C (the Board's general supervision of the administration of the Plan); Subpart G (distributions in the event of an unforeseeable emergency); Subpart I (ability to amend or terminate Plan).

   These functions shall not encompass any duties or responsibilities related to the operation and administration of the pension funds in any other area than that of investments.

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

Section 800.230 Delegation of Authority

The Board shall manage the investments of any pension fund for the purpose of obtaining a total return on investments for the long term. It also shall perform such other functions as may be assigned or directed by the General Assembly. The Board may not delegate its management functions. For the purpose of seeking a broad spectrum of advice and fostering competitive performance, and to assist the Board in fully implementing the provisions of the applicable law, the Board may contract, for compensation, advisory services with one or more national or state banks or trust companies authorized to do a trust business and domiciled in the State of Illinois. It may also utilize the services of one or more financial institutions organized under the laws of Illinois, or employ investment advisors who have qualified under Subchapter II of the federal Investment Advisors Act of 1940 (15 U.S.C. 80b-1 et seq.) and are registered under the Illinois Securities Law of 1953 [815 ILCS 5] (Ill. Rev. Stat. 1979, ch. 121½, par. 137.1 et seq.).
ILLINOIS REGISTER

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

SUBPART D: ACCOUNTING

Section 800.310 Investment Account

a) For the purpose of achieving the maximum advantages of investment management, the invested assets for the several pension funds under the jurisdiction and authority of the Board may be commingled and maintained in one or more investment accounts, to the extent dictated by basic investment considerations, with a distribution made according to types of securities as may be dictated by practical investment procedure. The distribution of assets shall be dictated by the Board in accordance with its asset allocation policy. The commingling of investment assets shall allow:

1) Control over the Board's investment policies through increased flexibility in asset allocation; and

2) Simplified accounting and reporting procedures.

b) Unless the Board directs otherwise, fixed income investments shall be carried at amortized book value according to established accounting practices and actuarial requirements. (Governmental entities, including governmental external pools, shall report investments at fair value on the balance sheet, rather than at amortized book value or cost. Fair value shall be defined as the amount at which an investment could be exchanged in a current transaction between willing parties, other than a forced sale or liquidation (Governmental Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856-5116, GASB Statement No. 31, "Accounting and Financial Reporting for Certain Investments and for External Investment Pools", June 15, 1997, no subsequent dates or editions).) Equity investments shall be carried at original cost. Investments initially transferred to the Board shall be valued for its books of account on the foregoing basis.

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

Section 800.320 Pension Fund Credits
NOTICE OF ADOPTED AMENDMENTS

a) Each pension fund transferring invested assets to the Board shall receive credit in an appropriate reserve account in the amounts established by the Board, which shall constitute the initial value of the investment account of the particular pension fund. As new investments are made from additional moneys made available to the Board for that purpose, proper credit in the established reserve account shall be given to each pension fund for the proportionate amount thereof applicable to each pension fund according to the amounts of moneys creditable to each such fund. Reserve amounts shall be determined by:

1) Allocating expenses and advances on an equitable, proportional basis, taking into account the net asset values of each member retirement system;

2) Allocating the net change in realized and unrealized gains and losses to each member retirement system on the 15th of each calendar month, based on the final percentage of ownership of each member retirement system for the prior calendar month; and

3) Allocating the net change in income and expenses for the calendar month to each member retirement system on the 30th of each calendar month, taking into account any purchases or redemptions in ownership shares from each member retirement system during that calendar month.

b) Periodic interest collections on fixed investments and dividend payments on equities shall be credited to each fund directly on the initial investments transferred to the Board if applicable to those investments, except in the case of commingled investments on which a proportionate amount shall be credited. New investments may be commingled on a proportionate basis beginning July 1, 1970, with income from the investments distributed accordingly.

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

Section 800.330 Pension Fund Charges

a) Each pension fund shall be charged with its share of all expenses of the Board, including the amount repayable to the State of the initial appropriation made to meet organization expenses, at quarter-yearly periods, on a pro-rata basis, according to the value of the investments held for the respective
ILLINOIS REGISTER  

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

pension fund at the beginning of each such quarter-yearly period, or on any other equitable basis as may be determined by the Board.

b) A statement setting forth the amount of the expense charge made by the Board shall be provided to each pension fund as prescribed by Section 22A-114 of the Pension Code.

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

Section 800.340 Reserve Balances

This Subpart is specifically designed to establish and maintain for each pension fund a reserve representing an equitable share of the net assets of the Board to the end that each such pension fund shall, at all times, receive full credit for all moneys creditable to that fund in the form of invested assets or free cash balances or any other applicable assets that may exist at any given date.

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

SUBPART E: REPORTS

Section 800.410 Fiscal Reporting

An annual report shall be made by the Board following the close of each fiscal year as provided by law. The fiscal year shall date from July 1 of one year through June 30 of the year next following. The report shall embody a review of investment operations for the year, including a listing of all invested assets showing their book values and market values, the balances applicable to the several pension funds under the authority of the Board, comment on the policies and procedures maintained by the Board during the year, and recommendations on any possible future changes in the governing statute or Board policies.

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

Section 800.420 Audits

In accordance with established State policy, the books and accounts of the Board shall be audited at least annually by a certified public accountant designated by the Auditor General of the State of Illinois. The scope of such audit may, upon suggestion of the Board, extend
ILLINOIS REGISTER

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

beyond the limitations prescribed by the Auditor General. The results of the such audit shall be reported in the annual report of the Board. Copies of the such audit report shall be made available to the several pension funds represented by the Board.

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)

SUBPART F: AMENDMENTS

Section 800.510 Changes or Amendments

Amendments to this Part may be proposed by any member of the Board, shall be submitted to the Recording Secretary in writing, and shall be acted upon in the following manner:

a) Upon receipt of a proposal for an amendment, the Recording Secretary shall mail a copy thereof to each member of the Board setting forth in full the proposed change or amendment at least 10 days prior to the date of any regular or special meeting at which the proposal will be submitted for consideration.

b) At the next such regular or special meeting following the mailing of the notice, or at any meeting thereafter to which consideration of the change or amendment has been postponed, the change or amendment may be adopted by a vote of at least a majority of all members of the Board. At the meeting, the proposed change or amendment may be altered or modified before being acted upon, without the necessity of any further notice to the members, provided that the amendment, as altered or modified shall be applicable only as to those Sections or subsections thereof to which the notice specifically referred, and provided further that any such modification shall be approved by at least a majority of all members of the Board.

c) When the Board has approved a proposal to amend this Part, the amendment shall be proposed and adopted as required by the Illinois Administrative Procedure Act [5 ILCS 100].

(Source: Amended at 32 Ill. Reg. 360, effective December 26, 2007)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) **Heading of the Part**: Illinois Cares Rx Program

2) **Code Citation**: 89 Ill. Adm. Code 119

3) **Section Number**: 119.20  **Emergency Action**: Amendment

4) **Statutory Authority**: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Effective Date**: January 1, 2008

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) **Date Filed with the Index Department**: December 31, 2007

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Reason for Emergency**: The emergency amendments are necessary as, Illinois Cares Rx (ICRx) income limits are set as hard dollar amounts in statute. Because the income limits are not indexed to the Federal Poverty Level (FPL), they remain constant. Each year, when members receive a Social Security Cost of Living Increase (COLA), some members' income increases beyond the dollar amount set in statute. This causes some members to lose coverage. For 2007, HFS implemented rules to disregard an amount of income equal to the 2005 and 2006 Social Security COLA. This rule change prevented members from losing benefits as a result of these COLA increases. The proposed amendment allows the Department to continue to disregard the 2005 and 2006 COLAs, as well as the 2007 COLA for 2008. The proposed rule change will prevent ICRx members who are currently eligible from losing coverage due to Social Security COLAs.

10) **Complete Description of the Subjects and Issues Involved**: Illinois Cares Rx (ICRx) income limits are set as hard dollar amounts in statute. Because the income limits are not indexed to the Federal Poverty Level (FPL), they remain constant. Each year, when members receive a Social Security Cost of Living Increase (COLA), some members' income increases beyond the dollar amount set in statute. This causes some members to lose coverage. For 2007, HFS implemented Administrative rules to disregard an amount of income equal to the 2005 and 2006 Social Security COLA. This rule change prevented members from losing benefits as a result of these COLA increases. The
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

The proposed amendment allows the Department to continue to disregard the 2005 and 2006 COLAs, as well as the 2007 COLA for 2008. The proposed rule change will prevent ICRx members who are currently eligible from losing coverage due to Social Security COLAs.

11) Are there any other proposed rulemakings pending on this Part? No

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.

13) Information and questions regarding this emergency amendment shall be directed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

The full text of the Emergency Amendment begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 119
ILLINOIS CARES RX PROGRAM

Section
119.10 Definitions
119.20 Eligibility

EMERGENCY
119.30 Low Income Subsidy
119.40 Automatic Enrollment of Program Beneficiaries
119.50 Assignment and Coordination of Benefits
119.60 Covered Services
119.70 Prior Authorization and Preferred Drug List (PDL)
119.80 Illinois Cares Rx Basic Covered Prescription Drugs
119.90 Co-Payments and Cost Sharing
119.100 Pharmacy Payment
119.110 Inspection and Disclosure of Records
119.120 Establishment of Liens
119.130 Penalties
119.140 Penalties (Repealed)


SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 13816, effective October 1, 2004, for a maximum of 150 days; adopted at 29 Ill. Reg. 4069, effective February 25, 2005; emergency amendment at 30 Ill. Reg. 482, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified in response to the Joint Committee on Administrative Rules' Objection at 30 Ill. Reg. 5436, effective February 28, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10274, effective May 26, 2006; amended at 31 Ill. Reg. 5537, effective March 26, 2007; emergency amendment at 32 Ill. Reg. 373, effective January 1, 2008, for a maximum of 150 days.

Section 119.20 Eligibility
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

EMERGENCY

a) Illinois Cares Rx Eligibility Qualifications

To be eligible for Illinois Cares Rx pharmaceutical benefits, an individual must meet all of the following requirements:

1) Be:
   A) 65 years of age or older; or
   B) a disabled person.

2) Be domiciled in Illinois at the time of filing an application, and during the coverage period.

3) Except for individuals choosing Illinois Cares Rx Rebate, be enrolled in a Coordinating Medicare Part D PDP if eligible for Medicare Part D.

4) Except for individuals choosing Illinois Cares Rx Rebate, apply for all available subsidies under Medicare Part D. The Department may deem individuals to be compliant with this requirement in cases where the Department's data clearly indicates the individual would not be eligible for any low income subsidy.

5) Have a maximum household income as described in subsection (a)(5)(A), (B) or (C). If any income eligibility limit set forth in subsection (a)(5)(A), (B) or (C) is less than 200 percent of the Federal Poverty Level (FPL) for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200 percent of FPL.
   A) less than $21,218 for a household containing one person;
   B) less than $28,480 for a household containing two persons; or
   C) less than $35,740 for a household containing three or more persons.

6) Individuals eligible for SeniorCare on December 31, 2005 will be automatically determined eligible for and enrolled in Illinois Cares Rx
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Plus for coverage year 2006; individuals eligible for Circuit Breaker Pharmaceutical Assistance on December 31, 2005 will be automatically determined eligible for and enrolled in Illinois Cares Rx Basic for coverage year 2006.

b) Illinois Cares Rx Plus Eligibility Qualifications
To be eligible for Illinois Cares Rx Plus pharmaceutical benefits as described in Section 119.60(a), an individual must meet all of the eligibility requirements described in subsection (a) and meet all of the following requirements:

1) Be a U.S. citizen or qualify as an eligible non-citizen pursuant to 89 Ill. Adm. Code 120.310.
2) Be 65 years of age or older.
3) Have countable annual income at or below 200 percent of FPL guidelines published annually by the U.S. Department of Health and Human Services.

c) Proof of Eligibility Qualifications
An applicant must submit proof of his or her eligibility qualifications as described in subsections (a) and (b).

1) Examples of proof of date of birth include:
   A) a baptismal record; or
   B) a birth certificate; or
   C) a driver's license; or
   D) an identification card from the Secretary of State's office; or
   E) an insurance policy; or
   F) naturalization papers.

2) Examples of proof of disability include:
NOTICE OF EMERGENCY AMENDMENT

A) proof that an applicant is eligible to receive disability benefits under the federal Social Security Act of 1935 (see 42 USC 423); or

B) issuance of an Illinois Disabled Person Identification Card stating that an applicant is under a Class 2 disability, as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A]; or

C) status of an applicant as a disabled person determined by a physician designated by the Department on Aging using the same standards as used by the Social Security Administration with the costs of any required examination paid by the applicant (see 42 USC 423); or

D) receipt by an applicant of Railroad (see 45 USC 231), Civil Service, or Veterans' total disability benefits (see 38 USC 101). (See 320 ILCS 25/3.14.)

3) Applicants age 64 and older who are ineligible for Medicare must submit proof of citizenship as set forth in section 6036 of the federal Deficit Reduction Act of 2005. This requirement becomes inapplicable if federal funding for these individuals becomes unavailable.

d) Income

Income shall be based on income for the full calendar year prior to the year the applicant filed an application for pharmaceutical benefits, unless the applicant requests consideration of projected income as described in subsections (d)(1)(A), (B), (C), (D) and (E).

1) Projected Income

A) An applicant may request that projected income for the coverage year be used as current income in determining eligibility at the time an application is filed if projected income for the coverage year will be lower than current income for the coverage year. The application must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department on Aging will allow such a request and use projected income as current income in
processing the application if its use will enable an applicant to qualify for this program.

B) An applicant whose application has been denied for exceeding maximum household income eligibility qualifications may file a Schedule P requesting use of projected income for the coverage year as current income for the coverage year in re-determining eligibility if projected income for the coverage year will be lower than current income for the coverage year. The Schedule must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department on Aging will allow such a request and use projected income as current income in processing the application if its use will enable an applicant to qualify for this program.

C) A beneficiary whose application has been approved for Illinois Cares Rx Basic may file a Schedule P requesting use of projected income for the coverage year as current income for the coverage year in re-determining the eligibility for Illinois Cares Rx Plus if projected income for the coverage year will be lower than current income for the coverage year. The Schedule must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department on Aging will allow such a request and use projected income as current income in processing the application if its use will enable a beneficiary to qualify for Illinois Cares Rx Plus.

D) Amended applications for pharmaceutical assistance benefits must be filed on the appropriate paper forms approved by the Department on Aging prior to the expiration of the coverage year for the coverage year at issue.

E) A beneficiary may not use projected income for two consecutive years, except in the case of hardship such as death, change in marital status or retirement.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

2) Countable Income
The earned and unearned income of the applicant and his or her spouse (if the spouse resides with the applicant) shall be counted when determining eligibility.

3) Assets shall not be considered.

4) For applications processed after January 1, 2007, but received on or before December 31, 2007, 6.91 percent of the household income is exempt from consideration in determining eligibility. For 2007 applications, postmarked on or before December 31, 2008, 10.44 percent of the household income is exempt from consideration in determining eligibility.

5) Illinois Cares Rx Plus participants shall be exempt from the requirements of 89 Ill. Adm. Code 102.210, Estate Claims, with regard to expenditures made for Illinois Cares Rx benefits.

e) An individual who is eligible for medical assistance with a spenddown may participate in Illinois Cares Rx.

f) An individual who receives benefits from any of the Medicare Savings programs, the Qualified Medicare Beneficiary (QMB) program, the Specified Low Income Medicare Beneficiary (SLIB) program, or the Qualified Individual (QI) program, may participate in Illinois Cares Rx.

g) Application Process

1) An application for pharmaceutical assistance benefits under the Act must be filed on the appropriate paper or electronic forms approved by the Department on Aging.

2) Individuals shall apply by completing and submitting an application as specified by the Illinois Department on Aging.

3) Spouses who live together in the same residence may apply on the same application as long as the application contains both signatures.
NOTICE OF EMERGENCY AMENDMENT

4) After eligibility is determined by the Illinois Department on Aging, notice of the outcome shall be sent to the applicant.

5) An individual enrolled in Illinois Cares Rx shall receive coverage under his or her own name and unique Recipient Identification Number.

h) Enrollment Periods

1) Enrollment shall be effective the first of the month no later than the second month after the date when the applicant was determined to be eligible for the program.

2) The initial coverage period shall continue from the effective date of the enrollment through the end of the calendar year following the year in which the beneficiary filed the application for Illinois Cares Rx benefits.

3) Individuals must reapply annually.

4) Subsequent uninterrupted periods of enrollment shall be for 12 months and shall be coincident with the calendar year.

i) Authorization of Illinois Cares Rx

Once an individual has been determined eligible for Illinois Cares Rx, an Illinois Cares Rx identification card shall be sent to the individual, unless the individual elects to participate in the Illinois Cares Rx Rebate Program.

j) Illinois Cares Rx coverage shall terminate:

1) at the end of a participant's coverage period unless the participant reapplies timely and is found to continue to be eligible;

2) when a participant no longer resides in Illinois;

3) when a participant becomes an inmate of a public institution;

4) upon a participant's death;

5) upon discovery that the initial determination of the participant's eligibility was incorrect; or
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

6) when a participant not enrolled in Illinois Cares Rx Rebate fails to apply for any low income subsidy available under Medicare Part D, except in cases where the Department has deemed the individual to be compliant based on the Department's data.

k) Appeal Rights
Any applicant or beneficiary aggrieved by action of the Department on Aging under the Act, whether in the denial of an application or amended application may request in writing that the Department on Aging reconsider its action, setting out the facts on which the request is based. The Department on Aging will consider the request and either affirm or modify its action.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 373, effective January 1, 2008, for a maximum of 150 days)
NOTICE OF EMERGENCY AMENDMENT

1) **Heading of the Part:** Medical Payment

2) **Code Citation:** 89 Ill. Adm. Code 140

3) **Section Number:** 140.82  
   **Emergency Action:** Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Effective Date:** January 1, 2008

6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:** Not Applicable

7) **Date Filed with the Index Department:** December 31, 2007

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Reason for Emergency:** The emergency amendment reflects the change and any future changes to the federal tax cap. The federal cap is 5.5 percent, effective January 1, 2008. Failure to comply with the decrease in the federal cap will result in a $21M disallowance of the DD Provider Assessment.

10) **Complete Description of the Subjects and Issues Involved:** The emergency-proposed amendment reflects the change and any future changes to the federal tax cap on developmentally disabled care provider assessments. The federal cap is 5.5 percent, effective January 1, 2008.

11) **Are there any other proposed rulemakings pending on this Part?** Yes

   **Section Number:** 140.6  
   **Proposed Action:** Amendment  
   **Illinois Register Citation:** 31 Ill. Reg. 13570; October 5, 2007

12) **Statement of Statewide Policy Objective:** These emergency amendments neither create nor expand any State mandate affecting units of local government.

13) **Information and questions regarding this emergency rulemaking shall be directed to:**
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

The full text of the Emergency Amendment begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.1</td>
<td>Incorporation By Reference</td>
</tr>
<tr>
<td>140.2</td>
<td>Medical Assistance Programs</td>
</tr>
<tr>
<td>140.3</td>
<td>Covered Services Under Medical Assistance Programs</td>
</tr>
<tr>
<td>140.4</td>
<td>Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)</td>
</tr>
<tr>
<td>140.5</td>
<td>Covered Medical Services Under General Assistance</td>
</tr>
<tr>
<td>140.6</td>
<td>Medical Services Not Covered</td>
</tr>
<tr>
<td>140.7</td>
<td>Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight</td>
</tr>
<tr>
<td>140.8</td>
<td>Medical Assistance For Qualified Severely Impaired Individuals</td>
</tr>
<tr>
<td>140.9</td>
<td>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</td>
</tr>
<tr>
<td>140.10</td>
<td>Medical Assistance Provided to Incarcerated Persons</td>
</tr>
</tbody>
</table>

SUBPART B: MEDICAL PROVIDER PARTICIPATION

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.11</td>
<td>Enrollment Conditions for Medical Providers</td>
</tr>
<tr>
<td>140.12</td>
<td>Participation Requirements for Medical Providers</td>
</tr>
<tr>
<td>140.13</td>
<td>Definitions</td>
</tr>
<tr>
<td>140.14</td>
<td>Denial of Application to Participate in the Medical Assistance Program</td>
</tr>
<tr>
<td>140.15</td>
<td>Recovery of Money</td>
</tr>
<tr>
<td>140.16</td>
<td>Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program</td>
</tr>
<tr>
<td>140.17</td>
<td>Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program</td>
</tr>
<tr>
<td>140.18</td>
<td>Effect of Termination or Revocation on Persons Associated with Vendor</td>
</tr>
<tr>
<td>140.19</td>
<td>Application to Participate or for Reinstatement Subsequent to Termination,</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Suspension or Barring
140.20 Submittal of Claims
140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Sanctioned Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund

EMERGENCY
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an
Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)
140.361 Non-Participating Hospitals (Recodified)
140.362 Pre July 1, 1989 Services (Recodified)
140.363 Post June 30, 1989 Services (Recodified)
140.364 Prepayment Review (Recodified)
140.365 Base Year Costs (Recodified)
140.366 Restructuring Adjustment (Recodified)
140.367 Inflation Adjustment (Recodified)
140.368 Volume Adjustment (Repealed)
140.369 Groupings (Recodified)
140.370 Rate Calculation (Recodified)
140.371 Payment (Recodified)
140.372 Review Procedure (Recodified)
140.373 Utilization (Repealed)
140.374 Alternatives (Recodified)
140.375 Exemptions (Recodified)
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

(Recodified)

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners
140.402 Copayments for Noninstitutional Medical Services
140.405 SeniorCare Pharmaceutical Benefit (Repealed)
140.410 Physicians' Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425 Podiatry Services
140.426 Limitations on Podiatry Services
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
140.428 Chiropractic Services
140.429 Limitations on Chiropractic Services (Repealed)
140.430 Independent Clinical Laboratory Services
140.431 Services Not Covered by Independent Clinical Laboratories
140.432 Limitations on Independent Clinical Laboratory Services
140.433 Payment for Clinical Laboratory Services
140.434 Record Requirements for Independent Clinical Laboratories
140.435 Advanced Practice Nurse Services
140.436 Limitations on Advanced Practice Nurse Services
140.438 Imaging Centers
140.440 Pharmacy Services
140.441 Pharmacy Services Not Covered
140.442 Prior Approval of Prescriptions
140.443 Filling of Prescriptions
140.444 Compounded Prescriptions
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

140.445 Legend Prescription Items (Not Compounded)
140.446 Over-the-Counter Items
140.447 Reimbursement
140.448 Returned Pharmacy Items
140.449 Payment of Pharmacy Items
140.450 Record Requirements for Pharmacies
140.451 Prospective Drug Review and Patient Counseling
140.452 Mental Health Services
140.453 Definitions
140.454 Types of Mental Health Services
140.455 Payment for Mental Health Services
140.456 Hearings
140.457 Therapy Services
140.458 Prior Approval for Therapy Services
140.459 Payment for Therapy Services
140.460 Clinic Services
140.461 Clinic Participation, Data and Certification Requirements
140.462 Covered Services in Clinics
140.463 Clinic Service Payment
140.464 Hospital-Based and Encounter Rate Clinic Payments
140.465 Speech and Hearing Clinics (Repealed)
140.466 Rural Health Clinics (Repealed)
140.467 Independent Clinics
140.469 Hospice
140.470 Eligible Home Health Providers
140.471 Description of Home Health Services
140.472 Types of Home Health Services
140.473 Prior Approval for Home Health Services
140.474 Payment for Home Health Services
140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.479 Limitations, Medical Supplies
140.480 Equipment Rental Limitations
140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482 Family Planning Services
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

140.483 Limitations on Family Planning Services
140.484 Payment for Family Planning Services
140.485 Healthy Kids Program
140.486 Illinois Healthy Women
140.487 Healthy Kids Program Timeliness Standards
140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490 Medical Transportation
140.491 Limitations on Medical Transportation
140.492 Payment for Medical Transportation
140.493 Payment for Helicopter Transportation
140.494 Record Requirements for Medical Transportation Services
140.495 Psychological Services
140.496 Payment for Psychological Services
140.497 Hearing Aids
140.498 Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

Section
140.500 Long Term Care Services
140.502 Cessation of Payment at Federal Direction
140.503 Cessation of Payment for Improper Level of Care
140.504 Cessation of Payment Because of Termination of Facility
140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
140.506 Provider Voluntary Withdrawal
140.507 Continuation of Provider Agreement
140.510 Determination of Need for Group Care
140.511 Long Term Care Services Covered By Department Payment
140.512 Utilization Control
140.513 Notification of Change in Resident Status
140.514 Certifications and Recertifications of Care (Repealed)
140.515 Management of Recipient Funds – Personal Allowance Funds
140.516 Recipient Management of Funds
140.517 Correspondent Management of Funds
140.518 Facility Management of Funds
140.519 Use or Accumulation of Funds
140.520 Management of Recipient Funds – Local Office Responsibility
140.521 Room and Board Accounts
140.522 Reconciliation of Recipient Funds
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

140.523 Bed Reserves
140.524 Cessation of Payment Due to Loss of License
140.525 Quality Incentive Program (QUIP) Payment Levels
140.526 County Contribution to Medicaid Reimbursement
140.527 Quality Incentive Survey (Repealed)
140.528 Payment of Quality Incentive (Repealed)
140.529 Reviews (Repealed)
140.530 Basis of Payment for Long Term Care Services
140.531 General Service Costs
140.532 Health Care Costs
140.533 General Administration Costs
140.534 Ownership Costs
140.535 Costs for Interest, Taxes and Rent
140.536 Organization and Pre-Operating Costs
140.537 Payments to Related Organizations
140.538 Special Costs
140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541 Salaries Paid to Owners or Related Parties
140.542 Cost Reports – Filing Requirements
140.543 Time Standards for Filing Cost Reports
140.544 Access to Cost Reports (Repealed)
140.545 Penalty for Failure to File Cost Reports
140.550 Update of Operating Costs
140.551 General Service Costs Updates
140.552 Nursing and Program Costs
140.553 General Administrative Costs Updates
140.554 Component Inflation Index (Repealed)
140.555 Minimum Wage
140.560 Components of the Base Rate Determination
140.561 Support Costs Components
140.562 Nursing Costs
140.563 Capital Costs
140.565 Kosher Kitchen Reimbursement
140.566 Out-of-State Placement
140.567 Level II Incentive Payments (Repealed)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

140.568 Duration of Incentive Payments (Repealed)
140.569 Clients With Exceptional Care Needs
140.570 Capital Rate Component Determination
140.571 Capital Rate Calculation
140.572 Total Capital Rate
140.573 Other Capital Provisions
140.574 Capital Rates for Rented Facilities
140.575 Newly Constructed Facilities (Repealed)
140.576 Renovations (Repealed)
140.577 Capital Costs for Rented Facilities (Renumbered)
140.578 Property Taxes
140.579 Specialized Living Centers
140.580 Mandated Capital Improvements (Repealed)
140.581 Qualifying as Mandated Capital Improvement (Repealed)
140.582 Cost Adjustments
140.583 Campus Facilities
140.584 Illinois Municipal Retirement Fund (IMRF)
140.590 Audit and Record Requirements
140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643 In-Home Care Program
140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647 Description of Developmental Training (DT) Services
140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650 Certification of Developmental Training (DT) Programs
140.651 Decertification of Day Programs
140.652 Terms of Assurances and Contracts
140.680 Effective Date Of Payment Rate
140.700 Discharge of Long Term Care Residents
140.830 Appeals of Rate Determinations
140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

LOCAL GOVERNMENTAL ENTITIES

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.850</td>
<td>Reimbursement of Administrative Expenditures</td>
</tr>
<tr>
<td>140.855</td>
<td>Administrative Claim Review and Reconsideration Procedure</td>
</tr>
<tr>
<td>140.860</td>
<td>County Owned or Operated Nursing Facilities (Repealed)</td>
</tr>
<tr>
<td>140.865</td>
<td>Sponsor Qualifications (Repealed)</td>
</tr>
<tr>
<td>140.870</td>
<td>Sponsor Responsibilities (Repealed)</td>
</tr>
<tr>
<td>140.875</td>
<td>Department Responsibilities (Repealed)</td>
</tr>
<tr>
<td>140.880</td>
<td>Provider Qualifications (Repealed)</td>
</tr>
<tr>
<td>140.885</td>
<td>Provider Responsibilities (Repealed)</td>
</tr>
<tr>
<td>140.890</td>
<td>Payment Methodology (Repealed)</td>
</tr>
<tr>
<td>140.895</td>
<td>Contract Monitoring (Repealed)</td>
</tr>
<tr>
<td>140.896</td>
<td>Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)</td>
</tr>
<tr>
<td>140.900</td>
<td>Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)</td>
</tr>
<tr>
<td>140.901</td>
<td>Functional Areas of Needs (Recodified)</td>
</tr>
<tr>
<td>140.902</td>
<td>Service Needs (Recodified)</td>
</tr>
<tr>
<td>140.903</td>
<td>Definitions (Recodified)</td>
</tr>
<tr>
<td>140.904</td>
<td>Times and Staff Levels (Repealed)</td>
</tr>
<tr>
<td>140.905</td>
<td>Statewide Rates (Repealed)</td>
</tr>
<tr>
<td>140.906</td>
<td>Reconsiderations (Recodified)</td>
</tr>
<tr>
<td>140.907</td>
<td>Midnight Census Report (Recodified)</td>
</tr>
<tr>
<td>140.908</td>
<td>Times and Staff Levels (Recodified)</td>
</tr>
<tr>
<td>140.909</td>
<td>Statewide Rates (Recodified)</td>
</tr>
<tr>
<td>140.910</td>
<td>Referrals (Recodified)</td>
</tr>
<tr>
<td>140.911</td>
<td>Basic Rehabilitation Aide Training Program (Recodified)</td>
</tr>
<tr>
<td>140.912</td>
<td>Interim Nursing Rates (Recodified)</td>
</tr>
</tbody>
</table>

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>140.920</td>
<td>General Description</td>
</tr>
<tr>
<td>140.922</td>
<td>Covered Services</td>
</tr>
<tr>
<td>140.924</td>
<td>Maternal and Child Health Provider Participation Requirements</td>
</tr>
<tr>
<td>140.926</td>
<td>Client Eligibility (Repealed)</td>
</tr>
<tr>
<td>140.928</td>
<td>Client Enrollment and Program Components (Repealed)</td>
</tr>
<tr>
<td>140.930</td>
<td>Reimbursement</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

140.932 Payment Authorization for Referrals (Repealed)

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

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

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section
140.990 Primary Care Case Management Program
140.991 Primary Care Provider Participation Requirements
140.992 Populations Eligible to Participate in the Primary Care Case Management Program
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

140.993 Care Management Fees
140.994 Panel Size and Affiliated Providers
140.995 Mandatory Enrollment
140.996 Access to Health Care Services
140.997 Payment for Services

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section
140.1001 Registration Conditions for Alternate Payees
140.1002 Participation Requirements for Alternate Payees
140.1003 Recovery of Money for Alternate Payees
140.1004 Conditional Registration for Alternate Payees
140.1005 Revocation of an Alternate Payee

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


DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT


**SUBPART C: PROVIDER ASSESSMENTS**

**Section 140.82 Developmentally Disabled Care Provider Fund**

**EMERGENCY**

a) **Purpose and Contents**

1) The Developmentally Disabled Care Provider Fund was created in the State Treasury on July 1, 1992, July 14, 1993 and July 1, 1995 (see 305 ILCS 5/5C-7). Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.

2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and 305 ILCS 5/5C-2 and 7.

3) The Fund shall consist of:

   A) All monies collected or received by the Department under subsection (b) of this Section;
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to monies deposited in the Fund;

C) Any interest or penalty levied in conjunction with the administration of the Fund;

D) All other monies received for the Fund from any other source, including interest earned thereon; and

E) All monies transferred from the Medicaid Developmentally Disabled Provider Participation Fee Trust Fund.

b) Provider Assessments

Beginning on July 1, 1993, an assessment is imposed upon each developmentally disabled care provider in an amount equal to six percent, or the maximum allowed under federal regulation, whichever is less, of its adjusted gross developmentally disabled care revenue for the prior State fiscal year. The revenue for each year will be reported on the Developmentally Disabled Care Provider Tax form to be filed by a date designated by the Department. The Department reserves the right to audit the reported data. Effective January 1, 2008, the tax rate, allowed under federal regulation, is 5.5 percent.

c) Payment of Assessment Due

1) The assessment described in subsection (b) of this Section shall be due and payable in quarterly installments, each equaling one-fourth of the assessment for the year, on September 30, December 31, March 31, and May 31 of the year, modified to accommodate weekends and holidays. Providers will be notified, in writing, of the due dates. Assessment payments postmarked on the due date will be considered paid on time.

2) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

d) Reporting Requirements, Penalty, and Maintenance of Records

1) After June 30 of each State fiscal year, and on or before September 30 of
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

the succeeding State fiscal year, every developmentally disabled care provider subject to an assessment under subsection (b) of this Section shall file a report with the Department. The report shall be on a form prepared by the Department. The report shall include the adjusted gross developmentally disabled care revenue from the State fiscal year just ended and shall be utilized by the Department to calculate the assessment for the State fiscal year commencing on the preceding July 1. If a developmentally disabled care provider operates or maintains more than one developmentally disabled care facility, a separate report shall be filed for each facility. In the case of a developmentally disabled care provider existing as a corporation or legal entity other than an individual, the report filed by it shall be signed by its president, vice-president, secretary, or treasurer or by its properly authorized agent.

2) If the developmentally disabled care provider fails to file its report for a State fiscal year on or before the due date of the report, there shall, unless waived by the Department for reasonable cause, be added to the assessment imposed in subsection (b) of this Section a penalty assessment equal to 25 percent of the assessment imposed for the year.

3) Every developmentally disabled care provider subject to an assessment under subsection (b) of this Section shall keep records and books that will permit the determination of adjusted gross developmentally disabled care revenue on a State fiscal year basis. All such books and records shall be maintained for a minimum of three years following the filing date of the assessment report and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

4) Amended Assessment Reports. With the exception of amended assessment reports filed in accordance with subsection (d)(5) or (6) of this Section, an amended assessment report must be filed within 30 calendar days after the original report due date. The amended report must be accompanied by a letter identifying the changes and the justification for the amended report. The provider will be advised of any adjustments to the original annual assessment amount through a written notification from the Department. Penalties may be applied to the amount underpaid due to a filing error.
NOTICE OF EMERGENCY AMENDMENT

5) Submission of Financial Audit Statements. All developmentally disabled care providers are required to submit a copy of all financial statements audited by an external, independent auditor to the Department within 30 days after the close of such externally performed financial audits. If the provider's year end does not coincide with the June 30 ending date for the assessment report, the provider must submit all financial audits covering the tax report period. An amended assessment report must accompany such external financial audit statements if the data submitted on the initial tax report changes based upon the findings of such external financial audits and as indicated in the audited external financial statements. Penalties may be applied to the amount underpaid due to a filing error.

6) Reconsideration of Adjusted Tax. If the Department, through an audit conducted by the Department or its agent within three years after the end of the fiscal year in which the assessment was due, changes the assessment liability of a developmentally disabled care provider, the developmentally disabled care provider may request a review or reconsideration of the adjusted assessment within 30 days after the Department's notification of the change in assessment liability. Requests for reconsideration of the assessment adjustment shall not be considered if such requests are not postmarked on or before the end of the 30 day review period. Penalties may be applied to the amount underpaid due to a filing error.

e) Procedure for Partial Year Reporting/Operating Adjustments

1) Cessation of business during the fiscal year in which the assessment is being paid. For a developmentally disabled care provider who ceases to conduct, operate, or maintain a facility for which the person is subject to assessment under subsection (b) of this Section, the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under subsection (d) of this Section by a fraction, the numerator of which is the number of months in the year during which the provider conducts, operates, or maintains the facility and the denominator of which is 12. The person shall file a final, amended report with the Department not more than 30 calendar days after the cessation reflecting the adjustment, and shall pay with the final report the assessment for the year as so adjusted, to the extent not previously paid.

2) Commencing of business during the fiscal year in which the assessment is
being paid. A developmentally disabled care provider who commences conducting, operating, or maintaining a facility for which the person is subject to assessment under subsection (b) of this Section, shall file an initial return for the State fiscal year in which the commencement occurs within 30 calendar days thereafter and shall pay the assessment under subsection (d) of this Section as computed by the Department in equal installments on the due date of the initial assessment determination and on the regular installment due dates for the State fiscal year occurring after the due date of the initial assessment determination. In determining the annual assessment amount for the provider the Department shall develop hypothetical annualized revenue projections based upon geographic location, facility size and patient case mix. The assessment determination made by the Department is final.

3) Partial Fiscal Year Operation Adjustment. For a developmentally disabled care provider that did not conduct, operate, or maintain a facility throughout the entire fiscal year reporting period, the assessment for the following State fiscal year shall be annualized based on the provider's actual developmentally disabled care revenue for the portion of the reporting period the facility was operational (dividing adjusted developmentally disabled care revenue by the number of months the facility was in operation and then multiplying that amount by 12). Developmentally disabled care revenue realized by a prior provider from the same facility during the fiscal year shall be used in the annualization equation, if available.

4) Change in Ownership and/or Operators. The full quarterly assessment must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment amount (including past due assessments and any interest or penalties that may have accrued against the amount) rests on the developmentally disabled care provider currently operating or maintaining the developmentally disabled care facility regardless if these amounts were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1) of this Section.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

f) Penalties

1) Any facility that fails to pay the full amount of an installment when due shall be charged, unless waived by the Department for reasonable cause, a penalty equal to five percent of the amount of the installment not paid on or before the due date, plus five percent of the portion thereof remaining unpaid on the last day of each monthly period thereafter, not to exceed 100 percent of the installment amount not paid on or before the due date. Reasonable cause may include but is not limited to:

A) a provider who has not been delinquent on payment of an assessment due, within the last three calendar years from the time the delinquency occurs;

B) a provider who can demonstrate to the Department's satisfaction that a payment was made prior to the due date; or

C) that the provider is a new owner/operator and the late payment occurred in the quarter in which the new owner/operator assumed control of the facility.

2) Within 30 days after the due date, the Department may begin recovery actions against delinquent facilities participating in the Medicaid Program. Payments may be withheld from the facility until the entire provider assessment, including any penalties, is satisfied, or until a reasonable repayment schedule has been approved by the Department. If a reasonable agreement cannot be reached, or if the facility fails to comply with an agreement the Department reserves the right to recover any outstanding provider assessment, interest and penalty by recouping the amount or a portion thereof from the provider's future payments from the Department. The provider may appeal this recoupment in accordance with the Department's rules at 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) of this Section will continue to accrue during the recoupment process. Recoupment proceedings against the same facility two times in a fiscal year may be cause for termination from the Program. Failure by the Department to initiate recoupment activities within 30 days shall not reduce the provider's liabilities nor shall it
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

preclude the Department from taking action at a later date.

3) If the facility does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months of the assessment due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

g) Delayed Payment – Groups of Facilities
The Department may establish delayed payment of assessments and/or waive the payment of interest and penalties for groups of facilities when:

1) the State delays payments to facilities due to problems related to State cash flow; or

2) a cash flow bond pool's or any other group financing plans' requests from providers for loans are in excess of its scheduled proceeds such that a significant number of facilities will be unable to obtain a loan to pay the assessment.

h) Delayed Payment – Individual Facilities
In addition to the provisions of subsection (g) of this Section, the Department may delay assessments for individual facilities that are unable to make timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar quarter following the quarter in which the assessment was to have been received by the Department as described in subsection (c) of this Section.

1) Criteria. Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions shall be made only to qualified facilities who meet all of the following requirements:

A) the facility has experienced an emergency which necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1), (f)(2) and (f)(3) of this Section would impose severe and irreparable harm to the clients served. Circumstances
NOTICE OF EMERGENCY AMENDMENT

that which may create such emergencies, include; but are not limited to, the following:

i) Department system errors (either automated system or clerical) that which have precluded payments, or that which have caused erroneous payments such that the facility's ability to provide further services to clients is severely impaired;

ii) cash flow problems encountered by a facility that which are unrelated to Department technical system problems and that which result in extensive financial problems to a facility adversely impacting on its ability to serve its clients.

B) the facility serves a significant number of clients under the Medical Assistance Program. Significant in this instance means:

i) 85 percent or more of their residents must be eligible for public assistance;

ii) a government-owned facility, that which meets the cash flow criteria under subsection (h)(1)(A)(ii) of this Section.

iii) a provider who has filed for Chapter 11 bankruptcy, that which meets the cash flow criterion under subsection (h)(1)(A)(ii) of this Section.

C) the facility must file a delay of payment request as defined in subsection (h)(3)(A) of this Section, and the request must include a Cash Position Statement that which is based upon current assets, current liabilities and other data for a date that which is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of assessment payments will be denied if any of the following criteria are met:

i) the ratio of current assets divided by current liabilities is greater than 2.0;
NOTICE OF EMERGENCY AMENDMENT

ii) cash, short-term investments and long-term investments equal or exceed the total of accrued wages payable and the assessment payment. Long-term investments that are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation;

iii) cash or other assets have been distributed during the previous 90 days to owners or related parties in an amount equal to or exceeding the assessment payment for dividends, salaries in excess of those allowable under Section 140.541 or payments for purchase of goods or services in excess of cost as defined in Section 140.537.

D) the facility, with the exception of government owned facilities, must show evidence of denial of an application to borrow the assessment funds through a cash flow bond pool or financial institutions such as a commercial bank. The denial must be 90 days old or less.

E) the facility must sign an agreement with the Department that specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:

i) specific reason(s) for institution of the delayed payment provisions;

ii) specific dates on which payments must be received and the amount of payment that must be received on each specific date described;

iii) the interest or a statement of interest waiver as described in subsection (h)(5) of this Section that shall be due from the facility as a result of institution of the delayed payment provisions;

iv) a certification stating that, should the entity be sold, the new owners will be made aware of the liability and any
agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;

v) a certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signator's knowledge; and

vi) such other terms and conditions that may be required by the Department.

2) A facility that does not meet the criteria listed in subsection (h)(1) may request a delayed payment schedule. The Department may approve the request, notwithstanding the facility not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the facility. If the request for a delayed payment schedule is approved, all other conditions of this subsection (h) shall apply.

3) Approval Process

A) In order to receive consideration for delayed payment provisions, facilities must submit their request in writing (telefax requests are acceptable) to the Bureau of Program and Reimbursement Analysis. The request must be received by the due date designated by the Department. Providers will be notified, in writing, of the due dates for submitting delay of payment requests. Requests must be complete and contain all required information before they are considered to have met the time requirements for filing a delayed payment request. All telefax requests must be followed up with original written requests postmarked no later than the date of the telefax. The request must include:

i) an explanation of the circumstances creating the need for the delayed payment provisions;

ii) supportive documentation to substantiate the emergency nature of the request and risk of irreparable harm to the clients; and
iii) specification of the specific arrangements requested by the facility.

B) The facility shall be notified by the Department, in writing prior to the assessment due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the facility for all approved requests. The agreement must be signed by the administrator, owner or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.

4) Waiver of Penalties. The penalties described in subsections (f)(1) and (f)(2) of this Section may be waived upon approval of the facility's request for institution of delayed payment provisions. In the event a facility's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B) of this Section, such penalties shall be permanently waived for the subject quarter unless the facility fails to meet all of the terms and conditions of the agreement. In the event the facility fails to meet all of the terms and conditions of the agreement, the agreement shall be considered null and void and such penalties shall be fully reinstated.

5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E) of this Section. The interest may be waived by the Department if the facility's current ratio, as described in subsection (h)(1)(C) of this Section, is 1.5 or less and the facility meets the criteria in subsections (h)(1)(A) and (B) of this Section. Any such waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E) of this Section.

6) Subsequent Delayed Payment Arrangements. Once a facility has requested and received approval for delayed payment arrangements, the facility shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delay of payment agreement. The waiver of penalties described in subsection (h)(4) of this Section shall
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

not apply to a facility that has not satisfied the terms and conditions of any current delayed payment agreement.

i) Administration and Enforcement Provisions
The Department shall administer and enforce 305 ILCS 5/5C-6 and collect the assessments, interest, and penalty assessments imposed under the law, using procedures employed in its administration of this Code generally and, as it deems appropriate, in a manner similar to that in which the Department of Revenue administers and collects the retailers' occupation tax under the Retailers' Occupation Tax Act ("ROTA").

j) Nothing in 305 ILCS 5/5C shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment imposed before July 1, 1995.

k) Definitions

1) "Adjusted gross developmentally disabled care revenue", means the developmentally disabled care provider's total revenue for inpatient residential services, less contractual allowances and discounts on patients' accounts, but does not include non-patient revenue from sources such as contributions, donations or bequests, investments, day training services, television and telephone service, rental of facility space, or sheltered care revenue. Adjusted gross developmentally disabled care revenue must be reported on an accrual basis for the tax reporting period. All patient revenue accrued during the tax reporting period must be included even though reimbursement may occur after the tax reporting period. Patient revenue must be reported on a basis that is consistent with methods used on the facility's last two cost reports.

2) "Contractual Allowance", means the difference between charges at established rates and the amount estimated to be paid by third party payors or patients, as appropriate, pursuant to agreements/contracts with the developmentally disabled care provider; courtesy and policy discounts provided to employees, medical staff and clergy; and charity care, but "contractual allowance" does not mean any Provider Participation fees/taxes paid to the Department.

3) "Department", means the Illinois Department of Healthcare and Family
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

4) "Developmentally disabled care facility", means an intermediate care facility for the mentally retarded within the meaning of Title XIX of the Social Security Act, whether public or private and whether organized for profit or not-for-profit, but shall not include any facility operated by the State.

5) "Developmentally disabled care provider", means a person conducting, operating, or maintaining a developmentally disabled care facility. For this purpose, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or trust, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

6) "Facility", means all intermediate care facilities as defined under "Developmentally disabled care facility" (subsection (k)(4)).

7) "Fund", means the Developmentally Disabled Care Provider Fund.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

2) Code Citation: 89 Ill. Adm. Code 147

3) Section Numbers: Emergency Action:

   147.150   Amendment
   147.175   Amendment
   147.200   Amendment
   147.Table A   Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date: January 1, 2008

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not expiration date.

7) Date Filed with the Index Department: December 31, 2007

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments concerning reimbursement for nursing facilities provide changes to the Minimum Data Set (MDS)-based reimbursement system to more clearly identify the needs of nursing facility residents and related services and to implement the additional monies for the MDS reimbursement system as provided for in Senate Bill 783.

10) Complete Description of the Subjects and Issues Involved: These emergency amendments concerning reimbursement for nursing facilities provide changes to the Minimum Data Set (MDS)-based reimbursement system to more clearly identify the needs of nursing facility residents and related services and to implement the additional monies for the MDS reimbursement system as provided for in Senate Bill 783. Furthermore, the amendments make additions to the required documentation in order to clarify the type of documentation needed for verification of coded areas under the MDS-based reimbursement methodology implemented January 1, 2007. The documentation requirements provide additional guidance to facilities and provide support and evidence to Department staff who will be conducting monitoring reviews to substantiate that MDS items coded are being delivered to residents of the facility in accordance with the rules.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

and the federal Resident Assessment Instrument Manual. Department staff has researched other states and found that these proposed documentation requirements are consistent with requirements found in other states and in accordance with good clinical practice. Additionally, a new calculation is included to incentivize the care of ventilator-dependent residents.

11) **Are there any other proposed rulemakings pending on this Part?** No

12) **Statement of Statewide Policy Objectives:** These emergency amendments neither create nor expand any State mandate affecting units of local government.

13) **Information and questions regarding these emergency amendments shall be directed to:**

   Tamara Tanzillo Hoffman
   Chief of Staff
   Illinois Department of Healthcare and Family Services
   201 South Grand Avenue East, 3rd Floor
   Springfield IL 62763-0002
   217/557-7157

   The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.5</td>
<td>Minimum Data Set-Mental Health (MDS-MH) Based Reimbursement System</td>
</tr>
<tr>
<td>147.15</td>
<td>Comprehensive Resident Assessment (Repealed)</td>
</tr>
<tr>
<td>147.25</td>
<td>Functional Needs and Restorative Care (Repealed)</td>
</tr>
<tr>
<td>147.50</td>
<td>Service Needs (Repealed)</td>
</tr>
<tr>
<td>147.75</td>
<td>Definitions (Repealed)</td>
</tr>
<tr>
<td>147.100</td>
<td>Reconsiderations (Repealed)</td>
</tr>
<tr>
<td>147.105</td>
<td>Midnight Census Report</td>
</tr>
<tr>
<td>147.125</td>
<td>Nursing Facility Resident Assessment Instrument</td>
</tr>
<tr>
<td>147.150</td>
<td>Minimum Data Set (MDS) Based Reimbursement System</td>
</tr>
</tbody>
</table>

EMERGENCY

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.175</td>
<td>Minimum Data Set (MDS) Integrity</td>
</tr>
</tbody>
</table>

EMERGENCY

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.200</td>
<td>Minimum Data Set (MDS) On-Site Review Documentation</td>
</tr>
</tbody>
</table>

EMERGENCY

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>147.205</td>
<td>Nursing Rates (Repealed)</td>
</tr>
<tr>
<td>147.250</td>
<td>Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)</td>
</tr>
<tr>
<td>147.300</td>
<td>Payment to Nursing Facilities Serving Persons with Mental Illness</td>
</tr>
<tr>
<td>147.301</td>
<td>Sanctions for Noncompliance</td>
</tr>
<tr>
<td>147.305</td>
<td>Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)</td>
</tr>
<tr>
<td>147.310</td>
<td>Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)</td>
</tr>
<tr>
<td>147.315</td>
<td>Comprehensive Functional Assessments and Reassessments (Repealed)</td>
</tr>
<tr>
<td>147.320</td>
<td>Interdisciplinary Team (IDT) (Repealed)</td>
</tr>
<tr>
<td>147.325</td>
<td>Comprehensive Program Plan (CPP) (Repealed)</td>
</tr>
<tr>
<td>147.330</td>
<td>Specialized Care – Administration of Psychopharmacologic Drugs (Repealed)</td>
</tr>
<tr>
<td>147.335</td>
<td>Specialized Care – Behavioral Emergencies (Repealed)</td>
</tr>
<tr>
<td>147.340</td>
<td>Discharge Planning (Repealed)</td>
</tr>
<tr>
<td>147.345</td>
<td>Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Rehabilitation Services for Individuals with Mental Illness (Repealed)
147.350 Reimbursement for Additional Program Costs Associated with Providing
Specialized Services for Individuals with Developmental Disabilities in Nursing
Facilities

147.TABLE A Staff Time (in Minutes) and Allocation by Need Level
147.TABLE B MDS-MH Staff Time (in Minutes and Allocation by Need Level)
147.TABLE C Comprehensive Resident Assessment (Repealed)
147.TABLE D Functional Needs and Restorative Care (Repealed)
147.TABLE E Service (Repealed)
147.TABLE F Social Services (Repealed)
147.TABLE G Therapy Services (Repealed)
147.TABLE H Determinations (Repealed)
147.TABLE I Activities (Repealed)
147.TABLE J Signatures (Repealed)
147.TABLE K Rehabilitation Services (Repealed)
147.TABLE L Personal Information (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the
Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and
140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended
at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999,
effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989;
amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective
December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a
maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a
maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill.
Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January
13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a
maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669,
effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991;
amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective
9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991;
emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150
days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479,
effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14,
NOTICE OF EMERGENCY AMENDMENTS

Section 147.150 Minimum Data Set (MDS) Based Reimbursement System

EMERGENCY

a) Public Act 94-0964-0848 requires the Department to implement, effective January 1, 2007, a payment methodology for the nursing component of the rate paid to nursing facilities. Except for nursing facilities that are defined as Class I Institutions for Mental Diseases (IMDs) pursuant to 89 Ill. Adm. Code 145.30, reimbursement for the nursing component shall be calculated using the Minimum Data Set (MDS). Increased reimbursement under this payment methodology shall be paid only if specific appropriation for this purpose is enacted by the General Assembly. For Class I IMDs, the nursing component shall be the rate in effect on June 30, 2005 until a payment methodology using the Illinois Minimum Data Set-Mental Health (IL MDS-MH), appropriate for the care needs of the IMD resident population, is implemented. The payment methodology using the IL MDS-MH shall be implemented no later than July 1, 2007.

b) The nursing component of the rate shall be calculated annually and may be adjusted quarterly. The determination of rates shall be based upon a composite of MDS data collected from each eligible resident in accordance with Section 147.Table A for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period.
NOTICE OF EMERGENCY AMENDMENTS

as present in the facility on the last day of the second quarter preceding the rate period. Residents for whom MDS resident identification information is missing or inaccurate, or for whom there is no current MDS record for that quarter, shall be placed in the lowest MDS acuity level for calculation purposes for that quarter. The nursing component of the rate may be adjusted on a quarterly basis if any of the following conditions are met:

1) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time calculated for the previous rate quarter by more than five percent.

2) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time as calculated for the annual rate period by more than ten percent:

A) total variable nursing time as calculated for the annual rate period by more than ten percent;

B) total variable nursing time as recalculated and adjusted for the annual period by more than five percent.

3) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section declines from the total variable nursing time as calculated for the annual period by more than five percent. No quarterly nursing component rate reduction shall exceed five percent from the previous rate quarter.

c) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.

1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Section 147.Table A). Reimbursement is developed by multiplying the time for each service by the wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

one level of staff are involved in delivering a service, reimbursement for
that service will be weighted by the wage and number of minutes allocated
to each staff type. In calculating a facility's rate, the figures used by the
Department for wages will be determined in the following manner:

A) The mean wages for the applicable staff levels (RNs, LPNs,
certified nursing assistants (CNAs), activity staff, social workers),
as reported on the cost reports and determined by regional rate
area, will be the mean wages.

B) Fringe benefits will be the average percentage of benefits to actual
salaries of all nursing facilities based upon cost reports filed
pursuant to 89 Ill. Adm. Code 140.543. Fringe benefits will be
added to the mean wage.

C) The base wage, including fringe benefits, will then be updated for
inflation from the time period for which the wage data are
available to the midpoint of the rate year to recognize projected
base wage changes.

D) Special minimum wage factor. The process used in subsection
(c)(1)(A) of this Section to determine regional mean wages for
RNs, LPNs and CNAs will include a minimum wage factor. For
those facilities below 90% of the Statewide average, the wage is
replaced by 90% of the Statewide average.

E) Beginning January 1, 2007, facilities shall be paid a rate based
upon the sum of the following:

i) the facility MDS-based rate multiplied by the ratio the
numerator of which is the quotient obtained by dividing the
additional funds appropriated specifically to pay for rates
based upon the MDS nursing component methodology
above the December 31, 2006 funding by the total number
of Medicaid patient days utilized by facilities covered by
the MDS-based system and the denominator of which is the
difference between the weighted mean rate obtained by the
MDS-based methodology and the weighted mean rate in
effect on December 31, 2006.
ii) the facility rate in effect on December 31, 2006, which is defined as the facility rate in effect on December 31, 2006 plus the Exceptional Care per diem computed in 89 Ill. Adm. Code 140.569(a)(1), multiplied by one minus the ratio computed in Section 147.150(c)(1)(E)(i). The Exceptional Care reimbursement per diem effective January 1, 2007 computed in 89 Ill. Adm. Code 140.569 shall be included in the nursing component of the June 30, 2006 rate unless the total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section is more than a five percent drop from the total variable nursing time calculated for the June 30, 2006 rate quarter. Then the facility will receive for the rate period zero percent of the Exceptional Care reimbursement per diem computed in 89 Ill. Adm. Code 140.569

iii) For facilities in which the number of ventilator care residents in any quarter has increased over the number used to compute the exceptional care per diem as specified in 89 Ill. Adm. Code 140.569(a)(1), the rate computed in subsection (c)(1)(E)(i) and (c)(1)(E)(ii) shall add the sum of total variable time reimbursement for the ventilator care add-on, vacation time, the average facility special patient need factors, and supply, consultant, and Director of Nursing factors for each resident receiving ventilator care in excess of the number used to compute the exceptional care per diem as specified in 89 Ill. Adm. Code 140.569(a)(1) divided by the total number of residents used to compute the MDS portion of the paid rate for that quarter. This addition to the rate shall apply for each quarter regardless of the facility's eligibility for use of that quarter's MDS rate for computation of the paid facility rate as defined in subsection (b) of this Section.

F) The annual amount of new funds allocated for MDS reimbursement methodology for Fiscal Year 2007, beginning January 1, 2007, is $6030 million. The annual amount of new
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

funds allocated for MDS reimbursement methodology beginning January 1, 2008 is $50 million.

2) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave, and holidays will be determined by multiplying the total of Variable Time by 5%.

3) Special Supplies, Consultants and the Director of Nursing. Reimbursement will be made for health care and program supplies, consultants required by the Department of Public Health (including the Medical Director), and the Director of Nursing by applying a factor to variable time and vacation, sick leave and holiday time. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830).

A) Supplies will be updated for inflation using the General Services Inflator (see 89 Ill. Adm. Code 140.551). Health care and program salaries shall be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for supplies will be the Statewide mean of the ratio of total facility health care and programs supply costs to total facility health care and programs salaries.

B) The Director of Nursing and the consultants will be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for the Director of Nursing and consultant costs shall be the Statewide mean of the ratio of all facilities' Director of Nursing and consultant costs to total facility health care and programs salaries.

C) These costs shall be updated pursuant to cost reports as referenced in 89 Ill. Adm. Code 153.125(f).

d) Determination of Facility Rates. An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection (c)(1) of this Section), adding the amounts for vacation, sick and holiday time (see subsection (c)(2) of this Section), and supplies, consultants, and the Director of Nursing (see subsection (c)(3) of this Section). The average of the
NOTICE OF EMERGENCY AMENDMENTS

rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.

e) A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect July 1, 2003 shall be provided for a period not exceeding December 31, 2006, as follows:

1) MDS-based rate adjustments under this Section shall not be effective until the attainment of a threshold. The threshold shall be attained at the earlier of either:

   A) when all nursing facilities have established a rate (sum of all components) which is no less than the rate effective June 30, 2002, or


2) For a facility that would receive a lower nursing component rate per resident day under the payment methodology effective July 1, 2003 than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be held at the level in effect on June 30, 2003 until a higher nursing component rate of reimbursement is achieved by that facility.

3) For a facility that would receive a higher nursing component rate per resident day under the payment methodology in effect on July 1, 2003 than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be adjusted based on the payment methodology in effect July 1, 2003.

4) Notwithstanding subsections (e)(2) and (3) of this Section, the nursing component rate per resident day for the facility shall be adjusted in accordance with subsection (c)(1)(E) of this Section.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 415, effective January 1, 2008, for a maximum of 150 days)

Section 147.175 Minimum Data Set (MDS) Integrity

| EMERGENCY |
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

a) The Department shall conduct reviews to determine the accuracy of resident assessment information transmitted in the Minimum Data Set (MDS) that are relevant to the determination of reimbursement rates. Such reviews may, at the discretion of the Department, be conducted electronically or in the facility.

b) The Department shall quarterly select, at random, a number of facilities in which to conduct on-site reviews. The Department may select facilities for on-site review based upon facility characteristics, past performance, or the Department's experience. This may include, but is not limited to, analysis of case mix profile of nursing facilities in regard to frequency in distribution of the residents in identified reimbursement categories. In addition, the Department may use findings of the licensing and certification survey conducted by IDPH indicating the facility is not accurately assessing residents. It may also include resident assessments submitted by the provider that do not meet submission deadlines, facilities with a high percentage of corrections and facilities with high submission error rates.

c) Electronic review. The Department shall conduct quarterly an electronic review of MDS data for eligible individuals to identify facilities for on-site review.

d) On-site review. The Department shall conduct an on-site review of MDS data for eligible individuals.

1) On-site reviews may be conducted with respect to residents or facilities that are identified pursuant to subsection (b) or (c) of this Section. Such review may include, but shall not be limited to, the following:

A) Review of resident records and supporting documentation, as identified in Section 147.200, observation and interview, to determine the accuracy of data relevant to the determination of reimbursement rates.

B) Review and collection of information necessary to assess the need for a specific service or care area.

C) Review and collection of information from the facility that will establish the direct care staffing level. The amount of staff available in the facility shall be sufficient to carry out the number
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

and frequency of restorative programs identified for reimbursement.

2) The number of residents in any selected facility for whom information is reviewed may, at the sole discretion of the Department, be limited or expanded.

3) Upon the conclusion of any review, the Department shall conduct a meeting with facility management to discuss preliminary conclusions of the review. If facility management disagrees with those preliminary conclusions, facility management may, at that time, provide additional documentation to support their position.

e) Corrective action. Upon the conclusion of the review and the consideration of any subsequent supporting documentation provided by the facility, the Department shall notify the facility of its final conclusions, both with respect to accuracy of data and recalculation of the facility's reimbursement rate.

1) Data Accuracy

A) Final conclusions with respect to inaccurate data shall be referred to the Department of Public Health.

B) The Department, in collaboration with the Department of Public Health, shall make available additional training in the completion of resident assessments and the coding and transmission of MDS records.

2) Recalculation of Reimbursement Rate. The Department shall determine if reported MDS data or facility staffing data that were subsequently determined to be unverifiable would cause the direct care component of the facility's rate to be calculated differently when using the accurate data. No change in reimbursement required as a result of a review shall take effect before July 1, 2004. Prior to the record review of residents receiving skills training, the following components of the rule will be reviewed to ensure compliance:

A facility's rate shall only be recalculated on those residents who have been subject to a Department review. A facility's rate will be subject to change if the recalculation of the direct care component rate, as a result of using MDS data that are verifiable
Skills training shall be provided by staff that are paid by the facility and have been trained in leading skills groups by a Department approved trainer.

A private room shall be available with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise, and other distractions.

Schedules shall be presented that identify residents and reflect the facility's ability to provide the sessions in increments of a minimum of 30 minutes for each skills training (not including time to assemble and settle). The sessions shall be scheduled at least three times per week.

Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions.

In the event one or more of these components are not in place, the recalculated rate may be extrapolated to the entire population receiving this service.

When problems are noted in 30 percent of the population of residents receiving skills training during the record review, the recalculated rate may be extrapolated to the entire population receiving this service. When the recalculated rate has been extrapolated to the entire population, the facility shall obtain prior approval from the Department before future reimbursement for skills training is allowable. The Department shall have up to 90 days to determine this approval.

When problems are noted in 30 percent of coded responses to the sample population for other services areas, the review may be expanded to up to 100 percent for those service areas.

In addition, the facilities with widespread problems in restorative and psychosocial adaptation may result in follow up reviews to ensure problems are corrected.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

7) A facility's rate will be subject to change if the recalculation of the direct care component rate, as a result of using MDS data that are verifiable:

A) Increases the rate by more than one percent. The rate is to be changed, retroactive to the beginning of the rate period, to the recalculated rate.

B) Decreases the rate by more than one percent. The rate is to be changed, retroactive to the beginning of the rate period, to the recalculated rate.

C) Decreases the rate by more than ten percent in addition to the rate change specified in this subsection (e)(72). The direct care component of the rate shall be reduced, retroactive to the beginning of the rate period, by $1 for each whole percentage decrease in excess of two percent.

83) Any evidence or suspicion of deliberate falsification or misrepresentation of MDS data shall be referred to the Department's Inspector General and the Department of Public Health.

f) Appeals. Facilities disputing any rate change may submit an appeal request pursuant to 89 Ill. Adm. Code 140.830.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 415, effective January 1, 2008, for a maximum of 150 days)

Section 147.200 Minimum Data Set (MDS) On-Site Review Documentation

EMERGENCY

a) Pursuant to Section 147.175, Department staff shall conduct on-site reviews of Minimum Data Set (MDS) data to determine the accuracy of resident information that is relevant to the determination of reimbursement rates. Each nursing facility shall make accessible to the Department all provider, resident and other records necessary to determine that the needs of the resident are being met, and to determine the appropriateness of services. The Department shall provide for a program of delegated utilization review and quality assurance.
may contract with Medical Peer Review organizations to provide utilization review and quality assurance.

1) Department staff shall request in writing the current charts of individual residents needed to begin the review process. Current charts and completed MDSs for the previous 15 months shall be provided to the review team within an hour after this request. Additional documentation regarding reimbursement areas for the identified ARD timeframe shall be provided to the review team within four hours after the initial request.

2) When further documentation is needed by the review team to validate an area, the team will identify the area of reimbursement requiring additional documentation and provide the facility with the opportunity to produce that information. The facility shall provide the team with the additional documentation within 24 hours after the initial request. All documentation that is to be considered for validation must be provided to the team prior to exit.

3) Pursuant to 89 Ill. Adm. Code 140.12(f), the facility shall provide Department staff with access to residents, professional and non-licensed direct care staff, facility assessors, clinical records and completed resident assessment instruments, as well as other documentation regarding residents' care needs and treatments.

4) Failure to provide timely access to records may result in suspension or termination of a facility's provider agreement in accordance with 89 Ill. Adm. Code 140.16(a)(4).

5) Some states may have regulations that require supportive documentation elsewhere in the record to substantiate the resident's status on particular MDS items used to calculate payment under the State's Medicaid system (RAI Manual, page 1-24). These additional documentation requirements shall be met for reimbursement.

6) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with medical peer review organizations to provide utilization review and quality assurance.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

b) There shall be documentation in the resident's record to support an MDS coded response indicating that the condition or activity was present or occurred during the observation or look back period. Directions provided by the RAI User's Manual (as described in Section 147.125) are the basis for all coding of the MDS. Section S is reserved for additional State-defined items. All documentation requirements pertain to the MDS 2.0 and Section S items.

c) Each nursing facility shall ensure that MDS data for each resident accurately and completely describes the resident's condition, as documented in the resident's clinical records, maintained by the nursing facility, and the clinical records shall be current, accurate and in sufficient detail to support the reported resident data.

d) Documentation guidance has been compiled from the RAI Manual, instructions that are present on the MDS 2.0 form itself, RAI-MH, and Illinois additional documentation requirements. If later guidance is released by CMS that contradicts or augments guidance provided in this Section, the more current information from CMS becomes the acceptable standard. If additional ICD-9 codes are published, they will be reviewed for appropriateness.

e) Documentation from all disciplines and all portions of the resident's clinical record may be used to verify an MDS item response. All supporting documentation shall be found in the facility during an on-site visit.

f) All conditions or treatments shall have been present or occurred within the designated observation period. Documentation in the clinical record shall consistently support the item response and reflect care related to the symptom/problem. Documentation shall apply to the appropriate observation period and reflect the resident's status on all shifts. In addition, the problems that are identified by the MDS item responses that affect the resident's status shall be addressed on the care plan. Insufficient or inaccurate documentation may result in a determination that the MDS item response submitted could not be validated.

g) Disease Diagnoses. Throughout Table A, when a diagnosis is required, the following must be met:

1) Code only those diseases or infections that have a relationship to the resident's current ADL (Activities of Daily Living) status, cognitive status,
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

mood or behavior status, medical treatments, nursing monitoring or risk of death as directed in the RAI Manual.

2) The disease conditions require a physician-documented diagnosis in the clinical record. It is good clinical practice to have the resident's physician provide supporting documentation for any diagnosis.

3) Do not include conditions that have been resolved or no longer affect the resident's functioning or care plan. One of the important functions of the MDS assessment is to generate an updated, accurate picture of the resident's health status.

h) Activities of Daily Living (ADL).

1) Facilities shall maintain documentation that supports the coding of Section G, Physical Functioning, and Structural Problems on the MDS during the look-back assessment reference period. The documentation shall show the MDS coded level of resident self-performance and support has been met.

2) Documentation shall be dated within the look-back period and must contain information from all three shifts that clearly supports the level of self-performance and support needed.

3) When there is a widespread lack of supporting documentation as described in subsections (h)(1) and (2), the ADL scores for the residents lacking documentation will be reset to zero.

4) When there is an occasional absence of documentation for residents in the sample, ADL scores will be based on the observation and/or interview of the resident and facility staff at the time of the review. If the resident has been discharged and there is no documentation to support the ADL coding, ADL scores will be reset to one.

i) Restorative services are programs under the direction and supervision of a licensed nurse and are provided by nursing staff. The programs are designed to promote the resident's ability to adapt and adjust to living as independently and safely as possible. The focus is on achieving and/or maintaining optimal physical, mental, and psychosocial functioning. A program is defined as a specific approach that is organized, planned, documented, monitored, and evaluated.
Although therapists may participate in designing the initial program, members of nursing staff are still responsible for the overall coordination and supervision of restorative nursing programs. Staff completing the programs shall be communicating progress, maintenance, regression and other issues/concerns to the licensed nurse overseeing the programs. To qualify for reimbursement, the provision of restorative programs shall meet the following criteria for each program identified for reimbursement:

Restorative specific documentation shall include:

1) When programs are designed using verbal cueing as the only intervention, documentation and/or observation must support the following:

   A) Without such cueing the resident would be unable to complete the required ADL task.

   B) The verbal interventions are aimed at providing the resident with instructions for completing the task in such a way that promotes the resident's safety and awareness.

   C) Verbal interventions that are simply reminders to complete the task may not be the sole content of the program. Documentation shall define the resident's needs and identify a restorative nursing plan of care to assist the resident in reaching and/or maintaining his or her highest level of functioning. Documentation shall contain objective and measurable information so that progress, maintenance or regression can be recognized.

2) Documentation shall clearly define the resident's need for the program and the defined program shall correspond to the identified need of the resident. Observation and/or interview shall also support the need for the program.

3) The clinical record shall identify a restorative nursing plan of care to assist the resident in reaching and/or maintaining his or her highest level of functioning. Staff completing the programs shall be aware of the program and the resident's need for the program.

4) Documentation must support that the program was reevaluated and goals and interventions were revised as necessary to assist the resident in reaching and/or maintaining his or her highest level of functioning.
5) Documentation shall contain objective and measurable information so that progress, maintenance or regression can be recognized from one report to the next.

6) Goals shall be resident specific, realistic, and measurable. Goals shall be revised as necessary. Revisions shall be made based on the resident's response to the program. The resident's endurance and ability to participate in the programs shall be addressed.

7) The resident's ability to participate in the program shall be addressed.

8) Written evidence of measurable objectives and interventions shall be in the restorative plan of care and be individualized to the resident's problems and needs. There shall be evidence the objectives and interventions were reviewed quarterly and revised as necessary.

9) There shall be written evidence of quarterly evaluation written by a licensed nurse in the clinical record. The evaluation must assess the resident's progress and participation in the program since the last evaluation. It shall contain specific information that includes the resident's response to the program (i.e., amount of assistance required, devices used, the distance, the progress made, how well the resident tolerated the program). An evaluation shall be documented on each restorative program the resident is receiving.

10) There shall be written evidence that staff carrying out the programs have been trained in techniques that promote resident involvement in the activity.

11) There shall be written evidence that techniques are carried out or supervised by members of the nursing staff.

12) If volunteers or other staff were assigned to work with specific residents, there shall be written evidence of specific training in restorative techniques that promote the resident's involvement in the restorative program. Sometimes under licensed nurse supervision, other staff and volunteers will be assigned to work with specific residents.
NOTICE OF EMERGENCY AMENDMENTS

is assigned to a specific resident, there shall be written evidence of
specific training in techniques that promote that resident's involvement in
the restorative program.

128) There shall be documentation to support that the programs are ongoing
and administered as planned outside the look-back period, unless there is
written justification in the clinical record that supports the need to
discontinue the program. Observation and/or interviews must also support
that the programs are ongoing and administered as planned.Restorative
programs shall be ongoing, unless there is written justification in the
clinical record that supports the need to discontinue the program.

13) If a restorative program is in place when a care plan is being revised, it is
appropriate to reassess progress, goals, duration and frequency as part of
the care planning process. The results of this reassessment shall be
documented in the record.

149) The actual number of minutes per day spent in a restorative program shall
be documented for each resident and for each restorative program during
the look-back look-back period.

151) The medical record shall also include documentation that restorative
nursing services were administered as planned.

1514) The Department designated endurance assessment must be completed
quarterly on each resident receiving two or more restorative programs. A
licensed nurse must complete this assessment An assessment designed by
the Department shall be required quarterly to assess the resident's
endurance and ability to benefit from two or more restorative programs.

16) A resident coded as totally dependent in an ADL function will only be
reimbursed for one quarter for the following corresponding restorative
programs: bed mobility, transfer, walking, dressing/grooming, and/or
eating/swallowing.

17) A resident scoring and/or receiving hospice services shall not be eligible
for the following restorative programs: bed mobility, transfer, walking,
dressing/grooming, eating and/or other restoratives.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

12) A splint or brace is defined as an appliance for the fixation, union or protection of an injured part of the body.

13) A check and change program will not be scored as a toileting program.

18) When multiple restoratives are coded in a facility, the staff levels must support the ability to deliver these programs based on the number and frequency of programs coded.

19) All restorative programs shall meet the specific definitions defined in the RAI Manual for the individual restoratives. All restorative programs provided per criteria of the RAI manual shall be coded on the MDS.

j) Passive Range of Motion (PROM).

1) The restorative program shall meet the definition of PROM as identified in the RAI Manual.

2) The PROM program shall address the functional limitations identified in section G4 of the MDS.

3) There shall be evidence that the program is planned and scheduled. PROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.

j) Discharge Planning

Social services shall document monthly on the resident's potential for discharge, specific steps being taken toward discharge, and the progress being made. Social Service documentation shall demonstrate realistic evaluation, planning, and follow-through. Discharge plans shall address the current functional status of the resident, medical nursing needs, and the availability of family and/or community resources to meet the needs of the resident.

k) Active Range of Motion (AROM).

1) The restorative program meets the definition of AROM as identified in the RAI Manual.

2) The AROM programs shall address the functional limitations identified in
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

section G4 of the MDS.

3) There shall be evidence that the program is planned and scheduled. AROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.

4) AROM does not include exercise groups with more than four residents assigned per supervising helper or caregiver.

k) Psychosocial Adaptation Services
Behavioral symptoms shall be assessed and tracked during the look-back period. They shall be addressed in the care plan with individualized goals and interventions.

l) Splint/Brace Assistance. A splint or brace is defined as an appliance for the fixation, union, or protection of an injured part of the body.

l) Skills Training
Skills training is specific methods for assisting residents who need and can benefit from this training to address identified deficits and reach personal and clinical goals. To qualify for reimbursement, the provision of skills training shall meet all of the following criteria:

1) Skills and capabilities shall be assessed with the use of a standardized skills assessment, a cognitive assessment and an assessment of motivational potential. The assessment of motivational potential will assist in determining the type and size of the group in which a resident is capable of learning.

2) Addresses identified skill deficits related to goals noted in the treatment plan.

3) Skills training shall be provided by facility staff, trained in leading skills groups, who are paid by the facility.

4) Training shall be provided in a private room with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise, and other distractions.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

5) Training shall be provided in groups no larger than ten, with reduced group size for residents requiring special attention due to cognitive, motivational or clinical issues, as determined by the skills assessment, cognition and motivational potential. Individual sessions can be provided as appropriate and shall be identified in the care plan.

6) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions. (Published skills modules developed for the severe mentally ill (SMI) and Mental Illness/Substance Abuse (MISA) populations are available for use and as models).

7) The curriculum shall address discrete sets of skill competencies, breaking skills down into smaller components or steps in relation to residents' learning needs.

8) The specific written content shall provide the rationale for learning, connecting skill acquisition to resident goals.

9) Training shall employ skill demonstration/modeling, auditory and visual presentation methods, role-playing and skill practice, immediate positive and corrective feedback, frequent repetition of new material, practice assignments between training sessions (homework), and brief review of material from each previous session.

10) There shall be opportunities for cued skill practice and generalization outside session as identified in the care plan and at least weekly documentation relative to skill acquisition.

11) Each training session shall be provided and attended in increments of a minimum of 30 minutes each (not counting time to assemble and settle) at least three times per week. Occasional absences are allowable, with individual coverage of missed material as necessary.

m) Dressing or Grooming Restorative. Grooming programs, including programs to help the resident learn to apply make-up, may be considered restorative nursing programs when conducted by a member of the activity staff. These programs shall have goals, objectives, and documentation of progress and be related to the identified deficit.
m) Close and Constant Observations
Coding of this item is intended only for interventions applied in response to the specific current significant need of an individual resident. This item should not be coded for observation conducted as standard facility policy for all residents, such as for all new admissions, or as part of routine facility procedures, such as for all returns from hospital or conducted as a part of periodic resident headcounts.

n) Scheduled Toileting.
1) The program shall have documentation to support that all the requirements identified in the RAI Manual are met.

2) The description of the plan shall be documented, including: frequency, reason, and response to the program.

3) The plan shall be periodically evaluated and revised, as necessary, including documentation of the resident's response to the plan.

4) This does not include a "check and change" program or routine changing of the resident's incontinent briefs, pads or linens when wet, when there is no participation in the plan by the resident.

5) There shall be documentation to support the deficit in toileting and/or the episodes of incontinence.

6) A resident scoring S1 = 1 (meets Subpart S criteria) shall have a corresponding diagnosis of CVA or multiple sclerosis to qualify for reimbursement in scheduled toileting.

n) Ancillary Provider Services

1) Ancillary provider services are services that are provided by direct non-facility psychiatric service providers in order to meet 77 Ill. Adm. Code 300, Subpart S requirements.

2) Psychiatric rehabilitation services that are provided by non-facility providers or an outside entity shall meet the needs of the SMI resident as determined by the resident's individual treatment plan (ITP).
3) Facilities must ensure compliance with 77 Ill. Adm. Code 300.4050 when utilizing non-facility or outside ancillary providers.

o) Continence Care.

1) Documentation shall support that catheter care was administered during the look-back period.

2) The type and frequency of the care shall be documented.

3) Documentation shall support that the RAI requirements for a bladder retraining program were administered during the look-back period.

4) The resident's level of incontinence shall be documented during the look-back period to support the bladder retraining program.

5) Bladder scanners cannot be the sole content of the bladder retraining program.

p) Psychotropic Medication Monitoring
Facilities are to follow documentation guidelines as directed by 42 CFR 483.25(f) (State Operations Manual tags F329, F330, F331).

p) Pressure Ulcer Prevention.

1) Documentation shall support the history of resolved ulcer in the identified timeframe and/or the use of the coded interventions during the identified timeframe.

2) Interventions and treatments shall meet the RAI definitions for coding.

3) Documentation shall support a specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.

4) There shall be documentation that the resident was assessed related to his or her risk for developing ulcers. A resident assessed to be at high risk shall have interventions identified in the plan of care.
p) Dementia Care Unit

1) If the resident has a CPS score of five, care planning shall address the resident's participation in the unit's activities.

2) If a particular resident does not participate in at least an average of four activities per day over a one-week period, the unit director shall evaluate the resident's participation and have the available activities modified and/or consult with the interdisciplinary team.

3) Documentation shall support staff's efforts to involve the resident.

q) Moderate Skin Care/Intensive Skin Care.

1) Interventions and treatments shall meet the RAI definitions for coding.

2) Documentation of ulcers shall include staging as the ulcers appear during the look-back period.

3) Documentation of ulcers shall include a detailed description that includes, but is not limited to, the stage of the ulcer, the size, the location, any interventions and treatments used during the look-back period.

4) Documentation of burns shall include, but is not limited to, the location, degree, extent, interventions and treatments during the look-back period.

5) Documentation of open lesions shall include, but is not limited to, location, size, depth, any drainage, interventions and treatments during the look-back period.

6) Documentation of surgical wounds shall include, but is not limited to, type, location, size, depth, interventions and treatment during the look-back period.

7) All treatments involving M5e, M5f, M5g, and M5h shall have a physician's order with the intervention and frequency.

8) Documentation to support that the intervention was delivered during the
look-back period shall be included.

9) Documentation of infection of the foot shall contain a description of the area and the location.

10) Documentation shall support a specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.

11) Documentation for items coded in M4 shall include documentation of an intervention, treatment, and/or monitoring of the problem or condition identified.

q) Exceptional Care Services

1) Extensive Respiratory Services

A) A respiratory therapist shall evaluate the status of the resident at least monthly if the resident has a tracheostomy.

B) Documentation of respiratory therapy being provided 15 minutes a day shall be present in the clinical record for the look-back period.

C) Respiratory therapy requires documentation in the record of the treatment and the times given by a qualified professional (respiratory therapist or trained nurse) as defined in the RAI manual.

2) Documentation shall be in place to support weaning from the ventilator.

3) Ventilator Care

A) If the facility has residents receiving ventilator care, the facility shall have a respiratory therapist available at the facility or on call 24 hours a day.

B) A respiratory therapist shall evaluate and document the status of the resident at least weekly.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

4) Morbid Obesity

A) A dietician’s evaluation shall be completed with evidence of on-going consultation.

B) On-going monitoring of weight shall be evident.

C) The psychosocial needs related to weight issues shall be identified and addressed.

5) Wound Care Services

Facilities are to follow documentation guidelines as directed by 42 CFR 483.25(c) (State Operations Manual tag F314).

6) Traumatic Brain Injury (TBI)

A) Documentation shall support that psychological therapy is being delivered by licensed mental health professionals, as described in the RAI manual.

B) Documentation shall support a Special Symptom Evaluation program as an ongoing, comprehensive, interdisciplinary evaluation of behavioral symptoms as described in the RAI manual.

C) Documentation shall support evaluation by a licensed mental health specialist in the last 90 days. This shall include an assessment of a mood, behavior disorder, or other mental health problems by a qualified clinical professional as described in the RAI manual.

D) The care plan shall address the behaviors of the resident and the interventions used.

r) IV Therapy.

1) Documentation shall include the date delivered, type of medication and method of administration.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

2) Documentation shall support monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse as required in subsection (y) of this Section.

r) Clarification and additional documentation requirements are as follows:

1) Defined actions such as further assessment or documentation, described in the RAI Manual as "good clinical practice" are required by the Department as supporting documentation. Clinical documentation that contributes to identification and communication of a resident's problems, needs and strengths, that monitors his or her condition on an ongoing basis, and that records treatments and response to treatment is a matter of good clinical practice and is an expectation of trained and licensed health care professionals (RAI page 1–23).

2) The facility shall have in place policies and procedures to address specific care needs of the residents, written evidence of ongoing in-services for staff related to residents' specific care needs and all necessary durable medical equipment to sustain life and carry out the plan of care as designed by the physician. In the absence of the above, a referral will be made to the Illinois Department of Public Health.

3) No specific types of documentation or specific forms are mandated, but documentation shall be sufficient to support the codes recorded on the MDS. Treatments and services ordered and coded shall be documented as delivered in the clinical record.

4) When completing a significant change assessment, the guidelines provided in the RAI Manual shall be followed. This includes documenting "the initial identification of a significant change in terms of the resident's clinical status in the progress notes" as described in RAI page 2–7.

s) Injections. Documentation shall include the drug, route given and dates given.

t) Oxygen Therapy. Documentation shall include a physician's order and the method of administration and date given.

u) Chemotherapy. Documentation shall support the resident was monitored for response to the chemotherapy.
v) Dialysis. Documentation shall support the resident was monitored for response to the dialysis.

w) Blood Glucose Monitoring.
   1) Documentation shall support that RAI criteria for coding a diagnosis was met, including a physician documented diagnosis.
   2) Documentation shall support coding of a therapeutic diet being ordered and given to the resident.
   3) Documentation shall support coding of a dietary supplement being ordered and given to the resident during the look-back period. There shall be evidence to support it was not part of a unit's daily routine for all residents.
   4) Documentation shall support the coding that injections were given the entire seven days of the look-back period.

x) Infectious Disease.
   1) Documentation shall support that the criteria defined in the RAI Manual for coding this section were met.
   2) Documentation shall support the active diagnosis by the physician and shall include signs and symptoms of the illness.
   3) Interventions and treatments shall be documented.
   4) Documentation shall support that all RAI requirements for coding a Urinary Tract Infection (UTI) are met.
   5) Administration of maintenance medication to prevent further acute episodes of UTI is not sufficient to code I2j.

y) Acute Medical Conditions.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Documentation shall support that the RAI requirements for coding these areas are met.

2) Documentation shall support monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse.

3) There shall be evidence that the physician has evaluated and identified the medically unstable or acute condition for which clinical monitoring is needed.

4) There shall be evidence of significant increase in licensed nursing monitoring.

5) There shall be evidence that the episode meets the definition of acute, which is usually of sudden onset and time-limited course.

z) Pain Management.

1) There shall be documentation to support the resident's pain experience during the look-back period and that interventions for pain were offered and/or given.

2) Residents shall be assessed in a consistent, uniform and standardized process to measure and assess pain.

aa) Discharge Planning.

1) Social services shall document monthly the resident's potential for discharge, specific steps being taken toward discharge, and the progress being made.

2) Social service documentation shall demonstrate realistic evaluation, planning, and follow-through.

3) Discharge plans shall address the current functional status of the resident, medical nursing needs, and the availability of family and/or community resources to meet the needs of the resident.

bb) Nutrition.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Documentation shall support coding of tube feeding during the look-back period.

2) Intake and output records and caloric count shall be documented to support the coding of K6.

3) Documentation of a planned weight change shall include a diet order and a documented purpose or goal that is to facilitate weight gain or loss.

4) Documentation of a dietary supplement shall include evidence that resident received the supplement and that it was ordered and given between meals.

cc) Hydration.

1) Documentation shall support that the resident passes two or fewer bowel movements per week, or strains more than one of four times when having a bowel movement during the look-back period to support the coding of H2b.

2) Documentation shall support that the resident received a diuretic medication during the look-back period to support the coding of O4e.

3) Documentation shall include frequency of episodes and accompanying symptoms to support the coding of vomiting.

4) Documentation shall include signs and symptoms, interventions and treatments used to support the coding of volume depletion, dehydration or hypovolemia.

5) There shall be documentation of temperature to support the coding of fever.

6) There shall be documentation to support the coding of internal bleeding that shall include the source, characteristics and description of the bleeding.
7) There shall be documentation that interventions were implemented related to the problem identified.

dd) Psychosocial Adaptation. Psychosocial adaptation is intended for residents who require a behavior symptom evaluation program or group therapy to assist them in dealing with a variety of mood or behavioral issues. The criteria for reimbursement in this area requires both an intervention program and the identification of mood or behavioral issues. Residents shall be assessed for mood and behavioral issues and interventions shall be implemented to assist the resident in dealing with the identified issues. To qualify for reimbursement in this area, the facility must meet the following criteria:

1) Criteria for a special behavior symptom evaluation program.

   A) There must be documentation to support that the program is an ongoing and comprehensive evaluation of behavior symptoms.

   B) Documentation must support the resident's need for the program.

   C) The documentation must show that the purpose of the program is to attempt to understand the "meaning" behind the resident's identified mood or behavioral issues.

   D) Interventions related to the identified issues must be documented in the care plan.

   E) The care plan shall have interventions aimed at reducing the distressing symptoms.

2) Criteria for group therapy.

   A) There is documentation the resident regularly attends sessions at least weekly.
B) Documentation supports that the therapy is aimed at helping reduce loneliness, isolation, and the sense that one's problems are unique and difficult to solve.

C) This area does not include group recreational or leisure activities.

D) The therapy and interventions are addressed in the care plan.

E) This must be a separate session and cannot be conducted as part of skills training.

3) Criteria for indicators of depression.

A) There must be documentation to support that identified indicators occurred during the look-back period.

B) The documentation shall support the frequency of the indicators as coded during the look-back period.

C) There shall be documentation to support that interventions were implemented to assist the resident in dealing with these issues.

4) Criteria for sense of initiative/involvement.

A) There is documentation to support the resident was not involved or did not appear at ease with others or activities during the look-back period.

B) There shall be evidence that interventions were implemented to assist the resident in dealing with these issues.

5) Criteria for unsettled relationships/past roles.

A) There is documentation to support the issues coded in this area during the look-back period.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

B) There shall be evidence that interventions were implemented to assist the resident in dealing with the issues identified.

6) Criteria for behavioral symptoms.

A) There is documentation to support that the behaviors occurred during the look-back period and the interventions used.

B) Documentation should reflect the resident's status and response to interventions.

C) Documentation should include a description of the behavior exhibited and the dates it occurred, as well as staff response to the behaviors.

D) Documentation supporting that the behaviors coded meet the RAI definitions for the identified behavior.

E) The care plan identifies the behaviors and the interventions to the behaviors.

7) Criteria for delusions/hallucinations.

A) There is documentation to support that the delusions or hallucinations occurred during the look-back period.

B) Documentation contains a description of the delusion or hallucinations the resident was experiencing.

C) There is documentation to support the interventions used.

ee) Psychotropic Medication Monitoring.
Documentation shall support the facility followed the documentation guidelines as directed by 42 CFR 483.25(l), Unnecessary drugs (State Operations Manual tag F320).

ff) Psychiatric Services (Section S).
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) There shall be evidence the resident met IDPH Subpart S criteria during the look-back period.

2) There shall be evidence a pre-admission screening completed by a Department of Human Services-Division of Mental Health screening entity was completed on the resident that identifies the resident as having a serious mental illness (SMI).

3) Ancillary provider services are services that are provided by direct non-facility psychiatric service providers in order to meet 77 Ill. Adm. Code 300, Subpart S requirements.

4) Psychiatric rehabilitation services that are provided by non-facility providers or an outside entity shall meet the needs of the SMI resident as determined by the resident's individual treatment plan (ITP).

5) Facilities must ensure compliance with 77 Ill. Adm. Code 300.4050 when utilizing non-facility or outside ancillary providers.

6) Adjustments in the rate for utilization of ancillary providers shall be calculated based upon Department claims data for ancillary provider billing.

gg) Skills Training. Skills training is specific methods for assisting residents who need and can benefit from this training to address identified deficits and reach personal and clinical goals. To qualify for reimbursement, the provision of skills training shall meet all of the following criteria:

1) Skills and capabilities shall be assessed with the use of a standardized skills assessment, a cognitive assessment and an assessment of motivational potential. The assessment of motivational potential will assist in determining the type and size of the group in which a resident is capable of learning.

2) Addresses identified skill deficits related to goals noted in the treatment plan.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

3) Skills training shall be provided by staff that are paid by the facility and have been trained in leading skills groups by a Department approved trainer.

4) Training shall be provided in a private room with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise, and other distractions.

5) Training shall be provided in groups no larger than ten, with reduced group size for residents requiring special attention due to cognitive, motivational or clinical issues, as determined by the skills assessment, cognition and motivational potential. Individual sessions can be provided as appropriate and shall be identified in the care plan.

6) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions. (Published skills modules developed for the severe mentally ill (SMI) and Mental Illness/Substance Abuse (MISA) populations are available for use and as models.)

7) The curriculum shall address discrete sets of skill competencies, breaking skills down into smaller components or steps in relation to residents' learning needs.

8) The specific written content shall provide the rationale for learning, connecting skill acquisition to resident goals.

9) Training shall employ skill demonstration/modeling, auditory and visual presentation methods, role-playing and skill practice, immediate positive and corrective feedback, frequent repetition of new material, practice assignments between training sessions (homework), and brief review of material from each previous session.

10) There shall be opportunities for cued skill practice and generalization outside session as identified in the care plan and at least weekly documentation relative to skill acquisition.

11) Each training session shall be provided and attended in increments of a minimum of 30 minutes each (not counting time to assemble and settle) at
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

least three times per week. Occasional absences are allowable, with individual coverage of missed material as necessary. However, on-going 1:1 training shall not qualify under this area.

hh) Close or Constant Observations.

1) Coding of this item is intended only for interventions applied in response to the specific current significant need of an individual resident. This item shall not be coded for observation conducted as standard facility policy for all residents, such as for all new admissions, or as part of routine facility procedures, such as for all returns from hospital, or as a part of periodic resident headcounts.

2) There shall be documentation for the reason for use, confirmation that the procedure was performed as coded with staff initials at appropriate intervals, brief explanation of the resident's condition and reason for terminating the observation.

ii) Cognitive Impairment/Memory Assistance Services.

1) Documentation shall include a description of the resident's short-term memory problems.

2) A method of assessing and determining the short-term memory problem shall be documented.

3) Documentation shall include a description of the resident's ability to make everyday decisions about tasks or activities of daily living.

4) Documentation shall include a description of the resident's ability to make himself or herself understood.

jj) Dementia Care Unit.

1) Unit was Illinois Department of Public Health certified during look-back period.

2) Resident resided in the unit during the look-back period.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

3) Activity programming is planned and provided seven days a week for an average of eight hours per day.

4) Required assessments were completed on the resident.

5) If the resident has a CPS score of five, care planning shall address the resident's participation in the unit's activities.

6) If a particular resident does not participate in at least an average of four activities per day over a one-week period, the unit director shall evaluate the resident's participation and have the available activities modified and/or consult with the interdisciplinary team.

7) Documentation shall support staff's efforts to involve the resident.

kk) Exceptional Care Services.

1) Respiratory Services.

   A) A respiratory therapist shall evaluate the status of the resident at least monthly if the resident has a tracheostomy.

   B) Documentation of respiratory therapy being provided 15 minutes a day shall be present in the clinical record for the look-back period.

   C) Documentation of a physician's order for the treatments.

   D) Respiratory therapy requires documentation in the record of the treatment and the times given by a qualified professional (respiratory therapist or trained nurse) as defined in the RAI Manual.

   E) Documentation of suctioning includes type, frequency and results of suctioning.

   F) Documentation of trach care includes type, frequency and description of the care provided.

2) Ventilator Care.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

A) If the facility has residents receiving ventilator care, the facility shall have a respiratory therapist available at the facility or on call 24 hours a day.

B) A respiratory therapist shall evaluate and document the status of the resident at least weekly.

3) Weaning From Ventilator.
   Documentation shall be in place to support weaning from the ventilator.

4) Morbid Obesity.
   A) A dietician's evaluation shall be completed with evidence of on-going consultation.
   B) On-going monitoring of weight shall be evident.
   C) The psychosocial needs related to weight issues shall be identified and addressed.

5) Complex Wounds.
   Facilities are to follow documentation guidelines as directed by 42 CFR 483.25(c) (State Operations Manual tag F314). All documentation requirements listed in F314 shall be met.

6) Traumatic Brain Injury (TBI).
   A) Documentation shall support that psychological therapy is being delivered by licensed mental health professionals, as described in the RAI Manual.
   B) Documentation shall support a special symptom evaluation program as an ongoing, comprehensive, interdisciplinary evaluation of behavioral symptoms as described in the RAI Manual.
   C) Documentation shall support evaluation by a licensed mental health specialist in the last 90 days. This shall include an
assessment of a mood, behavioral disorder, or other mental health problems by a qualified clinical professional as described in the RAI Manual.

D) The care plan shall address the behaviors of the resident and the interventions used.

ll) Accident/Fall Prevention.

1) Documentation shall support that the resident has the risk factor identified on the MDS.

2) Documentation shall support that the resident has been assessed for fall risks.

3) If the resident is identified as high risk for falls, documentation shall support that interventions have been identified and implemented.

mm) Restraint Free.

1) There shall be documentation to support the previous use of a restraint and the resident response to the restraint.

2) There shall be evidence that the restraint was discontinued.

nn) Clarification and additional documentation requirements are as follows:

1) Defined actions such as further assessment or documentation, described in the RAI Manual as "good clinical practice", are required by the Department as supporting documentation. Clinical documentation that contributes to identification and communication of a resident's problems, needs and strengths, that monitors his or her condition on an on-going basis, and that records treatments and response to treatment is a matter of good clinical practice and is an expectation of trained and licensed health care professionals (RAI page 1–23).

2) The facility shall have in place policies and procedures to address specific care needs of the residents, written evidence of ongoing in-services for staff related to residents' specific care needs and all necessary durable
medical equipment to sustain life and carry out the plan of care as designed by the physician. In the absence of the above, a referral will be made to the Illinois Department of Public Health.

3) No specific types of documentation or specific forms are mandated, but documentation shall be sufficient to support the codes recorded on the MDS. Treatments and services ordered and coded shall be documented as delivered in the clinical record.

4) When completing a significant change assessment, the guidelines provided in the RAI Manual shall be followed. This includes documenting "the initial identification of a significant change in terms of the resident's clinical status in the progress notes" as described in RAI page 2–7.

5) Documentation used to support coding must be signed or initialed and dated. Changes to documentation shall be done in accordance with professional standards of practice, which includes lining through the error, initialing and dating the changes made.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 415, effective January 1, 2008, for a maximum of 150 days)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 147. TABLE A  Staff Time (in Minutes) and Allocation by Need Level

a) Effective July 1, 2003, each Medicare and Medicaid certified nursing facility shall complete, and transmit quarterly to the Department, a full Minimum Data Set (MDS) for each resident who resides in a certified bed, regardless of payment source. A description of the MDS items referenced in the tables found following subsection (e) of this Table A are contained in the Long Term Care Resident Assessment Instrument User's Manual available from the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (December 2002).

b) Table A identifies 51 MDS items that shall be used to calculate a profile on each Medicaid-eligible resident within each facility.

c) The profile for each Medicaid-eligible resident shall then be blended to determine the nursing component of the nursing facility's Medicaid rate.

d) Each MDS item in Table A includes a description of the item and the variable time referred to in Section 147.150(c)(1). The variable time assigned to each level represents the type of staff that should be delivering the service (unlicensed, licensed, social worker and activity) and the number of minutes allotted to that service item.

e) Following is a listing of the 51 reimbursable MDS items found in Table A.

1) Base Social Work and Activity

2) Activities of Daily Living (ADL)

3) Restorative Programs

   PROM/AROM

   AROM

   Splint/Brace

   Bed Mobility
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Mobility/Transfer
Walking
Dressing/Grooming
Eating
Prosthetic Care
Communication
Other Restorative
Scheduled Toileting

4) Medical Services
Continence Care
Catheter Care
Bladder Retraining
Pressure Ulcer Prevention
Moderate Skin Care Services
Intensive Skin Care Services
Ostomy Care
IV Therapy
Injections
Oxygen Therapy
Chemotherapy
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Dialysis
Blood Glucose Monitoring
End Stage Care
Infectious Disease
Acute Medical Conditions
Pain Management
Discharge Planning
Nutrition
Hydration

5) Mental Health (MH) Services

Psychosocial Adaptation
Psychotropic Medication Monitoring
Psychiatric Services (Section S)
Skills Training
Close or Constant Observation

6) Dementia Services

Cognitive Impairment/Memory Assistance
Dementia Care Unit

7) Exceptional Care Services
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Extensive Respiratory Services

Ventilator Care

Total Weaning From Ventilator

Morbid Obesity

Complex Wound Care

Traumatic Brain Injury (TBI)

8) Special Patient Need Factors:

Communication: add 1% of staff time accrued for ADLs through Exceptional Care Services

Vision Problems: add 2% of staff time accrued for ADLs through Exceptional Care Services

Accident/Fall Prevention: add 3% of staff time accrued for ADLs through Exceptional Care Services

Restraint Free Care: add 2% of staff time accrued for ADLs through Exceptional Care Services

Activities: add 2% of staff time accrued for ADLs through Exceptional Care Services

MDS ITEMS AND ASSOCIATED STAFF TIMES

Throughout Table A, where multiple levels are identified, only the highest level shall be scored.

1) Base Social Work and Activity

<table>
<thead>
<tr>
<th>Level</th>
<th>Social Worker</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>I</td>
<td>All Clients</td>
<td>0</td>
</tr>
</tbody>
</table>

2) Activities of Daily Living
Documentation shall support the following for scoring Activities of Daily Living.

1) Coding of Section G, Physical Functioning, and Structural Problems on the MDS during the look-back period.

2) MDS coded level of resident self-performance and support has been met.

3) When there is a widespread lack of supporting documentation as described in subsections (1) and (2) of this item (2), the ADL scores for the residents lacking documentation will be reset to zero.

4) When there is an occasional absence of documentation for residents in the sample, ADL scores will be based on the observation and/or interview of the resident and facility staff at the time of the review. If the resident has been discharged and there is no documentation to support the ADL coding, ADL scores will be reset to one.

<table>
<thead>
<tr>
<th>Level</th>
<th>Composite Scores</th>
<th>Unlicensed</th>
<th>Licensed</th>
<th>Social Worker</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Composite 7-8</td>
<td>50</td>
<td>7.5 RN</td>
<td>7.5 LPN</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Composite 9-11</td>
<td>62</td>
<td>9.5 RN</td>
<td>9.5 LPN</td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>Composite 12-14</td>
<td>69</td>
<td>10.5 RN</td>
<td>10.5 LPN</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>Composite 15-29</td>
<td>85</td>
<td>12.5 RN</td>
<td>12.5 LPN</td>
<td></td>
</tr>
</tbody>
</table>

**ADL Scoring Chart for the above Composite Levels**

MDS values equal to "-" denote missing data.

<table>
<thead>
<tr>
<th>ADL</th>
<th>MDS items</th>
<th>Description</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed Mobility</td>
<td>G1aA = - or</td>
<td>Self-Performance = missing</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>G1aA = 0 or</td>
<td>Self-Performance = independent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1aA = 1.</td>
<td>Self-Performance = supervision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1aA = 2.</td>
<td>Self-Performance = limited assistance</td>
<td>3</td>
</tr>
<tr>
<td>G1aA = 3 or G1aA = 4 or G1aA = 8 AND G1aB = - or G1aB = 0 or G1aB = 1 or G1aB = 2. G1aB = 3 or G1aB = 8.</td>
<td>Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist Support = activity did not occur</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>G1bA = - or G1bA = 0 or G1bA = 1. G1bA = 2. G1bA = 3 or G1bA = 4 or G1bA = 8 AND G1bB = - or G1bB = 0 or G1bB = 1 or G1bB = 2. G1bB = 3 or G1bB = 8.</td>
<td>Self-Performance = missing Self-Performance = independent Self-Performance = supervision Self-Performance = limited assistance Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist Support = 2+ person physical assist Support = activity did not occur</td>
<td>1 3 4 5</td>
<td></td>
</tr>
<tr>
<td>Transfer</td>
<td>Locomotion</td>
<td>G1eA = - or G1eA = 0 or G1eA = 1. G1eA = 2.</td>
<td>Self-Performance = missing Self-Performance = independent Self-Performance = supervision Self-Performance = limited assistance</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>G1eA = 3 or</th>
<th>G1eA = 4 or</th>
<th>G1eA = 8 AND G1eB = - or</th>
<th>G1eB = 0 or</th>
<th>G1eB = 1 or</th>
<th>G1eB = 2.</th>
<th>G1eB = 3 or</th>
<th>G1eB = 8.</th>
</tr>
</thead>
<tbody>
<tr>
<td>G1eB = - or</td>
<td>G1eB = 0 or</td>
<td>G1eB = 1 or</td>
<td>G1eB = 2.</td>
<td>G1eB = 3 or</td>
<td>G1eB = 8.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support = missing</td>
<td>Support = no set up or physical help</td>
<td>Support = set up help only</td>
<td>Support = 1 person assist</td>
<td>Support = 2+ person physical assist</td>
<td>Support = activity did not occur</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-Performance = extensive assistance</td>
<td>Self-Performance = total dependence</td>
<td>Self-Performance = activity did not occur</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>G1iA = - or</th>
<th>G1iA = 0 or</th>
<th>G1iA = 1.</th>
<th>G1iA = 2.</th>
<th>G1iA = 3 or</th>
<th>G1iA = 4 or</th>
<th>G1iA = 8 AND G1iB = - or</th>
<th>G1iB = 0 or</th>
<th>G1iB = 1 or</th>
<th>G1iB = 2.</th>
<th>G1iB = 3 or</th>
<th>G1iB = 8.</th>
</tr>
</thead>
<tbody>
<tr>
<td>G1iB = - or</td>
<td>G1iB = 0 or</td>
<td>G1iB = 1 or</td>
<td>G1iB = 2.</td>
<td>G1iB = 3 or</td>
<td>G1iB = 8.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support = missing</td>
<td>Support = no set up or physical help</td>
<td>Support = set up help only</td>
<td>Support = 1 person assist</td>
<td>Support = 2+ person physical assist</td>
<td>Support = activity did not occur</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-Performance = missing</td>
<td>Self-Performance = independent</td>
<td>Self-Performance = supervision</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>G1gA = - or</th>
<th>G1gA = 0 or</th>
<th>G1gA = 1.</th>
<th>G1gA = 2.</th>
<th>G1gA = 3 or</th>
<th>G1gA = 4 or</th>
<th>G1gA = 8.</th>
</tr>
</thead>
<tbody>
<tr>
<td>G1gA = - or</td>
<td>G1gA = 0 or</td>
<td>G1gA = 1.</td>
<td>G1gA = 2.</td>
<td>G1gA = 3 or</td>
<td>G1gA = 4 or</td>
<td>G1gA = 8.</td>
</tr>
<tr>
<td>Self-Performance = missing</td>
<td>Self-Performance = independent</td>
<td>Self-Performance = supervision</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Toilet</th>
<th>Dressing</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-Performance = extensive assistance</td>
<td>Self-Performance = total dependence</td>
<td>Self-Performance = activity did not occur</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support = no set up or physical help</td>
<td>Support = set up help only</td>
<td>Support = 1 person assist</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support = 2+ person physical assist</td>
<td>Support = activity did not occur</td>
<td></td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-Performance = independent</td>
<td>Self-Performance = supervision</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-Performance = limited assistance</td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Self-Performance = extensive assistance</td>
<td>Self-Performance = total dependence</td>
<td>Self-Performance = activity did not occur</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support = no set up or physical help</td>
<td>Support = set up help only</td>
<td>Support = 1 person assist</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support = 2+ person physical assist</td>
<td>Support = activity did not occur</td>
<td></td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Self-Performance = limited assistance | | | 2 |
| Self-Performance = extensive assistance | Self-Performance = total dependence | Self-Performance = activity did not occur | 3 |
### DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

#### NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>Hygiene</th>
<th>G1jA = - or</th>
<th>Self-Performance = missing</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>G1jA = 0 or</td>
<td>Self-Performance = independent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1jA = 1.</td>
<td>Self-Performance = supervision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1jA = 2.</td>
<td>Self-Performance = limited assistance</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>G1jA = 3 or</td>
<td>Self-Performance = extensive assistance</td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1jA = 4 or</td>
<td>Self-Performance = total dependence</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>G1jA = 8.</td>
<td>Self-Performance = activity did not occur</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Eating</th>
<th>G1hA = - or</th>
<th>Self-Performance = missing</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>G1hA = 0 or</td>
<td>Self-Performance = independent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1hA = 1.</td>
<td>Self-Performance = supervision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1hA = 2.</td>
<td>Self-Performance = limited assistance</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>G1hA = 3 or</td>
<td>Self-Performance = extensive assistance</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>G1hA = 4 or</td>
<td>Self-Performance = total dependence</td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1hA = 8</td>
<td>Self-Performance = activity did not occur</td>
<td></td>
</tr>
</tbody>
</table>

Or

<table>
<thead>
<tr>
<th></th>
<th>K5a = 1 or</th>
<th>Parenteral/IV in last 7 days</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>K5b = 1 and</td>
<td>Tube feeding in last 7 days</td>
</tr>
<tr>
<td></td>
<td>Intake = 1</td>
<td>See below</td>
</tr>
</tbody>
</table>

Where

Intake = 1 if

<table>
<thead>
<tr>
<th>K6a = 3 or</th>
<th>Parenteral/enteral intake 51-75% of total calories</th>
</tr>
</thead>
<tbody>
<tr>
<td>K6a = 4</td>
<td>Parenteral/enteral intake 76-100% of total calories</td>
</tr>
</tbody>
</table>

Or Intake = 1 if

<table>
<thead>
<tr>
<th>K6a = 2 and</th>
<th>Parenteral/enteral intake 26-50% of total calories</th>
</tr>
</thead>
<tbody>
<tr>
<td>K6b = 2 or</td>
<td>Average fluid intake by IV or tube is 501-1000 cc/day</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

| K6b = 3 or | Average fluid intake by IV or tube is 1001-1500 cc/day |
| K6b = 4 or | Average fluid intake by IV or tube is 1501-2000 cc/day |
| K6b = 5. | Average fluid intake by IV or tube is 2001 or more cc/day |

3) Restorative Programs

With the exception of amputation/prosthesis care and splint or brace assistance restoratives, the total number of restorative programs eligible for reimbursement shall be limited to fourfive, with no more than three being a Level II restorative. Scheduled toileting shall be included in this limit. Splint or brace assistance and amputation/prosthesis care shall be reimbursed independently. A resident coded in I1t (CVA/stroke), I1v (hemiplegia/hemiparesis), I1w (Multiple Sclerosis), I1x (paraplegia) or I1cc (Traumatic Brain Injury) on the MDS and also coded as B4≤2 (cognitive skills for decision making) shall be limited to a total of six restoratives with no more than four being a Level II restorative. A Department designed assessment shall be required quarterly to assess the resident's endurance and the resident's ability to benefit from two or more restorative programs.

For the following restorative programs: bed mobility, mobility/transfer, walking, dressing/grooming, and eating, when the corresponding ADL is coded a "1" under self-performance on the current MDS, the previous MDS must have a code of greater than "1" to qualify for reimbursement.

If PROM is scored, AROM is reset to zero unless the resident has a diagnosis of CVA, hemiplegia/hemiparesis, multiple sclerosis, paraplegia or traumatic brain injury.

When the number of restoratives coded on the MDS exceeds the allowable limits for reimbursement, the following order shall be used.

A) Eating Restorative
B) Scheduled Toileting
C) Walking Restorative
D) Transfer Restorative
Restorative Services are programs under the direction and supervision of a licensed nurse and are provided by nursing staff. The programs are designed to promote the resident's ability to adapt and adjust to living as independently and safely as possible. The focus is on achieving and/or maintaining optimal physical, mental, and psychosocial functioning. A program is defined as a specific approach that is organized, planned, documented, monitored, and evaluated. Although therapists may participate in designing the initial program, members of nursing staff are still responsible for the overall coordination and supervision of restorative nursing programs. Staff completing the programs should be communicating progress, maintenance, regression and other issues/concerns to the licensed nurse overseeing the programs. To qualify for reimbursement, the provision of restorative programs shall meet the following criteria for each program identified for reimbursement:

1) When programs are designed using verbal cueing as the only intervention, documentation and/or observation must support the following:

   A) Without such cueing, the resident would be unable to complete the required ADL task.

   B) The verbal interventions are aimed at providing the resident with instructions for completing the task in such a way that promotes the resident's safety and awareness.

   C) Verbal interventions that are simply reminders to complete the task may not be the sole content of the program.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

2) Documentation shall clearly define the resident's need for the program and the program defined shall correspond to the identified need of the resident. Observation and/or interview shall also support the need for the program.

3) The clinical record shall identify a restorative nursing plan of care to assist the resident in reaching and/or maintaining his or her highest level of functioning. Staff completing the programs shall be aware of the program and the resident’s need for the program.

4) Documentation must support that the program was reevaluated and goals and interventions were revised as necessary to assist the resident in reaching and/or maintaining his or her highest level of functioning.

5) Documentation shall contain objective and measurable information so that progress, maintenance or regression can be recognized from one report to the next.

6) Goals shall be resident specific, realistic, and measurable. Goals shall be revised as necessary. Revisions shall be made based on the resident's response to the program.

7) The resident's ability to participate in the program shall be addressed.

8) Written evidence of measurable objectives and interventions shall be in the restorative plan of care and be individualized to the resident's problems and needs. There shall be evidence the objectives and interventions were reviewed quarterly and revised as necessary.

9) There shall be evidence of quarterly evaluation written by a licensed nurse in the clinical record. The evaluation must assess the resident's progress and participation in the program since the last evaluation. It shall contain specific information that includes the resident's response to the program (i.e., amount of assistance required, devices used, the distance, the progress made, how well the resident tolerated the program). An evaluation shall be documented on each restorative program the resident is receiving.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

10) There shall be written evidence that staff carrying out the programs have been trained in techniques that promote resident involvement in the activity.

11) If volunteers or other staff were assigned to work with specific residents, there shall be written evidence of specific training in restorative techniques that promote the resident's involvement in the restorative program.

12) There shall be documentation to support that the programs are ongoing and administered as planned outside the look-back period, unless there is written justification in the clinical record that supports the need to discontinue the program. Observation and/or interviews must also support that the programs are ongoing and administered as planned.

13) If a restorative program is in place when a care plan is being revised, it is appropriate to reassess progress, goals, duration and frequency as part of the care planning process. The results of this reassessment shall be documented in the record.

14) The actual number of minutes per day spent in a restorative program shall be documented for each resident and for each restorative program during the look-back period.

15) The Department designated endurance assessment must be completed quarterly on each resident receiving two or more restorative programs. A licensed nurse must complete this assessment.

16) A resident coded as totally dependent in an ADL function will only be reimbursed for one quarter for the following corresponding restorative programs: bed mobility, transfer, walking, dressing/grooming, and/or eating/swallowing.

17) A resident scoring and/or receiving hospice services shall not be eligible for the following restorative programs: bed mobility, transfer, walking, dressing/grooming, eating and/or other restoratives.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

18) When multiple restoratives are coded in a facility, the staff levels must support the ability to deliver these programs based on the number and frequency of programs coded.

19) All restorative programs shall meet the specifications in the RAI Manual for the individual restoratives.

Passive Range of Motion (PROM)

The following documentation shall support the following for scoring PROM.

1) The restorative program shall meet the definition of PROM as identified in the RAI Manual.

2) The PROM program shall address the functional limitations identified in section G4 of the MDS.

3) There shall be evidence that the program is planned and scheduled. PROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>G4aA &gt; 0 or</td>
<td>Any function limits in ROM of neck</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4bA &gt; 0 or</td>
<td>Any function limits in ROM of arm</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4cA &gt; 0 or</td>
<td>Any function limits in ROM of hand</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4dA &gt; 0 or</td>
<td>Any function limits in ROM of leg</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4eA &gt; 0 or</td>
<td>Any function limits in ROM of foot</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4fA &gt; 0 or</td>
<td>Any function limits in ROM of other limitation or loss</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4aB &gt; 0 or</td>
<td>Any function limits in voluntary movement of neck</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th></th>
<th>G4bB &gt; 0 or</th>
<th>Any function limits in voluntary movement of arm</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>G4cB &gt; 0 or</td>
<td>Any function limits in voluntary movement of hand</td>
</tr>
<tr>
<td></td>
<td>G4dB &gt; 0 or</td>
<td>Any function limits in voluntary movement of leg</td>
</tr>
<tr>
<td></td>
<td>G4eB &gt; 0 or</td>
<td>Any function limits in voluntary movement of foot</td>
</tr>
<tr>
<td></td>
<td>G4fB &gt; 0</td>
<td>Any function limits in voluntary movement of other limitation or loss</td>
</tr>
</tbody>
</table>

AND

<table>
<thead>
<tr>
<th>I</th>
<th>3 ≤ P3a ≤ 5</th>
<th>3 to 5 days of PROM rehab</th>
<th>10</th>
<th>3 RN 3 LPN</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>6 ≤ P3a ≤ 7</td>
<td>6 to 7 days of PROM rehab</td>
<td>15</td>
<td>3 RN 3 LPN</td>
</tr>
</tbody>
</table>

Active Range of Motion (AROM)

The following documentation shall support the following for scoring AROM.

1) The restorative program meets the definition of AROM as identified in the RAI Manual.

2) The AROM programs shall address the functional limitations identified in section G4 of the MDS.

3) There shall be evidence that the program is planned and scheduled. AROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.

4) AROM does not include exercise groups with more than four residents assigned per supervising helper or caregiver.
**NOTICE OF EMERGENCY AMENDMENTS**

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>G4aA &gt; 0 or Any function limits in ROM of neck</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4bA &gt; 0 or Any function limits in ROM of arm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4cA &gt; 0 or Any function limits in ROM of hand</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4dA &gt; 0 or Any function limits in ROM of leg</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4eA &gt; 0 or Any function limits in ROM of foot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4fA &gt; 0 or Any function limits in ROM of other limitation or loss</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4aB &gt; 0 or Any function limits in voluntary movement of neck</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4bB &gt; 0 or Any function limits in voluntary movement of arm</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4cB &gt; 0 or Any function limits in voluntary movement of hand</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4dB &gt; 0 or Any function limits in voluntary movement of leg</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4eB &gt; 0 or Any function limits in voluntary movement of foot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G4fB &gt; 0</td>
<td>Any function limits in voluntary movement of other limitation or loss</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**AND**

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3 ≤ P3b ≤ 5</td>
<td>3 to 5 days of AROM rehab</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2 RN
2 LPN
Splint/Brace Assistance

The program shall meet the specifications of this restorative as defined in the RAI Manual.

A splint or brace is defined as an appliance for the fixation, union, or protection of an injured part of the body.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3 ≤ P3c ≤ 5</td>
<td>3 to 5 days of assistance</td>
<td>8</td>
<td>2 RN</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>6 ≤ P3c ≤ 7</td>
<td>6 to 7 days of assistance</td>
<td>12</td>
<td>2 RN</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

Bed Mobility Restorative

The program shall meet the specifications of this restorative as defined in the RAI Manual.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>0 &lt; G1aA &lt; 8 AND G7 = 1</td>
<td>Need assistance in bed mobility Some or all ADL tasks broken into subtasks</td>
<td>8</td>
<td>3 RN</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3 ≤ P3d ≤ 5</td>
<td>3 to 5 days of rehab or restorative techniques</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3 ≤ P3e ≤ 5</td>
<td>3 to 5 days of rehab or restorative techniques</td>
<td>10</td>
<td>RN</td>
<td></td>
<td>LPN</td>
</tr>
<tr>
<td>II</td>
<td>6 ≤ P3e ≤ 7</td>
<td>6 to 7 days of rehab or restorative techniques</td>
<td>15</td>
<td>RN</td>
<td></td>
<td>LPN</td>
</tr>
</tbody>
</table>

**Mobility (Transfer) Restorative**

The program shall meet the specifications of this restorative as defined in the RAI Manual.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>0 &lt; G1bA &lt; 8 AND G7 = 1</td>
<td>Need assistance in transfer AND Some or all ADL tasks broken into subtasks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>6 ≤ P3e ≤ 7</td>
<td>6 to 7 days of rehab or restorative techniques</td>
<td>15</td>
<td>RN</td>
<td></td>
<td>LPN</td>
</tr>
</tbody>
</table>

**Walking Restorative**

The program shall meet the specifications of this restorative as defined in the RAI Manual.
**DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES**

**NOTICE OF EMERGENCY AMENDMENTS**

| 0 \( \leq \) G1dA \( < \) 8 or 0 \( < \) G1eA \( < \) 8 | Need assistance in walking in corridor |  
| 0 \( < \) G1fA \( < \) 8 AND G7 = 1 | Need assistance in locomotion off unit |  
| G7 = 1 | Some or all ADL tasks broken into subtasks |  

**AND**

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3 ( \leq ) P3f ( \leq ) 5</td>
<td>3 to 5 days of rehab or restorative techniques</td>
<td>10</td>
<td>3</td>
<td>RN</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>LPN</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>6 ( \leq ) P3f ( \leq ) 7</td>
<td>6 to 7 days of rehab or restorative techniques</td>
<td>15</td>
<td>3</td>
<td>RN</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>LPN</td>
<td></td>
</tr>
</tbody>
</table>

**Dressing or Grooming Restorative**

The program shall meet the specifications of this restorative as defined in the RAI Manual.

Grooming programs, including programs to help the resident learn to apply make-up, may be considered restorative nursing programs when conducted by a member of the activity staff.

These programs shall have goals, objectives, and documentation of progress and be related to the identified deficit.
### DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

#### NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3 ≤ P3g ≤ 5</td>
<td>3 to 5 days of rehab or restorative techniques</td>
<td>10</td>
<td>3 RN</td>
<td>3</td>
<td>LPN</td>
</tr>
<tr>
<td>II</td>
<td>6 ≤ P3g ≤ 7</td>
<td>6 to 7 days of rehab or restorative techniques</td>
<td>15</td>
<td>3 RN</td>
<td>3</td>
<td>LPN</td>
</tr>
</tbody>
</table>

### Eating Restorative

The program shall meet the specifications of this restorative as defined in the RAI Manual.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3 ≤ P3h ≤ 5</td>
<td>3 to 5 days of rehab or restorative techniques</td>
<td>15</td>
<td>3 RN</td>
<td>3</td>
<td>LPN</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3 ≤ P3i ≤ 5</td>
<td>3 to 5 days of assistance</td>
<td>10</td>
<td>3 RN</td>
<td>3 LPN</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>6 ≤ P3i ≤ 7</td>
<td>6 to 7 days of assistance</td>
<td>15</td>
<td>3 RN</td>
<td>3 LPN</td>
<td></td>
</tr>
</tbody>
</table>

Amputation/Prosthetic Care

The program shall meet the specifications of this restorative as defined in the RAI Manual.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>6 ≤ P3h ≤ 7</td>
<td>6 to 7 days of rehab or restorative techniques</td>
<td>20</td>
<td>3 RN</td>
<td>3 LPN</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>6 ≤ P3i ≤ 7</td>
<td>6 to 7 days of assistance</td>
<td>15</td>
<td>3 RN</td>
<td>3 LPN</td>
<td></td>
</tr>
</tbody>
</table>

Communication Restorative

The program shall meet the specifications of this restorative as defined in the RAI Manual.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>3 ≤ P3j ≤ 5</td>
<td>3 to 5 days of rehab or restorative techniques</td>
<td>10</td>
<td>3 RN</td>
<td>3 LPN</td>
<td></td>
</tr>
</tbody>
</table>

Lev MDS items Description Unl Lic SW Act
C4 > 0 Deficit in making self understood
AND

I 3 ≤ P3j ≤ 5 3 to 5 days of rehab or restorative techniques 10 3 RN 3 LPN
### Other Restorative

The program shall meet the specifications of this restorative as defined in the RAI Manual.

Other Restorative shall only be reimbursed for a total of two quarters regardless of the level.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>P3k=3 or greater AND Q2 &lt; 2 AND B2a = 0 AND B4 = 0 or 1 AND C6 = 0 or 1 AND S1 = 0</td>
<td>Other Restorative Improved or no change in care needs Short term memory okay Cognitive skills for decision making Ability to understand others Does not meet IDPH Subpart S criteria</td>
<td>6</td>
<td>5 RN</td>
<td>5 LPN</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>P3k = 3 or greater AND Q1c = 1 or 2 AND</td>
<td>Other restorative Stay projected to be of a short duration – discharge expected to be within 90 days</td>
<td>6</td>
<td>7.5 RN</td>
<td>7.5 LPN</td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

| Q2 < 2 AND P1ar = 1 AND B2a = 0 AND B4 = 0 or 1 AND C6 = 0 or 1 AND S1 = 0 | Improved or no change in care needs | Provide training to return to the community | Short-term memory | Cognitive skills for decision making | Ability to understand others | Does not meet IDPH Subpart S criteria |

Other Restorative shall only be reimbursed for a total of two quarters regardless of the level.

Scheduled Toileting

Documentation shall support the following for scoring scheduled toileting.

1) The program shall have documentation to support that all the requirements identified in the RAI Manual are met.

2) The description of the plan, including: frequency, reason, and response to the program.

3) The plan shall be periodically evaluated and revised, as necessary, including documentation of the resident's response to the plan.

4) This does not include a "check and change" program or routine changing of the resident's incontinent briefs, pads or linens when wet, where there is no participation in the plan by the resident.

5) There shall be documentation to support the deficit in toileting and/or the episodes of incontinence.
NOTICE OF EMERGENCY AMENDMENTS

6) A resident scoring S1 = 1 (meets Subpart S criteria) shall have corresponding diagnosis of CVA or multiple sclerosis to qualify for reimbursement in scheduled toileting.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>H3a = 1</td>
<td>Any scheduled toileting plan</td>
<td>22</td>
<td>1.5 RN</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND S1= 0</td>
<td>Does not meet criteria for Subpart S</td>
<td></td>
<td>1.5 LPN</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>H3b = 0</td>
<td>No bladder retraining program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>H3d = 0</td>
<td>No indwelling catheter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>H1b &gt; 1 or</td>
<td>Incontinent at least 2 or more times a week</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>GliA&gt; 1 and &lt;8</td>
<td>Self-performance = limited to total assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4) Medical Services

Continence Care

Documentation shall support the following for scoring continence care.

1) That catheter care was administered during the look-back period.

2) The type and frequency of the care.

3) RAI requirements for bladder retraining program were administered during the look-back period.

4) The resident’s level of incontinence shall be documented during the look-back period to support the bladder retraining program.

5) Bladder scanners cannot be the sole content of the bladder retraining program.
Continence Care – Level II (Bladder Retraining) shall only be reimbursed for two quarters.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Catheter Care</td>
<td></td>
<td>12</td>
<td>RN</td>
<td>.5</td>
<td>LPN</td>
</tr>
<tr>
<td></td>
<td>H3d = 1 AND H3a = 0</td>
<td>Indwelling catheter present</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Bladder Retraining</td>
<td>Bladder retraining program</td>
<td>32</td>
<td>RN</td>
<td>5</td>
<td>LPN</td>
</tr>
<tr>
<td></td>
<td>H3b = 1 AND H3a = 0 AND H1b &gt; 1 AND B4 = 0 or 1 OR H3b = 1 AND H3a = 0 AND H1b ≤ 1 AND H4 = 1 AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>No scheduled toileting plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Incontinent at least 2 or more times a week</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cognitive skills for decision making</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bladder retraining program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>No scheduled toileting plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bladder continence</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Change in continence</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Bladder scanners cannot be the sole content of the program. Continence Care—Level II (Bladder Retraining) shall only be reimbursed for two quarters.

Pressure Ulcer Prevention

Documentation shall support the following for scoring pressure ulcer prevention.

1) History of resolved ulcer in the identified timeframe and/or the use of the identified interventions during the identified timeframe.

2) Interventions and treatments shall meet the RAI definitions for coding.

3) A specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.

4) Resident was assessed related to his or her risk for developing ulcers. A resident assessed to be at high risk shall have interventions identified in the plan of care.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>M3 = 1 or</td>
<td>History of resolved ulcers in last 90 days</td>
<td>15</td>
<td>4 RN</td>
<td>4 LPN</td>
<td></td>
</tr>
</tbody>
</table>
Moderate Skin Care/Intensive Skin Care

Documentation shall support the following for scoring moderate skin care/intensive skin care.

1) Interventions and treatments shall meet the RAI definitions for coding.

2) Documentation of ulcers shall include staging as the ulcers appear during the look-back period.

3) Documentation of ulcers shall include a detailed description that includes, but is not limited to, the stage of the ulcer, the size, the location, any interventions and treatments used during the look-back period.

4) Documentation of burns shall include, but is not limited to, the location, degree, extent, interventions and treatments during the look-back period.

5) Documentation of open lesions shall include, but is not limited to, location, size, depth, any drainage, interventions and treatments during the look-back period.

6) Documentation of surgical wounds shall include, but is not limited to, type, location, size, depth, interventions and treatment during the look-back period.

7) All treatments involving M5e, M5f, M5g and M5h shall have a physician's order, with the intervention and frequency.

8) Documentation to support that the intervention was delivered during the look-back period shall be included.

9) Documentation of infection of the foot shall contain a description of the area and the location.

10) Documentation shall support a specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.

11) Documentation for items coded in M4 shall include documentation of an intervention, treatment and/or monitoring of the problem or condition identified.
## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

### NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>M1a &gt; 0 or</td>
<td>Moderate Skin Care Services</td>
<td>5</td>
<td>5</td>
<td>RN</td>
<td></td>
</tr>
<tr>
<td></td>
<td>M1a &gt; 0 or</td>
<td>Stage 1 ulcers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M1b &gt; 0 or</td>
<td>Stage 2 ulcers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any of:</td>
<td>Other Skin Problems (below):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M4a = 1</td>
<td>Abrasions, bruises</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M4b = 1</td>
<td>Burns</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M4c = 1</td>
<td>Open lesions other than ulcers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M4d = 1</td>
<td>Rashes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M4e = 1</td>
<td>Skin desensitized to pain or pressure</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M4f = 1</td>
<td>Skin tears or cuts (other than surgery)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M4g = 1</td>
<td>Surgical wounds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td>4 of the following:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M5a = 1</td>
<td>Pressure relieving devices for chair</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M5b = 1</td>
<td>Pressure relieving devices for bed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M5c = 1</td>
<td>Turning or repositioning program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M5d = 1</td>
<td>Nutrition or hydration intervention for skin</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M5e = 1</td>
<td>Ulcer care</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>M5f = 1</td>
<td>Surgical wound care</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>M5g = 1</th>
<th>Application of dressings (other than feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>M5h = 1</td>
<td>Application of ointments (other than feet)</td>
</tr>
<tr>
<td>M5i = 1</td>
<td>Other prevention for skin (other than feet)</td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>(M6b = 1 or Infection of the foot)</td>
<td></td>
</tr>
<tr>
<td>M6c = 1</td>
<td>Open lesion of the foot</td>
</tr>
<tr>
<td>AND</td>
<td></td>
</tr>
<tr>
<td>M6f = 1</td>
<td>And application of a dressing</td>
</tr>
</tbody>
</table>

### II  Intensive Skin Care Services

- M1c > 0 or Stage 3 ulcers
- M1d > 0 AND Stage 4 ulcers
- 4 of the following:
  - M5a = 1 Pressure relieving devices for chair
  - M5b = 1 Pressure relieving devices for bed
  - M5c = 1 Turning or repositioning program
  - M5d = 1 Nutrition or hydration intervention for skin
  - M5e = 1 Ulcer care
  - M5f = 1 Surgical wound care
  - M5g = 1 Application of dressings (other than feet)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>M5h = 1</td>
<td>Application of ointments (other than feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M5i = 1</td>
<td>Other prevention for skin (other than feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Ostomy Services

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Plaf = 1</td>
<td>Ostomy care performed</td>
<td>5</td>
<td>2.5 RN</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.5 LPN</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

IV Therapy

Documentation shall support the following for scoring IV Therapy.

1) Date delivered, type of medication and method of administration.

2) Monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse as required under acute medical conditions.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Plac = 1</td>
<td>IV medication</td>
<td>1</td>
<td>15 RN</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td></td>
<td>15 LPN</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K5a = 1</td>
<td>Parenteral/IV nutrition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P1ae = 1</td>
<td>Monitoring acute medical condition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Injections

Documentation shall include the drug, route given and dates given.
### Oxygen Therapy

Documentation shall include a physician's order and the method of administration and date given.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>O3 = 7≥2</td>
<td>Number of injections in last 7 days</td>
<td></td>
<td>3</td>
<td></td>
<td>RN</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td>LPN</td>
</tr>
</tbody>
</table>

### Chemotherapy

Documentation shall support that the resident was monitored for response to the chemotherapy.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>P1ag = 1</td>
<td>Oxygen therapy administered in last 14 days</td>
<td>9</td>
<td>7.5</td>
<td></td>
<td>RN</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7.5</td>
<td></td>
<td>LPN</td>
</tr>
</tbody>
</table>

### Dialysis

Documentation shall support that the resident was monitored for response to the dialysis.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>P1ab = 1</td>
<td>Dialysis given</td>
<td>1</td>
<td>5</td>
<td></td>
<td>RN</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td></td>
<td>LPN</td>
</tr>
</tbody>
</table>
Blood Glucose Monitoring

Documentation shall support the following for scoring blood glucose monitoring.

1) RAI criteria for coding that a diagnosis was met, including a physician documented diagnosis.

2) Coding of a therapeutic diet being ordered and given to the resident.

3) Coding of a dietary supplement being ordered and given to the resident during the look-back period. There shall be evidence to support it was not part of a unit's daily routine for all residents.

4) Coding that injections were given the entire seven days of the look-back period.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>I1a = 1</td>
<td>Diabetes mellitus</td>
<td></td>
<td>1</td>
<td>RN</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K5e = 1 or</td>
<td>Therapeutic diet</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K5f = 1 or</td>
<td>Dietary supplement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>O3 = 7</td>
<td>Injections daily</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

End Stage Care

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>J5e = 1</td>
<td>End stage disease, 6 or fewer months to live</td>
<td>10</td>
<td>6</td>
<td>RN</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6</td>
<td>LPN</td>
<td></td>
</tr>
</tbody>
</table>
Restoratives including scheduled toileting and bladder retraining sets to level '0' except AROM, PROM, splint/brace. Limit of 4 quarters.

If End Stage Care has been scored, Discharge Planning shall be set to zero.

**Infectious Disease**

Documentation shall support the following for scoring infectious disease.

1) Criteria defined in the RAI Manual for coding this section was met.
2) Active diagnosis by the physician, including signs and symptoms of the illness.
3) Interventions and treatments shall be documented.
4) All RAI requirements for coding a urinary tract infection (UTI) are met.
5) Administration of maintenance medication to prevent further acute episodes of UTI is not sufficient to code I2j.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>I2a = 1 or</td>
<td>Antibiotic resistant infection</td>
<td>18</td>
<td>8.5</td>
<td>RN</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>I2b = 1 or</td>
<td>Clostridium Difficile</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I2e = 1 or</td>
<td>Pneumonia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I2g = 1 or</td>
<td>Septicemia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I2i = 1 or</td>
<td>TB</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I2 j = 1 or</td>
<td>Urinary Tract infection present</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I2k = 1 or</td>
<td>Viral hepatitis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I2l = 1 or</td>
<td>Wound infection</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Acute Medical Conditions

Documentation shall support the following for scoring acute medical conditions.

1) RAI requirements for coding these areas are met.

2) Monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse.

3) Evidence that the physician has evaluated and identified the medically unstable or acute condition for which clinical monitoring is needed.

4) Evidence of significant increase in licensed nursing monitoring.

5) Evidence that the episode meets the definition of acute, which is usually of sudden onset and time-limited course.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>J5b = 1</td>
<td>Acute episode or flare-up of chronic condition</td>
<td>1</td>
<td>11.5 RN</td>
<td>11.5 LPN</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P1ae = 1</td>
<td>Monitoring acute medical condition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P1ao = 0</td>
<td>Not hospice care</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>OR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(J5a = 1</td>
<td>Condition makes resident's cognitive, ADL, mood or behavior patterns unstable</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P1ao = 0</td>
<td>Not hospice care</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>OR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P1ae = 1</td>
<td>Monitoring acute medical condition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>OR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NOTICE OF EMERGENCY AMENDMENTS

| (B5a = 2 or | Easily distracted over last 7 days |
| B5b = 2 or | Periods of altered perceptions or awareness of surroundings over last 7 days |
| B5c = 2 or | Episodes of disorganized speech over last 7 days |
| B5d = 2 or | Periods of restlessness over last 7 days |
| B5e = 2 or | Periods of lethargy over last 7 days |
| B5f = 2) AND | Mental function varies over course of day in last 7 days |
| P1ae = 1 AND | Monitoring acute medical condition |
| P1ao = 0 | Not hospice care |

**Pain Management**

There shall be documentation to support the resident's pain experience during the look-back period and that interventions for pain were offered and/or given.

Residents shall be assessed in a consistent, uniform and standardized process to measure and assess pain.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>J2a &gt; 0 AND</td>
<td>Demonstrate or complain of pain</td>
<td>4 RN 4 LPN</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>J2b &gt; 0</td>
<td>Mild to excruciating intensity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Discharge Planning**
Discharge planning shall only be reimbursed for two quarters.

If end stage care has been scored, discharge planning shall be set to zero.

Documentation shall support the following for scoring discharge planning.

1) Social services shall document monthly the resident's potential for discharge, specific steps being taken toward discharge, and the progress being made.

2) Social service documentation shall demonstrate realistic evaluation, planning, and follow-through.

3) Discharge plans shall address the current functional status of the resident, medical nursing needs, and the availability of family and/or community resources to meet the needs of the resident.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Q1c = 1 or 2 AND</td>
<td>Stay projected to be of short duration – discharge expected to be within 90 days</td>
<td>8 RN</td>
<td>8 LPN</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Q2 &lt; 2 AND</td>
<td>Improved or no change in care needs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P1ar = 1 AND</td>
<td>Provide training to return to community</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SI=0</td>
<td>Does not meet IDPH Subpart S criteria</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discharge Planning shall only be reimbursed for two quarters. If End Care has been scored, Discharge Planning shall be set at zero.

Nutrition

Documentation shall support the following for scoring nutrition.

1) Coding of tube feeding during the look-back period.
2) Intake and output records and caloric count shall be documented to support the coding of K6.

3) Planned weight change, including a diet order and a documented purpose or goal, that is to facilitate weight gain or loss.

4) Dietary supplement, including evidence the resident received the supplement and that it was ordered and given between meals.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unil</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>K5h = 1</td>
<td>On a planned weight change program</td>
<td>24</td>
<td>.51-.5 RN</td>
<td>.51-.5 LPN</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>OR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K5f = 1</td>
<td>Dietary supplement given between meals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>K5b = 1 and</td>
<td>Tube feeding in last 7 days</td>
<td>20</td>
<td>1211 RN</td>
<td>1211 LPN</td>
<td>2+</td>
</tr>
<tr>
<td></td>
<td>Intake = 1</td>
<td>See below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Intake = 1 if</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K6a = 3 or</td>
<td>Parenteral/enteral intake 51-75% of total calories</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K6a = 4</td>
<td>Parenteral/enteral intake 76-100% of total calories</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Or Intake = 1 if</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K6a = 2 and</td>
<td>Parenteral/enteral intake 26-50% of total calories</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K6b = 2 or</td>
<td>Average fluid intake by IV or tube is 501-1000 cc/day</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K6b = 3 or</td>
<td>Average fluid intake by IV or tube is 1001-1500 cc/day</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>K6b = 4 or</th>
<th>Average fluid intake by IV or tube is 1501-2000 cc/day</th>
</tr>
</thead>
<tbody>
<tr>
<td>K6b = 5</td>
<td>Average fluid intake by IV or tube is 2001 or more cc/day</td>
</tr>
</tbody>
</table>

**Hydration**

Documentation shall support the following for scoring hydration.

1) The resident passes two or fewer bowel movements per week, or strains more than one of four times when having a bowel movement during the look-back period to support the coding of H2b.

2) Resident received a diuretic medication during the look-back period to support the coding of O4e.

3) Frequency of episodes and accompanying symptoms to support the coding of vomiting.

4) Signs and symptoms, interventions and treatments used to support the coding of volume depletion, dehydration or hypovolemia.

5) Documentation of temperature shall be present to support the coding of fever.

6) Coding of internal bleeding shall include the source, characteristics and description of the bleeding.

7) Interventions were implemented related to the problem identified.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>H2b = 1</td>
<td>Constipation</td>
<td>10</td>
<td>23.5</td>
<td>RN</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>23.5</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LPN</td>
<td></td>
</tr>
</tbody>
</table>
**DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES**

**NOTICE OF EMERGENCY AMENDMENTS**

<table>
<thead>
<tr>
<th>ICD9 = 564.00 or 564.7</th>
<th>Constipation</th>
</tr>
</thead>
<tbody>
<tr>
<td>K5a = 0</td>
<td>No parenteral/IV</td>
</tr>
<tr>
<td>K5b = 0</td>
<td>No feeding tube</td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>Any two of the following separate conditions:</td>
<td></td>
</tr>
<tr>
<td>1 ≤ O4e ≤ 7 or</td>
<td>Received a diuretic medication in last 7 days</td>
</tr>
<tr>
<td>J1o = 1 or</td>
<td>Vomiting</td>
</tr>
<tr>
<td>I3 a,b,c,d,e = 276.5 or</td>
<td>Volume depletion</td>
</tr>
<tr>
<td>276.50</td>
<td>Volume depletion, unspecified</td>
</tr>
<tr>
<td>276.51</td>
<td>Dehydration</td>
</tr>
<tr>
<td>276.52</td>
<td>Hypovolemia</td>
</tr>
<tr>
<td>J2j = 1 or</td>
<td>Urinary tract infection in last 30 days</td>
</tr>
<tr>
<td>J1c = 1 or</td>
<td>Dehydrated</td>
</tr>
<tr>
<td>J1d = 1 or</td>
<td>Did not consume most fluids provided (3 days)</td>
</tr>
<tr>
<td>J1h = 1 or</td>
<td>Fever</td>
</tr>
<tr>
<td>J1j = 1 AND</td>
<td>Internal bleeding</td>
</tr>
<tr>
<td>K5a = 0 AND</td>
<td>Not have parenteral/IV</td>
</tr>
<tr>
<td>K5b = 0</td>
<td>No feeding tube</td>
</tr>
</tbody>
</table>

5) Mental Health Services
Psychosocial Adaptation

Psychosocial adaptation is intended for residents who require a behavioral symptom evaluation program or group therapy to assist them in dealing with a variety of mood or behavioral issues. The criteria for reimbursement in this area require both an intervention program and the identification of mood or behavioral issues. Residents shall be assessed for mood and behavioral issues and interventions shall be implemented to assist the resident in dealing with the identified issues. To qualify for reimbursement in this area, the facility must meet the following criteria:

1) Criteria for special behavioral symptom evaluation program.
   A) There must be documentation to support that the program is an ongoing and comprehensive evaluation of behavioral symptoms.
   B) Documentation must support the resident's need for the program.
   C) The documentation must show that the purpose of the program is to attempt to understand the "meaning" behind the resident's identified mood or behavioral issues.
   D) Interventions related to the identified issues must be documented in the care plan.
   E) The care plan shall have interventions aimed at reducing the distressing symptoms.

2) Criteria for group therapy.
   A) There is documentation that the resident regularly attends sessions at least weekly.
   B) Documentation supports that the therapy is aimed at helping reduce loneliness, isolation, and the sense that one's problems are unique and difficult to solve.
   C) This area does not include group recreational or leisure activities.
   D) The therapy and interventions are addressed in the care plan.
E) This must be a separate session and cannot be conducted as part of skills training.

3) Criteria for indicators of depression.
   A) There must be documentation to support identified indicators occurred during the look-back period.
   B) The documentation shall support the frequency of the indicators as coded during the look-back period.
   C) There shall be documentation to support that interventions were implemented to assist the resident in dealing with these issues.

4) Criteria for sense of initiative/involvement.
   A) There is documentation to support that the resident was not involved or did not appear at ease with others or activities during the look-back period.
   B) There shall be evidence that interventions were implemented to assist the resident in dealing with these issues.

5) Criteria for unsettled relationships/past roles.
   A) There is documentation to support the issues coded in this area during the look-back period.
   B) There shall be evidence that interventions were implemented to assist the resident in dealing with the issues identified.

6) Criteria for behavioral symptoms.
   A) There is documentation to support that the behaviors occurred during the look-back period and the interventions used.
   B) Documentation should reflect the resident's status and response to interventions.
C) Documentation should include a description of the behavior exhibited and the dates it occurred, as well as staff response to the behaviors.

D) Documentation supports that the behaviors coded meet the RAI definitions for the identified behavior.

E) The care plan identifies the behaviors and the interventions to the behaviors.

7) Criteria for delusions/hallucinations.

A) There is documentation to support that the delusions or hallucinations occurred during the look back period.

B) Documentation contains a description of the delusions or hallucinations the resident was experiencing.

C) There is documentation to support the interventions used.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>(P2a = 1 or P2b = 1 or P2c = 1) AND or P2d = 1) AND</td>
<td>Behavior symptom evaluation</td>
<td>12</td>
<td>3 RN 3 LPN</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Any E1a-p &gt; 0 or F1g = 1 or</td>
<td>Evaluation by licensed MH specialist within last 90 days</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any F2a-g = 1 or Any F3a-c = 1 or E4aA &gt; 0 or</td>
<td>Group therapy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Resident-specific changes to environment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Indicators of depression</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>No indicators of psychosocial well-being</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any unsettled relationships</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Issues with past roles</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wandering in last 7 days</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NOTICE OF EMERGENCY AMENDMENTS

| E4bA > 0 or Verbally abusive in last 7 days |
| E4cA > 0 or Physically abusive in last 7 days |
| E4dA > 0 or Inappropriate or disruptive behavior in last 7 days |
| E4eA > 0 or Resisted care in last 7 days |
| J1e= 1 or Delusions |
| J1i = 1 Hallucinations |

Psychotropic Medication Monitoring

Documentation shall support that the facility followed the documentation guidelines as directed by 42 CFR 483.25(l), Unnecessary drugs (State Operations Manual tag F320).

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>O4a = 7 or Antipsychotic meds</td>
<td>5</td>
<td>2.5 RN</td>
<td>2.5 LPN</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>O4b = 7 or Antianxiety meds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>O4c = 7 or Antidepressant meds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>O4d= 7 Hypnotic meds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Psychiatric Services (Section S)

Documentation shall support the following for scoring psychiatric services (Section S).

1) There shall be evidence the resident met IDPH Subpart S criteria during the look-back period.

2) There shall be evidence a pre-admission screening completed by a Department of Human Services-Division of Mental Health screening entity was completed on the resident that identifies the resident as having a serious mental illness (SMI).

The following shall be used in coding ancillary provider services.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Ancillary provider services are services that are provided by direct non-facility psychiatric service providers in order to meet 77 Ill. Adm. Code 300, Subpart S requirements.

2) Psychiatric rehabilitation services that are provided by non-facility providers or an outside entity shall meet the needs of the SMI resident as determined by the resident's individual treatment plan.

3) Facilities shall ensure compliance with 77 Ill. Adm. Code 300.4050 when utilizing non-facility or outside ancillary providers.

4) Adjustments in the rate for utilization of ancillary providers shall be calculated based upon Department claims data for ancillary provider billing.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>S1 = 1 AND</td>
<td>Meets IDPH Subpart S criteria</td>
<td>6</td>
<td>1.5 RN</td>
<td>1.5 LPN</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>ADL Index = 4 AND</td>
<td>Activities of Daily Living Composite Score = 15-29</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>One or more of the following are coded M1c or Mld &gt;0 or</td>
<td>Stage 3 or stage 4 ulcers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K5b = 1 or K5a = 1 or Plab = 1 or J5c = 1 or Plaa = 1</td>
<td>Feeding tube</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td>Parenteral/IV</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td>Dialysis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td>End Stage Disease</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td>Chemotherapy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Plaj = 1 or Plal = 1 AND Psychiatric Services Level II, Level III, Level IV skills training, close and constant observation, dressing/grooming and other restorative, cognitive performance, dementia care unit and discharge planning reset to zero

<table>
<thead>
<tr>
<th></th>
<th>S1 = 1 AND</th>
<th>Meets IDPH Subpart S criteria</th>
<th>13</th>
<th>2.5 RN 2.5 LPN</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>S8 = 1 AND Dressing/grooming and other restorative, cognitive performance, and dementia care unit and discharge planning reset to zero</td>
<td>Ancillary provider services delivered by non-facility providers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>S1 = 1 AND</td>
<td>Meets IDPH Subpart S criteria</td>
<td>13</td>
<td>4.5 RN 4.5 LPN</td>
<td>20</td>
</tr>
</tbody>
</table>
## Skills Training – Section S

Skills training is specific methods for assisting residents who need, and can benefit from, this training to address identified deficits and reach personal and clinical goals. To qualify for reimbursement, the provision of skills training shall meet all of the following criteria.

1) Skills and capabilities shall be assessed with the use of a standardized skills assessment, a cognitive assessment and an assessment of motivational potential.
NOTICE OF EMERGENCY AMENDMENTS

The assessment of motivational potential will assist in determining the type and size of the group in which a resident is capable of learning.

2) Addresses identified skill deficits related to goals noted in the treatment plan.

3) Skills training shall be provided by staff who are paid by the facility and have been trained in leading skills group by a Department approved trainer.

4) Training shall be provided in a private room with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise and other distractions.

5) Training shall be provided in groups no larger than ten, with reduced group size for a resident requiring special attention due to cognitive, motivational or clinical issues, as determined by the skills assessment, cognition and motivational potential. Individual sessions can be provided as appropriate and shall be identified in the care plan.

6) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions. (Published skills modules developed for the SMI and Mental Illness/Substance Abuse (MISA) populations are available for use and as models.)

7) The curriculum shall address discrete sets of skills competencies, breaking skills down into smaller components or steps in relation to residents’ learning needs.

8) The specific written content shall provide the rationale for learning, connecting skill acquisition to resident goals.

9) Training shall employ skill demonstration/modeling, auditory and visual presentation methods, role-playing and skill practice, immediate positive and corrective feedback, frequent repetition of new material, practice assignments between training sessions (homework), and brief review of material from each previous session.

10) There shall be opportunities for cued skill practice and generalization outside session as identified in the care plan and at least weekly documentation relative to skill acquisition.
NOTICE OF EMERGENCY AMENDMENTS

11) Each training session shall be provided and attended in increments of a minimum of 30 minutes each (not counting time to assemble and settle) at least three times per week. Occasional absences are allowable, with individual coverage of missed material as necessary. However, on-going 1:1 training shall not qualify under this area.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>S7S5 = 1 AND S1 = 1</td>
<td>Skills training provided</td>
<td>6</td>
<td>6 RN 6 LPN</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Meets IDPH Subpart S criteria</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Close or Constant Observation – Section S

The following criteria shall be met for coding close or constant observation.

1) Coding of this item is intended only for interventions applied in response to the specific current significant need of an individual resident. This item shall not be coded for observation conducted as standard facility policy for all residents, such as for all new admissions, or as part of routine facility procedures, such as for all returns from the hospital, or as a part of periodic resident headcounts.

2) There shall be documentation for the reason for use, confirmation that the procedure was performed as coded, with staff initials at appropriate intervals, brief explanation of the resident’s condition and reason for terminating the observation.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>S5a-e ≥ 1 AND S1 = 1</td>
<td>Close or constant observation</td>
<td>6</td>
<td>2 RN 2 LPN</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Meets IDPH Subpart S criteria</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If close or constant observation is scored, acute medical conditions is reset to zero.

6) Dementia Services
Cognitive Impairment/Memory Assistance Services

Documentation shall support the following for scoring cognitive impairment/memory assistance services.

1) Description of the resident's short-term memory problems.

2) Method of assessing and determining the short-term memory problem shall be documented.

3) Description of the resident's ability to make everyday decisions about tasks or activities of daily living.

4) Description of the resident's ability to make himself or herself understood.

<table>
<thead>
<tr>
<th>Lev</th>
<th>CPS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>CPS = 2 AND S1 = 0</td>
<td>Cognitive performance scale of 2 Does not meet IDPH Subpart S criteria</td>
<td>6</td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>II</td>
<td>CPS = 3 or 4 AND S1 = 0</td>
<td>Cognitive performance scale is 3 or 4 Does not meet IDPH Subpart S criteria</td>
<td>16</td>
<td>3 RN</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>III</td>
<td>CPS = 5 or 6 AND S1 = 0</td>
<td>Cognitive performance scale is 5 or 6 Does not meet IDPH Subpart S criteria</td>
<td>21</td>
<td>5.5 RN</td>
<td>16</td>
<td>15</td>
</tr>
</tbody>
</table>

Cognitive Performance Scale Codes

<table>
<thead>
<tr>
<th>Scale</th>
<th>Description</th>
</tr>
</thead>
</table>
### Impairment Count for the Cognitive Performance Scale

<table>
<thead>
<tr>
<th>I code</th>
<th>MDS items</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>IC 1</td>
<td>B2a = 1</td>
<td>Memory problem</td>
</tr>
<tr>
<td>IC 2</td>
<td>B4 = 1 or 2</td>
<td>Some dependence in cognitive skills</td>
</tr>
<tr>
<td>IC 3</td>
<td>1 ≤ C4 ≤ 3</td>
<td>Usually understood to rarely or never understood</td>
</tr>
</tbody>
</table>

Note: None of B2a, B4, or C4 can be missing

### Severe Impairment Count for the Cognitive Performance Scale

<table>
<thead>
<tr>
<th>I code</th>
<th>MDS items</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIC 0</td>
<td>Below not met</td>
<td></td>
</tr>
<tr>
<td>SIC 1</td>
<td>B4 = 2</td>
<td>Moderately impaired in cognitive skills</td>
</tr>
<tr>
<td>SIC 2</td>
<td>C4 = 2 or 3</td>
<td>Sometimes understood to rarely or never understood</td>
</tr>
</tbody>
</table>

Note: None of B2a, B4, or C4 can be missing

### Cognitive Performance Scale

<table>
<thead>
<tr>
<th>Scale</th>
<th>MDS items</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coma</td>
<td>N1a = 0 and N1b = 0 and N1c = 0 and B1 = 1 and</td>
<td>Awake all or most of the time in the morning Awake all or most of the time in the afternoon Awake all or most of the time in the evening Is comatose</td>
</tr>
</tbody>
</table>
### Notice of Emergency Amendments

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>G1aA = 4 or 8 And G1bA = 4 or 8 And G1hA = 4 or 8 And G1iA = 4 or 8 And Not (B4 = 0,1, 2)</td>
<td>Bed-Mobility Self-Performance = total dependence or did not occur Transfer Self-Performance = total dependence or did not occur Eating Self-Performance = total dependence or did not occur Toilet Use Self-Performance = total dependence or did not occur Not have cognitive skills independent to moderately impaired</td>
</tr>
<tr>
<td>6 B4 = 3 And G1hA = 4 or 8</td>
<td>Cognitive skills severely impaired Eating Self-Performance = total dependence or did not occur</td>
</tr>
<tr>
<td>5 B4 = 3 And G1hA = - or ≤ 3</td>
<td>Cognitive skills severely impaired Eating Self-Performance = missing to extensive assistance</td>
</tr>
<tr>
<td>4 If IC code = 2 or 3 And SIC code = 2</td>
<td>Some dependence in cognitive skills Usually understood to rarely or never understood Sometimes understood to rarely or never understood</td>
</tr>
<tr>
<td>3 If IC code = 2 or 3 And SIC code = 1</td>
<td>Some dependence in cognitive skills Usually understood to rarely or never understood Moderately impaired in cognitive skills</td>
</tr>
<tr>
<td>2 If IC code = 2 or 3 And SIC code = 0</td>
<td>Some dependence in cognitive skills Usually understood to rarely or never understood Better than moderate cognition skills and usually can be understood</td>
</tr>
<tr>
<td>1 If IC code = 1</td>
<td>Memory problem</td>
</tr>
</tbody>
</table>

### Dementia Care Unit

Documentation shall support the following for scoring dementia care unit.

1) Unit was IDPH certified during the look-back period.
2) Resident resided in the unit during the look-back period.
3) Activity programming is planned and provided seven days a week for an average of eight hours per day.
4) If the resident has a CPS score of five, care planning shall address the resident's participation in the unit's activities.

5) If a particular resident does not participate in at least an average of four activities per day over a one-week period, the unit director shall evaluate the resident's participation and have the available activities modified and/or consult with the interdisciplinary team.

6) Staff's efforts to involve the resident.

7) Required assessments were completed on the resident.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>P1an = 1</td>
<td>Alzheimer's/Dementia special care unit</td>
<td>15</td>
<td>4 RN</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td>4 LPN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>I1q = 1 or</td>
<td>Alzheimer's Disease</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>I1u = 1</td>
<td>Dementia other than Alzheimer's</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>S1 = 0</td>
<td>Does not meet IDPH Subpart S criteria</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>CPS 2,3,4,5</td>
<td>CPS score</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td>Dementia care unit is IDPH certified</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7) Exceptional Care Services

Respiratory Services

Documentation shall support the following for scoring respiratory services.

1) A respiratory therapist shall evaluate the status of the resident at least monthly if the resident has a tracheostomy.
2) Respiratory therapy being provided 15 minutes a day shall be present in the clinical record for the look-back period.

3) Physician's order for the treatments.

4) Respiratory therapy in the record of the treatment and the times given by a qualified professional (respiratory therapist or trained nurse) as defined in the RAI Manual.

5) Suctioning, including type, frequency and results of suctioning.

6) Trach care, including type, frequency and description of the care provided.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>P1ai = 1 or P1aj = 1 or P1bdA = 7</td>
<td>Perform suctioning</td>
<td>5</td>
<td>15 RN 15 LPN</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administered trach care</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Respiratory therapy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>P1ai = 1 AND P1aj = 1 AND P1bdA &gt; 0</td>
<td>Performed suctioning</td>
<td>105</td>
<td>2422 RN 2422 LPN</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administered trach care</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Respiratory therapy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A $50.00 add-on cost will be applied to all residents receiving trach care.

**Ventilator Care**

Documentation shall support the following for scoring ventilator care.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) If the facility has residents receiving ventilator care, the facility shall have a respiratory therapist available at the facility or on call 24 hours a day.

2) A respiratory therapist shall evaluate and document the status of the resident at least weekly.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>P1a1 = 1</td>
<td>Receiving ventilator care</td>
<td>155</td>
<td>37.5</td>
</tr>
</tbody>
</table>

A $150.00 add-on cost shall be applied to all residents receiving ventilator care. The trach add-on cost shall not be included.

**Weaning From Ventilator**

Documentation shall be in place to support weaning from ventilator.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>P1a1 = 0 on current MDS AND P1a1 = 1 on previous MDS</td>
<td>Resident no longer on ventilator</td>
<td>5</td>
<td>15</td>
</tr>
</tbody>
</table>

Morbid Obesity

Documentation shall support the following for scoring morbid obesity.

1) A dietician's evaluation was completed with evidence of on-going consultation.

2) On-going monitoring of weight shall be evident.
3) The psychosocial needs related to weight issues shall be identified and addressed.

<table>
<thead>
<tr>
<th>Lev</th>
<th>MDS items</th>
<th>Description</th>
<th>Unl</th>
<th>Lic</th>
<th>SW</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>I3 = 278.01</td>
<td>ICD9 for morbid obesity is marked</td>
<td>1020</td>
<td>57.5</td>
<td>5</td>
<td>RN 57.5 LPN</td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K5e = 1</td>
<td>On a therapeutic diet</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>K5h = 1</td>
<td>On planned weight change program</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1aA = 3</td>
<td>Extensive assist</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1aB = 3</td>
<td>Requires 2+ assist with bed mobility</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1bA = 3</td>
<td>Extensive assist</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1bB = 3</td>
<td>Requires 2+ assist with transfers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1cA = 3</td>
<td>Extensive assist</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>G1cB = 3</td>
<td>Requires 2+ assist with walk in room</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P3d = 7</td>
<td>On bed mobility restorative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P3e = 7</td>
<td>On transfer restorative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>P3f = 7</td>
<td>On walking restorative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A $40.00 add-on shall be applied to all residents meeting the Morbid Obesity category.

**Complex Wounds**
Facilities shall follow documentation guidelines as directed by 42 CFR 483.25(c) (State Operations Manual tag F314). All documentation requirements listed in F314 shall be met.

There are no minutes assigned to this area. It is strictly a $15.00 add-on applied to residents meeting the following criteria.

<table>
<thead>
<tr>
<th>MDS item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>M1c or M1d ≥ 0</td>
<td>Presence of stage 3 or 4 PU</td>
</tr>
<tr>
<td>AND</td>
<td></td>
</tr>
<tr>
<td>M2a ≥ 0 or</td>
<td>Type of ulcer, pressure</td>
</tr>
<tr>
<td>M2b ≥ 0 AND</td>
<td>Type of ulcer, stasis</td>
</tr>
<tr>
<td>B1 = 1 or G1Aa = 3 or 4 or G1Ab = 3 or 4 AND</td>
<td>Comatose</td>
</tr>
<tr>
<td>any 3 of the follow:</td>
<td>Bed mobility (extensive)</td>
</tr>
<tr>
<td>ICD 9 codes of (260, 261, 262, 263.0, 263.1, 263.2, 263.8, 263.9)</td>
<td>Transfer (extensive)</td>
</tr>
<tr>
<td>ICD 9 585</td>
<td>ICD 9-Malnutrition</td>
</tr>
<tr>
<td>I1a = 1</td>
<td>Diabetic Mellitus</td>
</tr>
<tr>
<td>I1qq = 1</td>
<td>Renal Failure</td>
</tr>
<tr>
<td>I1j = 1</td>
<td>Peripheral vascular disease</td>
</tr>
<tr>
<td>I1x = 1</td>
<td>Paraplegia</td>
</tr>
<tr>
<td>I1z = 1</td>
<td>Quadriplegia</td>
</tr>
<tr>
<td>I1w = 1</td>
<td>Multiple Sclerosis</td>
</tr>
<tr>
<td>J5c = 1</td>
<td>End stage disease</td>
</tr>
<tr>
<td>H1a = 4</td>
<td>Incontinence of bowel</td>
</tr>
<tr>
<td>H1b = 4</td>
<td>Incontinence of bladder</td>
</tr>
<tr>
<td>J1c = 1</td>
<td>Dehydration</td>
</tr>
<tr>
<td>G6a = 1</td>
<td>Bedfast</td>
</tr>
<tr>
<td>J2a = 2</td>
<td>Pain daily</td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

| M3 = 1 | History of resolved ulcers |
| M5a = 1 and/or | Pressure relieving device/chair |
| M5b = 1 | Pressure relieving device/bed |
| M5c = 1 | Turn and position |
| M5d = 1 | Nutrition or hydration |
| M5e = 1 | Ulcer care |

Traumatic Brain Injury

Documentation shall support the following for scoring traumatic brain injury.

1) Psychological therapy shall be delivered by licensed mental health professionals as described in the RAI Manual.

2) A special symptom evaluation program shall be an on-going, comprehensive, interdisciplinary evaluation of behavioral symptoms as described in the RAI Manual.

3) Evaluation by a licensed mental health specialist in the last 90 days. This shall include an assessment of a mood, behavioral disorder or other mental health problems by a qualified clinical professional as described in the RAI Manual.

4) Care plan shall address the behaviors of the resident and the interventions used.

There are no minutes assigned to this area. It is strictly a $50.00 add-on applied to residents meeting the following criteria.

<table>
<thead>
<tr>
<th>MDS item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>I1cc = 1</td>
<td>Traumatic brain injury</td>
</tr>
</tbody>
</table>
NOTICE OF EMERGENCY AMENDMENTS

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1 = 0 AND S1 = 0 AND E4aA = 3 and E4 a B = 1 or E4bA = 3 and E4bB = 1 or E4cA = 3 and E4cB = 1 or E4dA = 3 and E4dB = 1 or E4eA = 3 and E4eB = 1 AND P1beA ≥ 1 AND P2a = 1 AND P2b = 1</td>
<td>Not comatose Does not meet Subpart S criteria Wandering daily and alterability Verbally abusive behavioral symptoms daily and alterability Physically abusive behavioral symptoms daily and alterability Socially inappropriate/disruptive behavioral symptoms daily and alterability Resists care daily and alterability Psychological therapy Special behavior symptom evaluation Evaluation by a mental health specialist in last 90 days</td>
</tr>
</tbody>
</table>

8) Special Patient Need Factors

There shall be documentation to support the deficits identified on the MDS in communication and vision problems.

**Communication**

<table>
<thead>
<tr>
<th>Count</th>
<th>MDS items</th>
<th>Description</th>
<th>Staff Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>C4 &gt; 0 or C6 &gt; 0</td>
<td>Deficit in making self understood Deficit in understanding others</td>
<td>1% of all staff time accrued in all categories from ADLs through Exceptional Care</td>
</tr>
</tbody>
</table>
Vision Problems

<table>
<thead>
<tr>
<th>Count</th>
<th>MDS Items</th>
<th>Description</th>
<th>Staff Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>D1 &gt; 0 or D2a = 1 or D2b = 1</td>
<td>Vision impaired to Severely impaired Decreased peripheral vision Experience halos around lights, light flashes</td>
<td>2% of all staff time accrued in all categories from ADLs through Exceptional Care</td>
</tr>
</tbody>
</table>

Accident/Fall Prevention

Documentation shall support the following for scoring accident/fall prevention.

1) The resident has the risk factor identified on the MDS.

2) The resident has been assessed for fall risks.

3) If the resident is identified as high risk for falls, interventions have been identified and implemented.

<table>
<thead>
<tr>
<th>Count</th>
<th>MDS Items</th>
<th>Description</th>
<th>Staff Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I1aa = 1 or O4a-d = 7 or H1b &gt; 0 or J1f = 1 or J4a = 1 or J4b = 1 or J1n = 1 or E4aA &gt; 0</td>
<td>Seizure disorder Medications Incontinent urine Dizziness Fell in past 30 days Fell in past 31-180 days Has unsteady gait Wandered in last 7 days</td>
<td>3% of all staff time accrued in all categories from ADLs through Exceptional Care</td>
</tr>
</tbody>
</table>
Restraint Free

There shall be documentation to support the previous use of a restraint and the resident response to the restraint. There shall be evidence that the restraint was discontinued.

<table>
<thead>
<tr>
<th>Count</th>
<th>MDS items</th>
<th>Description</th>
<th>Staff Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>P4c &gt; 1 or</td>
<td>In last assessment: Used trunk restraint daily in last 7 days</td>
<td>2% of all staff time accrued in all categories from ADLs through Exceptional Care</td>
</tr>
<tr>
<td></td>
<td>P4d &gt; 1 or</td>
<td>Used limb restraint daily in last 7 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P4e &gt; 1</td>
<td>Used chair that prevents rising daily in last 7 days</td>
<td></td>
</tr>
<tr>
<td>And</td>
<td>P4c = 0 and</td>
<td>Not used trunk restraint in last 7 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P4d = 0 and</td>
<td>Not used limb restraint in last 7 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td>P4e = 0</td>
<td>Not used chair that prevents rising in last 7 days</td>
<td></td>
</tr>
</tbody>
</table>

Activities

There shall be documentation to support the average time involved in activities.
### DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

**NOTICE OF EMERGENCY AMENDMENTS**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>( N_2 = 0 \text{ or } 1 ) AND ( )</td>
<td>Average time involved in activities</td>
<td>( )</td>
</tr>
<tr>
<td>Any of the following checked:</td>
<td>Bedfast all or most of the time</td>
<td>( )</td>
</tr>
<tr>
<td>( G_{6a} = 1 ) or</td>
<td>Sometimes too rarely understood</td>
<td>( )</td>
</tr>
<tr>
<td>( C_4 &gt; 1 ) or</td>
<td>Sometimes too rarely understands others</td>
<td>( )</td>
</tr>
<tr>
<td>( C_6 &gt; 1 ) or</td>
<td></td>
<td>( )</td>
</tr>
<tr>
<td>( E_{1o} &gt; 0 ) or</td>
<td>Withdrawal from activity</td>
<td>( )</td>
</tr>
<tr>
<td>( )</td>
<td>Age is 50 or younger at assessment reference date</td>
<td>( )</td>
</tr>
<tr>
<td>( AA_3 \leq 50 ) or</td>
<td>Reduced social interactions</td>
<td>( )</td>
</tr>
<tr>
<td>( E_{1p} &gt; 0 ) or</td>
<td>Any behavioral symptoms</td>
<td>( )</td>
</tr>
<tr>
<td>( E_{4a-eA} &gt; 0 ) or</td>
<td>Any limited ROM</td>
<td>( )</td>
</tr>
<tr>
<td>( G_{4b-dB} &gt; 0 ) OR</td>
<td></td>
<td>( )</td>
</tr>
<tr>
<td>( N_2 = 0 \text{ or } 1 ) AND ( )</td>
<td>Average time involved in activities</td>
<td>( )</td>
</tr>
<tr>
<td>( E_2 &gt; 0 ) AND</td>
<td>Mood persistence</td>
<td>( )</td>
</tr>
<tr>
<td>Condition</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>E1a &gt; 0 or</td>
<td>Negative statements</td>
<td></td>
</tr>
<tr>
<td>E1n &gt; 0 or</td>
<td>Repetitive physical movements</td>
<td></td>
</tr>
<tr>
<td>E4eA &gt; 0 or</td>
<td>Resists care</td>
<td></td>
</tr>
<tr>
<td>E1o &gt; 0 or</td>
<td>Withdraws from activity</td>
<td></td>
</tr>
<tr>
<td>E1p &gt; 0 or</td>
<td>Reduced social interaction</td>
<td></td>
</tr>
<tr>
<td>E1j &gt; 0 or</td>
<td>Unpleasant mood in morning</td>
<td></td>
</tr>
<tr>
<td>N1d = 1 or</td>
<td>Not awake all or most of the time</td>
<td></td>
</tr>
<tr>
<td>E1g &gt; 0 or</td>
<td>Statements that something terrible will happen</td>
<td></td>
</tr>
<tr>
<td>K3a = 1 or</td>
<td>Weight loss</td>
<td></td>
</tr>
<tr>
<td>(N1a,b,c \leq 1 AND B1 = 0)</td>
<td>Not awake all or most of the time</td>
<td></td>
</tr>
</tbody>
</table>

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 415, effective January 1, 2008, for a maximum of 150 days)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Number: 148.130
   Emergency Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date: January 1, 2008

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed with the Index Department: December 31, 2007

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The emergency amendment makes an adjustment to the hospital outlier calculation to allow for recognition of excessively costly outlier stays for children specialty providers to permit outliers on recipients up to the age of 18 versus currently up to age 6. It is estimated that this will result in an additional $4M to true children specialty providers.

10) Complete Description of the Subjects and Issues Involved: The emergency amendment makes an adjustment to the hospital outlier calculation to allow for recognition of excessively costly outlier stays for children specialty providers to permit outliers on recipients up to the age of 18 versus currently up to age 6. It is estimated that this will result in an additional $4M to true children specialty providers.

11) Are there any other emergency rulemakings pending on this Part? No

12) Statement of Statewide Policy Objectives: This emergency amendment neither creates nor expands any State mandate affecting units of local government.

13) Information and questions regarding this emergency amendment shall be directed to:

   Tamara Tanzillo Hoffman
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

The full text of the Emergency Amendment begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section
148.10 Hospital Services
148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section
148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.85 Supplemental Tertiary Care Adjustment Payments
148.90 Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95 Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100 Outpatient Rural Hospital Adjustment Payments
148.103 Outpatient Service Adjustment Payments
148.105 Psychiatric Adjustment Payments
148.110 Psychiatric Base Rate Adjustment Payments
148.112 High Volume Adjustment Payments
148.115 Rural Adjustment Payments
148.117 Outpatient Assistance Adjustment Payments
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.122 Medicaid Percentage Adjustments
148.126 Safety Net Adjustment Payments
148.130 Outlier Adjustments for Exceptionally Costly Stays

EMERGENCY
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

148.140 Hospital Outpatient and Clinic Services
148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991, Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments
148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payments (CHAP)
148.296 Tertiary Care Adjustment Payments
148.297 Pediatric Outpatient Adjustment Payments
148.298 Pediatric Inpatient Adjustment Payments
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions (Repealed)
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.368 Volume Adjustment (Repealed)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
(Repealed)
148.390 Hearings
148.400 Special Hospital Reporting Requirements
148.402 Medicaid Eligibility Payments
148.404 Medicaid High Volume Adjustment Payments
148.406 Intensive Care Adjustment Payments
148.408 Trauma Center Adjustment Payments
148.410 Psychiatric Rate Adjustment Payments
148.412 Rehabilitation Adjustment Payments
148.414 Supplemental Tertiary Care Adjustment Payments
148.416 Crossover Percentage Adjustment Payments
148.418 Long Term Acute Care Hospital Adjustment Payments
148.420 Obstetrical Care Adjustment Payments
148.422 Outpatient Access Payments
148.424 Outpatient Utilization Payments
148.426 Outpatient Complexity of Care Adjustment Payments
148.428 Rehabilitation Hospital Adjustment Payments
148.430 Perinatal Outpatient Adjustment Payments
148.432 Supplemental Psychiatric Adjustment Payments
148.434 Outpatient Community Access Adjustment Payments

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section
148.500 Definitions
148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section
148.600 Definitions
148.610 Scope of the Program
148.620 Assistance Level and Reimbursement
148.630 Criteria and Information Required to Establish Eligibility
148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

148.TABLE B   Bureau of Labor Statistics Equivalence
148.TABLE C   List of Metropolitan Counties by SMSA Definition


DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.130 Outlier Adjustments for Exceptionally Costly Stays

EMERGENCY

a) Outlier Adjustments. Outlier adjustments are provided for exceptionally costly stays provided by hospitals or distinct part units reimbursed on a per diem basis or hospitals reimbursed in accordance with Section 148.82(g).

b) The determination of those services qualified for an outlier adjustment shall be made as follows for services provided on and after October 1, 1992, and for each subsequent rate period, as defined in Section 148.25(g)(2)(B), for hospitals or distinct part units reimbursed on a per diem basis or hospitals reimbursed in accordance with Section 148.82(g):

1) The services must have been provided on or after October 1, 1992; and

2) The services must have been provided to:

   A) Children who have not attained the age of six years by hospitals defined by the Department as DSH hospitals under Section 148.120(a); or

   B) Infants who have not attained the age of one year by hospitals that do not meet the definition of a DSH hospital under Section 148.120(a); or.

   C) Provided on or after January 1, 2008, by a hospital devoted exclusively to the care of children as defined in 89 Ill. Adm.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Code 149.50(c)(3)(A), to children who have not attained the age of 19 on the date of admission.

3) Claims with total covered charges equal to or above the mean total covered charges plus one standard deviation shall be considered for outlier adjustments once the following calculations have been performed:

A) Total covered charges (less charges attributable to medical education) equal to or exceeding one standard deviation above the mean shall be multiplied by the hospital's cost to charge ratio.

B) The hospital's rate for services provided on the claim shall be multiplied by the number of covered days on the claim.

C) The product of subsection (3) (B) above shall be subtracted from the product of (A) above.

D) The difference of subsection (3) (C) above shall be multiplied by .25, the product of which shall be the outlier adjustment for the claim.

E) Third party payments (credits) shall be applied to the final payment made on the claim.

c) The determination of those services qualified for an outlier adjustment shall be made in accordance with 89 Ill. Adm. Code 149.105 for hospitals reimbursed on a per case basis.

d) Definition of terms relating to outlier adjustments are as follows:

1) "Base fiscal year" means the hospital's fiscal year cost report most recently audited by the Department.

2) "Cost to Charge Ratio" means the hospital's Medicaid total allowable cost for all care divided by the Medicaid total covered charges for all care. The Cost to Charge Ratio is derived by utilizing cost report data from the hospital's base fiscal year.

3) "Mean total covered charges" means the mean total covered charges (as
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

described in subsection (5) below), for services provided in the most recent state fiscal year for which complete information is available and which have been adjudicated by the Department, as follows:

A) For hospitals that do not meet the definition of a DSH hospital under Section 148.120(a) in the DSH determination year, the mean total covered charges for all claims for inpatient services provided to individuals under the age of one year; and

B) For hospitals defined by the Department as DSH hospitals under Section 148.120(a) in the DSH determination year, the mean total covered charges for all claims for inpatient services provided to individuals under the age of six years.

4) "Rate for services provided" means the inpatient rate in effect for the type of services provided.

5) "Total covered charges" means the amount entered on the UB-82 or UB-92 Uniform Billing Form for revenue code 001 in column 53 (Total Charges).

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days)
The emergency amendment makes an adjustment to the hospital outlier calculation. It is anticipated that this change will result in a savings to the Department of approximately $40M annually, (FY08 impact $10M). Further, this will result in less reimbursement to Illinois hospitals than anticipated under the current method. The proposed change is not predicted to be a net reduction in current funding levels and is only anticipated to slow the growth.

**Reason for Emergency:** The emergency amendment makes an adjustment to the hospital outlier calculation. It is anticipated that this change will result in a savings to the Department of approximately $40M annually, (FY08 impact $10M). Further, this will result in less reimbursement to Illinois hospitals than anticipated under the current method. The proposed change is not predicted to be a net reduction in current funding levels and is only anticipated to slow the growth.

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Emergency Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>152.150</td>
<td>Amendment</td>
</tr>
<tr>
<td>152.200</td>
<td>Amendment</td>
</tr>
</tbody>
</table>

**Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

**Effective Date:** January 1, 2008

**Date Filed with the Index Department:** December 31, 2007

A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

**Are there any other proposed rulemakings pending on this Part?** No

**Statement of Statewide Policy Objectives:** These emergency amendments neither create nor expand any State mandate affecting units of local government.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

13) Information and questions regarding these emergency amendments shall be directed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL, 62763-0002

217/557-7157

The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152
HOSPITAL REIMBURSEMENT CHANGES

Section
152.100 Reimbursement Add-on Adjustments (Repealed)
152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
EMERGENCY
152.200 Non-DRG Reimbursement Methodologies
EMERGENCY
152.250 Appeals (Repealed)


Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
EMERGENCY
a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes described in subsections (b) and (c) of this Section will be effective January 18, 1994.

b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).

c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect hereafter.

d) For hospital inpatient services rendered on or after July 1, 1995, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.

e) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 149 (DRG PPS), the changes described in this subsection (e) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 149.105 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

f) Notwithstanding the provisions of 89 Ill. Adm. Code 149, payment for outlier cases pursuant to 89 Ill. Adm. Code 149.105 shall be determined by using the following factors that were in effect on June 30, 1995:

1) The marginal cost factor (see 89 Ill. Adm. Code 149.5(c)(4)),

...
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

2) The Metropolitan Statistical Area (MSA) wage index (see 89 Ill. Adm. Code 148.120(b)),

3) The Indirect Medical Education (IME) factor (see 89 Ill. Adm. Code 148.260(a)(1)(B)(iv)),

4) The cost to charge ratio (see 89 Ill. Adm. Code 149.105(c)(3)), and

5) Outlier Threshold

A) For admissions on December 3, 2001 through June 30, 2005, the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.22.

B) For admissions on or after July 1, 2005 through June 30, 2006, the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.40.

C) For admissions on or after July 1, 2006 through December 31, 2007, the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.47.

D) For admissions on or after January 1, 2008, the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.64.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 529, effective January 1, 2008, for a maximum of 150 days)

Section 152.200 Non-DRG Reimbursement Methodologies

EMERGENCY

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes described in subsection (b) of this Section will be effective January 18, 1994.

b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(a), (c) and (d), in effect on January 18, 1994, less the portion of such rates attributed by the Department to the cost of medical education, shall remain in effect hereafter.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

c) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 148, Hospital Services, and 89 Ill. Adm. Code 146, Subpart A, Ambulatory Surgical Treatment Centers, the changes described in this subsection (c) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services and ambulatory surgical treatment services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 148.130 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

d) Notwithstanding the provisions of subsections (a), (b) and (c) of this Section, payment for outlier adjustments provided for exceptionally costly stays pursuant to 89 Ill. Adm. Code 148.130 shall be determined using the following factors:

1) For admissions on December 3, 2001 through June 30, 2005, a factor of 0.22 in place of the factor 0.25 described at 89 Ill. Adm. Code 148.130(b)(3)(D).

2) For admissions on or after July 1, 2005 through June 30, 2006, a factor of 0.20 in place of the factor 0.22 as described in subsection (d)(1) of this Section.

3) For admissions on or after July 1, 2006 through December 31, 2007, a factor of 0.18 in place of the factor 0.20 as described in subsection (d)(2)(i) of this Section.

4) For admissions on or after January 2, 2008, a factor of 0.17 in place of the factor 0.18 as described in subsection (d)(3) of this Section.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 529, effective January 1, 2008, for a maximum of 150 days)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Number: Emergency Action:
   153.125 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date: January 1, 2008

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: There is no expiration date.

7) Date Filed with the Index Department: December 31, 2007

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments are necessary to comply with SB 783, effective January 1, 2008. Support rates for nursing facilities will be computed using the most recent cost reports on file with the Department no later than April 1, 2005, updated for inflation to January 1, 2006. Also allows for the cost reports to be audited and adjusted accordingly.

10) Complete Description of the Subjects and Issues Involved: In accordance with SB 783, effective January 1, 2008, support rates for nursing facilities will be computed using the most recent cost reports on file with the Department no later than April 1, 2005, updated for inflation to January 1, 2006. Also allows for the cost reports to be audited and adjusted accordingly.

11) Are there any other proposed rulemakings pending on this Part? No

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.

13) Information and questions regarding this emergency rulemaking shall be directed to:

   Tamara Tanzillo Hoffman
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

The full text of the Emergency Amendment begins on the next page:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section
153.100 Reimbursement for Long Term Care Services
153.125 Long Term Care Facility Rate Adjustments
EMERGENCY
153.150 Quality Assurance Review (Repealed)


SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218,
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4740, effective March 18, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 6979, effective May 1, 2005; amended at 29 Ill. Reg. 12452, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 616, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified pursuant to Joint Committee on Administrative Rules Objection at 30 Ill. Reg. 7817, effective April 7, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10417, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11853, effective July 1, 2006, for a maximum of 150 days; emergency expired November 27, 2006; amended at 30 Ill. Reg. 14315, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 18779, effective November 28, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 6954, effective April 26, 2007; emergency amendment at 32 Ill. Reg. 535, effective January 1, 2008, for a maximum of 150 days.

Section 153.125 Long Term Care Facility Rate Adjustments

EMERGENCY

a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996 shall be increased by 6.8 percent for services provided on or after January 1, 1997.

b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, $1.10 shall also be added to the nursing component of the rate.

c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:

1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;

2) an additional increase of $3.00 per resident day for ICF/MR rates; and

3) an increase of $10.02 per person, per month for developmental training rates.
NOTICE OF EMERGENCY AMENDMENT

d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by $4.00 per resident day for services provided on or after October 1, 1999.

e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.

f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001 shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.

1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.

2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.

3) For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

4) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.

g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).

h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.

i) Notwithstanding the provisions set forth in Section 153.100, daily rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.

j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.

k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.

l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3.59 percent.

m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003 shall be increased by 4 percent.

n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004 shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the Department. This original lease information will be used to capitalize the oldest available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31, 1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs. After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.

p) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on January 1, 2005 will be 3.0 percent more than the rates in effect on December 31, 2004.

q) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates shall be increased by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations.

r) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on January 1, 2006 for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3 percent.

s) Notwithstanding the provisions set forth in Section 153.100, developmental training rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

22 years of age (SNF/Ped), effective on January 1, 2006 shall be increased by 3 percent.

t) Notwithstanding the provisions set forth in Section 153.100, for facilities that are federally defined as Institutions for Mental Disease (see Section 145.30), a socio-development component rate equal to 6.6% of the nursing component rate as of January 1, 2006 shall be established and paid effective July 1, 2006. This rate shall become a part of the facility's nursing component of the Medicaid rate. While this rate may be adjusted by the Department, the rate shall not be reduced.

u) Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the support component of the rates taking effect on January 1, 2008 shall be computed using the most recent cost reports on file with the Department of Healthcare and Family Services no later than April 1, 2005, updated for inflation to January 1, 2006.

1) Support rates taking effect on January 1, 2008, shall be adjusted based on audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590. The audited cost report data will be used to retroactively update the resulting support rate effective January 1, 2008, after the 45-day appeal period from Section 140.582(b) has passed.

2) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under this subsection (u) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 535, effective January 1, 2008, for a maximum of 150 days)
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) **Heading of the Part:** Child Support Enforcement

2) **Code Citation:** 89 Ill. Adm. Code 160

3) **Section Number:** 160.70  
   **Emergency Action:** Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) **Effective Date:** January 1, 2008

6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:** No expiration date

7) **Date Filed with the Index Department:** December 31, 2007

8) **A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

9) **Reason for Emergency:** The emergency rulemaking is necessary for the Department to be in compliance with statutory changes to Public Act 95-685. Public Act 95-685, specifically the administrative driver's license suspension portion being implemented January 2008, allows the Department's certification of past due support to the Illinois Secretary of State to administratively suspend driver's licenses. In excess of 32,000 Illinois cases may be eligible for the driver's license suspension process with the potential of $10 million in annual collections. It also authorizes the Department to work with municipalities by means of ordinances to immobilize and impound vehicles for non-payment of child support. Further it deletes the definition "qualified" as it relates to a child. As stated in the federal *Deficit Reduction Act of 2005,*

10) **Complete Description of the Subjects and Issues Involved:** The emergency rulemaking is necessary for the Department to be in compliance with statutory changes to Public Act 95-685. Public Act 95-685, specifically the administrative driver's license suspension portion being implemented January 2008, allows the Department's certification of past due support to the Illinois Secretary of State to administratively suspend driver's licenses. In excess of 32,000 Illinois cases may be eligible for the driver's license suspension process with the potential of $10 million in annual collections. It also authorizes the Department to work with municipalities by means of ordinances to immobilize and impound vehicles for non-payment of child support. Further it deletes the definition "qualified" as it relates to a child. As stated in the federal *Deficit Reduction Act of 2005,*
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

states may submit for offset any past-due support owed to any child, whether or not the child is a minor.

11) Are there any other rulemakings pending on this Part? Yes

Sections: Proposed Action: Illinois Register Citation:
160.70 Amendment 31 Ill. Reg. 16651; December 21, 2007

12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.

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

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL  62763-0002

217/557-7157

The full text of the Emergency Amendment begins on the next page:
NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
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
160.12 Administrative Accountability Process
160.15 Fees for IV-D Non-TANF 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 a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section
160.60 Establishment of Support Obligations
160.61 Uncontested and Contested Administrative Paternity and Support Establishment
160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program (Repealed)
160.64 Compromise of Assigned Obligations
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

160.70 Enforcement of Support Orders

EMERGENCY

160.71 Credit for Payments Made Directly to the Title IV-D Client
160.75 Withholding of Income to Secure Payment of Support
160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80 Amnesty – 20% Charge (Repealed)
160.85 Diligent Efforts to Serve Process
160.88 State Case Registry
160.89 Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section

160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section

160.95 State Disbursement Unit
160.100 Distribution of Child Support for TANF Recipients
160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130 Distribution of Intercepted Federal Income Tax Refunds
160.132 Distribution of Child Support for Non-TANF Clients
160.134 Distribution of Child Support For Interstate Cases
160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

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 TANF Recipients
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients


DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT


SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70  Enforcement of Support Orders

EMERGENCY

a) Definitions

1) The definitions contained in Section 160.60(a) are incorporated herein by reference.

2) "Qualified child" means a child who is a minor or who, while a minor, was determined to be disabled under Title II or XVI of the Social Security Act, and for whom a support order is in effect.

ab) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].

be) Federal and State Income Tax Refunds and Other Payments
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such relatives.

2) The Department shall submit past-due support amounts to:

A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:

i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than $150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of $150 for TANF, AFDC and Foster Care cases; however, amounts under this subsection (be)(2)(A)(i) may not be combined with amounts under subsection (be)(2)(A)(ii) to reach the minimum amounts required for submittal; and

ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a qualified child, or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than $500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of $500; however, amounts under this subsection (be)(2)(A)(ii) may not be combined with amounts under subsection (be)(2)(A)(i) to reach the minimum amounts required for submittal.

B) the Illinois Department of Revenue to intercept State income tax refunds and the Comptroller to intercept other State payments as follows:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or $150, whichever is less;

ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and

iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of such circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount that will be submitted for intercept;

C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:

   i) a redetermination by the Department or, after such redetermination,

   ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and

D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund which may be payable to that spouse, in the case of a joint
NOTICE OF EMERGENCY AMENDMENT

federal income tax return.

4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by requesting:

A) a hearing by the Department within 30 days from the date of mailing of the notice; or

B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.

6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.

7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

8) The Department shall notify:

A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;

B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;

C) the Illinois Department of Revenue of any deletion of an amount
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

submitted for State income tax refund and the Comptroller for other payment intercept or any significant decrease in the amount; and

D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

9) The Department shall:

A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and

B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion such refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

10) The Department shall as promptly as possible apply collections it receives as a result of intercept under this subsection (be) only against the past-due support amount specified in the advance notice provided the responsible relative pursuant to subsection (be)(3) of this Section and shall promptly apply:

A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and

B) other federal and State payments in accord with distribution provisions in Subpart F of this Part.

11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

A) amounts intercepted under this subsection (be) will be applied in accordance with Section 160.130;

B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.

cd) Unemployment Insurance Benefits

1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one-month support obligation.

2) The Department shall take the following action:

A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.

B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.

C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:

   i) the amount of the income withholding order; or

   ii) fifty percent of the Unemployment Insurance Benefit.

D) receive amounts deducted direct from DES.

E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

F) post each collection to the Department's payment record.

G) apply each collection to the current support obligation, then to past-due obligations.

H) provide a redetermination within 180 days from the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.

3) The Department of Employment Security shall take the following action:

A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.

B) pay all amounts deducted direct to the Department.

de) Contempt of Court and Other Legal Proceedings

1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one-month support obligation, except as set forth in subsection (de)(2) of this Section.

2) Contempt proceedings shall not be used in the following instances:

A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:

   i) receiving public assistance;
   
   ii) mentally or physically disabled;
   
   iii) incarcerated;
   
   iv) out-of-the-country;
   
   v) deceased; or
vi) otherwise situated making such action unproductive.

B) other legal or administrative remedies are more appropriate under the circumstances.

3) Contempt and other legal proceedings shall be used to:

A) establish the amount of past-due support;

B) obtain a judgment for purposes of:
   i) imposition of a lien against real estate,
   ii) levy upon real estate and personal property, or
   iii) registration in another state;

C) secure an order for lump sum or periodic payment of the past-due support or judgment;

D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;

E) obtain full or partial payment of past due support through incarceration;

F) ascertain the responsible relative's source and amount of income or location and value of assets;

G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;

H) secure other enforcement relief; and

I) obtain any combination of the above.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].

5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].

2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:

A) the past-due amount is at least $3,500; and

B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy, or memorandum of judgment in the county wherein the real estate is located, in accordance with law (see Article XII of the Code of
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Civil Procedure [735 ILCS 5/Art. XII]).

4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity which is not less than $3,500 in excess of any statutory exemption.

Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support

1) Liens against real estate

A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:

i) the amount of past-due support is at least $3,500; and

ii) the responsible relative has an interest in real estate against which a lien may be claimed.

B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:

i) the name and address of the responsible relative;

ii) a legal description of the real estate to be levied;

iii) the amount of past-due support to be satisfied by the levy;

iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and

v) the right to prevent action against the real property by
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.

C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (fg).

D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than $3,500 in excess of any statutory exemption.

2) Liens against personal property

A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:

i) the amount of past-due support is at least $1,000;

ii) the responsible relative has an interest in personal property against which a lien may be claimed; and

iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

at least $300.

B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or which may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:

i) the name and address of the responsible relative;

ii) a description of the account or personal property to be levied;

iii) the amount of past-due support to be satisfied by the levy;

iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;

v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and

vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

account or other personal property.

C) In addition to the information to be included in the Notice of Lien or Levy under subsection (fg)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:

i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];

ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit such assets within five days after being served with a Notice to Surrender Assets by the Department;

iii) state that the financial institution may charge the responsible relative's account a fee of up to $50, and that the amount of any such fee be deducted from the account before remitting any assets from the account to the Department; and

iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy.

D) The form for the response to Notice of Lien or Levy provided for under subsection (fg)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:

i) the amount of assets in the responsible relative's account;

ii) the amount of the fee to be deducted from the account;

iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
iv) the name and address of any joint owners of the account; and

v) the amount of assets surrendered and remitted to the Department.

E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (fg).

F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.

H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.

I) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions such data that does not relate to
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

a responsible relative whose personal property may be subject to
lien or levy under this subsection (fg).

gh) Security, Bond or Other Guarantee of Payment

1) Except as provided in subsections (gh)(2) and (3) of this Section, the
Department shall require, or through its legal representative shall request
the court to require, a responsible relative to post security, bond, or give
some other guarantee of a character and amount sufficient to assure
payment of any amount due under a support order in IV-D cases, pursuant
to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].

2) In cases in which the support obligation is established through the
administrative process contained in Section 160.60, the notice of support
obligation provided to the responsible relative shall indicate that the
Department may require the relative to post security, bond or give some
other guarantee of payment. Except where the responsible relative is
subject to income withholding, the administrative support order shall
contain this requirement in an amount equal to a one year support
obligation.

3) In acting upon a referral to establish a support obligation or to enforce an
existing order for support, Department legal representatives shall include
in the complaint or petition a prayer for an order requiring the responsible
relative to post security, bond, or give some other guarantee of payment
equal to a one year support obligation, unless the relative is subject to the
income withholding provisions of the support statutes.

hi) Past-Due Support Information to Consumer Reporting Agencies

1) The Department shall report the following information concerning
responsible relatives in IV-D cases to consumer reporting agencies when
the amount of past-due support is or exceeds that required for intercepting
federal income tax refunds as provided in subsection (be)(2)(A) of this
Section:

A) the name, last known address and Social Security Number of the
responsible relative; and

B) the terms and amount of past-due support that has accumulated
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount that will be reported;

C) the date past-due support will be reported; and

D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) 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 15 days from the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

A) a request for:

   i) a redetermination, or

   ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or

B) payment in full of the amount of the past-due support stated in the:

   i) advance notice, or
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

   ii) notice of redetermination or hearing results.

   6) The Department shall advise consumer reporting agencies of changes in
   the amount of past-due support found to be owed as a result of a
   redetermination or hearing conducted after report to such agencies.

   ij) High-Volume Automated Administrative Enforcement in Interstate Cases

   1) The Department shall use high-volume automated administrative
      enforcement, to the same extent as used for intrastate cases, in response to
      a request of another state to enforce support orders, and shall promptly
      report the results of such enforcement activity to the requesting state.

   2) High-volume automated administrative enforcement means that, upon a
      request of another state, the Department shall identify, through automated
      data matches with financial institutions and other entities, where assets
      may be found of persons who owe child support in other states, and seize
      such assets through levy or other appropriate processes.

   3) The Department may, by electronic or other means, transmit to another
      state a request for assistance in a case involving the enforcement of a
      support order. The request shall:

      A) Include such information that will enable the state to which the
         request is transmitted to compare the information about the case to
         the information in the databases of that state.

      B) Constitute a certification by the Department of the amount of
         support owed and that the Department has complied with all
         procedural due process requirements applicable to each case.

   4) If the Department provides assistance to another state pursuant to this
      Section with respect to a case, neither state shall consider the case to be
      transferred to the caseload of such other state.

   5) The Department shall maintain records of:

      A) The number of such requests for assistance received by the
         Department.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

B) The number of cases for which the Department collected support in response to such a request and the actual amount of such support collected.

Past-Due Support Certified to the Illinois Department of Revenue, to municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State

1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Illinois Public Aid Code [305 ILCS 5/10-17.9]), to municipalities with ordinances to immobilize and impound vehicles for non-payment of child support (See Section 10-17.3 of the Illinois Public Aid Code [305 ILCS 5/10-17.3]), or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.

2) The Department may certify past-due support amounts to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:

   A) past-due support is owed for a child or for a child and the parent with whom the child is living;

   B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;

   C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and

   D) the responsible relative is not deceased.

3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

A) the IV-D case name and identification number;

B) the past-due support amount that will be submitted for collection;

C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and

D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

4) Factors for a satisfactory repayment plan will include, but are not limited to:

A) the amount of past-due support owed;

B) the amount to be paid toward the past-due amount;

C) the amount of current child support obligations; and

D) the individual's ability to pay.

5) The Department shall provide the Illinois Department of Revenue, or municipalities, or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:

A) name;

B) Social Security Number;

C) IV-D identification number; and

D) the past-due support amount.

6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities, or to the IV-D agency of another state for administrative enforcement in the
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

other state.

7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest such results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities, or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.

9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.

10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

11) The Department shall:

A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or

B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

kl) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports

1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

Services for denial of passports when the amount of past-due support exceeds $2,500:

A) the name, last known address and Social Security Number of the responsible relative; and

B) the terms and amount of past-due support that has accumulated under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount that will be certified;

C) the date past-due support will be certified; and

D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification 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 15 days after the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:

A) a request for:

i) a redetermination, or
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or

B) payment in full of the amount of the past-due support stated in the:

i) advance notice, or

ii) notice of redetermination or hearing results.

6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

i)m) List of Responsible Relatives

1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1] shall be developed as required by this subsection (i)m).

2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing $5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:

A) the name of the responsible relative;

B) the responsible relative's last known address; and

C) the amount of past-due support as of a given date, expressed within a range (for example, $50,000-$100,000), that has accumulated under the support order.

3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.

4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

to publishing past-due support information. The advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount as of a given date;

C) the earliest date by which past due support information will be published;

D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and

E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.

5) Factors for a satisfactory payment plan will include, but are not limited to:

A) the amount of past-due support owed;

B) the amount to be paid toward the past-due support;

C) the amount of the current support obligation(s); and

D) the responsible relative's ability to pay.

6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.

7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:

A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.

m) Certification of Past-Due Support to the Illinois Secretary of State for Driver's License Suspension

1) The Department shall issue a Notice of Intent to Request Suspension of an Illinois Driver's License to a responsible relative in accordance with Section 10-17.6 of the Illinois Public Aid Code [305 ILCS 5/10-17.6] and Section 7-702 of the Illinois Vehicle Code [625 ILCS 5/7-702], when the following circumstances exist:

A) the amount of past-due support is at least $2500;

B) the responsible relative has not made a voluntary payment in the last 90 days.

2) The Notice of Intent to Request Suspension of an Illinois Driver's License shall contain the following:

A) the name and address of responsible relative;

B) the responsible relative's Recipient Identification Number;

C) the responsible relative's Driver's License Number;

D) the amount of past-due support, including interest;

E) the fact that the responsible relative's name will be referred to the Secretary of State for suspension of the driver's license if the responsible relative fails to contact the Department within 15 days of the mailing date of Notice;

F) the right of the responsible relative to prevent certification for the license suspension by payment of the past-due support amount in full or to contest the amount of past-due support that is owed by requesting a hearing within 15 days after the date of mailing by the Department.
3) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Suspension of an Illinois Driver's License shall stay the Department from certifying past-due support to the Secretary of State.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

n) Debit Authorization for Obligors Who Are Not Subject to Income Withholding

1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the State Disbursement Unit to debit the obligor's financial institution account periodically in an amount equal to the amount of the child support obligation.

2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.

3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.

4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in which a child support payment is to be debited and transferred to the State Disbursement Unit.

5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.

o) Other Remedies
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days)
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Employee Classification

2) Code Citation: 56 Ill. Adm. Code 240

3) Section Numbers: 
   Emergency Action:
   240.100   New Section
   240.110   New Section
   240.120   New Section
   240.130   New Section
   240.140   New Section
   240.200   New Section
   240.210   New Section
   240.220   New Section
   240.230   New Section
   240.300   New Section
   240.310   New Section
   240.320   New Section
   240.400   New Section
   240.410   New Section
   240.500   New Section
   240.510   New Section
   240.520   New Section
   240.530   New Section
   240.540   New Section
   240.550   New Section
   240.560   New Section
   240.570   New Section

4) Statutory Authority: The Employee Classification Act [820 ILCS 185]

5) Effective Date of Rule: December 27, 2007

6) If this emergency rule is to expire before the end of the 150-day period, please specify the
date on which it is to expire: This emergency rule will expire at the end of the 150-day
period or upon adoption of permanent rules, whichever comes first.

7) Date Filed with the Index Department: December 27, 2007
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: New legislation was signed into law requiring the Department to adopt rules to implement the provisions of the Employee Classification Act [820 ILCS 185], effective January 1, 2008. Section 65 of the Act provides that the Department may implement emergency rules in order to administer the Act as the General Assembly found emergency rules are necessary for the public interest and welfare.

10) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking implements provisions of Public Act 95-26, the Employee Classification Act (Act). The intent and purpose of the Act is to address the practice in the construction industry of contractors misclassifying individuals as independent contractors in order to avoid payroll taxes, unemployment insurance contributions, workers' compensation premiums and minimum wage and overtime payments. The Act sets forth the Department's enforcement authority as well as penalties for violations of the Act. Section 65 of the Act gives the Department the authority to promulgate rules necessary to administer and enforce the Act.

11) Are there any proposed rulemakings to this Part pending? No

12) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

13) Information and questions regarding this rule shall be directed to:

Carmela Gonzalez
Illinois Department of Labor
160 No. LaSalle Street, 13th Floor
Chicago, IL 60601

Telephone: 312/793-1808
Facsimile: 312/793-5257

The full text of the Emergency Rules begins on the next page:
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 240
EMPLOYEE CLASSIFICATION

SUBPART A: GENERAL PROVISIONS

Section
240.100 Purpose and Scope
EMERGENCY
240.110 Definitions
EMERGENCY
240.120 Application of the Act
EMERGENCY
240.130 Jurisdiction
EMERGENCY
240.140 Waivers
EMERGENCY

SUBPART B: COMPLAINTS

Section
240.200 Persons Who May File a Complaint
EMERGENCY
240.210 Contents and Filing of a Complaint
EMERGENCY
240.220 Review of Complaints and Dismissals
EMERGENCY
240.230 Incomplete Complaint
EMERGENCY

SUBPART C: INVESTIGATION PROCEDURES

Section
240.300 Investigation
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

EMERGENCY
240.310 Fact-Finding Conference
EMERGENCY
240.320 Independent Contractor Test
EMERGENCY

SUBPART D: RECORD KEEPING AND NOTICE REQUIREMENTS

Section
240.400 Record Keeping
EMERGENCY
240.410 Notices
EMERGENCY

SUBPART E: FINAL DETERMINATIONS

Section
240.500 Decision and Notice Following Investigation
EMERGENCY
240.510 Remedies Upon Finding of a Violation
EMERGENCY
240.520 Civil Penalties
EMERGENCY
240.530 Debarments
EMERGENCY
240.540 Willful Violations
EMERGENCY
240.550 Waivers
EMERGENCY
240.560 Retaliation
EMERGENCY
240.570 Referral to Other Agencies
EMERGENCY

AUTHORITY: Implementing and authorized by the Employee Classification Act [820 ILCS 185].
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

SOURCE: Emergency rule adopted at 32 Ill. Reg. 574, effective December 27, 2007, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 240.100 Purpose and Scope

EMERGENCY

a) The Act addresses the practice in the construction industry of contractors misclassifying individuals as independent contractors in order to avoid payroll taxes, unemployment insurance contributions, workers' compensation premiums and minimum wage and overtime payments. This practice of misclassification puts contractors that comply with tax and employment laws at a competitive disadvantage.

b) For purposes of ensuring that contractors comply with tax and employment laws, the Department of Labor, the Department of Employment Security, the Department of Revenue and the Illinois Workers' Compensation Commission shall cooperate by sharing information concerning any suspected misclassification of employees as independent contractors.

Section 240.110 Definitions

EMERGENCY

"Act" means the Employee Classification Act [820 ILCS 185].

"Construction" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site to or from the job site.
"Contractor" means any sole proprietor, partnership, firm, corporation, limited liability company, association or other legal entity permitted by law to do business within the State of Illinois who engages in construction as defined in the Act. Contractor includes a general contractor and a subcontractor.

"Department" means the Department of Labor.

"Director" means the Director of the Department of Labor or an authorized representative.

"Employer" means any contractor that employs individuals deemed employees under Section 10 of the Act; however, "employer" does not include:

the State of Illinois or its officers, agencies, or political subdivisions; or

the federal government.

"Entity" means any contractor for which an individual is performing services and is not classified as an employee under Section 10 of the Act; however, "entity" does not include:

the State of Illinois or its officers, agencies, or political subdivisions; or

the federal government.

"Individual performing services" does not include a bona fide corporation. In determining whether a corporation is bona fide, the Department may consider, among other factors, whether:

the corporation is capitalized;

the corporation has issued corporate stock;

the corporation maintains a corporate bank account;

there is an intermingling of corporate and personal accounts or funds;

the corporation holds itself out as a corporation;
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

the corporation maintains corporate books and records, including corporate meeting minutes and corporate tax returns that are current and complete; or

Articles of Incorporation have been filed, in the case of Illinois corporations, with the Secretary of State or, in the case of foreign corporations, as directed by the laws of that jurisdiction.

"Interested party" means a person with an interest in compliance with the Act.

"Performing services" means the performance of any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, water works, parking facility, railroad, excavation or other structure, project, development, real property or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to, or fabrication into, any structure, project, development, real property or improvement herein described of any material or article of merchandise. Construction shall also include moving construction related materials on the job site to or from the job site. [820 ILCS 185/5]

"Permitted by law to do business within the State of Illinois" means located, operating or transacting business within the State of Illinois.

"Person with an interest in compliance with the Act" means a contractor, as defined in the Act; an individual performing services for a contractor; or a third party representing a contractor or an individual performing services for a contractor, but does not include the Department of Labor.

Section 240.120 Application of the Act

EMERGENCY

a) Any individual performing services for a contractor on or after January 1, 2008 is covered by the Act.
b) Any construction project that began prior to the effective date of the Act but continues after January 1, 2008 is covered by the Act. The misclassification of an employee as an independent contractor prior to January 1, 2008 shall not serve as the basis for a violation under the Act.

Section 240.130 Jurisdiction

The Act covers public and private construction performed in the State of Illinois.

Section 240.140 Waivers

There shall be no waiver of any provision of the Act.

SUBPART B: COMPLAINTS

Section 240.200 Persons Who May File a Complaint

Any individual or interested party, including the Department, may file a complaint alleging a violation of the Act.

Section 240.210 Contents and Filing of a Complaint

A complaint shall be filed on a form to be supplied by the Department. A complaint should be in such detail as to substantially apprise the Department of the dates, locations and facts with respect to the alleged violation of the Act. Each complaint shall contain the following information:

1) the full name and address of the complainant;
2) the full name and address of the contractor;
3) a statement or reflection of the complainant's basis of knowledge of the essential facts constituting the alleged violation, including the dates and locations of the alleged violation and the nature of the contractor's business;
4) the complainant's signature, including date of signing; and

5) a statement as to any other action, civil or criminal, instituted by the complainant or that the complainant has knowledge of, in any other forum based on the same violation as alleged in the complaint, together with a statement as to the status or disposition of the other action.

b) Complaints must be filed within 180 days from the date of the alleged violation.

c) Any complaint that fails to meet the requirements set forth in subsection (a) of this Section may be accepted by the Director if it otherwise contains the information determined by the Director to be necessary for a proper investigation and review of the alleged violation contained in the complaint.

d) All complaints shall be delivered by U.S. mail or personal delivery to the Department's Springfield office and will be considered filed upon receipt. Complaints shall not be accepted by facsimile or other electronic transmission.

Section 240.220 Review of Complaints and Dismissals

EMERGENCY

a) Complaints shall be reviewed by the Department to determine whether there is cause for investigation.

b) If the complaint fails to conform to the requirements set forth in Section 240.210, the complaint may be dismissed.

c) A complaint may also be dismissed for lack of jurisdiction, failure to cooperate with the investigation, inability to locate a party, failure to complete a complaint, lack of evidence that a violation under the Act occurred or repeat complaints filed by the same interested party against the same contractor for the same investigation.

d) The Department shall serve a written notice of dismissal of all or part of a complaint. The dismissal notice shall state the grounds for dismissal. The dismissal notice shall also advise the parties of the right to bring a private action pursuant to Section 60 of the Act.
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

e) If at any time the Department becomes aware that there is a complaint pending in federal or State court containing some or all of the issues before the Department, it may suspend or close its investigation of those issues of the complaint that are being litigated and continue to process the remaining issues. The Department shall notify all parties in writing if its investigation of a complaint has been suspended or closed.

Section 240.230 Incomplete Complaint
EMERGENCY

If the Department receives a written complaint that complies substantially with Section 240.210 but is lacking an element that still must be provided, the Department may accept the complaint as an incomplete complaint. The Department shall notify the complainant in writing of the element that must be supplied. If the complainant fails or refuses to perfect the complaint within 30 calendar days, the complaint may be dismissed pursuant to Section 240.220.

SUBPART C: INVESTIGATION PROCEDURES

Section 240.300 Investigation
EMERGENCY

The Department shall conduct an investigation to ascertain the facts relating to the violation alleged in the complaint and determine whether a violation under the Act has occurred. The investigation may be made by written or oral inquiry, field visit, conference or any method or combination of methods deemed suitable in the discretion of the Department.

a) During the investigation, if a contractor refuses to cooperate, the Department may make a finding that the Act has been violated. A contractor's refusal to cooperate with the Department's investigation shall constitute evidence that the contractor has violated the Act.

b) Complainants must provide the Department a notice of address change, telephone change or any prolonged absence from the current address so that the Department can fully investigate the complaint. All complainants must cooperate with the Department, provide necessary information and be available for interviews and conferences upon reasonable notice or request by the Department. If a complainant cannot be located or does not respond to reasonable requests by the Department, the Department may dismiss the individual from the complaint pursuant to Section 240.220.
c) The Department may investigate alleged violations for up to five years preceding the date the complaint was filed; however, in no instance shall the Department investigate complaints for alleged violations that occurred prior to January 1, 2008.

d) Before making a final determination of a violation, the Department shall notify the contractors of the substance of the Department's investigation and afford the contractors an opportunity to present any written information, within 15 calendar days, for the Department to consider in reaching its determination.

Section 240.310 Fact-Finding Conference

EMERGENCY

As part of its investigation, the Department may convene a fact-finding conference in person or by telephone for the purpose of obtaining additional information or evidence, identifying the issues in dispute, ascertaining the positions of the parties and exploring the possibility of settlement. The fact-finding conferences will be limited to those issues the Department believes to be relevant.

a) Notice of the conference shall be given to all parties at least 10 calendar days prior to the conference and shall identify the individuals requested to attend on behalf of each party.

b) A party may be accompanied at a fact-finding conference by the party's attorney or other representative and by a translator if necessary.

c) A Department investigator shall conduct the conference and control the proceedings. No tape recordings, stenographic report or other verbatim record of the conference shall be made. If any person fails to cooperate at the conference and becomes so disruptive or abusive that a full and fair conference cannot be conducted, the Department investigator shall exclude the person from the conference.

d) A party who appears at the conference exclusively through an attorney or other representative unfamiliar with the events at issue shall be deemed to have failed to attend, unless, with respect to a contractor, the contractor establishes that it does not employ or control any person with knowledge of the events at issue. A complainant who fails to attend a fact-finding conference may be dismissed from
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

the complaint pursuant to Section 240.220. A contractor's failure to attend a fact-finding conference shall constitute evidence that the contractor has violated the Act.

Section 240.320 Independent Contractor Test

EMERGENCY

a) An individual performing services for a contractor is deemed to be an employee unless the individual meets all three conditions in Section 10(b)(1), (2) and (3) of the Act or the individual is a sole proprietor or partnership and meets all 12 conditions in Section 10(c) of the Act.

b) "Control" means the existence of general control or right to general control, even though the details of the work are left to an individual's judgment.

c) "Usual course of services" means that the services rendered by the individual are necessary to the contractor's business and not simply incidental to the business. The fact that the services are customarily or routinely provided by an individual is not dispositive of the issue of whether the services are actually necessary to the contractor's business. In addition, if a task is performed by both a contractor's employees as well as its independent contractors, the task is considered to be in the usual course of the contractor's services.

d) "An independently established trade, occupation, profession or business" means the individual performing the services has a proprietary interest in such business, to the extent that the individual operates the business without hindrance from any other person and, as the enterprise's owner, may sell or otherwise transfer the business.

e) An individual may be an employee without being entirely dependent upon the relationship with a specified contractor for the individual's livelihood. An individual engaged in other occupations may be an employee of a specified contractor even though the individual only worked intermittently or part time.

f) In determining whether an individual performing services for a contractor is an employee of the contractor, the Department shall consider the actual, rather than the alleged, relationship between the two. Designations and terminology used by the parties, as well as the individual's status for tax purposes, are not controlling.
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

SUBPART D: RECORD KEEPING AND NOTICE REQUIREMENTS

Section 240.400 Record Keeping

EMERGENCY

a) Contractors shall maintain records for all individuals performing services for the contractor, regardless of whether those individuals are classified as employees, independent contractors, sole proprietors or partnerships, for a period of five years.

b) Records to be maintained by the contractor shall include all documents related to, or tending to establish the nature of, the relationship between the contractor and individuals performing services. Records that must be maintained for each individual performing services for the contractor include, but are not limited to:

1) their names, addresses, phone numbers, Social Security numbers, Individual Tax Identification Numbers and Federal Employer Identification Numbers;

2) the type of work performed and the total number of days and hours worked;

3) the method, frequency and basis on which wages were paid or payments were made;

4) all invoices, billing statements or other payment records, including the dates of payments, and any miscellaneous income paid or deductions made;

5) copies of all contracts, agreements, applications and policy or employment manuals; and

6) any federal and State tax documents or other information the Department deems relevant or necessary.

Section 240.410 Notices

EMERGENCY
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

a) An entity for whom one or more individuals perform services who are not classified as employees under Section 10 of the Act shall post and keep posted, in a conspicuous place on each job site where those individuals perform services and in each of its offices, a notice in English, Spanish and Polish, prepared by the Department, summarizing the requirements of the Act. [820 ILCS 185/15(b)]

b) Where it is not practicable to post a notice on the job site, notices shall be provided to all individuals performing services who are not classified as employees.

SUBPART E: FINAL DETERMINATIONS

Section 240.500 Decision and Notice Following Investigation

EMERGENCY

a) If, at the conclusion of an investigation, the Department determines that no violation of the Act or this Part has occurred, the complaint shall be dismissed.

b) If, at the conclusion of the investigation, the Department determines that a violation of the Act or this Part has occurred, the Department may seek remedies as set forth in Section 240.510.

c) Whenever a decision is made under this Section, the Department shall provide a written notice to all parties. The notice shall include a statement of the right to bring a civil action as provided for in Section 60 of the Act.

d) The Department will seek voluntary compliance by the contractor for any violations of the Act. If the contractor fails to pay the penalties or comply with the remedies specified in the notice within 30 calendar days, the Department may refer the matter to the Attorney General for enforcement.

Section 240.510 Remedies Upon Finding of a Violation

EMERGENCY

When the Department concludes, based upon its investigation, that a violation of the Act or this Part has occurred, the Department may:

a) Seek a voluntary settlement agreement that eliminates the unlawful practice and provides appropriate relief;
DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

b) Recommend the commencement of a civil action;

c) Issue a cease and desist order;

d) Assess civil penalties as set forth in Section 40 of the Act;

e) Collect the amount of any wages, salary, employment benefits or compensation
denied or lost to the individual;

f) Place the contractor on the debarment list pursuant to Section 42 of the Act;

and/or

g) Take any other reasonable action to eliminate the unlawful practice and/or remedy
the effect of the violation.

Section 240.520 Civil Penalties

A contractor that violates any of the provisions of the Act or this Part shall be
subject to a civil penalty not to exceed $1,500 for each violation found in the first
audit by the Department. Following a first audit, a contractor shall be subject to a
civil penalty not to exceed $2,500 for each repeat violation found by the
Department within a five-year period.

b) Each violation of the Act, for each person and for each day the violation
continues, shall constitute a separate and distinct violation.

Section 240.530 Debarments

For any second or subsequent violations determined by the Department within five years after a
previous violation, the Department shall add the contractor to a debarment list that will be posted
on its official website. The Department shall give notice to the contractor of its placement on the
list. No State contract shall be awarded to any contractor placed on the debarment list until four
years have elapsed from the date of the last violation.

Section 240.540 Willful Violations

For any second or subsequent violations determined by the Department within five years after a
previous violation, the Department shall add the contractor to a debarment list that will be posted
on its official website. The Department shall give notice to the contractor of its placement on the
list. No State contract shall be awarded to any contractor placed on the debarment list until four
years have elapsed from the date of the last violation.
Any contractor or individual who willfully violates the Act or this Part, or obstructs the Director of Labor or his or her representatives in the enforcement of the Act, shall be subject to penalties up to double the statutory amount, punitive damages, and/or criminal penalties as set forth in Section 45 of the Act.

Section 240.550 Waivers
EMERGENCY

Anyone attempting to induce an individual to waive any provision of the Act shall be guilty of a Class C misdemeanor.

Section 240.560 Retaliation
EMERGENCY

A contractor shall not retaliate against any person for exercising his/her rights under the Act. Any such retaliation shall subject the contractor to civil penalties, a private cause of action, or both, as set forth in Section 55 of the Act.

Section 240.570 Referral to Other Agencies
EMERGENCY

If the Department of Labor determines that a contractor has misclassified individuals as independent contractors in violation of the Act, the Department shall notify the Department of Employment Security, the Department of Revenue, the Office of the State Comptroller, and the Illinois Workers' Compensation Commission as set forth in Section 75 of the Act.
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: Proposed Action:
   125.280  Amendment
   125.400  Amendment

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute that Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 70 FR 33803

5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]

6) Effective Date: January 1, 2008

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 and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

   The Food Safety and Inspection Service (FSIS) is amending the federal meat and poultry products inspection regulations to establish a general definition and standard of identity for standardized meat and poultry products that have been modified to qualify for use of an expressed nutrient content claim in their product names. These products will be identified by an expressed nutrient content claim, such as "fat free", "low fat" and "light", in conjunction with an appropriate standardized term, e.g., "low fat bologna". FSIS is taking this action to: assist consumers in maintaining healthy dietary practices by providing for modified versions of standardized meat and poultry products having reductions of certain constituents that are of health concern to some consumers, such as fat, cholesterol and sodium; increase regulatory flexibility and support product innovation; and provide consumers with an informative nutrition labeling system.

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

9) Date Filed with the Index Department: December 31, 2007
NOTICE OF PEREMPTORY AMENDMENTS

10) A copy of the peremptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

11) These peremptory amendments are in compliance with Section 5-150 of the Illinois Administrative Procedure Act.

12) Are there any other proposed rulemakings pending on this Part? No

13) Statement of Statewide Policy Objective: These peremptory amendments do not affect units of local government.

14) Information and questions regarding these peremptory amendments shall be directed to:

   Linda Rhodes  
   Department of Agriculture  
   State Fairgrounds, P.O. Box 19281  
   Springfield IL 62794-9281

   Telephone: 217/785-5713  
   Facsimile: 217/785-4505

The full text of the Peremptory Amendments begins on the next page:
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

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

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>125.10</td>
<td>Definitions</td>
</tr>
<tr>
<td>125.20</td>
<td>Incorporation by Reference of Federal Rules</td>
</tr>
<tr>
<td>125.30</td>
<td>Application for License; Approval</td>
</tr>
<tr>
<td>125.40</td>
<td>Official Number</td>
</tr>
<tr>
<td>125.50</td>
<td>Inspections; Suspension or Revocation of License</td>
</tr>
<tr>
<td>125.60</td>
<td>Administrative Hearings; Appeals (Repealed)</td>
</tr>
<tr>
<td>125.70</td>
<td>Assignment and Authority of Program Employees</td>
</tr>
<tr>
<td>125.80</td>
<td>Schedule of Operations; Overtime</td>
</tr>
<tr>
<td>125.90</td>
<td>Official Marks of Inspection, Devices and Certificates</td>
</tr>
<tr>
<td>125.100</td>
<td>Records and Reports</td>
</tr>
<tr>
<td>125.110</td>
<td>Exemptions</td>
</tr>
<tr>
<td>125.120</td>
<td>Disposal of Dead Animals and Poultry</td>
</tr>
<tr>
<td>125.130</td>
<td>Reportable Animal and Poultry Diseases</td>
</tr>
<tr>
<td>125.140</td>
<td>Detention; Seizure; Condemnation</td>
</tr>
<tr>
<td>125.141</td>
<td>Sanitation Standard Operating Procedures (SOP's)</td>
</tr>
<tr>
<td>125.142</td>
<td>Hazard Analysis and Critical Control Point (HACCP) Systems</td>
</tr>
<tr>
<td>125.143</td>
<td>Imported Products</td>
</tr>
<tr>
<td>125.144</td>
<td>Preparation and Processing Operations</td>
</tr>
<tr>
<td>125.145</td>
<td>Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products</td>
</tr>
<tr>
<td>125.146</td>
<td>Consumer Protection Standards: Raw Products</td>
</tr>
<tr>
<td>125.147</td>
<td>Rules of Practice</td>
</tr>
</tbody>
</table>

SUBPART B: MEAT INSPECTION

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>125.150</td>
<td>Livestock and Meat Products Entering Official Establishments</td>
</tr>
<tr>
<td>125.160</td>
<td>Equine and Equine Products</td>
</tr>
<tr>
<td>125.170</td>
<td>Facilities for Inspection</td>
</tr>
</tbody>
</table>
NOTICE OF PEREMPTORY AMENDMENTS

125.180  Sanitation (Repealed)
125.190  Ante-Mortem Inspection
125.200  Post-Mortem Inspection
125.210  Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220  Humane Slaughter of Animals
125.230  Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240  Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250  Marking Products and Their Containers
125.260  Labeling, Marking and Containers
125.270  Entry into Official Establishment; Reinspection and Preparation of Product
125.280  Meat Definitions and Standards of Identity or Composition
125.290  Transportation
125.295  Imported Products (Repealed)
125.300  Special Services Relating to Meat and Other Products
125.305  Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
125.310  Application of Inspection
125.320  Facilities for Inspection
125.330  Sanitation
125.340  Operating Procedures
125.350  Ante-Mortem Inspection
125.360  Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370  Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380  Labeling and Containers
125.390  Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400  Definitions and Standards of Identity or Composition
125.410  Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective
DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS


SUBPART B: MEAT INSPECTION

Section 125.280 Meat Definitions and Standards of Identity or Composition


(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 590, effective January 1, 2008)

SUBPART C: POULTRY INSPECTION

Section 125.400 Definitions and Standards of Identity or Composition
NOTICE OF PEREMPTORY AMENDMENTS


b) Cooling of poultry shall be in accordance with the provisions set forth in Section 125.330.

c) Definitions and standards of identity or composition for poultry products shall be as set forth in this Section and in Section 13(d) of the Act.

(Source: Amended by peremptory rulemaking at 32 Ill. Reg. 590, effective January 1, 2008)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

1) **Heading of the Part:** Pay Plan

2) **Code Citation:** 80 Ill. Adm. Code 310

3) **Section Numbers:**
   - 310.290 Amendment
   - 310.410 Amendment
   - 310.APPENDIX A TABLE W Amendment

4) **Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking:** The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.290, 310.410 and 310.APPENDIX A TABLE W to reflect the Memoranda of Understanding (MOU) between CMS and the American Federation of State, County, and Municipal Employees (AFSCME) that was signed December 6, 2007. The MOU assigns the Revenue Audit Supervisor title to the RC-062 bargaining unit and pay grades effective May 7, 2007. The title’s positions with headquarters in Illinois are assigned to the RC-062-25. The title’s positions with headquarters in states other than Illinois, California or New Jersey are assigned to the RC-062-27. The title’s positions with headquarters in California or New Jersey are assigned to the RC-062-29. No position within the Revenue Audit Supervisor title was excluded from the bargaining unit by the Illinois Labor Relations Board. The title is no longer assigned to out-of-state rates or the merit compensation system and MC-12 range.

5) **Statutory Authority:** Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].

6) **Effective Date:** December 27, 2007

7) **A Complete Description of the Subjects and Issues Involved:** In Section 310.290 subsection (d), the Revenue Audit Supervisor title and its out-of-state rates are removed from the rate table.

   In Section 310.410, the Revenue Audit Supervisor title, title code and merit compensation range assignment are removed from the title table.

   In Section 310.APPENDIX A Table W, the Revenue Audit Supervisor title, its title code 38369, bargaining unit RC-062 and pay grades 25, 27, and 29 (depending on the title headquarters) are added to the title table. The title is added to the Note regarding out-of-
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

state pay treatment. To the rate tables, the following RC-062 pay grades are added:

**Effective July 1, 2007**

<table>
<thead>
<tr>
<th>Pay Grade Code</th>
<th>1c</th>
<th>1b</th>
<th>1a</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 J</td>
<td>5900</td>
<td>6076</td>
<td>6259</td>
<td>6573</td>
<td>6931</td>
<td>7297</td>
<td>7668</td>
<td>8026</td>
<td>8386</td>
<td>8929</td>
<td>9286</td>
</tr>
<tr>
<td>29 U</td>
<td>6497</td>
<td>6691</td>
<td>6893</td>
<td>7239</td>
<td>7632</td>
<td>8035</td>
<td>8445</td>
<td>8838</td>
<td>9235</td>
<td>9832</td>
<td>10225</td>
</tr>
</tbody>
</table>

**Effective January 1, 2008**

<table>
<thead>
<tr>
<th>Pay Grade Code</th>
<th>1c</th>
<th>1b</th>
<th>1a</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 J</td>
<td>6077</td>
<td>6258</td>
<td>6447</td>
<td>6770</td>
<td>7139</td>
<td>7516</td>
<td>7898</td>
<td>8267</td>
<td>8638</td>
<td>9197</td>
<td>9565</td>
</tr>
<tr>
<td>29 U</td>
<td>6692</td>
<td>6892</td>
<td>7100</td>
<td>7456</td>
<td>7861</td>
<td>8276</td>
<td>8698</td>
<td>9103</td>
<td>9512</td>
<td>10127</td>
<td>10532</td>
</tr>
</tbody>
</table>

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Date filed with the Index Department:** December 27, 2007

10) **This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.**

11) **Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?** Yes

12) **Are there any other proposed amendments pending on this Part?** Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Ill. Reg. Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>310.40</td>
<td>Amendment</td>
<td>31 Ill. Reg. 14619; November 2, 2007</td>
</tr>
<tr>
<td>310.47</td>
<td>Amendment</td>
<td>31 Ill. Reg. 14619; November 2, 2007</td>
</tr>
<tr>
<td>310.110</td>
<td>Amendment</td>
<td>31 Ill. Reg. 14619; November 2, 2007</td>
</tr>
<tr>
<td>310.130</td>
<td>Amendment</td>
<td>31 Ill. Reg. 14619; November 2, 2007</td>
</tr>
<tr>
<td>310.220</td>
<td>Amendment</td>
<td>31 Ill. Reg. 14619; November 2, 2007</td>
</tr>
<tr>
<td>310.260</td>
<td>Amendment</td>
<td>31 Ill. Reg. 14619; November 2, 2007</td>
</tr>
<tr>
<td>310.290</td>
<td>Amendment</td>
<td>31 Ill. Reg. 14619; November 2, 2007</td>
</tr>
<tr>
<td>310.295</td>
<td>Amendment</td>
<td>31 Ill. Reg. 14619; November 2, 2007</td>
</tr>
<tr>
<td>310.410</td>
<td>Amendment</td>
<td>31 Ill. Reg. 14619; November 2, 2007</td>
</tr>
</tbody>
</table>
NOTICE OF PEREMPTORY AMENDMENTS

310.490 Amendment 31 Ill. Reg. 14619; November 2, 2007
310.APPENDIX A TABLE O Amendment 31 Ill. Reg. 14619; November 2, 2007
310.APPENDIX B Amendment 31 Ill. Reg. 14619; November 2, 2007
310.APPENDIX D Amendment 31 Ill. Reg. 14619; November 2, 2007

13) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this peremptory amendment shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

The full text of the Peremptory Amendments begins on the next page:
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section 310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.45 Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47 In-Hiring Rate
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section 310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Daily or Hourly Rate Conversion
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State Rate
310.295 Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases and Bonuses
310.455 Intermittent Merit Increase
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units (Repealed)
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase and Bonus Guidechart
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C RC-056 (Site Superintendents and Natural Resource, Historic
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Preservation and Agriculture Managers, IFPE)
310.TABLE D  HR-001 (Teamsters Local #726)
310.TABLE E  RC-020 (Teamsters Local #330)
310.TABLE F  RC-019 (Teamsters Local #25)
310.TABLE G  RC-045 (Automotive Mechanics, IFPE)
310.TABLE H  RC-006 (Corrections Employees, AFSCME)
310.TABLE I  RC-009 (Institutional Employees, AFSCME)
310.TABLE J  RC-014 (Clerical Employees, AFSCME)
310.TABLE K  RC-023 (Registered Nurses, INA)
310.TABLE L  RC-008 (Boilermakers)
310.TABLE M  RC-110 (Conservation Police Lodge)
310.TABLE N  RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O  RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P  RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q  RC-033 (Meat Inspectors, IFPE)
310.TABLE R  RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S  HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T  HR-010 (Teachers of Deaf, IFT)
310.TABLE U  HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V  CU-500 (Corrections Meet and Confer Employees)
310.TABLE W  RC-062 (Technical Employees, AFSCME)
310.TABLE X  RC-063 (Professional Employees, AFSCME)
310.TABLE Y  RC-063 (Educators, AFSCME)
310.TABLE Z  RC-063 (Physicians, AFSCME)
310.TABLE AA  NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB  VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)

310.APPENDIX B  Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C  Medical Administrator Rates
310.APPENDIX D  Merit Compensation System Salary Schedule
310.APPENDIX E  Teaching Salary Schedule (Repealed)
310.APPENDIX F  Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G  Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

NOTICE OF PEREMPTORY AMENDMENTS


SUBPART B: SCHEDULE OF RATES

Section 310.290 Out-of-State Rate

a) Requirements – The out-of-state rate is the rate of pay for employees not subject to Section 310.220 but occupying positions in the classification titles listed in subsection (d) that require payment in accordance with the economic conditions of another state. The employee shall reside in the state where the position is assigned.

b) Adjustments and Bonuses –

1) Approval – The Director of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Adjustments Effective December 2, 2005 – Effective December 2, 2005, the base salary for each employee who has 12 months of State service, or upon completing 12 months of State service by or on December 1, 2006, receives a 4% adjustment increase without change in the employee's creditable service date.

3) Adjustments Effective January 1, 2007 – Effective January 1, 2007, the base pay for each employee in positions assigned to and receiving out-of-state rates where the classification's positions are otherwise assigned to a bargaining unit receives a 3% adjustment increase without change in the employee's creditable service date.

4) Eligibility for Annual Merit Increases and Bonuses – Employees in
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

positions assigned to and receiving out-of-state rates where the classification's positions are otherwise assigned to the merit compensation system or not assigned to a bargaining unit are eligible for the annual merit increases and bonuses whose procedures and guidechart are in Sections 310.450 and 310.540, respectively.

5) Suspension – Effective July 1, 2003 through and including December 31, 2006, adjustments except those effective December 2, 2005 and January 1, 2007 were suspended for non-union positions and employees. The suspension of adjustments remains in effect for employees in positions assigned to and receiving out-of-state rates where the classification's positions are otherwise assigned to a bargaining unit.

c) Out-Of-State Rate Calculation – Ranges assigned to states other than California and New Jersey are 15% above the ranges assigned to in-state positions (except when those in-state positions are assigned to bargaining unit rates) and are listed in subsection (d). Ranges assigned to California and New Jersey are 30% above the ranges assigned to in-state positions (except when those in-state positions are assigned to bargaining unit rates) and are listed in subsection (d).

d) Minimum and Maximum Out-of-State Rates in Ranges by Classification Title –

<table>
<thead>
<tr>
<th>Title</th>
<th>December 2, 2005</th>
<th>January 1, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive II</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(States Other Than California and New Jersey)</td>
<td>3401 6130</td>
<td>3401 7171</td>
</tr>
<tr>
<td>(CA, NJ)</td>
<td>3844 6929</td>
<td>3844 8107</td>
</tr>
<tr>
<td>Office Administrator IV</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(States Other Than California and New Jersey)</td>
<td>2673 4630</td>
<td>2673 5417</td>
</tr>
<tr>
<td>(CA, NJ)</td>
<td>3021 5234</td>
<td>3021 6123</td>
</tr>
<tr>
<td>Office Associate</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(States Other Than California and New Jersey)  2387  3204  2459  3300
(CA, NJ)  2699  3622  2780  3731

Office Coordinator

(States Other Than California and New Jersey)  2465  3327  2539  3427
(CA, NJ)  2786  3761  2870  3874

Public Service Administrator

(States Other Than California and New Jersey)  3583  7843  3583  9176
(CA, NJ)  4051  8866  4051  10373

Revenue Audit Supervisor

(States Other Than California and New Jersey)  4488  8390  4488  9816
(CA, NJ)  5074  9485  5074  11097

Revenue Tax Specialist I

(States Other Than California and New Jersey)  2751  3803  2834  3917
(CA, NJ)  3110  4299  3203  4428

Revenue Tax Specialist Trainee

(States Other Than California and New Jersey)  2546  3468  2622  3572
(CA, NJ)  2878  3921  2964  4039

Senior Public Service Administrator

(States Other Than California and New Jersey)  4939  11607  4939  11607
(CA, NJ)  5584  13121  5584  13121

(Source: Peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions designated below, Medical Administrator classes in Appendix C, and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

<table>
<thead>
<tr>
<th>Title</th>
<th>Title Code</th>
<th>Salary Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant Supervisor</td>
<td>00135</td>
<td>MC-05</td>
</tr>
<tr>
<td>Activity Therapist Supervisor</td>
<td>00163</td>
<td>MC-07</td>
</tr>
<tr>
<td>Actuary III</td>
<td>00203</td>
<td>MC-16</td>
</tr>
<tr>
<td>Administrative Assistant I</td>
<td>00501</td>
<td>MC-04</td>
</tr>
<tr>
<td>Administrative Assistant II</td>
<td>00502</td>
<td>MC-06</td>
</tr>
<tr>
<td>Agricultural Marketing Representative</td>
<td>00810</td>
<td>MC-05</td>
</tr>
<tr>
<td>Assistant Automotive Shop Supervisor</td>
<td>01565</td>
<td>MC-03</td>
</tr>
<tr>
<td>Automotive Shop Supervisor</td>
<td>03749</td>
<td>MC-07</td>
</tr>
<tr>
<td>Boat Safety Inspection Supervisor</td>
<td>04850</td>
<td>MC-06</td>
</tr>
<tr>
<td>Building Construction Inspector I</td>
<td>05541</td>
<td>MC-04</td>
</tr>
<tr>
<td>Building Construction Inspector II</td>
<td>05542</td>
<td>MC-05</td>
</tr>
<tr>
<td>Business Manager</td>
<td>05815</td>
<td>MC-05</td>
</tr>
<tr>
<td>Commerce Commission Police Sergeant</td>
<td>08457</td>
<td>MC-07</td>
</tr>
<tr>
<td>Corrections Leisure Activities Specialist III</td>
<td>09813</td>
<td>MC-06</td>
</tr>
<tr>
<td>Corrections Leisure Activities Specialist IV</td>
<td>09814</td>
<td>MC-07</td>
</tr>
<tr>
<td>Corrections Vocational School Supervisor</td>
<td>09880</td>
<td>MC-05</td>
</tr>
<tr>
<td>Court Reporter Supervisor</td>
<td>09903</td>
<td>MC-08</td>
</tr>
<tr>
<td>Data Processing Supervisor II</td>
<td>11436</td>
<td>MC-04</td>
</tr>
<tr>
<td>Data Processing Supervisor III</td>
<td>11437</td>
<td>MC-07</td>
</tr>
<tr>
<td>Dietary Manager I</td>
<td>12501</td>
<td>MC-03</td>
</tr>
<tr>
<td>Dietary Manager II</td>
<td>12502</td>
<td>MC-05</td>
</tr>
<tr>
<td>Disability Claims Analyst</td>
<td>12540</td>
<td>MC-06</td>
</tr>
<tr>
<td>Electrical Engineer</td>
<td>13180</td>
<td>MC-10</td>
</tr>
<tr>
<td>Employment Security Field Office Supervisor</td>
<td>13600</td>
<td>MC-06</td>
</tr>
<tr>
<td>Engineering Technician IV</td>
<td>13734</td>
<td>MC-07</td>
</tr>
<tr>
<td>Executive I</td>
<td>13851</td>
<td>MC-05</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Executive II 13852 MC-07
Executive Secretary II 14032 MC-01
Executive Secretary III 14033 MC-02
Facility Fire Chief 14433 MC-02
Guard Supervisor 17685 MC-01
Guardianship Supervisor 17720 MC-07
Highway Construction Supervisor I 18525 MC-07
Highway Construction Supervisor II 18526 MC-09
Historical Library Chief of Acquisitions 18987 MC-06
Human Rights Mediator 19771 MC-05
Human Services Casework Manager 19788 MC-07
Internal Auditor I 21721 MC-05
Internal Security Investigator I 21731 MC-04
Internal Security Investigator II 21732 MC-07
International Marketing Representative I 21761 MC-05
KidCare Supervisor 22003 MC-07
Laundry Manager I 23191 MC-01
Librarian II 23402 MC-05
Lottery Regional Coordinator 24504 MC-07
Management Operations Analyst I 25541 MC-06
Manuscripts Manager 25610 MC-06
Mental Health Administrator I 26811 MC-05
Mental Health Administrator II 26812 MC-07
Mental Health Program Administrator 26908 MC-20
Methods and Procedures Advisor III 27133 MC-07
Office Administrator IV 29994 MC-02
Office Administrator V 29995 MC-03
Plumbing Consultant 32910 MC-09
Police Lieutenant 32977 MC-09
Private Secretary I 34201 MC-02
Private Secretary II 34202 MC-04
Public Aid Family Support Specialist II 35842 MC-05
Public Aid Staff Development Specialist III 36073 MC-06
Public Health Program Specialist III 36613 MC-07
Radiologic Technologist Chief 37505 MC-03
Rehabilitation Workshop Supervisor III 38196 MC-05
Reimbursement Officer II 38200 MC-05
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>Code</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reproduction Service Supervisor II</td>
<td>38202</td>
<td>MC-04</td>
</tr>
<tr>
<td>Residential Care Program Supervisor I</td>
<td>38271</td>
<td>MC-06</td>
</tr>
<tr>
<td>Revenue Audit Supervisor</td>
<td>38369</td>
<td>MC-12</td>
</tr>
<tr>
<td>Security Officer Chief</td>
<td>39875</td>
<td>MC-04</td>
</tr>
<tr>
<td>Security Officer Lieutenant</td>
<td>39876</td>
<td>MC-02</td>
</tr>
<tr>
<td>Security Therapy Aide IV</td>
<td>39904</td>
<td>MC-05</td>
</tr>
<tr>
<td>Sign Shop Foreman</td>
<td>41000</td>
<td>MC-06</td>
</tr>
<tr>
<td>Staff Development Specialist I</td>
<td>41771</td>
<td>MC-05</td>
</tr>
<tr>
<td>Staff Development Technician II</td>
<td>41782</td>
<td>MC-03</td>
</tr>
<tr>
<td>State Mine Inspector-At-Large</td>
<td>42240</td>
<td>MC-11</td>
</tr>
<tr>
<td>Statistical Research Specialist III</td>
<td>42743</td>
<td>MC-06</td>
</tr>
<tr>
<td>Statistical Research Supervisor</td>
<td>42745</td>
<td>MC-07</td>
</tr>
<tr>
<td>Storekeeper III</td>
<td>43053</td>
<td>MC-01</td>
</tr>
<tr>
<td>Supervising Vehicle Testing Compliance Officer</td>
<td>43680</td>
<td>MC-06</td>
</tr>
<tr>
<td>Switchboard Chief Operator</td>
<td>44410</td>
<td>MC-01</td>
</tr>
<tr>
<td>Technical Advisor I</td>
<td>45251</td>
<td>MC-05</td>
</tr>
<tr>
<td>Technical Advisor II</td>
<td>45252</td>
<td>MC-07</td>
</tr>
<tr>
<td>Telecommunications Supervisor</td>
<td>45305</td>
<td>MC-07</td>
</tr>
<tr>
<td>Utility Engineer I</td>
<td>47451</td>
<td>MC-05</td>
</tr>
<tr>
<td>Utility Engineer II</td>
<td>47452</td>
<td>MC-07</td>
</tr>
<tr>
<td>Vehicle Emissions Compliance Supervisor</td>
<td>47583</td>
<td>MC-05</td>
</tr>
<tr>
<td>Waterways Construction Supervisor I</td>
<td>49061</td>
<td>MC-05</td>
</tr>
<tr>
<td>Waterways Construction Supervisor II</td>
<td>49062</td>
<td>MC-07</td>
</tr>
</tbody>
</table>

(Source: Peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007)
Section 310.APPENDIX A  Negotiated Rates of Pay

Section 310.TABLE W  RC-062 (Technical Employees, AFSCME)

<table>
<thead>
<tr>
<th>Title</th>
<th>Title Code</th>
<th>Bargaining Unit</th>
<th>Pay Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant</td>
<td>00130</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Accountant Advanced</td>
<td>00133</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Accountant Supervisor</td>
<td>00135</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Accounting and Fiscal Administration Career Trainee</td>
<td>00140</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Activity Therapist</td>
<td>00157</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Activity Therapist Coordinator</td>
<td>00160</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Actuarial Assistant</td>
<td>00187</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Actuarial Examiner</td>
<td>00195</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Actuarial Examiner Trainee</td>
<td>00196</td>
<td>RC-062</td>
<td>13</td>
</tr>
<tr>
<td>Actuarial Senior Examiner</td>
<td>00197</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Actuary I</td>
<td>00201</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Actuary II</td>
<td>00202</td>
<td>RC-062</td>
<td>24</td>
</tr>
<tr>
<td>Agricultural Market News Assistant</td>
<td>00804</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Agricultural Marketing Generalist</td>
<td>00805</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Agricultural Marketing Reporter</td>
<td>00807</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Agricultural Marketing Representative</td>
<td>00810</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Agriculture Land and Water Resource Specialist I</td>
<td>00831</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Agriculture Land and Water Resource Specialist II</td>
<td>00832</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Agriculture Land and Water Resource Specialist III</td>
<td>00833</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Aircraft Pilot I</td>
<td>00955</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Aircraft Pilot II</td>
<td>00956</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Aircraft Pilot II – Dual Rating</td>
<td>00957</td>
<td>RC-062</td>
<td>23</td>
</tr>
<tr>
<td>Appraisal Specialist I</td>
<td>01251</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Appraisal Specialist II</td>
<td>01252</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Appraisal Specialist III</td>
<td>01253</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Arts Council Associate</td>
<td>01523</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Arts Council Program Coordinator</td>
<td>01526</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Arts Council Program Representative</td>
<td>01527</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Assignment Coordinator</td>
<td>01530</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Bank Examiner I</td>
<td>04131</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Bank Examiner II</td>
<td>04132</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Bank Examiner III</td>
<td>04133</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Behavioral Analyst Associate</td>
<td>04355</td>
<td>RC-062</td>
<td>15</td>
</tr>
</tbody>
</table>
### NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>Code</th>
<th>Base</th>
<th>Ungraded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Behavioral Analyst I</td>
<td>04351</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Behavioral Analyst II</td>
<td>04352</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Business Administrative Specialist</td>
<td>05810</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Business Manager</td>
<td>05815</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Buyer</td>
<td>05900</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Capital Development Board Account Technician</td>
<td>06515</td>
<td>RC-062</td>
<td>11</td>
</tr>
<tr>
<td>Capital Development Board Art in Architecture Technician</td>
<td>06533</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Capital Development Board Construction Support Analyst</td>
<td>06520</td>
<td>RC-062</td>
<td>11</td>
</tr>
<tr>
<td>Capital Development Board Project Technician</td>
<td>06530</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Chemist I</td>
<td>06941</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Chemist II</td>
<td>06942</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Chemist III</td>
<td>06943</td>
<td>RC-062</td>
<td>21</td>
</tr>
<tr>
<td>Child Protection Advanced Specialist</td>
<td>07161</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Child Protection Associate Specialist</td>
<td>07162</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Child Protection Specialist</td>
<td>07163</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Child Welfare Associate Specialist</td>
<td>07216</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Child Welfare Staff Development Coordinator I</td>
<td>07201</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Child Welfare Staff Development Coordinator II</td>
<td>07202</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Child Welfare Staff Development Coordinator III</td>
<td>07203</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Child Welfare Staff Development Coordinator IV</td>
<td>07204</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Children and Family Service Intern – Option I</td>
<td>07241</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Children and Family Service Intern – Option II</td>
<td>07242</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Clinical Laboratory Technologist I</td>
<td>08220</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Clinical Laboratory Technologist II</td>
<td>08221</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Clinical Laboratory Technologist Trainee</td>
<td>08229</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Communications Systems Specialist</td>
<td>08860</td>
<td>RC-062</td>
<td>23</td>
</tr>
<tr>
<td>Community Management Specialist I</td>
<td>08891</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Community Management Specialist II</td>
<td>08892</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Community Management Specialist III</td>
<td>08893</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Community Planner I</td>
<td>08901</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Community Planner II</td>
<td>08902</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Community Planner III</td>
<td>08903</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Conservation Education Representative</td>
<td>09300</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Conservation Grant Administrator I</td>
<td>09311</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Conservation Grant Administrator II</td>
<td>09312</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Conservation Grant Administrator III</td>
<td>09313</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Construction Program Assistant</td>
<td>09525</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Correctional Counselor I</td>
<td>09661</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Correctional Counselor II</td>
<td>09662</td>
<td>RC-062</td>
<td>17</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>Code</th>
<th>Grade</th>
<th>08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correctional Counselor III</td>
<td>09663</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Corrections Apprehension Specialist</td>
<td>09750</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Corrections Industries Marketing Representative</td>
<td>09803</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Corrections Leisure Activities Specialist I</td>
<td>09811</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Corrections Leisure Activities Specialist II</td>
<td>09812</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Corrections Leisure Activities Specialist III</td>
<td>09813</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Corrections Parole Agent</td>
<td>09842</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Corrections Senior Parole Agent</td>
<td>09844</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Criminal Intelligence Analyst I</td>
<td>10161</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Criminal Intelligence Analyst II</td>
<td>10162</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Criminal Intelligence Analyst Specialist</td>
<td>10165</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Criminal Justice Specialist I</td>
<td>10231</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Criminal Justice Specialist II</td>
<td>10232</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Criminal Justice Specialist Trainee</td>
<td>10236</td>
<td>RC-062</td>
<td>13</td>
</tr>
<tr>
<td>Curator of the Lincoln Collection</td>
<td>10750</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Day Care Licensing Representative I</td>
<td>11471</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Developmental Disabilities Council Program Planner I</td>
<td>12361</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Developmental Disabilities Council Program Planner II</td>
<td>12362</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Developmental Disabilities Council Program Planner III</td>
<td>12363</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Dietitian</td>
<td>12510</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Disability Appeals Officer</td>
<td>12530</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Disability Claims Adjudicator I</td>
<td>12537</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Disability Claims Adjudicator II</td>
<td>12538</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Disability Claims Adjudicator Trainee</td>
<td>12539</td>
<td>RC-062</td>
<td>13</td>
</tr>
<tr>
<td>Disability Claims Analyst</td>
<td>12540</td>
<td>RC-062</td>
<td>21</td>
</tr>
<tr>
<td>Disability Claims Specialist</td>
<td>12558</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Disaster Services Planner</td>
<td>12585</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Document Examiner</td>
<td>12640</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Economic Development Representative I</td>
<td>12931</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Economic Development Representative II</td>
<td>12932</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Educator – Provisional</td>
<td>13105</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Employment Security Manpower Representative I</td>
<td>13621</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Employment Security Manpower Representative II</td>
<td>13622</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Employment Security Program Representative</td>
<td>13650</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Employment Security Program Representative – Intermittent</td>
<td>13651</td>
<td>RC-062</td>
<td>14H</td>
</tr>
<tr>
<td>Employment Security Service Representative</td>
<td>13667</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Employment Security Specialist I</td>
<td>13671</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Employment Security Specialist II</td>
<td>13672</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Employment Security Specialist III</td>
<td>13673</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Position</td>
<td>Code</td>
<td>Pay Grade</td>
<td>Rate</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------</td>
<td>-----------</td>
<td>------</td>
</tr>
<tr>
<td>Employment Security Tax Auditor I</td>
<td>13681</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Employment Security Tax Auditor II</td>
<td>13682</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Energy and Natural Resources Specialist I</td>
<td>13711</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Energy and Natural Resources Specialist II</td>
<td>13712</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Energy and Natural Resources Specialist III</td>
<td>13713</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Energy and Natural Resources Specialist Trainee</td>
<td>13715</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Environmental Health Specialist I</td>
<td>13768</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Environmental Health Specialist II</td>
<td>13769</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Environmental Health Specialist III</td>
<td>13770</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Environmental Protection Associate</td>
<td>13785</td>
<td>RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Environmental Protection Specialist I</td>
<td>13821</td>
<td>RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Environmental Protection Specialist II</td>
<td>13822</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Environmental Protection Specialist III</td>
<td>13823</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Environmental Protection Specialist IV</td>
<td>13824</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Equal Pay Specialist</td>
<td>13837</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Executive I</td>
<td>13851</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Executive II</td>
<td>13852</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Financial Institutions Examiner I</td>
<td>14971</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Financial Institutions Examiner II</td>
<td>14972</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Financial Institutions Examiner III</td>
<td>14973</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Financial Institutions Examiner Trainee</td>
<td>14978</td>
<td>RC-062</td>
<td>13</td>
</tr>
<tr>
<td>Flight Safety Coordinator</td>
<td>15640</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Forensic Scientist I</td>
<td>15891</td>
<td>RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Forensic Scientist II</td>
<td>15892</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Forensic Scientist III</td>
<td>15893</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Forensic Scientist Trainee</td>
<td>15897</td>
<td>RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Guardianship Representative</td>
<td>17710</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Habilitation Program Coordinator</td>
<td>17960</td>
<td>RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Handicapped Services Representative I</td>
<td>17981</td>
<td>RC-062</td>
<td>11</td>
</tr>
<tr>
<td>Health Facilities Surveyor I</td>
<td>18011</td>
<td>RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Health Facilities Surveyor II</td>
<td>18012</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Health Facilities Surveyor III</td>
<td>18013</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Health Services Investigator I – Opt. A</td>
<td>18181</td>
<td>RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Health Services Investigator I – Opt. B</td>
<td>18182</td>
<td>RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Health Services Investigator II – Opt. A</td>
<td>18185</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Health Services Investigator II – Opt. B</td>
<td>18186</td>
<td>RC-062</td>
<td>22</td>
</tr>
<tr>
<td>Health Services Investigator II – Opt. C</td>
<td>18187</td>
<td>RC-062</td>
<td>25</td>
</tr>
<tr>
<td>Health Services Investigator II – Opt. D</td>
<td>18188</td>
<td>RC-062</td>
<td>25</td>
</tr>
<tr>
<td>Historical Documents Conservator I</td>
<td>18981</td>
<td>RC-062</td>
<td>13</td>
</tr>
</tbody>
</table>
### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

#### NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>Classification</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historical Exhibits Designer</td>
<td>18985 RC-062</td>
<td>15</td>
</tr>
<tr>
<td>Historical Research Editor II</td>
<td>19002 RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Human Relations Representative</td>
<td>19670 RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Human Rights Investigator I</td>
<td>19774 RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Human Rights Investigator II</td>
<td>19775 RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Human Rights Investigator III</td>
<td>19776 RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Human Rights Specialist I</td>
<td>19778 RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Human Rights Specialist II</td>
<td>19779 RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Human Rights Specialist III</td>
<td>19780 RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Human Services Caseworker</td>
<td>19785 RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Human Services Grants Coordinator I</td>
<td>19791 RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Human Services Grants Coordinator II</td>
<td>19792 RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Human Services Grants Coordinator III</td>
<td>19793 RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Human Services Grants Coordinator Trainee</td>
<td>19796 RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Human Services Sign Language Interpreter</td>
<td>19810 RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Iconographer</td>
<td>19880 RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Industrial and Community Development Interpreter I</td>
<td>21051 RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Industrial and Community Development Interpreter II</td>
<td>21052 RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Industrial Services Consultant I</td>
<td>21121 RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Industrial Services Consultant II</td>
<td>21122 RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Industrial Services Consultant Trainee</td>
<td>21125 RC-062</td>
<td>11</td>
</tr>
<tr>
<td>Industrial Services Hygienist</td>
<td>21127 RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Industrial Services Hygienist Technician</td>
<td>21130 RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Industrial Services Hygienist Trainee</td>
<td>21133 RC-062</td>
<td>12</td>
</tr>
<tr>
<td>Information Technology/Communication Systems Specialist I</td>
<td>21216 RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Information Technology/Communication Systems Specialist II</td>
<td>21217 RC-062</td>
<td>24</td>
</tr>
<tr>
<td>Instrument Designer</td>
<td>21500 RC-062</td>
<td>18</td>
</tr>
<tr>
<td>Insurance Analyst III</td>
<td>21563 RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Insurance Analyst IV</td>
<td>21564 RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Insurance Company Claims Examiner II</td>
<td>21602 RC-062</td>
<td>19</td>
</tr>
<tr>
<td>Insurance Company Field Staff Examiner</td>
<td>21608 RC-062</td>
<td>16</td>
</tr>
<tr>
<td>Insurance Company Financial Examiner Trainee</td>
<td>21610 RC-062</td>
<td>13</td>
</tr>
<tr>
<td>Insurance Performance Examiner I</td>
<td>21671 RC-062</td>
<td>14</td>
</tr>
<tr>
<td>Insurance Performance Examiner II</td>
<td>21672 RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Insurance Performance Examiner III</td>
<td>21673 RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Intermittent Unemployment Insurance Representative</td>
<td>21689 RC-062</td>
<td>12H</td>
</tr>
<tr>
<td>Internal Auditor I</td>
<td>21721 RC-062</td>
<td>17</td>
</tr>
<tr>
<td>Labor Conciliator</td>
<td>22750 RC-062</td>
<td>20</td>
</tr>
<tr>
<td>Laboratory Equipment Specialist</td>
<td>22990 RC-062</td>
<td>18</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>Code</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laboratory Quality Specialist I</td>
<td>23021</td>
<td>RC-062 19</td>
</tr>
<tr>
<td>Laboratory Quality Specialist II</td>
<td>23022</td>
<td>RC-062 21</td>
</tr>
<tr>
<td>Laboratory Research Specialist I</td>
<td>23027</td>
<td>RC-062 19</td>
</tr>
<tr>
<td>Laboratory Research Specialist II</td>
<td>23028</td>
<td>RC-062 21</td>
</tr>
<tr>
<td>Land Acquisition Agent I</td>
<td>23091</td>
<td>RC-062 15</td>
</tr>
<tr>
<td>Land Acquisition Agent II</td>
<td>23092</td>
<td>RC-062 18</td>
</tr>
<tr>
<td>Land Acquisition Agent III</td>
<td>23093</td>
<td>RC-062 21</td>
</tr>
<tr>
<td>Land Reclamation Specialist I</td>
<td>23131</td>
<td>RC-062 14</td>
</tr>
<tr>
<td>Land Reclamation Specialist II</td>
<td>23132</td>
<td>RC-062 17</td>
</tr>
<tr>
<td>Liability Claims Adjuster I</td>
<td>23371</td>
<td>RC-062 14</td>
</tr>
<tr>
<td>Liability Claims Adjuster II</td>
<td>23372</td>
<td>RC-062 18</td>
</tr>
<tr>
<td>Library Associate</td>
<td>23430</td>
<td>RC-062 12</td>
</tr>
<tr>
<td>Life Sciences Career Trainee</td>
<td>23600</td>
<td>RC-062 12</td>
</tr>
<tr>
<td>Liquor Control Special Agent II</td>
<td>23752</td>
<td>RC-062 15</td>
</tr>
<tr>
<td>Local Historical Services Representative</td>
<td>24000</td>
<td>RC-062 17</td>
</tr>
<tr>
<td>Local Housing Advisor I</td>
<td>24031</td>
<td>RC-062 14</td>
</tr>
<tr>
<td>Local Housing Advisor II</td>
<td>24032</td>
<td>RC-062 16</td>
</tr>
<tr>
<td>Local Housing Advisor III</td>
<td>24033</td>
<td>RC-062 18</td>
</tr>
<tr>
<td>Local Revenue and Fiscal Advisor I</td>
<td>24101</td>
<td>RC-062 15</td>
</tr>
<tr>
<td>Local Revenue and Fiscal Advisor II</td>
<td>24102</td>
<td>RC-062 17</td>
</tr>
<tr>
<td>Local Revenue and Fiscal Advisor III</td>
<td>24103</td>
<td>RC-062 19</td>
</tr>
<tr>
<td>Lottery Regional Coordinator</td>
<td>24504</td>
<td>RC-062 19</td>
</tr>
<tr>
<td>Lottery Sales Representative</td>
<td>24515</td>
<td>RC-062 16</td>
</tr>
<tr>
<td>Management Operations Analyst I</td>
<td>25541</td>
<td>RC-062 18</td>
</tr>
<tr>
<td>Management Operations Analyst II</td>
<td>25542</td>
<td>RC-062 20</td>
</tr>
<tr>
<td>Manpower Planner I</td>
<td>25591</td>
<td>RC-062 14</td>
</tr>
<tr>
<td>Manpower Planner II</td>
<td>25592</td>
<td>RC-062 17</td>
</tr>
<tr>
<td>Manpower Planner III</td>
<td>25593</td>
<td>RC-062 20</td>
</tr>
<tr>
<td>Manpower Planner Trainee</td>
<td>25597</td>
<td>RC-062 12</td>
</tr>
<tr>
<td>Medical Assistance Consultant I</td>
<td>26501</td>
<td>RC-062 13</td>
</tr>
<tr>
<td>Medical Assistance Consultant II</td>
<td>26502</td>
<td>RC-062 16</td>
</tr>
<tr>
<td>Medical Assistance Consultant III</td>
<td>26503</td>
<td>RC-062 19</td>
</tr>
<tr>
<td>Mental Health Specialist I</td>
<td>26924</td>
<td>RC-062 12</td>
</tr>
<tr>
<td>Mental Health Specialist II</td>
<td>26925</td>
<td>RC-062 14</td>
</tr>
<tr>
<td>Mental Health Specialist III</td>
<td>26926</td>
<td>RC-062 16</td>
</tr>
<tr>
<td>Mental Health Specialist Trainee</td>
<td>26928</td>
<td>RC-062 11</td>
</tr>
<tr>
<td>Meteorologist</td>
<td>27120</td>
<td>RC-062 18</td>
</tr>
<tr>
<td>Methods and Procedures Advisor I</td>
<td>27131</td>
<td>RC-062 14</td>
</tr>
<tr>
<td>Methods and Procedures Advisor II</td>
<td>27132</td>
<td>RC-062 16</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Methods and Procedures Advisor III 27133  RC-062  20
Methods and Procedures Career Associate I 27135  RC-062  11
Methods and Procedures Career Associate II 27136  RC-062  12
Methods and Procedures Career Associate Trainee 27137  RC-062  09
Metrologist Associate 27146  RC-062  15
Microbiologist I 27151  RC-062  16
Microbiologist II 27152  RC-062  19
Natural Resources Advanced Specialist 28833  RC-062  20
Natural Resources Coordinator 28831  RC-062  15
Natural Resources Specialist 28832  RC-062  18
Oral Health Consultant 30317  RC-062  18
Paralegal Assistant 30860  RC-062  14
Pension and Death Benefits Technician II 30962  RC-062  16
Police Training Specialist 32990  RC-062  17
Program Integrity Auditor I 34631  RC-062  16
Program Integrity Auditor II 34632  RC-062  19
Program Integrity Auditor Trainee 34635  RC-062  12
Property Consultant 34900  RC-062  15
Public Aid Appeals Advisor 35750  RC-062  18
Public Aid Family Support Specialist I 35841  RC-062  17
Public Aid Investigator 35870  RC-062  19
Public Aid Investigator Trainee 35874  RC-062  14
Public Aid Lead Casework Specialist 35880  RC-062  17
Public Aid Program Quality Analyst 35890  RC-062  19
Public Aid Quality Control Reviewer 35892  RC-062  17
Public Aid Quality Control Supervisor 35900  RC-062  19
Public Aid Staff Development Specialist I 36071  RC-062  15
Public Aid Staff Development Specialist II 36072  RC-062  17
Public Health Educator Associate 36434  RC-062  14
Public Health Program Specialist I 36611  RC-062  14
Public Health Program Specialist II 36612  RC-062  16
Public Health Program Specialist III 36613  RC-062  19
Public Health Program Specialist Trainee 36615  RC-062  12
Public Information Coordinator 36750  RC-062  18
Public Information Officer I 37001  RC-062  12
Public Information Officer II 37002  RC-062  14
Public Information Officer III 37003  RC-062  19
Public Information Officer IV 37004  RC-062  21
Public Safety Inspector 37007  RC-062  16
### NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>Code</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety Inspector Trainee</td>
<td>37010</td>
<td>RC-062</td>
</tr>
<tr>
<td>Railroad Safety Specialist I</td>
<td>37601</td>
<td>RC-062</td>
</tr>
<tr>
<td>Railroad Safety Specialist II</td>
<td>37602</td>
<td>RC-062</td>
</tr>
<tr>
<td>Railroad Safety Specialist III</td>
<td>37603</td>
<td>RC-062</td>
</tr>
<tr>
<td>Railroad Safety Specialist IV</td>
<td>37604</td>
<td>RC-062</td>
</tr>
<tr>
<td>Real Estate Investigator</td>
<td>37730</td>
<td>RC-062</td>
</tr>
<tr>
<td>Real Estate Professions Examiner</td>
<td>37760</td>
<td>RC-062</td>
</tr>
<tr>
<td>Recreation Worker I</td>
<td>38001</td>
<td>RC-062</td>
</tr>
<tr>
<td>Recreation Worker II</td>
<td>38002</td>
<td>RC-062</td>
</tr>
<tr>
<td>Rehabilitation Counselor</td>
<td>38145</td>
<td>RC-062</td>
</tr>
<tr>
<td>Rehabilitation Counselor Senior</td>
<td>38158</td>
<td>RC-062</td>
</tr>
<tr>
<td>Rehabilitation Counselor Trainee</td>
<td>38159</td>
<td>RC-062</td>
</tr>
<tr>
<td>Rehabilitation Services Advisor I</td>
<td>38176</td>
<td>RC-062</td>
</tr>
<tr>
<td>Rehabilitation Workshop Supervisor I</td>
<td>38194</td>
<td>RC-062</td>
</tr>
<tr>
<td>Rehabilitation Workshop Supervisor II</td>
<td>38195</td>
<td>RC-062</td>
</tr>
<tr>
<td>Reimbursement Officer I</td>
<td>38199</td>
<td>RC-062</td>
</tr>
<tr>
<td>Reimbursement Officer II</td>
<td>38200</td>
<td>RC-062</td>
</tr>
<tr>
<td>Research Economist I</td>
<td>38207</td>
<td>RC-062</td>
</tr>
<tr>
<td>Research Scientist I</td>
<td>38231</td>
<td>RC-062</td>
</tr>
<tr>
<td>Research Scientist II</td>
<td>38232</td>
<td>RC-062</td>
</tr>
<tr>
<td>Research Scientist III</td>
<td>38233</td>
<td>RC-062</td>
</tr>
<tr>
<td>Resource Planner I</td>
<td>38281</td>
<td>RC-062</td>
</tr>
<tr>
<td>Resource Planner II</td>
<td>38282</td>
<td>RC-062</td>
</tr>
<tr>
<td>Resource Planner III</td>
<td>38283</td>
<td>RC-062</td>
</tr>
<tr>
<td>Retirement System Disability Specialist</td>
<td>38310</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Audit Supervisor (IL)</td>
<td>38369</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Audit Supervisor (states other than IL, CA or NJ)</td>
<td>38369</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Audit Supervisor (CA or NJ)</td>
<td>38369</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor I (IL)</td>
<td>38371</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor I (states other than IL, CA or NJ)</td>
<td>38371</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor I (CA or NJ)</td>
<td>38371</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor II (IL)</td>
<td>38372</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor II (states other than IL, CA or NJ)</td>
<td>38372</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor II (CA or NJ)</td>
<td>38372</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor III (IL)</td>
<td>38373</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor III (states other than IL, CA or NJ)</td>
<td>38373</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor III (CA or NJ)</td>
<td>38373</td>
<td>RC-062</td>
</tr>
<tr>
<td>Revenue Auditor Trainee (IL)</td>
<td>38375</td>
<td>RC-062</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>Code</th>
<th>Grade</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Auditor Trainee (states other than IL, CA or NJ)</td>
<td>38375</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Revenue Auditor Trainee (CA or NJ)</td>
<td>38375</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Revenue Collection Officer I</td>
<td>38401</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Revenue Collection Officer II</td>
<td>38402</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Revenue Collection Officer III</td>
<td>38403</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Revenue Collection Officer Trainee</td>
<td>38405</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Revenue Computer Audit Specialist (IL)</td>
<td>38425</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>Revenue Computer Audit Specialist (states other than IL, CA or NJ)</td>
<td>38425</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Revenue Computer Audit Specialist (CA or NJ)</td>
<td>38425</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td>Revenue Senior Special Agent</td>
<td>38557</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>Revenue Special Agent</td>
<td>38558</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Revenue Special Agent Trainee</td>
<td>38565</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Revenue Tax Specialist I</td>
<td>38571</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Revenue Tax Specialist II (IL)</td>
<td>38572</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Revenue Tax Specialist II (states other than IL, CA or NJ)</td>
<td>38572</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Revenue Tax Specialist II (CA or NJ)</td>
<td>38572</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Revenue Tax Specialist III</td>
<td>38573</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Revenue Tax Specialist Trainee</td>
<td>38575</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Site Assistant Superintendent I</td>
<td>41071</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Site Assistant Superintendent II</td>
<td>41072</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Site Interpretive Coordinator</td>
<td>41093</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Site Services Specialist I</td>
<td>41117</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Site Services Specialist II</td>
<td>41118</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Social Service Consultant I</td>
<td>41301</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Social Service Consultant II</td>
<td>41302</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Social Service Program Planner I</td>
<td>41311</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Social Service Program Planner II</td>
<td>41312</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Social Service Program Planner III</td>
<td>41313</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Social Service Program Planner IV</td>
<td>41314</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>Social Services Career Trainee</td>
<td>41320</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Social Worker I</td>
<td>41411</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Staff Development Specialist I</td>
<td>41771</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Staff Development Technician I</td>
<td>41781</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>State Mine Inspector</td>
<td>42230</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>State Police Field Specialist I</td>
<td>42001</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>State Police Field Specialist II</td>
<td>42002</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Statistical Research Specialist I</td>
<td>42741</td>
<td>12</td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>Position</th>
<th>Classification</th>
<th>Pay Grade</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statistical Research Specialist II</td>
<td>42742 RC-062</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Statistical Research Specialist III</td>
<td>42743 RC-062</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Storage Tank Safety Specialist</td>
<td>43005 RC-062</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Telecommunications Specialist</td>
<td>45295 RC-062</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Telecommunications Systems Analyst</td>
<td>45308 RC-062</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Telecommunications Systems Technician I</td>
<td>45312 RC-062</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Telecommunications Systems Technician II</td>
<td>45313 RC-062</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Terrorism Research Specialist I</td>
<td>45371 RC-062</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Terrorism Research Specialist II</td>
<td>45372 RC-062</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Terrorism Research Specialist III</td>
<td>45373 RC-062</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>Terrorism Research Specialist Trainee</td>
<td>45375 RC-062</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Unemployment Insurance Adjudicator I</td>
<td>47001 RC-062</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Unemployment Insurance Adjudicator II</td>
<td>47002 RC-062</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Unemployment Insurance Adjudicator III</td>
<td>47003 RC-062</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Unemployment Insurance Revenue Analyst I</td>
<td>47081 RC-062</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Unemployment Insurance Revenue Analyst II</td>
<td>47082 RC-062</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Unemployment Insurance Revenue Specialist</td>
<td>47087 RC-062</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Unemployment Insurance Special Agent</td>
<td>47096 RC-062</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Veterans Educational Specialist I</td>
<td>47681 RC-062</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Veterans Educational Specialist II</td>
<td>47682 RC-062</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Veterans Educational Specialist III</td>
<td>47683 RC-062</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Veterans Employment Representative I</td>
<td>47701 RC-062</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Veterans Employment Representative II</td>
<td>47702 RC-062</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Volunteer Services Coordinator I</td>
<td>48481 RC-062</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>Volunteer Services Coordinator II</td>
<td>48482 RC-062</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Volunteer Services Coordinator III</td>
<td>48483 RC-062</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Wage Claims Specialist</td>
<td>48770 RC-062</td>
<td>09</td>
<td></td>
</tr>
<tr>
<td>Weatherization Specialist I</td>
<td>49101 RC-062</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Weatherization Specialist II</td>
<td>49102 RC-062</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Weatherization Specialist III</td>
<td>49103 RC-062</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Weatherization Specialist Trainee</td>
<td>49105 RC-062</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Workers Compensation Insurance Compliance Investigator</td>
<td>49640 RC-062</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** For the Revenue Audit Supervisor, Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois.
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. If the employee remains in the position located outside the boundaries of the State of Illinois and moves residence from or into the boundaries of the State of Illinois, the base salary will change. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

Effective July 1, 2007
Bargaining Unit: RC-062

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Pay Plan Code</th>
<th>STEPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>09</td>
<td>B</td>
<td>2480</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2541</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2604</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2669</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2751</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2840</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2927</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3021</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3111</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3257</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3387</td>
</tr>
<tr>
<td>09</td>
<td>Q</td>
<td>2580</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2624</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2708</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2777</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2862</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2955</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3046</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3145</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3239</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3394</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3530</td>
</tr>
<tr>
<td>09</td>
<td>S</td>
<td>2639</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2704</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2768</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2835</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2922</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3015</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3109</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3208</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3302</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3405</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3597</td>
</tr>
<tr>
<td>10</td>
<td>B</td>
<td>2561</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2622</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2688</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2754</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2855</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2940</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3037</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3133</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3230</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3395</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3531</td>
</tr>
<tr>
<td>10</td>
<td>Q</td>
<td>2663</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2726</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2794</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2866</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2969</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3060</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3163</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3263</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3365</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3544</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3686</td>
</tr>
<tr>
<td>10</td>
<td>S</td>
<td>2720</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2787</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2854</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2925</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3029</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3122</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3225</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3325</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3432</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3611</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3755</td>
</tr>
<tr>
<td>11</td>
<td>B</td>
<td>2651</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2717</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2787</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2856</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2953</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3049</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3158</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3263</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3364</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3542</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3684</td>
</tr>
<tr>
<td>11</td>
<td>Q</td>
<td>2758</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2826</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2897</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2971</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3077</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3178</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3291</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3401</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3509</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3699</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3847</td>
</tr>
<tr>
<td>11</td>
<td>S</td>
<td>2819</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2887</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2957</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3030</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3138</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3238</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3353</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3465</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3576</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3764</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3915</td>
</tr>
<tr>
<td>12</td>
<td>B</td>
<td>2755</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2824</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2895</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2971</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3080</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3182</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3408</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3534</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3723</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3872</td>
</tr>
<tr>
<td>12</td>
<td>Q</td>
<td>2868</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2938</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3013</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3093</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3207</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3314</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3441</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3558</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3687</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3888</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4044</td>
</tr>
<tr>
<td>12</td>
<td>S</td>
<td>2927</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2998</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3075</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3153</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3269</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3377</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3507</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3625</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3756</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3958</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4116</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>12H</th>
<th>B</th>
<th>16.95</th>
<th>17.38</th>
<th>17.82</th>
<th>18.28</th>
<th>18.95</th>
<th>19.58</th>
<th>20.31</th>
<th>20.97</th>
<th>21.75</th>
<th>22.91</th>
<th>23.83</th>
</tr>
</thead>
<tbody>
<tr>
<td>12H</td>
<td>Q</td>
<td>17.65</td>
<td>18.08</td>
<td>18.54</td>
<td>19.03</td>
<td>19.74</td>
<td>20.39</td>
<td>21.18</td>
<td>21.90</td>
<td>22.69</td>
<td>23.93</td>
<td>24.89</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13</th>
<th>B</th>
<th>2856</th>
<th>2928</th>
<th>3003</th>
<th>3083</th>
<th>3196</th>
<th>3318</th>
<th>3442</th>
<th>3568</th>
<th>3702</th>
<th>3907</th>
<th>4063</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Q</td>
<td>2971</td>
<td>3048</td>
<td>3127</td>
<td>3211</td>
<td>3329</td>
<td>3460</td>
<td>3595</td>
<td>3726</td>
<td>3863</td>
<td>4083</td>
<td>4246</td>
</tr>
<tr>
<td>13</td>
<td>S</td>
<td>3030</td>
<td>3110</td>
<td>3190</td>
<td>3272</td>
<td>3393</td>
<td>3526</td>
<td>3663</td>
<td>3792</td>
<td>3934</td>
<td>4153</td>
<td>4319</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14</th>
<th>B</th>
<th>2973</th>
<th>3049</th>
<th>3132</th>
<th>3215</th>
<th>3337</th>
<th>3467</th>
<th>3618</th>
<th>3751</th>
<th>3893</th>
<th>4120</th>
<th>4285</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Q</td>
<td>3095</td>
<td>3178</td>
<td>3262</td>
<td>3350</td>
<td>3479</td>
<td>3620</td>
<td>3778</td>
<td>3920</td>
<td>4070</td>
<td>4306</td>
<td>4478</td>
</tr>
<tr>
<td>14</td>
<td>S</td>
<td>3155</td>
<td>3238</td>
<td>3324</td>
<td>3414</td>
<td>3548</td>
<td>3686</td>
<td>3847</td>
<td>3988</td>
<td>4140</td>
<td>4374</td>
<td>4549</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14H</th>
<th>B</th>
<th>18.30</th>
<th>18.76</th>
<th>19.27</th>
<th>19.78</th>
<th>20.54</th>
<th>21.34</th>
<th>22.26</th>
<th>23.08</th>
<th>23.96</th>
<th>25.35</th>
<th>26.37</th>
</tr>
</thead>
<tbody>
<tr>
<td>14H</td>
<td>Q</td>
<td>19.05</td>
<td>19.56</td>
<td>20.07</td>
<td>20.62</td>
<td>21.41</td>
<td>22.28</td>
<td>23.25</td>
<td>24.12</td>
<td>25.05</td>
<td>26.50</td>
<td>27.56</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>15</th>
<th>B</th>
<th>3087</th>
<th>3168</th>
<th>3254</th>
<th>3342</th>
<th>3490</th>
<th>3634</th>
<th>3776</th>
<th>3930</th>
<th>4076</th>
<th>4321</th>
<th>4494</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Q</td>
<td>3216</td>
<td>3301</td>
<td>3392</td>
<td>3487</td>
<td>3641</td>
<td>3792</td>
<td>3945</td>
<td>4110</td>
<td>4260</td>
<td>4514</td>
<td>4695</td>
</tr>
<tr>
<td>15</td>
<td>S</td>
<td>3278</td>
<td>3362</td>
<td>3457</td>
<td>3552</td>
<td>3709</td>
<td>3858</td>
<td>4016</td>
<td>4178</td>
<td>4328</td>
<td>4585</td>
<td>4768</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>16</th>
<th>B</th>
<th>3224</th>
<th>3311</th>
<th>3401</th>
<th>3499</th>
<th>3655</th>
<th>3817</th>
<th>3976</th>
<th>4143</th>
<th>4307</th>
<th>4562</th>
<th>4744</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Q</td>
<td>3358</td>
<td>3452</td>
<td>3550</td>
<td>3652</td>
<td>3817</td>
<td>3989</td>
<td>4156</td>
<td>4327</td>
<td>4501</td>
<td>4769</td>
<td>4960</td>
</tr>
<tr>
<td>16</td>
<td>S</td>
<td>3425</td>
<td>3520</td>
<td>3617</td>
<td>3721</td>
<td>3886</td>
<td>4060</td>
<td>4228</td>
<td>4397</td>
<td>4572</td>
<td>4835</td>
<td>5028</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>17</th>
<th>B</th>
<th>3367</th>
<th>3462</th>
<th>3562</th>
<th>3666</th>
<th>3835</th>
<th>4012</th>
<th>4182</th>
<th>4351</th>
<th>4528</th>
<th>4797</th>
<th>4989</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Q</td>
<td>3513</td>
<td>3614</td>
<td>3719</td>
<td>3825</td>
<td>4009</td>
<td>4192</td>
<td>4368</td>
<td>4546</td>
<td>4731</td>
<td>5013</td>
<td>5214</td>
</tr>
<tr>
<td>17</td>
<td>S</td>
<td>3578</td>
<td>3681</td>
<td>3786</td>
<td>3894</td>
<td>4079</td>
<td>4264</td>
<td>4440</td>
<td>4616</td>
<td>4800</td>
<td>5085</td>
<td>5288</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>18</th>
<th>B</th>
<th>3539</th>
<th>3641</th>
<th>3746</th>
<th>3857</th>
<th>4044</th>
<th>4233</th>
<th>4425</th>
<th>4605</th>
<th>4790</th>
<th>5076</th>
<th>5279</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>Q</td>
<td>3695</td>
<td>3801</td>
<td>3914</td>
<td>4031</td>
<td>4230</td>
<td>4424</td>
<td>4626</td>
<td>4815</td>
<td>5006</td>
<td>5306</td>
<td>5518</td>
</tr>
<tr>
<td>18</td>
<td>S</td>
<td>3761</td>
<td>3867</td>
<td>3984</td>
<td>4098</td>
<td>4297</td>
<td>4494</td>
<td>4694</td>
<td>4884</td>
<td>5078</td>
<td>5374</td>
<td>5589</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>19</th>
<th>B</th>
<th>3724</th>
<th>3833</th>
<th>3946</th>
<th>4066</th>
<th>4273</th>
<th>4475</th>
<th>4683</th>
<th>4880</th>
<th>5083</th>
<th>5392</th>
<th>5608</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>J</td>
<td>3724</td>
<td>3833</td>
<td>3946</td>
<td>4066</td>
<td>4273</td>
<td>4475</td>
<td>4683</td>
<td>4880</td>
<td>5083</td>
<td>5392</td>
<td>5608</td>
</tr>
<tr>
<td>19</td>
<td>Q</td>
<td>3889</td>
<td>4006</td>
<td>4126</td>
<td>4249</td>
<td>4466</td>
<td>4674</td>
<td>4896</td>
<td>5100</td>
<td>5314</td>
<td>5634</td>
<td>5859</td>
</tr>
<tr>
<td>19</td>
<td>S</td>
<td>3959</td>
<td>4077</td>
<td>4197</td>
<td>4320</td>
<td>4537</td>
<td>4746</td>
<td>4965</td>
<td>5171</td>
<td>5385</td>
<td>5704</td>
<td>5932</td>
</tr>
</tbody>
</table>
**DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

**NOTICE OF PEREMPTORY AMENDMENTS**

<table>
<thead>
<tr>
<th>20</th>
<th>B</th>
<th>3934</th>
<th>4052</th>
<th>4173</th>
<th>4296</th>
<th>4513</th>
<th>4723</th>
<th>4948</th>
<th>5163</th>
<th>5377</th>
<th>5703</th>
<th>5931</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Q</td>
<td>4113</td>
<td>4235</td>
<td>4360</td>
<td>4490</td>
<td>4716</td>
<td>4938</td>
<td>5172</td>
<td>5394</td>
<td>5619</td>
<td>5962</td>
<td>6200</td>
</tr>
<tr>
<td>20</td>
<td>S</td>
<td>4180</td>
<td>4304</td>
<td>4430</td>
<td>4561</td>
<td>4785</td>
<td>5006</td>
<td>5241</td>
<td>5464</td>
<td>5688</td>
<td>6029</td>
<td>6270</td>
</tr>
<tr>
<td>21</td>
<td>B</td>
<td>4152</td>
<td>4278</td>
<td>4405</td>
<td>4536</td>
<td>4770</td>
<td>5000</td>
<td>5233</td>
<td>5472</td>
<td>5700</td>
<td>6055</td>
<td>6297</td>
</tr>
<tr>
<td>21</td>
<td>U</td>
<td>4152</td>
<td>4278</td>
<td>4405</td>
<td>4536</td>
<td>4770</td>
<td>5000</td>
<td>5233</td>
<td>5472</td>
<td>5700</td>
<td>6055</td>
<td>6297</td>
</tr>
<tr>
<td>21</td>
<td>Q</td>
<td>4340</td>
<td>4471</td>
<td>4602</td>
<td>4741</td>
<td>4986</td>
<td>5223</td>
<td>5470</td>
<td>5719</td>
<td>5958</td>
<td>6328</td>
<td>6581</td>
</tr>
<tr>
<td>21</td>
<td>S</td>
<td>4409</td>
<td>4540</td>
<td>4672</td>
<td>4812</td>
<td>5053</td>
<td>5294</td>
<td>5540</td>
<td>5789</td>
<td>6026</td>
<td>6398</td>
<td>6654</td>
</tr>
<tr>
<td>22</td>
<td>B</td>
<td>4388</td>
<td>4521</td>
<td>4658</td>
<td>4796</td>
<td>5046</td>
<td>5292</td>
<td>5542</td>
<td>5799</td>
<td>6040</td>
<td>6416</td>
<td>6673</td>
</tr>
<tr>
<td>22</td>
<td>Q</td>
<td>4587</td>
<td>4725</td>
<td>4867</td>
<td>5011</td>
<td>5274</td>
<td>5533</td>
<td>5792</td>
<td>6059</td>
<td>6314</td>
<td>6704</td>
<td>6972</td>
</tr>
<tr>
<td>22</td>
<td>S</td>
<td>4657</td>
<td>4794</td>
<td>4937</td>
<td>5083</td>
<td>5341</td>
<td>5602</td>
<td>5859</td>
<td>6130</td>
<td>6385</td>
<td>6776</td>
<td>7047</td>
</tr>
<tr>
<td>23</td>
<td>B</td>
<td>4658</td>
<td>4796</td>
<td>4939</td>
<td>5086</td>
<td>5356</td>
<td>5631</td>
<td>5899</td>
<td>6171</td>
<td>6439</td>
<td>6843</td>
<td>7117</td>
</tr>
<tr>
<td>23</td>
<td>Q</td>
<td>4867</td>
<td>5011</td>
<td>5162</td>
<td>5319</td>
<td>5600</td>
<td>5887</td>
<td>6164</td>
<td>6449</td>
<td>6729</td>
<td>7150</td>
<td>7436</td>
</tr>
<tr>
<td>23</td>
<td>S</td>
<td>4937</td>
<td>5083</td>
<td>5233</td>
<td>5388</td>
<td>5668</td>
<td>5955</td>
<td>6234</td>
<td>6518</td>
<td>6797</td>
<td>7219</td>
<td>7508</td>
</tr>
<tr>
<td>24</td>
<td>B</td>
<td>4955</td>
<td>5104</td>
<td>5256</td>
<td>5414</td>
<td>5702</td>
<td>6001</td>
<td>6288</td>
<td>6579</td>
<td>6876</td>
<td>7307</td>
<td>7599</td>
</tr>
<tr>
<td>24</td>
<td>J</td>
<td>4955</td>
<td>5104</td>
<td>5256</td>
<td>5414</td>
<td>5702</td>
<td>6001</td>
<td>6288</td>
<td>6579</td>
<td>6876</td>
<td>7307</td>
<td>7599</td>
</tr>
<tr>
<td>24</td>
<td>Q</td>
<td>5178</td>
<td>5332</td>
<td>5494</td>
<td>5660</td>
<td>5961</td>
<td>6271</td>
<td>6572</td>
<td>6874</td>
<td>7185</td>
<td>7637</td>
<td>7942</td>
</tr>
<tr>
<td>24</td>
<td>S</td>
<td>5248</td>
<td>5402</td>
<td>5563</td>
<td>5729</td>
<td>6028</td>
<td>6339</td>
<td>6641</td>
<td>6945</td>
<td>7256</td>
<td>7706</td>
<td>8014</td>
</tr>
<tr>
<td>25</td>
<td>B</td>
<td>5282</td>
<td>5439</td>
<td>5603</td>
<td>5771</td>
<td>6086</td>
<td>6408</td>
<td>6727</td>
<td>7047</td>
<td>7367</td>
<td>7840</td>
<td>8154</td>
</tr>
<tr>
<td>25</td>
<td>J</td>
<td>5282</td>
<td>5439</td>
<td>5603</td>
<td>5771</td>
<td>6086</td>
<td>6408</td>
<td>6727</td>
<td>7047</td>
<td>7367</td>
<td>7840</td>
<td>8154</td>
</tr>
<tr>
<td>25</td>
<td>Q</td>
<td>5519</td>
<td>5685</td>
<td>5853</td>
<td>6029</td>
<td>6361</td>
<td>6694</td>
<td>7031</td>
<td>7366</td>
<td>7700</td>
<td>8193</td>
<td>8521</td>
</tr>
<tr>
<td>25</td>
<td>S</td>
<td>5592</td>
<td>5753</td>
<td>5927</td>
<td>6101</td>
<td>6431</td>
<td>6763</td>
<td>7099</td>
<td>7434</td>
<td>7767</td>
<td>8263</td>
<td>8594</td>
</tr>
<tr>
<td>26</td>
<td>B</td>
<td>5582</td>
<td>5748</td>
<td>5923</td>
<td>6158</td>
<td>6495</td>
<td>6839</td>
<td>7186</td>
<td>7521</td>
<td>7860</td>
<td>8367</td>
<td>8702</td>
</tr>
<tr>
<td>26</td>
<td>U</td>
<td>5582</td>
<td>5748</td>
<td>5923</td>
<td>6158</td>
<td>6495</td>
<td>6839</td>
<td>7186</td>
<td>7521</td>
<td>7860</td>
<td>8367</td>
<td>8702</td>
</tr>
<tr>
<td>27</td>
<td>B</td>
<td>5900</td>
<td>6076</td>
<td>6259</td>
<td>6573</td>
<td>6931</td>
<td>7297</td>
<td>7668</td>
<td>8026</td>
<td>8386</td>
<td>8929</td>
<td>9286</td>
</tr>
<tr>
<td>27</td>
<td>J</td>
<td>5900</td>
<td>6076</td>
<td>6259</td>
<td>6573</td>
<td>6931</td>
<td>7297</td>
<td>7668</td>
<td>8026</td>
<td>8386</td>
<td>8929</td>
<td>9286</td>
</tr>
<tr>
<td>27</td>
<td>U</td>
<td>5900</td>
<td>6076</td>
<td>6259</td>
<td>6573</td>
<td>6931</td>
<td>7297</td>
<td>7668</td>
<td>8026</td>
<td>8386</td>
<td>8929</td>
<td>9286</td>
</tr>
<tr>
<td>29</td>
<td>U</td>
<td>6497</td>
<td>6691</td>
<td>6893</td>
<td>7239</td>
<td>7632</td>
<td>8035</td>
<td>8445</td>
<td>8838</td>
<td>9235</td>
<td>9832</td>
<td>10225</td>
</tr>
</tbody>
</table>

**Effective January 1, 2008**
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Bargaining Unit: RC-062

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Pay Plan Code</th>
<th>ΣTEPS1</th>
<th>ΣTEPS2</th>
<th>ΣTEPS3</th>
<th>ΣTEPS4</th>
<th>ΣTEPS5</th>
<th>ΣTEPS6</th>
<th>ΣTEPS7</th>
<th>ΣTEPS8</th>
</tr>
</thead>
<tbody>
<tr>
<td>09 B</td>
<td>2554</td>
<td>2617</td>
<td>2682</td>
<td>2749</td>
<td>2834</td>
<td>2925</td>
<td>3015</td>
<td>3112</td>
<td>3204</td>
</tr>
<tr>
<td>09 Q</td>
<td>2657</td>
<td>2721</td>
<td>2789</td>
<td>2860</td>
<td>2948</td>
<td>3044</td>
<td>3137</td>
<td>3239</td>
<td>3336</td>
</tr>
<tr>
<td>09 S</td>
<td>2718</td>
<td>2785</td>
<td>2851</td>
<td>2920</td>
<td>3010</td>
<td>3105</td>
<td>3202</td>
<td>3304</td>
<td>3401</td>
</tr>
<tr>
<td>10 B</td>
<td>2639</td>
<td>2701</td>
<td>2769</td>
<td>2837</td>
<td>2941</td>
<td>3028</td>
<td>3128</td>
<td>3227</td>
<td>3327</td>
</tr>
<tr>
<td>10 Q</td>
<td>2743</td>
<td>2808</td>
<td>2878</td>
<td>2952</td>
<td>3058</td>
<td>3152</td>
<td>3258</td>
<td>3361</td>
<td>3466</td>
</tr>
<tr>
<td>10 S</td>
<td>2802</td>
<td>2871</td>
<td>2940</td>
<td>3013</td>
<td>3120</td>
<td>3216</td>
<td>3322</td>
<td>3425</td>
<td>3535</td>
</tr>
<tr>
<td>11 B</td>
<td>2731</td>
<td>2799</td>
<td>2871</td>
<td>2942</td>
<td>3042</td>
<td>3140</td>
<td>3253</td>
<td>3361</td>
<td>3465</td>
</tr>
<tr>
<td>11 Q</td>
<td>2841</td>
<td>2911</td>
<td>2984</td>
<td>3060</td>
<td>3169</td>
<td>3273</td>
<td>3390</td>
<td>3503</td>
<td>3614</td>
</tr>
<tr>
<td>11 S</td>
<td>2904</td>
<td>2974</td>
<td>3046</td>
<td>3121</td>
<td>3232</td>
<td>3335</td>
<td>3454</td>
<td>3569</td>
<td>3683</td>
</tr>
<tr>
<td>12 B</td>
<td>2838</td>
<td>2909</td>
<td>2982</td>
<td>3060</td>
<td>3172</td>
<td>3277</td>
<td>3399</td>
<td>3510</td>
<td>3640</td>
</tr>
<tr>
<td>12 Q</td>
<td>2954</td>
<td>3026</td>
<td>3103</td>
<td>3186</td>
<td>3303</td>
<td>3413</td>
<td>3544</td>
<td>3665</td>
<td>3798</td>
</tr>
<tr>
<td>12 S</td>
<td>3015</td>
<td>3088</td>
<td>3167</td>
<td>3248</td>
<td>3367</td>
<td>3478</td>
<td>3612</td>
<td>3734</td>
<td>3869</td>
</tr>
<tr>
<td>12H B</td>
<td>17.46</td>
<td>17.90</td>
<td>18.35</td>
<td>18.83</td>
<td>19.52</td>
<td>20.17</td>
<td>20.92</td>
<td>21.60</td>
<td>22.40</td>
</tr>
<tr>
<td>12H Q</td>
<td>18.18</td>
<td>18.62</td>
<td>19.10</td>
<td>19.61</td>
<td>20.33</td>
<td>21.00</td>
<td>21.81</td>
<td>22.55</td>
<td>23.37</td>
</tr>
<tr>
<td>12H S</td>
<td>18.55</td>
<td>19.00</td>
<td>19.49</td>
<td>19.99</td>
<td>20.72</td>
<td>21.40</td>
<td>22.23</td>
<td>22.98</td>
<td>23.81</td>
</tr>
<tr>
<td>13 B</td>
<td>2942</td>
<td>3016</td>
<td>3093</td>
<td>3175</td>
<td>3292</td>
<td>3418</td>
<td>3545</td>
<td>3675</td>
<td>3813</td>
</tr>
<tr>
<td>13 Q</td>
<td>3060</td>
<td>3139</td>
<td>3221</td>
<td>3307</td>
<td>3429</td>
<td>3564</td>
<td>3703</td>
<td>3838</td>
<td>3979</td>
</tr>
<tr>
<td>13 S</td>
<td>3121</td>
<td>3203</td>
<td>3286</td>
<td>3370</td>
<td>3495</td>
<td>3632</td>
<td>3773</td>
<td>3906</td>
<td>4052</td>
</tr>
<tr>
<td>14 B</td>
<td>3062</td>
<td>3140</td>
<td>3226</td>
<td>3311</td>
<td>3437</td>
<td>3571</td>
<td>3727</td>
<td>3864</td>
<td>4010</td>
</tr>
<tr>
<td>14 Q</td>
<td>3188</td>
<td>3273</td>
<td>3360</td>
<td>3451</td>
<td>3583</td>
<td>3729</td>
<td>3891</td>
<td>4038</td>
<td>4192</td>
</tr>
<tr>
<td>14 S</td>
<td>3250</td>
<td>3335</td>
<td>3424</td>
<td>3516</td>
<td>3654</td>
<td>3797</td>
<td>3962</td>
<td>4108</td>
<td>4264</td>
</tr>
<tr>
<td>14H B</td>
<td>18.84</td>
<td>19.32</td>
<td>19.85</td>
<td>20.38</td>
<td>21.15</td>
<td>21.98</td>
<td>22.94</td>
<td>23.78</td>
<td>24.68</td>
</tr>
<tr>
<td>14H Q</td>
<td>19.62</td>
<td>20.14</td>
<td>20.68</td>
<td>21.24</td>
<td>22.05</td>
<td>22.95</td>
<td>23.94</td>
<td>24.85</td>
<td>25.80</td>
</tr>
<tr>
<td>14H S</td>
<td>20.00</td>
<td>20.52</td>
<td>21.07</td>
<td>21.64</td>
<td>22.49</td>
<td>23.37</td>
<td>24.38</td>
<td>25.28</td>
<td>26.24</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<table>
<thead>
<tr>
<th>Year</th>
<th>Quarter</th>
<th>Account Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>B</td>
<td>3180 3263 3352 3442 3595 3743 3889 4048 4198 4451 4629</td>
</tr>
<tr>
<td>15</td>
<td>Q</td>
<td>3312 3400 3494 3592 3750 3906 4063 4233 4388 4649 4836</td>
</tr>
<tr>
<td>15</td>
<td>S</td>
<td>3376 3463 3561 3659 3820 3974 4136 4303 4458 4723 4911</td>
</tr>
<tr>
<td>16</td>
<td>B</td>
<td>3321 3410 3503 3604 3765 3932 4095 4267 4436 4699 4886</td>
</tr>
<tr>
<td>16</td>
<td>Q</td>
<td>3459 3556 3657 3762 3932 4109 4281 4457 4636 4912 5109</td>
</tr>
<tr>
<td>16</td>
<td>S</td>
<td>3528 3626 3726 3833 4003 4182 4355 4529 4709 4980 5179</td>
</tr>
<tr>
<td>17</td>
<td>B</td>
<td>3468 3566 3669 3776 3950 4132 4307 4482 4664 4941 5139</td>
</tr>
<tr>
<td>17</td>
<td>Q</td>
<td>3618 3722 3831 3940 4129 4318 4499 4682 4873 5163 5370</td>
</tr>
<tr>
<td>17</td>
<td>S</td>
<td>3685 3791 3900 4011 4201 4392 4573 4754 4944 5238 5447</td>
</tr>
<tr>
<td>18</td>
<td>B</td>
<td>3645 3750 3858 3973 4165 4360 4558 4743 4934 5228 5437</td>
</tr>
<tr>
<td>18</td>
<td>Q</td>
<td>3806 3915 4031 4152 4357 4557 4765 4959 5156 5465 5684</td>
</tr>
<tr>
<td>18</td>
<td>S</td>
<td>3874 3983 4104 4221 4426 4629 4835 5031 5230 5535 5757</td>
</tr>
<tr>
<td>19</td>
<td>B</td>
<td>3836 3948 4064 4188 4401 4609 4823 5026 5235 5554 5776</td>
</tr>
<tr>
<td>19</td>
<td>J</td>
<td>3836 3948 4064 4188 4401 4609 4823 5026 5235 5554 5776</td>
</tr>
<tr>
<td>19</td>
<td>Q</td>
<td>4006 4126 4250 4376 4600 4814 5043 5253 5473 5803 6035</td>
</tr>
<tr>
<td>19</td>
<td>S</td>
<td>4078 4199 4323 4450 4673 4888 5114 5326 5547 5875 6110</td>
</tr>
<tr>
<td>20</td>
<td>B</td>
<td>4052 4174 4298 4425 4648 4865 5096 5318 5538 5874 6109</td>
</tr>
<tr>
<td>20</td>
<td>Q</td>
<td>4236 4362 4491 4625 4857 5086 5327 5556 5788 6141 6386</td>
</tr>
<tr>
<td>20</td>
<td>S</td>
<td>4305 4433 4563 4698 4929 5156 5398 5628 5859 6210 6458</td>
</tr>
<tr>
<td>21</td>
<td>B</td>
<td>4277 4406 4537 4672 4913 5150 5390 5636 5871 6237 6486</td>
</tr>
<tr>
<td>21</td>
<td>U</td>
<td>4277 4406 4537 4672 4913 5150 5390 5636 5871 6237 6486</td>
</tr>
<tr>
<td>21</td>
<td>Q</td>
<td>4470 4605 4740 4883 5136 5380 5634 5891 6137 6518 6778</td>
</tr>
<tr>
<td>21</td>
<td>S</td>
<td>4541 4676 4812 4956 5205 5453 5706 5963 6207 6590 6854</td>
</tr>
<tr>
<td>22</td>
<td>B</td>
<td>4520 4657 4798 4940 5197 5451 5708 5973 6221 6608 6873</td>
</tr>
<tr>
<td>22</td>
<td>Q</td>
<td>4725 4867 5013 5161 5432 5699 5966 6241 6503 6905 7181</td>
</tr>
<tr>
<td>22</td>
<td>S</td>
<td>4797 4938 5085 5235 5501 5770 6035 6314 6577 6979 7258</td>
</tr>
<tr>
<td>23</td>
<td>B</td>
<td>4798 4940 5087 5239 5517 5800 6076 6356 6632 7048 7331</td>
</tr>
<tr>
<td>23</td>
<td>Q</td>
<td>5013 5161 5317 5479 5768 6064 6349 6642 6931 7365 7659</td>
</tr>
<tr>
<td>23</td>
<td>S</td>
<td>5085 5235 5390 5550 5838 6134 6421 6714 7001 7436 7733</td>
</tr>
</tbody>
</table>
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

24  B  5104  5257  5414  5576  5873  6181  6477  6776  7082  7526  7827
24  J  5104  5257  5414  5576  5873  6181  6477  6776  7082  7526  7827
24  Q  5333  5492  5659  5830  6140  6459  6769  7080  7401  7866  8180
24  S  5405  5564  5730  5901  6209  6529  6840  7153  7474  7937  8254

25  B  5440  5602  5771  5944  6269  6600  6929  7258  7588  8075  8399
25  J  5440  5602  5771  5944  6269  6600  6929  7258  7588  8075  8399
25  Q  5685  5856  6029  6210  6552  6895  7242  7587  7931  8439  8777
25  S  5760  5926  6105  6284  6624  6966  7312  7657  8000  8511  8852

26  B  5749  5920  6101  6343  6690  7044  7402  7747  8096  8618  8963
26  U  5749  5920  6101  6343  6690  7044  7402  7747  8096  8618  8963

27  B  6077  6258  6447  6770  7139  7516  7898  8267  8638  9197  9565
27  J  6077  6258  6447  6770  7139  7516  7898  8267  8638  9197  9565
27  U  6077  6258  6447  6770  7139  7516  7898  8267  8638  9197  9565

29  U  6692  6892  7100  7456  7861  8276  8698  9103  9512  10127  10532

(Source: Peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007)
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 December 25, 2007 through December 31, 2007 and have been scheduled for review by the Committee at its January 9, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<table>
<thead>
<tr>
<th>Second Notice Expires</th>
<th>Agency and Rule</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Start Of First Notice</th>
<th>JCAR Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/26/07</td>
<td>1/9/08</td>
</tr>
<tr>
<td>31 Ill. Reg.</td>
<td>14568</td>
</tr>
</tbody>
</table>
a) Part(s) (Heading and Code Citation): Rules of the Civil Service Commission (80 Ill. Adm. Code 1)

1) Rulemaking:

   A) Description: This rulemaking governs the conduct of contested hearings held before the Civil Service Commission and the regulatory actions for which the Civil Service Commission is responsible. Contested hearings lie in the areas of discipline appeals, most typically discharge of an employee from a certified position, appeals of layoff, appeals of allocation and rule violation appeals. With regard to regulatory matters the rules govern the Civil Service Commission's actions in approval of requests for exemption of Personnel Code coverage for policy-making positions and also approval of amendments to the plan of classification of positions of employment subject to the Code. The rules are also amended to provide for more efficient means of communication with interested parties and to foster the exchange of information in the appeal procedure.

   B) Statutory Authority: Implementing and authorized by Section 10 of the Personnel Code (20 ILCS 415/10).

   C) Scheduled meeting/hearing dates: Not yet scheduled

   D) Date agency anticipates First Notice: Spring 2008

   E) Effect on small businesses, small municipalities or not for profit corporations: None

   F) Agency contact person for information:

       Andrew Barris
       Illinois Civil Service Commission
       400 West Monroe, Suite 306
       Springfield, Illinois 62704

   G) Related rulemakings and other pertinent information: None
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

JANUARY 2008 REGULATORY AGENDA

a) Parts (Headings and Code Citations): General Program (35 Ill. Adm. Code 1500.30, 1500.40, 1500.50, and 1500.60)

1) Rulemaking:

A) Description: 35 Ill. Adm. Code 1500.30 contains the Fund's general program rules related to annual licensing requirements. 35 Ill. Adm. Code 1500.40 contains the Fund's general program rules related to remedial program requirements. 35 Ill. Adm. Code 1500.50 contains the Fund's general program rules related to insurance program requirements. 35 Ill. Adm. Code 1500.60 contains the Fund's general program rules related to appeals. The Council will be proposing to prescribe requirements for the retention of records by an owner or operator of a drycleaning facility for licensing, insuring, filing claims and filing appeals with the Fund. The Council needs to amend Parts 1500.30, 1500.40, 1500.50 and 1500.60 to reflect the proposed requirements.

B) Statutory Authority: Implementing and authorized by Section 20 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(e)].


E) Effect on small businesses, small municipalities, or not-for-profit corporations: There will be minimal effect on small businesses as the majority of the drycleaners are already retaining the necessary records for an appropriate period of time. There should be no effect on small municipalities or not-for-profit corporations.
F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

H. Patrick Eriksen, Administrator
Drycleaner Environmental Response Trust Fund
1000 Tower Lane, Suite 140, P. O. Box 480
Bensenville, IL  60106

G) Related rulemakings and other pertinent information: One other presently anticipated proceeding would affect the text of Part 1500.50. No other presently anticipated proceeding would affect the text of Part 1500.30, 1500.40, and 1500.60.

2) Rulemaking:

A) Description: 35 Ill. Adm. Code 1500.50 contains the Fund's general program rules related to insurance program requirements. The Council will be proposing to define the insurance claim settlement process and will need to amend Part 1500.50 to reflect the proposed process.

B) Statutory Authority: Implementing and authorized by Section 20 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(c)].

C) Scheduled Meeting/Hearing Dates: Public hearings are not required to define the insurance claim settlement process per 35 Ill. Adm. Code 1500.50.


E) Effect on small businesses, small municipalities, or not-for-profit corporations: There will be an effect on small businesses as the majority of insurance program participants subject to the insurance claim settlement rules would be defined as a small business. There should be no effect on small municipalities or not-for-profit corporations.
F) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking as follows:

H. Patrick Eriksen, Administrator  
Drycleaner Environmental Response Trust Fund  
1000 Tower Lane, Suite 140, P. O. Box 480  
Bensenville, IL  60106

G) **Related rulemakings and other pertinent information:** One other presently anticipated proceeding would affect the text of Part 1500.50.
a) **Part (Heading and Code Citation):** Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises, 32 Ill Adm. Code 501

1) **Rulemaking:** Proposed Amendment

   A) **Description:** IEMA is authorized to make grants available to local governments for costs associated with the implementation of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4]. This Part sets forth policies and procedures for implementation of the grant program.

   B) **Statutory Authority:** Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4].

   C) **Scheduled meeting/hearing dates:** None scheduled

   D) **Date agency anticipates First Notice:** February 2008

   E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities and not for profit corporations.

   F) **Agency contact person for information:**

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL  62704
   217/524-0770

   G) **Related rulemakings and other pertinent information:** None

b) **Part (Heading and Code Citation):** Medical Use of Radioactive Material, 32 Ill. Adm. Code 335

1) **Rulemaking:** Proposed Amendment
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

A) **Description**: This rulemaking will ensure compatibility with the US Nuclear Regulatory Commission's 10 CFR 35 regulations currently in place for medical use of radioactive materials. Agreement States such as Illinois are required to have these regulations in place by April 29, 2008. These regulations provide for training of authorized user physicians for medical use of radionuclides.

B) **Statutory Authority**: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

C) **Scheduled meeting/hearing dates**: None scheduled

D) **Date agency anticipates First Notice**: February 2008

E) **Effect on small businesses, small municipalities or not for profit corporations**: The Agency believes this rulemaking will not affect small businesses, small municipalities and not for profit corporations.

F) **Agency contact person for information**:

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL  62704
   217/524-0770

G) **Related rulemakings and other pertinent information**: None

c) **Part (Heading and Code Citation)**: Licensing of Radioactive Material, 32 Ill. Adm. Code 330

1) **Rulemaking**: Proposed Amendment

A) **Description**: This rulemaking will ensure compatibility with the US Nuclear Regulatory Commission's 10 CFR 35 regulations currently in place for medical use of radioactive materials. Agreement States such as Illinois are required to have these regulations in place by April 29, 2008. These regulations provide for training of authorized nuclear pharmacists for medical distribution of radionuclides.
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

B) **Statutory Authority:** Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) **Scheduled meeting/hearing dates:** None scheduled

D) **Date agency anticipates First Notice:** February 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities and not for profit corporations.

F) **Agency contact person for information:**

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL  62704
   217/524-0770

G) **Related rulemakings and other pertinent information:** None

d) **Part (Heading and Code Citation):** Americans with Disabilities Act Grievance Procedure, 4 Ill. Adm. Code 175

   1) **Rulemaking:** Proposed Amendment

   A) **Description:** The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

   B) **Statutory Authority:** Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 5-10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10].

   C) **Scheduled meeting/hearing dates:** None scheduled
D) **Date agency anticipates First Notice:** March 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities and not for profit corporations.

F) **Agency contact person for information:**

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL  62704
   217/524-0770

G) **Related rulemakings and other pertinent information:** None

e) **Part (Heading and Code Citation):** Freedom of Information Procedures, 2 Ill. Adm. Code 1076

1) **Rulemaking:** Proposed Rule

A) **Description:** The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) **Statutory Authority:** Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

C) **Scheduled meeting/hearing dates:** None scheduled

D) **Date agency anticipates First Notice:** March 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) **Agency contact person for information:**
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Training and Education Program, 29 Ill. Adm. Code 110

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to predecessor agencies will be changed to the "Illinois Emergency Management Agency".


C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Political Subdivision Emergency Services and Disaster Agencies, 29 Ill. Adm. Code 301

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to predecessor agencies will be changed to the "Illinois Emergency Management Agency".

B) Statutory Authority: Implements the Illinois Emergency Management Agency Act [20 ILCS 3305] and authorized by Sections 5(f)(4), (5), (5.5) and (5.10) and 10(i) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(f)(4), (5), (5.5) and (5.10) and 10(i)].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL  62704
217/524-0770

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Radiological Protection, 29 Ill. Adm. Code 320

1) Rulemaking: Proposed Rule
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

A) **Description**: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to predecessor agencies will be changed to the "Illinois Emergency Management Agency".

B) **Statutory Authority**: Implementing the Illinois Emergency Management Agency Act [20 ILCS 3305].

C) **Scheduled meeting/hearing dates**: None scheduled

D) **Date Agency anticipates First Notice**: March 2008

E) **Effect on small businesses, small municipalities or not for profit corporations**: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) **Agency contact person for information**:

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL 62704
   217/524-0770

G) **Related rulemakings and other pertinent information**: None

i) **Part (Heading and Code Citation)**: Individual and Family Grant Program, 29 Ill. Adm. Code 410

1) **Rulemaking**: Proposed Rule

A) **Description**: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to predecessor agencies will be changed to the "Illinois Emergency Management Agency".
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA


C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL  62704
217/524-0770

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Public Disaster Assistance Program, 29 Ill. Adm. Code 420

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to predecessor agencies will be changed to the "Illinois Emergency Management Agency".


C) Scheduled meeting/hearing dates: None scheduled
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL  62704
217/524-0770

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance, 29 Ill. Adm. Code 430

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to predecessor agencies will be changed to the "Illinois Emergency Management Agency".

B) Statutory Authority: Implementing "AN ACT to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies" (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 USC. 11004) and authorized by the Illinois Emergency Management Agency Act [20 ILCS 3305].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008
E) **Effect on small businesses, small municipalities or not for profit corporations**: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) **Agency contact person for information:**

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) **Related rulemakings and other pertinent information**: None

1) **Part (Heading and Code Citation)**: Development, Annual Review, Coordination of Chemical Safety Contingency Plans, 29 Ill. Adm. Code 610

   1) **Rulemaking**: Proposed Rule

      A) **Description**: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to predecessor agencies will be changed to the "Illinois Emergency Management Agency".


      C) **Scheduled meeting/hearing dates**: None scheduled

      D) **Date Agency anticipates First Notice**: March 2008

      E) **Effect on small businesses, small municipalities or not for profit corporations**: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

      F) **Agency contact person for information**: 
m) Part (Heading and Code Citation): Emergency Planning and Community Right-to-Know, 29 Ill. Adm. Code 620

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to predecessor agencies will be changed to the "Illinois Emergency Management Agency".

B) Statutory Authority: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499) and the Illinois Emergency Planning and Community Right To Know Act [430 ILCS 100] and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5c].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
G) Related rulemakings and other pertinent information: None

Part (Heading and Code Citation): Licensing of Radon Detection and Mitigation Services, 32 Ill Adm. Code 422

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this amendment to change the title of the Part to more accurately describe the contents and applicability of the Part; two definitions will be changed to match revisions that occurred in the Radon Industry Licensing Act (RILA); six new definitions are added; clarification will be made for the following: records must be maintained (for audit) after license expiration or termination for a specified time; licensed activities must cease at license expiration, and the licensee will be required to return a valid license to the Agency if the licensee ceased to perform such activities; delete obsolete provisions of the rule (including allowance of temporary installation) and obsolete technology devices that are no longer used; revise criteria for continuing education course approval, and add a license termination process; Add provisions for disciplinary action that match those in the Radiation Protection Act; material false statement; failure to maintain records, and failure to provide access for audit. Require the Licensed Radon Professional to be on-site to provide supervision of all radon activities at schools and commercial buildings. Add licensing provisions for measurement of multi-family buildings and indicate that mitigation licensing for homes will include multi-family buildings. Add a provision for laboratories to submit measurement reports. Delete requirement for licensees to maintain copies of USEPA publications. Clarify that connections and joints for metal downspouts used as vent pipes shall be permanently sealed. A phased in fee increase is proposed that would, when fully implemented, move towards recouping the current cost of the radon program.

B) Statutory Authority: Implementing and authorized by the Radon Industry Licensing Act [420 ILCS 44].

C) Scheduled meeting/hearing dates: None scheduled
D) **Date Agency anticipates First Notice:** March 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities and not for profit corporations.

F) **Agency contact person for information:**

   Kevin T. McClain, Chief Legal Counsel  
   Illinois Emergency Management Agency  
   1035 Outer Park Drive  
   Springfield, IL  62704  
   217/524-0770

G) **Related rulemakings and other pertinent information:** None

o) **Part (Heading and Code Citation):** Administrative Hearings, 32 Ill. Adm. Code 200

1) **Rulemaking:** Proposed Rule

   A) **Description:** The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

   B) **Statutory Authority:** Implementing Sections 8.2, 9 and 11 and authorized by Section 6 of the Radiation Protection Act [420 ILCS 40/8.2, 9 and 11].

   C) **Scheduled meeting/hearing dates:** None scheduled

   D) **Date Agency anticipates First Notice:** March 2008

   E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations

   F) **Agency contact person for information:**
JANUARY 2008 REGULATORY AGENDA

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): Standards for Protection Against Laser Radiation, 32 Ill. Adm. Code 315

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by the Laser System Act of 1997 [420 ILCS 56].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

q) Part (Heading and Code Citation): Registration and Operator Requirements for Radiation Installations, 32 Ill. Adm. Code 320

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".


C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL  62704
217/524-0770

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Registration and Reporting Requirements For Radiation Machine Service Providers, 32 Ill. Adm. Code 322

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

the Illinois Department of Nuclear Safety. All references to the
"Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by Section 25.2 of the
Radiation Protection Act of 1990 [420 ILCS 40/25.2].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit
corporations: The Agency believes this rulemaking will not affect small
businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL  62704
   217/524-0770

G) Related rulemakings and other pertinent information: None

s) Part (Heading and Code Citation): Fees For Radioactive Material Licenses and
Registrants, 32 Ill. Adm. Code 331

1) Rulemaking: Proposed Rule

   A) Description: The Agency is proposing this rulemaking to update this Part
to reflect the merger of the Illinois Emergency Management Agency and
the Illinois Department of Nuclear Safety. All references to the
"Department" will be changed to "Agency".

   B) Statutory Authority: Implementing and authorized by Section 11 of the
Radiation Protection Act of 1990 [420 ILCS 40/11].

   C) Scheduled meeting/hearing dates: None scheduled
D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None

I) Part (Heading and Code Citation): Licensing Requirements For Source Material Milling Facilities, 32 Ill. Adm. Code 332

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:
I. RULEMAKING

1) **Rulemaking**: Proposed Rule

A) **Description**: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) **Statutory Authority**: Implementing and authorized by Section 25(g) of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-25(g)) [420 ILCS 40/25(g)].

C) **Scheduled meeting/hearing dates**: None scheduled

D) **Date Agency anticipates First Notice**: March 2008

E) **Effect on small businesses, small municipalities or not for profit corporations**: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) **Agency contact person for information**:

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL 62704
   217/524-0770

G) **Related rulemakings and other pertinent information**: None
ILLINOIS EMERGENCY MANAGEMENT AGENCY  

JANUARY 2008 REGULATORY AGENDA  

v) Part (Heading and Code Citation):  Fees For By-Product Material, 32 Ill. Adm. Code 334  

1) Rulemaking: Proposed Rule  

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".  

B) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (see P.A. 88-638, effective September 9, 1994 [420 ILCS 42]).  

C) Scheduled meeting/hearing dates: None scheduled  

D) Date Agency anticipates First Notice: March 2008  

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.  

F) Agency contact person for information:  

Kevin T. McClain, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL  62704  
217/524-0770  

G) Related rulemakings and other pertinent information: None  

w) Part (Heading and Code Citation): Quality Standards and Certification Requirements For Facilities Performing Mammography, 32 Ill. Adm. Code 370  

1) Rulemaking: Proposed Rule  

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL  62704
217/524-0770

G) Related rulemakings and other pertinent information: None

x) Part (Heading and Code Citation): Analytical Types of X-Ray Equipment, 32 Ill. Adm. Code 380

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None

y) Part (Heading and Code Citation): Particle Accelerators, 32 Ill. Adm. Code 390

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None

z) Part (Heading and Code Citation): Notices, Instructions and Reports to Workers; Inspections, 32 Ill. Adm. Code 400

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 [420 ILCS 40/16 and 29].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL 62704
   217/524-0770

G) Related rulemakings and other pertinent information: None
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

aa) Part (Heading and Code Citation): Certification of Individuals to Perform Individual Radiography, 32 Ill. Adm. Code 405

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to 1) change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or the "Illinois Emergency Management Agency" pursuant to Executive Order #12, effective July 1, 2003; 2) increase the fee for the industrial radiography certification exam from $75 to $100 to account for the exam's cost increase, which was recently announced by the exam's provider; 3) eliminate the requirement that a certified industrial radiographer trainee, whose non renewal certification is good for 2 years, just take the required examination within 12 months; 4) clarify that the certified industrial radiographer trainee status is non renewable and will not be reissued for any other type of industrial radiography; 5) note the requirements for renewal of certification and that an individual may not legally perform industrial radiography without valid certification or express approval of the Agency; 6) define the process of assessing civil penalties against individuals for violations of the Agency's certification requirement.

B) Statutory Authority: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: January 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

217/524-0770

G) Related rulemakings and other pertinent information: None

bb) Part (Heading and Code Citation): Certification and Operation of Radiochemistry Laboratories, 32 Ill. Adm. Code 406

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing the Civil Administrative Code of Illinois [20 ILCS 5] and authorized by Sections 55.10 through 55.12 and Section 71 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.10 through 55.12, and 20 ILCS 2005/71(D)].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None

cc) Part (Heading and Code Citation): Registration Requirements for Diagnostic Imaging Specialist and Therapeutic Radiological Physicists, 32 Ill. Adm. Code 410
1) **Rulemaking:** Proposed Rule

A) **Description:** The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) **Statutory Authority:** Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] (see P.A. 91-340, effective July 29, 1999).

C) **Scheduled meeting/hearing dates:** None scheduled

D) **Date Agency anticipates First Notice:** March 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) **Agency contact person for information:**

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL 62704
   217/524-0770

G) **Related rulemakings and other pertinent information:** None

dd) **Part (Heading and Code Citation):** Status Signals for Nuclear Power Reactors, 32 Ill. Adm. Code 504

1) **Rulemaking:** Proposed Rule

A) **Description:** The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by Section 8(c) of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/8(c)].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None

ee) Part (Heading and Code Citation): Safe Operation of Nuclear Facility Boilers and Pressure Vessels, 32 Ill. Adm. Code 505

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".


C) Scheduled meeting/hearing dates: None scheduled
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None

ff) Part (Heading and Code Citation): Licensing Requirements for Land Disposal of Radioactive Waste, 32 Ill. Adm. Code 601

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency". In addition, this rulemaking replaces the requirements previously found in Parts 601 and 606 of Title 32 of the Illinois Administrative Code. This rulemaking will establish the requirements for siting, designing, licensing, constructing, operating and closing a low-level radioactive waste disposal facility in Illinois.


C) Scheduled meeting/hearing dates: None scheduled
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

D) **Date Agency anticipates First Notice:** April 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** Given the magnitude of the effort to develop a low-level radioactive waste disposal facility, it is unlikely that a small business, small municipality or a not for profit corporation would undertake the activities regulated by this rulemaking. However, the public health and safety concerns are the same regardless of who develops a disposal facility and therefore, the requirements are the same.

F) **Agency contact person for information:**

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL 62704
   217/524-0770

G) **Related rulemakings and other pertinent information:** None

gg) **Part (Heading and Code Citation):** Standards for Selection of Contractors, 32 Ill. Adm. Code 605

1) **Rulemaking:** Proposed Rule

   A) **Description:** The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

   B) **Statutory Authority:** Implementing and authorized by Section 5 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/5].

   C) **Scheduled meeting/hearing dates:** None scheduled

   D) **Date Agency anticipates First Notice:** March 2008
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) **Agency contact person for information:**

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) **Related rulemakings and other pertinent information:** None

hh) **Part (Heading and Code Citation):** Requirements for the Disposal of Low-Level Radioactive Waste Away from the Point of Generation, 32 Ill. Adm. Code 606

1) **Rulemaking:** Proposed Repealer

A) **Description:** The Agency is proposing to repeal this Part as the requirements are being incorporated into a new 32 Ill. Adm. Code 601.

B) **Statutory Authority:** Implementing and authorized by Section 6 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/6].

C) **Scheduled meeting/hearing dates:** None scheduled

D) **Date Agency anticipates First Notice:** April 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) **Agency contact person for information:**

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
G) Related rulemakings and other pertinent information: None

ii) Part (Heading and Code Citation): Licensing Requirements for Land Disposal of Radioactive Waste, 32 Ill. Adm. Code 601

1) Rulemaking: Proposed Repealer

A) Description: The Agency is proposing to repeal this Part as the requirements are being incorporated into a new 32 Ill. Adm. Code 601.

B) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/6].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: April 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Kevin T. McClain, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704
217/524-0770

G) Related rulemakings and other pertinent information: None

jj) Part (Heading and Code Citation): Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste, 32 Ill. Adm. Code 609

1) Rulemaking: Proposed Rule
ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2008 REGULATORY AGENDA

A) **Description:** The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".


C) **Scheduled meeting/hearing dates:** None scheduled

D) **Date Agency anticipates First Notice:** March 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) **Agency contact person for information:**

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL 62704
   217/524-0770

G) **Related rulemakings and other pertinent information:** None
Part (Heading and Code Citation): Registration of Low-Level Radioactive Waste Generators, 32 Ill. Adm. Code 620

1) Rulemaking: Proposed Rule

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by Sections 3 and 4 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/3 and 20/4].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

   Kevin T. McClain, Chief Legal Counsel
   Illinois Emergency Management Agency
   1035 Outer Park Drive
   Springfield, IL 62704
   217/524-0770

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF HUMAN RIGHTS

JANUARY 2008 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520).

1) Rulemaking:

A) **Description:** As to Section 2520.573, the Department intends to clarify the effects of changes to the Human Rights Act upon the Department's procedures concerning requests for review. Additionally, as to Section 2520.587, the proposed rule revises the Department's procedures for maintenance of Orders of the Chief Legal Counsel. As to Section 2520.795, pursuant to Section 2-105(B)(1) of the Illinois Human Rights Act [775 ILCS 5/2-105(B)(1)], every State executive department, State agency, board, commission, and instrumentality must comply with the Department's Rules and Regulations concerning equal employment opportunities and affirmative action. The proposed amendment makes several changes to clarify the standards used by the Department to determine compliance with the Act, as well as the process used by the Department to compel compliance.

B) **Statutory Authority:** Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

C) **Scheduled meeting/hearing dates:** No meetings or hearings are scheduled or anticipated at this time.

D) **Date agency anticipates First Notice:** June 2008

E) **Effect on small business, small municipalities or not for profit corporations:** None

F) **Agency contact person for information:**

   David T. Rothal
   Staff Attorney
   Illinois Department of Human Rights – Legal Division
   100 W. Randolph St., Ste. 10-100
DEPARTMENT OF HUMAN RIGHTS

JANUARY 2008 REGULATORY AGENDA

Chicago, IL 60601
312/814-6257 or 312/263-1579 (TTY)

G) Related rulemaking and other pertinent information: None

b) Part(s) (Heading and Code Citation): Housing Discrimination (71 Ill. Adm. Code 2300).

1) Rulemaking:

A) Description: Pursuant to Section 3-106(I)(1)(c)(iii) of the Illinois Human Rights Act [775 ILCS 5/3-106(I)(1)(c)(iii)], the Department is required to promulgate regulations regarding housing for older persons, including verification of occupancy and examples of policies and procedures. The proposed amendments are modeled after the equivalent federal regulations, 24 CFR §100.306 and 100.307, and will satisfy the requirements of the Human Rights Act.

B) Statutory Authority: Implementing Articles 3, 6 and 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B], and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: June 2008

E) Effect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601
312/814-6257 or 312/263-1579 (TTY)
DEPARTMENT OF HUMAN RIGHTS

JANUARY 2008 REGULATORY AGENDA

G) Related rulemaking and other pertinent information: None
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Access to Public Records (FOIA), 2 Ill. Adm. Code 1176

1) Rulemaking:

   A) Description: This rulemaking will update to whom a request for public records is submitted, change the name of the Office of Press/Communications to the Office of Community Relations and delete the ten-day time frame that an appeal must be postmarked by after a denial.


   C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

   D) Date agency anticipates First Notice: January 2008

   E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

   F) Agency contact person for information:

       Tracie Drew, Bureau Chief
       Bureau of Administrative Rules and Procedures
       Department of Human Services
       100 South Grand Avenue, East
       Springfield, Illinois  62762
       217/785-9772

   G) Related rulemakings and other pertinent information: None
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

b) Part(s) (Heading and Code Citation): 
   Americans with Disabilities Act Grievance Procedure, 4 Ill. Adm. Code 300

1) Rulemaking:

   A) Description: This rulemaking will change the address of the ADA Coordinator, rename the section of the ADA Coordinator and add a form for grievances.

   B) Statutory Authority: 
      Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II Regulations (28 CFR 35), Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

   C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

   D) Date agency anticipates First Notice: January 2008

   E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

   F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   217/785-9772

   G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): 
   Recipient Rights, 59 Ill. Adm. Code 111
1) **Rulemaking:**

A) **Description:** This rulemaking will implement PA 95-564 concerning the release of information under the Mental Health and Developmental Disabilities Confidentiality Act concerning persons applying under the Firearm Owners Identification Card Act.

B) **Statutory Authority:** Section 111.10 implementing 29 USC 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing the Americans With Disabilities Act (42 USC 12101 et seq.); Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205, and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 USC 1973gg (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** January 2008

E) **Effect on small business, small municipalities or not for profit corporations:** This rulemaking will not affect small business or not for profit corporations.

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   217/785-9772
G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Treatment and Habilitation Services, 59 Ill. Adm. Code 112

1) Rulemaking:

   A) Description: This rulemaking requires the Department to comply with PA 95-282 that requires facilities to implement comprehensive interventions to prevent and control Multi-drug Resistant Organisms (MDROs).

   B) Statutory Authority: Implementing Sections 1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709, of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704, and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

   C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

   D) Date agency anticipates First Notice: January 2008

   E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

   F) Agency contact person for information:

       Tracie Drew, Bureau Chief
       Bureau of Administrative Rules and Procedures
       Department of Human Services
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Standards and Licensure Requirements for Community-Integrated Living Arrangements, 59 Ill. Adm. Code 115

1) Rulemaking:

A) Description: This rulemaking will be a major re-write in order to comply with federal expectations for Medicaid reimbursement. It has been determined that the Department will file a completely new rule and delete the Developmental Disabilities language from Rule 115. Rule 115 will remain in place as applicable to the Division of Mental Health only.

B) Statutory Authority: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Health Care Worker Background Check Act [225 ILCS 46], and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: February 2008

E) Effect on small business, small municipalities or not for profit corporations: Yes, this rulemaking will have an affect on small businesses and not for profit corporations that provide CILA program services.

F) Agency contact person for information:

       Tracie Drew, Bureau Chief
       Bureau of Administrative Rules and Procedures
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: 59 Ill. Adm. Code 118

f) Part(s) (Heading and Code Citation): Family Assistance and Home-Based Support Program for Persons with Mental Disabilities, 59 Ill. Adm. Code 117

1) Rulemaking:

A) Description: This rulemaking is being amended to delete all references to the Home-Based Support Program for persons with developmental disabilities. The Family Assistance Program and Home-Based Support Program for persons with mental illness will remain part of this rule.

B) Statutory Authority: Implementing the Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-1] and the Family Assistance Law for Mentally Disabled Children [405 ILCS 80/3-1] and authorized by Section 2-16 of the Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-16], Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June, 2008

E) Effect on small business, small municipalities or not for profit corporations: Yes, this rulemaking will have an affect on small businesses and not for profit corporations that provide Home-Based Support Program services.
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) Related rulemakings and other pertinent information:  None

g) Part(s) (Heading and Code Citation):  Family Assistance and Home-Based Support Program for Persons with Mental Disabilities, 59 Ill. Adm. Code 117

1) Rulemaking:

A) Description:  This rulemaking will change eligibility criteria for the Family Assistance Program. The maximum household federal taxable income of less than $50,000 annually will be changed to $65,000 to comply with PA 95-112.

B) Statutory Authority:  Implementing the Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-1] and the Family Assistance Law for Mentally Disabled Children [405 ILCS 80/3-1] and authorized by Section 2-16 of the Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-16], Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

C) Schedule Meeting/Hearing Date:  The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: January 2008
E) **Effect on small business, small municipalities or not for profit corporations:** This rulemaking will not affect small business or not for profit corporations.

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief  
   Bureau of Administrative Rules and Procedures  
   Department of Human Services  
   100 South Grand Avenue, East  
   Springfield, Illinois 62762  
   217/785-9772

G) **Related rulemakings and other pertinent information:** None

h) **Part(s) (Heading and Code Citation):** Minimum Standards for Certification of Developmental Training Programs, 59 Ill. Adm. Code 119

1) **Rulemaking:**

   A) **Description:** This rulemaking will be a major re-write in order to comply with federal expectations for Medicaid reimbursement and to expand coverage to other types of day programs.

   B) **Statutory Authority:** Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act.

   C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

   D) **Date agency anticipates First Notice:** February 2008
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

E) **Effect on small business, small municipalities or not for profit corporations:** Yes, this proposed rulemaking will affect small businesses that provide Developmental Training Program services.

F) **Agency contact person for information:**

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) **Related rulemakings and other pertinent information:** 59 Ill. Adm. Code 118

i) **Part(s) (Heading and Code Citation):** Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities, 59 Ill. Adm. Code 120

1) **Rulemaking:**

A) **Description:** This rulemaking will implement two new Medicaid Waiver applications to reflect the inclusion of children's programs.

B) **Statutory Authority:** Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and Sections 5-1 through 5-11 of the Public Aid Code [305 ILCS 5/5-1 through 5-11] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** June 2008
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

E) Effect on small business, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses that provide Medicaid Waiver services.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Medicaid Community Mental Health Services Program, 59 Ill. Adm. Code 132

1) Rulemaking:

A) Description: This rulemaking will clarify changes recently adopted for stakeholders and providers, remove Comprehensive Mental Health Services and Short-term Diagnostic Mental Health services based on an approved State Plan Amendment that requires the services to sunset, and include some best-practice provisions in the recent CMS proposed rules for the Medicaid Rehabilitation Option.

B) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: January 2008
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will affect Medicaid Services providers.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Electronic Prescription Monitoring Program, 77 Ill. Adm. Code 2080

1) Rulemaking:

A) Description: This rulemaking will expand the collection of prescription data on Schedule II Controlled Substances to Schedule III, IV and V. It also moves reporting frequency from 15 days to every seven days effective January 1, 2008.


C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: January, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will affect all pharmacies. Some of these pharmacies are small businesses.
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

F) **Agency contact person for information:**

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) **Related rulemakings and other pertinent information:**  None

l) **Part(s) (Heading and Code Citation):**  Child Care, 89 Ill. Adm. Code 50

1) **Rulemaking:**

A) **Description:**  This rulemaking will increase the income eligibility guidelines for child care to 185% of the 2009 federal poverty level for each family size.

B) **Statutory Authority:**  Implementing and authorized by P. A. 95-206.

C) **Schedule Meeting/Hearing Date:**  The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:**  March, 2008

E) **Effect on small business, small municipalities or not for profit corporations:**  Yes, this rulemaking will affect small businesses that provide child care services.

F) **Agency contact person for information:**

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

217/785-9772

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50

1) Rulemaking:

A) Description: This rulemaking will revise the priority order for obtaining Great START wage supplements and add additional positions to the Great START Program.


C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: June 2008

E) Effect on small business, small municipalities or not for profit corporations: Yes, this proposed rulemaking will affect small business or not for profit corporations. The Great START Program affects employees of small businesses and not for profit corporations engaged in child care services, and that pay a wage supplement in addition to what the employee earns from the employer.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50

1) Rulemaking:

A) Description: This rulemaking will establish a credentialing process for Gateways to Opportunities Professional Development System.


C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June 2008

E) Effect on small business, small municipalities or not for profit corporations: Yes, this proposed rulemaking will affect small businesses and not for profit corporations that provide child care services. This proposed rule will provide professional development opportunities and recognition for employees of small businesses and not for profit corporations engaged in child care services.

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
    100 South Grand Avenue, East
    Springfield, Illinois  62762
    217/785-9772

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

o) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) Rulemaking:

A) Description: This rulemaking will increase the amount of the earned income exemption allowed for employed recipients.


C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June 2008

E) Effect on small business, small municipalities or not for profit corporations: This proposed rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Aid to the Aged, Blind or Disabled, 89 Ill. Adm. Code 113

1) Rulemaking:
A) **Description:** This rulemaking will increase the Grant Adjustment Allowance to pass along the 2008 COLA SSI increase.

B) **Statutory Authority:** Implementing and authorized by 20 CFR 416.2096.

C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** March 2008

E) **Effect on small business, small municipalities or not for profit corporations:** Yes, this rulemaking will affect small businesses that provide sheltered care services.

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief  
   Bureau of Administrative Rules and Procedures  
   Department of Human Services  
   100 South Grand Avenue, East  
   Springfield, Illinois  62762  
   217/785-9772

G) **Related rulemakings and other pertinent information:** None

q) **Part(s) (Heading and Code Citation):** Aid to the Aged, Blind or Disabled, 89 Ill. Adm. Code 113

1) **Rulemaking:**

   A) **Description:** This rulemaking will increase the sheltered care/personal or nursing rates as a result of the 2008 SSI COLA increase.

   B) **Statutory Authority:** 20 CFR 416.2096

   C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses that provide sheltered care.

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   217/785-9772

G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Partner Abuse Intervention, 89 Ill. Adm. Code 501

1) Rulemaking:

   A) Description: This rulemaking will update language to meet the needs of current services. It will replace the current language and reference Division policy to support current best practices and allow the Department to respond to provider and participant needs.

   B) Statutory Authority: Implementing the Domestic Violence Act [750 ILCS 60].

   C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

   D) Date agency anticipates First Notice: January 2008
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) Related rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citation): New rule on the Autism Research Fund

1) Rulemaking:

A) Description: This rulemaking will be the result of PA 94-442 that requires DHS to promulgate a rule to create a scientific review committee to review grant applications to be funded by the Autism Research Fund created via an income tax check off.

B) Statutory Authority: Implemented and authorized by 20 ILCS 1305/10-8.

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: February 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

t) Part(s) (Heading and Code Citation): Appeals and Hearings, 89 Ill. Adm. Code 510

1) Rulemaking:

A) Description: This rulemaking will correct a discrepancy concerning the number of days when a service notice is sent to customer and when a customer can request a hearing regarding the service notice.

B) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

217/785-9772

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Authorizations, 89 Ill. Adm. Code 520

1) Rulemaking:

A) Description: This rulemaking will affect the Vocational Rehabilitation Program by adding a new section that addresses signature authority on authorizations. This is intended to make the rules more consistent with the Department's policy concerning Payment Voucher Approvals and signature authority.

B) Statutory Authority: Implementing and authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(k)].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   217/785-9772

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF HUMAN SERVICES
JANUARY 2008 REGULATORY AGENDA

v) Part(s) (Heading and Code Citation): Criteria for the Evaluation of Programs of Services in Community Rehabilitation Agencies, 89 Ill. Adm. Code 530

1) Rulemaking:

A) Description: This rulemaking will add language specific to the Supported Employment Program. In addition, the Division of Rehabilitation Services intends to update its rules regarding Community Rehabilitation Programs to make them more consistent with current policies.

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: April 2008

E) Effect on small business, small municipalities or not for profit corporations: Yes, changes to rules pertaining to Community Rehabilitation Programs will affect Community Rehabilitation Facilities.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Services, 89 Ill. Adm. Code 590

1) Rulemaking:
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

A) **Description:** This rulemaking will correct an error in training language regarding the provision of auxiliary services and a reference to Extended Evaluation in 590.470.

B) **Statutory Authority:** Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** February 2008

E) **Effect on small business, small municipalities or not for profit corporations:** This rulemaking will not affect small business or not for profit corporations.

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   217/785-9772

G) **Related rulemakings and other pertinent information:** None

x) **Part(s) (Heading and Code Citation):** Closure of a Rehabilitation Case, 89 Ill. Adm. Code 595

1) **Rulemaking:**

   A) **Description:** This rulemaking would add a definition of a successful employment outcome.
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   217/785-9772

G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citation): Eligibility, 89 Ill. Adm. Code 682

1) Rulemaking:

   A) Description: This rulemaking will add language concerning eligibility criteria for the Traumatic Brain Injury Program. Language pertaining to asset limits will also be amended so they are consistent with the Department on Aging's Community Care Program.

   B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** February 2008

E) **Effect on small business, small municipalities or not for profit corporations:** This rulemaking will not affect small business or not for profit corporations.

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   217/785-9772

G) **Related rulemakings and other pertinent information:** None

z) **Part(s) (Heading and Code Citation):** Service Planning and Provision, 89 Ill. Adm. Code 684

1) **Rulemaking:**

A) **Description:** This rulemaking is being evaluated to determine if changes to the following language are appropriate: the addition of physician assistant signature authority, family members as service providers, and fraud. Language is also being developed pertaining to child care issues, and for customers who are children that also receive services through the Department of Children and Family Services.

B) **Statutory Authority:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

aa) Part(s) (Heading and Code Citation): Provider Requirements, Type Services, and Rates of Payments, 89 Ill. Adm. Code 686

1) Rulemaking:

A) Description: This rulemaking will revise language to sections pertaining to Environmental Modifications and Assistive Equipment. These changes are consistent with the current policies, procedures, and practices of the Division, as well as Medicaid policies under the Department of Healthcare and Family Services.

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   217/785-9772

G) Related rulemakings and other pertinent information: None

bb) Part(s) (Heading and Code Citation): Role of Residential Educational Facilities Operated by DHS, 89 Ill. Adm. Code 750

1) Rulemaking:

   A) Description: This rulemaking will incorporate the Illinois State Board of Education (ISBE) changes from the School Code and Individuals with Disabilities Education Act (IDEA). The agency will be reviewing the entire Part to ensure consistency with the aforementioned.

   B) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10 and 11].

   C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

   D) Date agency anticipates First Notice: March 2008
E) **Effect on small business, small municipalities or not for profit corporations:** This rulemaking will not affect small business or not for profit corporations.

F) **Agency contact person for information:**

Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
217/785-9772

G) **Related rulemakings and other pertinent information:** None

cc) **Part(s) (Heading and Code Citation):** Definition of Terms, 89 Ill. Adm. Code 751

1) **Rulemaking:**

A) **Description:** This rulemaking will incorporate ISBE’s changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.

B) **Statutory Authority:** Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10].

C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** March 2008

E) **Effect on small business, small municipalities or not for profit corporations:** This rulemaking will not affect small business or not for profit corporations.

F) **Agency contact person for information:**
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217-785-9772

G) Related rulemakings and other pertinent information: None

dd) Part(s) (Heading and Code Citation): Admission, Suspension, Expulsion and Discharge Procedures, 89 Ill. Adm. Code 755

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.

B) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
G) Related rulemakings and other pertinent information: None

ee) Part(s) (Heading and Code Citation): The Establishment and Administration of Special Education, 89 Ill. Adm. Code 765

1) Rulemaking: Amendment

A) Description: This rulemaking will incorporate ISBE's changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.

B) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   217/785-9772
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

ff) Part(s) (Heading and Code Citation): Identification, Evaluation and Placement of Exceptional, 89 Ill. Adm. Code 795

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE’s changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.

B) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

gg) Part(s) (Heading and Code Citation): Special Transportation, 89 Ill. Adm. Code 815
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE’s changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.

B) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
    100 South Grand Avenue, East
    Springfield, Illinois  62762
    217/785-9772

G) Related rulemakings and other pertinent information: None

hh) Part(s) (Heading and Code Citation): Rules of Conduct, 89 Ill. Adm. Code 827

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE’s changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.
B) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

ii) Part(s) (Heading and Code Citation): Impartial Due Process Hearing, 89 Ill. Adm. Code 828

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.

B) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

jj) Part(s) (Heading and Code Citation): Sex Equity, 89 Ill. Adm. Code 829

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.

B) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

D) Date agency anticipates First Notice: March 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
    100 South Grand Avenue, East
    Springfield, Illinois  62762
    217/785-9772

G) Related rulemakings and other pertinent information: None

kk) Part(s) (Heading and Code Citation): Non-Academic Programs and Policies, 89 Ill. Adm. Code 830

1) Rulemaking:

    A) Description: This rulemaking will incorporate ISBE's changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.

    B) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

    C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

    D) Date agency anticipates First Notice: March 2008
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

E) **Effect on small business, small municipalities or not for profit corporations:** This rulemaking will not affect small business or not for profit corporations.

F) **Agency contact person for information:**

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) **Related rulemakings and other pertinent information:** None

II) **Part(s) (Heading and Code Citation):** Therkelsen/Hansen College Loan Fund, 89 Ill. Adm. Code 835

1) **Rulemaking:**

A) **Description:** This rulemaking will incorporate ISBE's changes from the School Code and IDEA. The agency will be reviewing the entire Part to ensure consistency with the above aforementioned.

B) **Statutory Authority:** Implementing Sections 3, 5 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 5 and 13].

C) **Schedule Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** March 2008

E) **Effect on small business, small municipalities or not for profit corporations:** This rulemaking will not affect small business or not for profit corporations.
DEPARTMENT OF HUMAN SERVICES

JANUARY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF LABOR

JANUARY 2008 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Minimum Wage Law; 56 Ill. Adm. Code 210

1) Rulemaking:

A) Description: Amendments will be made to streamline the Department’s administrative process and to update definitions of terms.

B) Statutory Authority: 820 ILCS 105/10

C) Schedule meeting/hearing dates: No meetings are scheduled at this time.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2008.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

   Valerie A. Puccini, Assistant General Counsel
   Illinois Department of Labor
   160 N. LaSalle Street, C-1300
   Chicago, IL 60601
   312/793-7838

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Equal Pay in Employment; 56 Ill. Adm. Code 320

1) Rulemaking:

A) Description: Amendments will be made to increase the time period in which complaints can be filed with the Department, streamline the administrative process and add confidentiality provisions for those individuals filing complaints.

B) Statutory Authority: 820 ILCS 112/15
DEPARTMENT OF LABOR

JANUARY 2008 REGULATORY AGENDA

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2008.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Valerie A. Puccini, Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL  60601
312/793-7838

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Health and Safety; 56 Ill. Adm. Code 350

1) Rulemaking:

A) Description: Amendments will be made to comply with statutory changes to the Health and Safety Act and the Safety Inspection and Education Act in anticipation of the Department becoming a State Plan.

B) Statutory Authority: 820 ILCS 225/4.1 and 820 ILCS 225/7

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2008.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:
DEPARTMENT OF LABOR

JANUARY 2008 REGULATORY AGENDA

Cheryl Hawkins, Industrial Hygienist
Illinois Department of Labor
One West Old Capitol Plaza
3rd Floor
Springfield, IL  62701
217/782-9386

G) Related rulemakings and other pertinent information:  None

d) Part(s) (Heading and Code Citation): Day and Temporary Labor Services Act; 56 Ill. Adm. Code 260

1) Rulemaking:

A) Description: Amendments will be made to eliminate and change some of the registration requirements. In addition, amendments may be necessary for potential statutory changes.

B) Statutory Authority:  820 ILCS 175/45

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2008.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Sara Scherer
Legislative Liaison
Illinois Department of Labor
One West Old State Capitol Plaza
Springfield, IL  62701
217/558-1270
DEPARTMENT OF LABOR

JANUARY 2008 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Access to Information; 2 Ill. Adm. Code 1400

1) Rulemaking:

A) Description: Amendments are needed to allow requests for public information to be received by facsimile.

B) Statutory Authority: 5 ILCS 140

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2008.

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Valerie A. Puccini
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL  60601
312/793-7838

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Employee Classification Act

1) Rulemaking:

A) Description: PA 95-0026 requires a rulemaking to implement this new statutory mandate.

B) Statutory Authority: 820 ILCS 185/1 et seq.
DEPARTMENT OF LABOR

JANUARY 2008 REGULATORY AGENDA

C) **Schedule meeting/hearing dates**: No meetings or hearings are scheduled or anticipated.

D) **Date agency anticipates First Notice**: The Department anticipates filing a proposed rulemaking in the first six months of 2008.

E) **Effect on small businesses, small municipalities or not for profit corporations**: None anticipated

F) **Agency contact person for information**:

   Carmela Gonzalez
   Executive Assistant to the Director
   Illinois Department of Labor
   160 N. LaSalle Street, C-1300
   Chicago, IL  60601
   312/793-1808

G) **Related rulemakings and other pertinent information**: None

g) **Part(s) (Heading and Code Citation)**: Payment and Collection of Wages or Final Compensation; 56 Ill. Adm. Code 300

1) **Rulemaking**:

   A) **Description**: Pending statutory changes will require an amendment to increase the period for filing claims with the Department.

   B) **Statutory Authority**: 820 ILCS 115

   C) **Schedule meeting/hearing dates**: No meetings or hearings are scheduled or anticipated.

   D) **Date agency anticipates First Notice**: The Department anticipates filing this amendment in the first six months of 2008.

   E) **Effect on small businesses, small municipalities or not for profit corporations**: None anticipated
DEPARTMENT OF LABOR

JANUARY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Carmela Gonzalez
Executive Assistant to the Director
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL  60601
312/793-1808

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Carnival and Amusement Ride Safety; 56 Ill. Adm. Code 6000

1) Rulemaking:

   A) Description: Amendments will be made to update incorporations by reference, provide for inspector qualifications and add other provisions to comply with PA 95-0397 and 95-0687.

   B) Statutory Authority: 430 ILCS 85/2-1 et seq.

   C) Schedule meeting/hearing dates: No meetings are scheduled at this time.

   D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2008.

   E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

   F) Agency contact person for information:

      Marcia Joiner
      Illinois Department of Labor
      One West Old State Capitol Plaza
      Springfield, IL  62701
      217/782-9397
a) Part: Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)

1) Rulemaking:

   A) Description: The proposed amendments will implement Public Act 94-0915, which amended the Ambulatory Surgical Treatment Center Act [210 ILCS 5] to require a circulating nurse to be present in the operating room during all invasive operative procedures.

   B) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]

   C) Scheduled meeting/hearing dates: ASTC Licensing Board, December, 2007

   D) Date agency anticipates First Notice: Winter 2008

   E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect ASTCs that are small businesses and not-for-profit corporations.

   F) Agency contact person for information:

      Susan Meister
      Division of Legal Services
      Illinois Department of Public Health
      535 W. Jefferson St.
      Springfield, Illinois 62761
      dph.rules@illinois.gov
      217/782-2043

   G) Related rulemakings and other pertinent information: See (b)

2) Rulemaking:

   A) Description: The proposed amendments will implement Public Act 94-0861, which amended the Ambulatory Surgical Treatment Center Act [210
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

ILCS 5] to add a new Section regulating nurse administration of limited levels of sedation or analgesia.

B) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]

C) Scheduled meeting/hearing dates: ASTC Licensing Board, March, 2008

D) Date agency anticipates First Notice: Spring 2008

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect ASTCs that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

   Susan Meister
   Division of Legal Services
   Illinois Department of Public Health
   535 W. Jefferson St.
   Springfield, Illinois 62761
   dph.rules@illinois.gov
   217/782-2043

G) Related rulemakings and other pertinent information: None

b) Part: Hospital Licensing Requirements (77 Ill. Adm. Code 250)

   1) Rulemaking:

      A) Description: The proposed amendments will implement Public Act 94-0915, which amended the Hospital Licensing Act [210 ILCS 85] to require a circulating nurse to be present in the operating room during all invasive operative procedures.

      B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

      C) Scheduled meeting/hearing dates: Winter 2008
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

D) Date agency anticipates first notice: Spring 2008

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect hospitals.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: See (a).

c) Part: Birth Center Demonstration Program Code (77 Ill. Admin. Code 265)

1) Rulemaking:

A) Description: This rulemaking creates a new Part, implementing Public Act 95-0445, which added freestanding birth centers to the Alternative Health Care Delivery Act [210 ILCS 3].

B) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

C) Scheduled meeting/hearing dates: State Board of Health

D) Date Agency anticipates First Notice: Summer 2008

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect freestanding birth centers that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: None

d) Part: Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

1) Rulemaking:

A) Description: Section 300.690 (Incidents and Accidents) will be amended to clarify the situations that would require a facility to report an incident or accident to the Department.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: February, 2008

D) Date Agency anticipates First Notice: Spring, 2008

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect nursing homes that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: None

1) Rulemaking:

A) **Description:** The amendments will implement Public Act 95-0031, which requires that all bedrooms and common areas in facilities regulated by the Nursing Home Care Act [210 ILCS 45] be air conditioned and heated.

B) **Statutory Authority:** Nursing Home Care Act [210 ILCS 45]

C) **Scheduled meeting/hearing dates:** February 2008

D) **Date Agency anticipates First Notice:** Spring, 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** These amendments may affect nursing homes that are small businesses and not-for-profit corporations.

F) **Agency contact person for information:**

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St.  
Springfield, Illinois 62761  
dph.rules@illinois.gov  
217/782-2043

G) **Related rulemakings and other pertinent information:** None

2) Rulemaking:

A) **Description:** The Amendments will implement Public Act 95-0438, which requires, as a condition of licensure and certification, that all facilities
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

licensed under the Nursing Home Care Act inform residents annually of their right to choose home- and community-based services.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: February 2008

D) Date agency anticipates First Notice: Spring 2008

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect nursing homes that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: None

f) Part: Freestanding Emergency Center Demonstration Program Code (77 Ill. Adm. Code 518)

1) Rulemaking:

A) Description: These amendments will implement Public Act 95-0584, which amended the Illinois Health Facilities Planning Act [20 ILCS 3960] and the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled Meeting/hearing dates: Spring 2008
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

D) Date Agency anticipates First Notice: Summer 2008

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect freestanding emergency medical centers that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: None

g) Part: Automated External Defibrillator Code (77 Ill. Adm. Code 525)

1) Rulemaking:

A) Description: This rulemaking will contain changes corresponding to changes made to the Automated External Defibrillator Act pursuant to Public Act 95-0447. Amendments will remove references to "Resource Hospitals," as they no longer have responsibility under the Act.

B) Statutory Authority: Automated External Defibrillator Act [410 ILCS 4]

C) Scheduled meeting/hearing dates: March 2008

D) Date agency anticipates First Notice: May 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Susan Meister
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: None

h) Part: Heartsaver AED Grant Code (77 Ill. Adm. Code 530)

1) Rulemaking:

A) Description: This rulemaking will make changes pursuant to House Bill 1248 and HB 1058 of the 95th General Assembly if they are signed into law. The amendments will add entities that are eligible for the program.

B) Statutory Authority: Department of Public Health Powers and Duties Law [20 ILCS 2310/371]

C) Scheduled meeting/hearing dates: June 2008

D) Date agency anticipates First Notice: July 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: None

1) Rulemaking:

   A) Description: This rulemaking will make changes pursuant to changes made by House Bill 1279 of the 95th General Assembly, if it is signed into law, and Public Act 95-0447. Amendments will add references to outdoor physical fitness facilities and remove the requirement to register AEDs with a local Resource Hospital.

   B) Statutory Authority: Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74]

   C) Scheduled meeting/hearing dates: June 2008

   D) Date agency anticipates First Notice: July 2008

   E) Effect on small businesses, small municipalities or not for profit corporations: None

   F) Agency contact person for information:

      Susan Meister
      Division of Legal Services
      Illinois Department of Public Health
      535 West Jefferson St.
      Springfield, Illinois  62761
      dph.rules@illinois.gov
      217/782-2043

   G) Related rulemakings and other pertinent information: None


1) Rulemaking:

   A) Description: The proposed amendments will implement Public Act 95-0671, which amended Section 27-8.1 of the Illinois School Code [105
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

ILCS 5/27-8.1]) to require children to have an eye examination prior to their first entry into the Illinois public school system.

B) Statutory Authority: Illinois School Code [105 ILCS 5]

C) Scheduled meeting/hearing dates: State Board of Health

D) Date agency anticipates First Notice: Spring 2008

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may increase the income for optometric and ophthalmology businesses and not-for-profit corporations that conduct vision examinations.

F) Agency contact person for information:

   Susan Meister
   Division of Legal Services
   Illinois Department of Public Health
   535 W. Jefferson St.
   Springfield, Illinois 62761
   dph.rules@illinois.gov
   217/782-2043

G) Related rulemakings and other pertinent information: None

k) Part: HIV Confidentiality and Testing Code (77 Ill. Adm. Code 697)

1) Rulemaking:

   A) Description: The proposed amendments will implement Public Act 95-0007, which amended the AIDS Confidentiality Act [410 ILCS 305] by broadening the definition of "informed consent" to mean written or verbal agreement by the subject of a test or the subject's legally authorized representative without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion. The Act requires certain pre-test information and provides that no person may order a test for human immunodeficiency virus (HIV) without first receiving the documented informed consent of either the subject of the test or the
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

subject's legally authorized representative. Health care facilities or providers may offer opt-out HIV testing, where the subject or the subject's legally authorized representative is informed that the subject will be tested for HIV unless he or she refuses; however, the provision of informed consent, including pre-test information and whether the subject or the subject's legally authorized representative declined the offer of HIV testing, must be documented.

B) Statutory Authority: AIDS Confidentiality Act [410 ILCS 305]

C) Scheduled meeting/hearing dates: State Board of Health

D) Date agency anticipates First Notice: Spring 2008

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect hospitals and health care providers.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: See (l)


1) Rulemaking:

A) Description: The proposed amendments will implement Public Act 95-0702, which amended the Perinatal HIV Prevention Act [410 ILCS 335] to require that women who have already been tested for HIV during the current pregnancy shall be given a repeat test, with the right to refuse, later in pregnancy or at delivery. Additionally, the Act was amended to allow
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

refusal for HIV testing to be verbal or written and to require that a woman
who has already been tested for HIV during the current pregnancy will be
given a repeat test, with the right to refuse.

B) **Statutory Authority:** Perinatal HIV Prevention Act [410 ILCS 335]

C) **Scheduled meeting/hearing dates:** State Board of Health

D) **Date agency anticipates First Notice:** Spring 2008

E) **Effect on small businesses, small municipalities or not for profit corporations:** These amendments may affect health care providers and hospitals.

F) **Agency contact person for information:**

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217-782-2043

G) **Related rulemakings and other pertinent information:** See (k).

m) **Part:** Health Care Data Collection and Submission Code (77 Ill. Adm. Code 1010)

1) **Rulemaking:**

A) **Description:** The proposed amendments will restructure customer categories and modify data product access to increase the availability of data to units of federal, state and local government.

B) **Statutory Authority:** Illinois Health Finance Reform Act [20 ILCS 2215/4-2] and Section 2310-57 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-57]
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA


D) Date agency anticipates First Notice: April 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: None

n) Part: Loan Repayment Assistance for Dentists (uncodified)

1) Rulemaking:

A) Description: The proposed rules will implement Public Act 94-0297, which created the Loan Repayment Assistance for Dentists Act [110 ILCS 948].

B) Statutory Authority: Loan Repayment Assistance for Dentists Act [110 ILCS 948]


D) Date agency anticipates First Notice: April 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated.

F) Agency contact person for information:
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043

G) Related rulemakings and other pertinent information: None

o) Part: Adverse Event Reporting (uncodified)

1) Rulemaking:

A) Description: The proposed rules will implement Public Act 94-242, which created the Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522].


C) Scheduled meeting/hearing dates: State Board of Health, March 2008

D) Date agency anticipates First Notice: April 2008

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect hospitals that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St.
Springfield, Illinois 62761
dph.rules@illinois.gov
217/782-2043
DEPARTMENT OF PUBLIC HEALTH

JANUARY 2008 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: The rules will be revised to: update language to reflect revisions to the Health Facilities Planning Act; update standards to reflect changes in the health care industry; and eliminate redundancy in requirements and language.

B) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]

C) Scheduled meeting/hearing dates: Health Facilities Planning Board Meetings – April 8, 2008 and April 9, 2008; and May 20, 2008 and May 21, 2008

D) Date agency anticipates First Notice: June 2008

E) Effect on small businesses, small municipalities or not for profit corporations: The proposed revisions to the Certificate of Need rules will provide a more concise and better organized review process that is in step with the evolving health care industry.

F) Agency contact person for information:

Claire Burman
Coordinator, Rules Development
Health Facilities Planning Board
James R. Thompson Center
100 W. Randolph Street, 6th Floor
Chicago, Illinois
312/814-2565
dph.rules@illinois.gov

G) Related rulemakings and other pertinent information: None

1)  Rulemaking:

   A)  **Description:** The rules will be revised to: update language to reflect revisions to the Health Facilities Planning Act; update rules and standards to reflect changes in the healthcare industry; and eliminate redundancy in requirements and language.

   B)  **Statutory Authority:** Illinois Health Facilities Planning Act [20 ILCS 3960]

   C)  **Scheduled meeting/hearing dates:** Health Facilities Planning Board Meetings – January 15, 2008 and January 16, 2008; and February 26, 2008 and February 27, 2008

   D)  **Date agency anticipates First Notice:** Series of First Notices starting in February 2008 and ending in March 2008

   E)  **Effect on small businesses, small municipalities or not for profit corporations:** The proposed revisions to the Certificate of Need rules will provide a more concise and better organized review process that is in step with the evolving health care industry.

   F)  **Agency contact person for information:**

       Claire Burman
       Coordinator, Rules Development
       Health Facilities Planning Board
       James R. Thompson Center
       100 W. Randolph Street, 6th Floor
       Chicago, Illinois
       312/814-2565
       dph.rules@illinois.gov

   G)  **Related rulemakings and other pertinent information:** None
q) **Part**: Health Facilities Planning Board: Economic and Fiscal Feasibility Review (77 Ill. Adm. Code 1120)

   A) **Description**: The rules will be revised to: update language to reflect revisions to the Health Facilities Planning Act; update standards to reflect changes in the health care industry; and eliminate redundancy in requirements and language.

   B) **Statutory Authority**: Illinois Health Facilities Planning Act [20 ILCS 3960]

   C) **Scheduled meeting/hearing dates**: Health Facilities Planning Board Meetings – February 26, 2008 and February 27, 2008.

   D) **Date agency anticipates First Notice**: April 2008

   E) **Effect on small businesses, small municipalities or not for profit corporations**: The proposed revisions to the Certificate of Need rules will provide a more concise and better organized review process that is in step with the evolving health care industry.

   F) **Agency contact person for information**:

      Claire Burman  
      Coordinator, Rules Development  
      Health Facilities Planning Board  
      James R. Thompson Center  
      100 W. Randolph Street, 6th Floor  
      Chicago, Illinois  
      312/814-2565  
      dph.rules@illinois.gov

   G) **Related rulemakings and other pertinent information**: None
a) **Part:** Lottery (General), 11 Ill. Adm. Code 1770

1) **Rulemaking:**

   A) **Description:**
   
   1) Amendment to Section 1770.80 to redefine what constitutes a change of ownership for purposes of an Illinois Lottery license.
   
   2) Amendment to Section 1770.90 to allow slightly more time for retailers to deliver late payments to regional offices before lottery terminal functions are suppressed.
   
   3) Amendment to Section 1770.130 to replace a reference to "The Big Game" with a reference to the "Mega Millions" game.
   
   4) New Section 1770.240 to codify the Lottery's voluntary self-exclusion program, which offers problem gamblers the opportunity to remove an incentive to play lottery by preventing them from receiving Lottery prizes through the Illinois Lottery's regional prize payment facilities or lottery central.

   B) **Statutory Authority:** 20 ILCS 1605/7.1 and 7.2

   C) **Scheduled meeting/hearing dates:** No schedule has been established at this time.

   D) **Date agency anticipates First Notice:** With respect to the voluntary self-exclusion program rules, January 2008. The modifications to existing Sections of the Lottery's general rules will follow at a later date.

   E) **Effect on small business, small municipalities or not for profit corporations:** The amendments to Sections 1770.80 and 1770.90 will have a positive effect on small businesses, small municipalities and not-for-profit organizations by allowing slightly more time for payment of delinquent accounts before lottery ticket sales at the location are halted, and by eliminating the need for the assignment of new retailer numbers and payment of additional fees in certain situations that are currently classified.
as changes of ownership (such as a transfer of a family-owned business from parent to adult child).

F) Agency contact person for information:

Lisa Crites  
Illinois Department of Revenue  
Illinois Lottery Division 1  
101 W. Jefferson, MC5-950  
Springfield, IL 62702  
Telephone: 217/524-5253  
Fax: 217/558-2168  
e-mail: lisa.crites@illinois.gov

G) Related rulemakings and other pertinent information: There are no related rulemakings.

b) Part: Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

A) Description: New rules will be added to Part 100 concerning the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; filing of refund claims and other collection matters, statutes of limitations, and interest computations.

Part 100 will be amended by adding rules and amending existing rules governing the computation of base income under Article 2 of the IITA and the allocation and apportionment of base income under Article 3 of the IITA.

Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

acceptance of substitute W-2s, rounding amounts on returns to the nearest dollar and on the issue of when a taxpayer is subject to tax in another state under IITA Section 303(f).

Part 100 will be amended by updating the provisions for credits for taxes paid to other states, innocent spouse relief, and exempt income.

Part 100 will be amended to provide guidance for payment of estimated taxes during short taxable years, during years in which marital status changes, and for computation of penalties for late payment of estimated taxes.

Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).

Part 100 will be amended to implement legislation enacted in 2004, 2005, 2006, and 2007, including the tax shelter registration and disclosure provisions and penalties for noncompliance, the definition of business income, recapture of business expenses, investment partnership provisions, amendments to the research and development credit provisions, River Edge Redevelopment zone provisions, credits for hiring veterans and ex-felons, bonus depreciation adjustments, disallowance of deductions for certain related-party expenses, withholding by employers, partnerships, Subchapter S corporations and trusts, changes to apportionment formulas, taxation of real estate investment trusts and their investors, and the disallowance of deductions for expenses incurred in connection with exempt income.

Finally, the Department will continue the updating and correction of Part 100.

B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/524-3951

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: The amendment to 110.113 incorporates language from a new statute (35 ILCS 200/10-360) addressing the Fraternal Organization Assessment Freeze. Most of the language contained in the new statute mirrors the language contained in the other sections (35 ILCS 200/10-350 and 10-355) of the Code that deal with the requirements of the Fraternal Organization Assessment Freeze. The amendment also accounts for a statutory change in section 10-355 of the Property Tax Code (35 ILCS 200/10-355). This statutory revision involved changing a date from July 1896 to February 1898. This change concerned the date that fraternal organizations must have been chartered in the State of Illinois and is one of the criteria used to establish their eligibility for the assessment freeze. The statutory revision had an effective date of January 3, 2003.

Part 110 will be amended concerning 110.140 for Board of Review Procedures and Records. The language in the section, which deals with counties of less than 3,000,000, needs to be updated in order to correspond to the latest Illinois Department of Revenue forms and statutory changes.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

Part 110 will be amended to implement the new Disabled Persons' Homestead Exemption under 35 ILCS 200/15-168.

Part 110 will be amended to adopt new rules to implement changes made to the Senior Citizens Assessment Freeze Homestead Exemption under 35 ILCS 200/15-172.


C) Scheduled meeting/hearing dates: No schedule has been established.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 110 during the first six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: May impact some not for profit corporations that are seeking preferential property tax assessments.

F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/524-4886

G) Related rulemakings and other pertinent information: None

d) Part: Rental Housing Support Program, 86 Ill. Adm. Code 121

1) Rulemaking:

A) Description: New rules will be created under Part 121 to implement the new Rental Housing Support Program.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

B) Statutory Authority: 55 ILCS 5/3-5018

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings creating Part 121 during the first six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: De minimus. Small business and not for profit organizations are subject to the $10 recording fee for real estate related documents. Units of local government are exempt under the statute.

F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/524-4886

G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings. Some of the highlights of these changes include:

1. Amendment of Section 130.340, governing the rolling stock exemption, in response to changes to that exemption made by Public Acts 93-1033 and 95-0528.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

2. Amendment of Section 130.605 concerning sales of property originating in Illinois to address 2 issues related to the issuance of drive-away permits: (1) Clarify that the destination of vehicles for which a drive-away permit may be issued coincides with those destinations for which the Secretary of State authorizes the issuance of drive-away permits. (2) Clarify that the exemption applies only to non-residents. Require dealers to keep copy of a valid non-resident driver's license or other evidence of being a non-resident.

3. Amendment of Section 130.415 (transportation and delivery charges) to add examples and to clarify the requirement of a separate agreement between seller and purchaser, particularly in the case of Internet, mail order, telephone and television orders, and what tax rate applies to taxable handling charges for an order that contains both high tax rate and low tax rate items.

4. Amendment of Section 130.2145 to explain the tax liability of hotels for room rental charges made in connection with events during which food is provided by the hotels, such as conferences and weddings.

5. Amendment of Section 130.310 governing taxation of food, drugs and medical appliances to clarify the manner in which the tax rate on food is determined and to clarify the manner in which the exemption for drugs and medical appliances is administered.

6. Amendment of Section 130.2005 regarding nonprofit service enterprises to clarify how tax-exempt organizations handle fundraising events other than occasional dinners and bake sales and similar events.

7. Amendment of Section 130.325 regarding the graphic arts equipment exemption to clarify how the exemption applies when a purchase involves multiple payments or multiple deliveries.

8. Amendment of Section 130.2013 regarding the lessors credit to describe the requirements necessary for claiming the credit on
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

sales to customers who are purchasing items that they had previously leased from those lessors.

9. Amendment of Section 130.455 regarding motor vehicle trade-ins to clarify issues regarding trade-ins including how advance trade-ins apply in auction situations.

10. Amendment of Section 130.2115 regarding special order items to clarify how repeat orders of special order items are taxed.

11. The Department anticipates creating a new section regarding the exemption for building materials incorporated into qualifying Rivers Edge Redevelopment Zones created by P.A. 94-1021.

12. Amendment of 130.2125 to clarify how automobile rebates and dealer incentives are taxed.

13. Amendment of 130.120 to discontinue the exemption for vehicles purchased for use for automobile renting under the Automobile Renting Occupation and Use Tax Acts, pursuant to Public Act 95-0233.

14. Amendment of 130.120 to recognize the exemption created by Public Act 95-0304 for aircraft purchased for use outside of this State.

15. Amendment of 130.120 to recognize the exemption created by Public Act 95-0538 for tangible personal property used in the construction or maintenance of a community water supply that is operated by certain not-for-profit corporations.

16. Amendment of 130.120 to recognize the reinstatement of the exemption created by Public Act 95-0088 for certain horses used for purposes of breeding or racing for prizes.

17. Amendment of 130.120 to recognize the exemption created by Public Act 95-0018 for Illinois coal purchased for use by an electric generating facility that meets certain qualifications.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

18. Amendment of 130.120 to recognize the exemption created by Public Act 95-0672 for tangible personal property sold to public-facilities corporation for purposes of constructing or furnishing a municipal convention hall.

B) Statutory Authority: 35 ILCS 120

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations:
Small businesses that sell tangible personal property at retail will be affected by these regulations. Transportation companies and their suppliers, along with limousine companies will be affected by the rolling stock regulations. Restaurants, grocers and other establishments selling food products will be affected by changes to Section 130.310, as will persons selling drugs and medical appliances. Businesses selling motor vehicles will be affected by the changes proposed to Section 130.120, 130.455, 130.605, 130.2013, and 130.2125. Businesses selling aircraft, race horses, property used in the construction or maintenance of a community water supplies or certain municipal convention halls, and Illinois coal will be affected by the changes proposed to Section 130.120. Hotels will be affected by the changes proposed to Section 130.2145. Tax exempt organizations will be affected by the changes proposed to Section 130.2005.

F) Agency contact person for information:

    Jerilynn Gorden
    Deputy General Counsel, Sales & Excise Tax
    Illinois Department of Revenue
    101 W. Jefferson, 5-500
    Springfield, IL 62794
    217/782-2844
G) Related rulemakings and other pertinent information: None


1) Rulemaking:

A) Description: Amendments will be made as part of a general update to clarify application of the Service Occupation Tax and to reflect recent decisional law, statutory changes and Department policy. Some of the highlights of these changes are revisions to Section 140.108 to add an example of a company that provides water service as a de minimis serviceman; and the addition of language to reinforce that de minimis servicemen cannot provide certificates of resale if those de minimis servicemen are registered with the Department only for the limited purpose of self-assessing and remitting their own use tax liability. New Section 140.129 will be added to explain the taxation of seminar materials.

B) Statutory Authority: 35 ILCS 115

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

F) Agency contact person for information:

Jerilyn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-2844
G) Related rulemakings and other pertinent information: None

g) Part: Use Tax, 86 Ill. Adm. Code 150

1) Rulemaking:

   A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. For example, regulations that set forth the Department's policies regarding the types of activities and relationships that establish nexus for Use Tax collection.

   B) Statutory Authority: 35 ILCS 105

   C) Scheduled meetings/hearing dates: No schedule has been established at this time.

   D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

   E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Use Tax.

   F) Agency contact person for information:

      Jerilynn Gorden
      Deputy General Counsel, Sales and Excise Tax
      Illinois Department of Revenue
      101 W. Jefferson, 5-500
      Springfield, IL 62794
      217/782-2844

   G) Related rulemakings and other pertinent information: None

h) Part: Service Use Tax, 86 Ill. Adm. Code 160

1) Rulemaking:
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

A) **Description:** Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.

B) **Statutory Authority:** 35 ILCS 110

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings amending Part 160 during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** These amendments will affect persons subject to the Service Use Tax, including persons required to collect Use Tax from Illinois purchasers.

F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   217/782-2844

G) **Related rulemakings and other pertinent information:** None

i) **Part:** Metro East Mass Transit District ROT, 86 Ill. Adm. Code 370

   1) **Rulemaking:**

   A) **Description:** Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.

   B) **Statutory Authority:** 70 ILCS 3610/5.01

   C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.

F) Agency contact person for information:

Jerilynn Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/782-2844

G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 380 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.


1) Rulemaking:

A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.

B) Statutory Authority: 70 ILCS 3610/5.01

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

E) Effect on small business, small municipalities or not for profit corporations: Businesses that make sales of service involving the transfer of tangible personal property in a Metro East Mass Transit District would be minimally impacted.

F) Agency contact person for information:

    Jerilynn Gorden
    Deputy General Counsel, Sales and Excise Tax
    Illinois Department of Revenue
    101 W. Jefferson, 5-500
    Springfield, IL 62794
    217/782-2844

G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 390 regarding the taxes imposed in Metro East Mass Transit Districts.


1) Rulemaking:

   A) Description: Regulations will be updated to reflect past statutory changes including the provisions of Public Act 94-776 regarding the taxation of titled or registered tangible personal property.

   B) Statutory Authority: 70 ILCS 3610/5.01

   C) Scheduled meetings/hearing dates: No schedule has been established at this time.

   D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

   E) Effect on small business, small municipalities or not for profit corporations: Businesses that sell tangible personal property, especially titled or registered tangible personal property, in a Metro East Mass Transit District would be minimally impacted.
ILLINOIS REGISTER 745

DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

F) Agency contact person for information:

    Jerilynn Gorden
    Deputy General Counsel, Sales and Excise Tax
    Illinois Department of Revenue
    101 W. Jefferson, 5-500
    Springfield, IL 62794
    217/782-2844

G) Related rulemakings and other pertinent information: Similar changes will be made to Parts 370 and 380 regarding the taxes imposed in Metro East Mass Transit Districts.


   l) Rulemaking:

      1) Description: Regulations will be updated to reflect the provisions of Public Act 93-742, which authorizes the Department to issue 3-year bingo licenses, including regular licenses, limited licenses or senior citizen restricted licenses, and the amendments in Public Act 95-228, dealing with licensing. The regulations will also be amended to clarify record keeping requirements and the documentation required for a license application.

      B) Statutory Authority: 230 ILCS 25/1

      C) Scheduled meeting/hearing dates: No schedule has been established at this time.

      D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

      E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for bingo licenses will be affected by this rulemaking.

      F) Agency contact person for information:

          Paul Caselton
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/524-3951

G) Related rulemakings and other pertinent information: There are no related rulemakings.

m) Part: Pull Tabs and Jar Games, 86 Ill. Adm. Code 432

1) Rulemaking:

A) Description: Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.

B) Statutory Authority: 230 ILCS 20/1

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for pull tabs and jar games licenses will be affected by this rulemaking.

F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/524-3951
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: There are no related rulemakings.

n) Part: Charitable Games, 86 Ill. Adm. Code 435

1) Rulemaking:

   A) Description: Regulations will be amended to implement the amendments in Public Act 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application.

   B) Statutory Authority: 230 ILCS 30/1

   C) Scheduled meeting/hearing dates: No schedule has been established at this time.

   D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

   E) Effect on small business, small municipalities or not for profit corporations: Entities eligible for a charitable games license will be affected by this rulemaking.

   F) Agency contact person for information:

      Paul Caselton
      Deputy General Counsel, Income Tax
      Illinois Department of Revenue
      101 W. Jefferson, 5-500
      Springfield, IL 62794
      217/524-3951

   G) Related rulemakings and other pertinent information: There are no related rulemakings.


1) Rulemaking:
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

A) Description: Section 440.30 will be updated to reflect a new statutory exemption created by Public Act 95-0462 for transfers of cigarettes to not-for-profit research institutions that conduct tests concerning the health effects of tobacco products.

B) Statutory Authority: 35 ILCS 130/1

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings to Part 440 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Retailers who transfer cigarettes will be affected by these regulations.

F) Agency contact person for information:

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   217/782-2844

G) Related rulemakings and other pertinent information: There will be a similar rulemaking for Part 450, Cigarette Use Tax Act.


1) Rulemaking:

A) Description: Section 450.10 will be updated to reflect a new statutory exemption created by Public Act 95-0462 for transfers of cigarettes to not-for-profit research institutions that conduct tests concerning the health effects of tobacco products.

B) Statutory Authority: 35 ILCS 135/1
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings to Part 450 during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Distributors of cigarettes to not-for-profit research institutions that conduct tests concerning the health effects of tobacco products.

F) **Agency contact person for information:**

Jerilynn Gorden  
Deputy General Counsel, Sales and Excise Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
217/782-2844

G) **Related rulemakings and other pertinent information:** There will be a similar rulemaking for Part 440, Cigarette Tax Act.

q) **Part:** Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) **Rulemaking:**

A) **Description:** Regulations will be updated to reflect new statutory provisions, decisional law and Department policy. Examples include:

1. Regulations that explain the manner in which DSL services are taxed.

2. Regulations that explain the taxation of telecommunications that are provided by cable and satellite television companies as part of internet access services and the taxation of Voice Over Internet Protocol (VOIP).

3. Regulations which reflect the provisions of the Simplified Telecommunications Tax Act (92-526, 92-878, 92-602, 93-286, and
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

94-793) and the Mobile Telecommunications Sourcing Conformity Act. (92-474).

4. Regulations that explain the telecommunications tax liabilities involved when multiple parties are joined together in different conference calling arrangements.

B) Statutory Authority: 35 ILCS 630; Public Acts 92-526; 92-0602; 92-878, 93-286, and 94-793

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings to Par 495 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Retailers of telecommunications and their telecommunications customers will be affected by these regulations.

F) Agency contact person for information:

   Jerilynn Gorden
   Deputy General Counsel, Sales and Excise Tax
   Illinois Department of Revenue
   101 W. Jefferson, 5-500
   Springfield, IL 62794
   217/782-2844

G) Related rulemakings and other pertinent information: There are no related rulemakings.


1) Rulemaking:

   A) Description: Regulations will be updated to reflect new statutory provisions, new provisions and procedures under the International Fuel Tax Agreement, and changes in Department procedures.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

B) **Statutory Authority:** 35 ILCS 505/14

C) **Scheduled meetings/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** We anticipate filing rulemakings to Part 500 during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations:** Motor fuel distributors, suppliers and receivers, as well as persons licensed under the International Fuel Tax Agreement, will be affected by these regulations.

F) **Agency contact person for information:**

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   217/782-2844

G) **Related rulemakings and other pertinent information:** There are no related rulemakings.

s) **Part:** New Part, Amnesty, 86 Ill. Adm. Code 522

1) **Rulemaking:**

   A) **Description:** Emergency regulations adopted after the Illinois Tax Delinquency Act was enacted in 2003 (Public Act 93-0026) have expired and must be replaced by permanent regulations.

   B) **Statutory Authority:** 35 ILCS 745

   C) **Scheduled meeting/hearing dates:** No schedule has been established at this time.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

D) **Date agency anticipates First Notice:** Within the next 6 months.

E) **Effect on small business, small municipalities and not for profit corporations:** Any small business or not for profit corporation that had an Illinois tax liability that qualified for amnesty under the Illinois Tax Delinquency Act will receive guidance on the consequences of participating or failing to participate in the amnesty program.

F) **Agency contact person for information:**

Paul Caselton  
Deputy General Counsel – Income Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
217/524-3951

G) **Related rulemakings and other pertinent information:** None

1) **Part:** Uniform Penalty and Interest Act, 86 Ill. Adm. Code 700

   A) **Description:** The Department will amend the regulations in Part 700 to reflect recent amendments to the Uniform Penalty and Interest Act.

   B) **Statutory Authority:** 20 ICLS 2505/2505-795

   C) **Scheduled meeting/hearing dates:** No schedule has been established at this time.

   D) **Date agency anticipates First Notice:** We anticipate filings during the next six months of this year.

   E) **Effect on small business, small municipalities and not for profit corporations:** These rulemakings will provide guidance for any business or not for profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Paul Caselton
Deputy General Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
217/524-3951

G) Related rulemakings and other pertinent information:  None


1) Rulemaking:

A) Description:  The Department will promulgate regulations providing the procedures for corporations, partnerships and tax exempt organizations to file their Illinois income tax returns electronically.

B) Statutory Authority:  35 ILCS 5/502

C) Scheduled meeting/hearing dates:  No schedule has been established at this time.

D) Date agency anticipates First Notice:  We anticipate filings during the next six months of this year.

E) Effect on small business, small municipalities and not for profit corporations:  This rulemaking will provide guidance for corporations who will file their Illinois income tax returns electronically.

F) Agency contact person for information:

Rickey A. Walton
Special Assistant Attorney General
Illinois Department of Revenue
100 W. Randolph St., 7-900
Chicago, IL 60601
312/814-3185
G) Related rulemakings and other pertinent information: None.

v) Part: New Part Governing Internet Filing of Sales and Use Tax Returns

1) Rulemaking:

A) Description: Regulations will be promulgated to provide the specific procedures and requirements for persons using an Internet-based system to file sales and use tax returns.

B) Statutory Authority: 20 ILCS 2505/2505-210

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Persons using the Internet to file sales and use tax returns will be affected by these rules.

F) Agency contact person for information:

   Jerilynn Gorden
   Deputy General Counsel, Sales and Excise Tax
   Illinois Department of Revenue
   101 W. Jefferson, 5-500
   Springfield, IL 62794
   217/782-2844

G) Related rulemakings and other pertinent information: None

w) Part: New Part Governing Business District Taxes

1) Rulemaking:
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

A) **Description**: Regulations will be promulgated to set out specific procedures and requirements for the business district taxes authorized by P.A 93-1053.

B) **Statutory Authority**: 65 ILCS 5/11-74.3-6

C) **Scheduled meetings/hearing dates**: No schedule has been established at this time.

D) **Date agency anticipates First Notice**: We anticipate filing rulemakings during the next six months of this year.

E) **Effect on small business, small municipalities or not for profit corporations**: Municipalities are authorized to impose these taxes within business districts established by those municipalities. All businesses that are engaged in making sales of tangible personal property at retail and sales of service when tangible personal property is transferred incident to those sales of service within a business district where those taxes are imposed will be subject to those taxes.

F) **Agency contact person for information**:

   Jerilynn Gorden  
   Deputy General Counsel, Sales and Excise Tax  
   Illinois Department of Revenue  
   101 W. Jefferson, 5-500  
   Springfield, IL 62794  
   217/782-2844

G) **Related rulemakings and other pertinent information**: None

x) **Part**: New Part Governing County School Facility Taxes

1) **Rulemaking**:

   A) **Description**: Regulations will be promulgated to set out specific procedures and requirements for the county school facility taxes authorized by P.A 95-0675.

   B) **Statutory Authority**: 55 ILCS 5/5-1006.7
DEPARTMENT OF REVENUE

JANUARY 2008 REGULATORY AGENDA

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: County boards are authorized, subject to referendum, to impose these taxes within those counties. All businesses that are engaged in making sales of tangible personal property at retail and sales of service when tangible personal property is transferred incident to those sales of service within the counties where those taxes are imposed will be subject to those taxes.

F) Agency contact person for information:

    Jerilynn Gorden
    Deputy General Counsel, Sales and Excise Tax
    Illinois Department of Revenue
    101 W. Jefferson, 5-500
    Springfield, IL 62794
    217/782-2844

G) Related rulemakings and other pertinent information: None
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA


1) Rulemaking:

A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to legislative enactments.

B) Statutory Authority: Illinois Business Broker Act, 815 ILCS 307/10-1

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown

F) Agency Contact Person for Information:

Illinois Secretary of State
Tanya Solov, Director
Illinois Securities Department
69 Washington Street, Suite 1220
Chicago, Illinois 60602
312/793-3384 Fax: 312/793-3912
tsolov@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None


1) Rulemaking:

A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to State and federal legislative enactments and rules of the US Securities and Exchange Commission.

B) Statutory Authority: Illinois Securities Law of 1953, 815 ILCS 5/1
SECRETARY OF STATE
JANUARY 2008 REGULATORY AGENDA

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown

F) Agency Contact Person for Information:
   Illinois Secretary of State
   Tanya Solov, Director
   Illinois Securities Department
   69 W. Washington Street, Suite 1220
   Chicago, Illinois 60602
   312/793-3384 Fax: 312/793-3912
tsolov@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None


1) Rulemaking:

A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to legislative enactments.


C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown

F) Agency Contact Person for Information:
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

Illinois Secretary of State
Tanya Solov, Director
Illinois Securities Department
69 W. Washington Street, Suite 1220
Chicago, Illinois 60602
312/793-3384  Fax: 312/793-3912
tsolov@ilsos.net

G)  Related Rulemakings and Other Pertinent Information:  None


1)  Rulemaking:
   A)  Description of Rule(s):  Amend rules and draft rules generally to conform regulations to legislative changes.
   C)  Scheduled Meeting/Hearing Dates:  None
   D)  Date Agency Anticipates First Notice:  Unknown
   E)  Impact on Small Businesses, Small Municipalities or Not for Profit Corporations:  Unknown
   F)  Agency Contact Person for Information:

   Illinois Secretary of State
   Tanya Solov, Director
   Illinois Securities Department
   69 W. Washington Street, Suite 1220
   Chicago, Illinois 60602
   312/793-3384  Fax: 312/793-3912
   tsolov@ilsos.net
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

G) Related Rulemakings and Other Pertinent Information: None

e) Part(s) (Heading and Code Citations): Request for an Individual's Driving, Registration, or Title Information, 92 Ill. Adm. Code 1002.45

1) Rulemaking:

A) Description of Rule(s): Request for an Individual's Driving, Registration, or Title Information

B) Statutory Authority: 625 ILCS 5/6-123(f-5)(11)

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: May/June 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State
Driver Services Department
Arlene Pulley
c/o Director's Office
2701 South Dirksen Parkway
Springfield, Illinois 62723
217/557-4462 Fax: 217/558-4942
apulley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

f) Part(s) (Heading and Code Citations): Definitions, 92 Ill. Adm. Code 1035.10

1) Rulemaking:

A) Description of Rule(s): Definitions Pertaining to School Bus Permits

B) Statutory Authority: 625 ILCS 5/6-106.1 and 625 ILCS 5/6-521
C) **Scheduled Meeting/Hearing Dates:** None

D) **Date Agency Anticipates First Notice:** April/May 2008

E) **Impact on Small Businesses, Small Municipalities or Not for Profit Corporations:** None

F) **Agency Contact Person for Information:**

   Illinois Secretary of State  
   Driver Services Department  
   Arlene Pulley  
   c/o Director's Office  
   2701 South Dirksen Parkway  
   Springfield, Illinois 62723  
   217/557-4462 Fax: 217/558-4942  
   apulley@ilsos.net

G) **Related Rulemakings and Other Pertinent Information:** None

**g) Part(s) (Heading and Code Citations):** Requirements of Applicants for a School Bus Driver Permit, 92 Ill. Adm. Code 1035.15

1) **Rulemaking:**

A) **Description of Rule(s):** Requirements to obtain an Annual Medical Examination and Certificate for a School Bus Driver Permit.

B) **Statutory Authority:** 625 ILCS 5/6-106.1 and 625 ILCS 5/6-521

C) **Scheduled Meeting/Hearing Dates:** None

D) **Date Agency Anticipates First Notice:** April/May 2008

E) **Impact on Small Businesses, Small Municipalities or Not for Profit Corporations:** None

F) **Agency Contact Person for Information:**
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

Illinois Secretary of State
Driver Services Department
Arlene Pulley
c/o Director’s Office
2701 South Dirksen Parkway
Springfield, Illinois  62723
217/557-4462  Fax:  217/558-4942
apulley@ilsos.net

G) Related Rulemakings and Other Pertinent Information:  None

h) Part(s) (Heading and Code Citations):  Annual Medical Examination and Certificate, 92 Ill. Adm. Code 1035.20

1) Rulemaking:

A) Description of Rule(s):  Requirements to obtain an annual medical examination and certificate for a school bus driver permit.

B) Statutory Authority:  625 ILCS 5/6-106.1 and 625 ILCS 5/6-521

C) Scheduled Meeting/Hearing Dates:  None

D) Date Agency Anticipates First Notice:  April/May 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations:  None

F) Agency Contact Person for Information:

Illinois Secretary of State
Driver Services Department
Arlene Pulley
c/o Director’s Office
2701 South Dirksen Parkway
Springfield, Illinois  62723
217/557-4462  Fax:  217/558-4942
apulley@ilsos.net
ILLINOIS REGISTER

SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

G) Related Rulemakings and Other Pertinent Information: None

i) Part(s) (Heading and Code Citations): Permit Application Process, 92 Ill. Adm. Code 1035.25

1) Rulemaking:

A) Description of Rule(s): Permit application process to obtain a school bus driver permit.

B) Statutory Authority: 625 ILCS 5/6-106.1 and 625 ILCS 5/6-521

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: April/May 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State
Driver Services Department
Arlene Pulley
c/o Director's Office
2701 South Dirksen Parkway
Springfield, Illinois 62723
217/557-4462 Fax: 217/558-4942
apulley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

j) Part(s) (Heading and Code Citations): Training, 92 Ill. Adm. Code 1035.30

1) Rulemaking:

A) Description of Rule(s): Training for a school bus driver permit.
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

B) Statutory Authority: 625 ILCS 5/6-106.1 and 625 ILCS 5/6-521

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: April/May 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

   Illinois Secretary of State
   Driver Services Department
   Arlene Pulley
   c/o Director's Office
   2701 South Dirksen Parkway
   Springfield, Illinois 62723
   217/557-4462 Fax: 217/558-4942
   apulley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

k) Part(s) (Heading and Code Citations): Denial, Cancellation, or Suspension of a School Bus Driver Permit, 92 Ill. Adm. Code 1035.35

1) Rulemaking:

   A) Description of Rule(s): Denial, cancellation or suspension of a school bus driver permit.

   B) Statutory Authority: 625 ILCS 5/6-106.1 and 625 ILCS 5/6-521

   C) Scheduled Meeting/Hearing Dates: None

   D) Date Agency Anticipates First Notice: April/May 2008

   E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

F) Agency Contact Person for Information:

Illinois Secretary of State
Driver Services Department
Arlene Pulley
c/o Director's Office
2701 South Dirksen Parkway
Springfield, Illinois 62723
217/557-4462 Fax: 217/558-4942
apulley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

I) Part(s) (Heading and Code Citations): Notice, 92 Ill. Adm. Code 1035.40

1) Rulemaking:

A) Description of Rule(s): Notices as they relate to a school bus driver permit.

B) Statutory Authority: 625 ILCS 5/6-106.1 and 625 ILCS 5/6-521

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: April/May 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State
Driver Services Department
Arlene Pulley
c/o Director's Office
2701 South Dirksen Parkway
Springfield, Illinois 62723
217/557-4462 Fax: 217/558-4942
apulley@ilsos.net
G) Related Rulemakings and Other Pertinent Information: None

m) Part(s) (Heading and Code Citations): Employer Responsibility, 92 Ill. Adm. Code 1035.45

1) Rulemaking:

A) Description of Rule(s): Employer responsibility in relation to a school bus permit.

B) Statutory Authority: 625 ILCS 5/6-106.1 and 625 ILCS 5/6-521

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: April/May 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State
Driver Services Department
Arlene Pulley
c/o Director's Office
2701 South Dirksen Parkway
Springfield, Illinois 62723
217/557-4462 Fax: 217/558-4942
apulley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

n) Part(s) (Heading and Code Citations): Hearings, 92 Ill. Adm. Code 1035.50

1) Rulemaking:

A) Description of Rule(s): Hearings in relation to a school bus permit.
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

B) Statutory Authority: 625 ILCS 5/6-106.1 and 625 ILCS 5/6-521

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: April/May 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

F) Agency Contact Person for Information:

  Illinois Secretary of State
  Driver Services Department
  Arlene Pulley
  c/o Director's Office
  2701 South Dirksen Parkway
  Springfield, Illinois  62723
  217/557-4462 Fax: 217/558-4942
  apulley@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None


  1) Rulemaking:

    A) Description of Rule(s): We will file a rulemaking to implement Public Act 95-400 (Senate Bill 300, effective January 1, 2009). This bill authorizes the issuance of 24 hour, 7 days per week permits to "first time DUI offenders" upon the offender's installation of an interlock device in his/her vehicle. This will be an extensive rulemaking, and will pertain to both the proper use and monitoring of the "Monitoring Device Driving Permit", what constitutes a violation of the program, and for hearings to contest the cancellation of the permit and extensions of the permit for violations of the program. Note that the cost of the Secretary of State's administration of this program will be monumental. While the bill provides that offenders who are not indigent must bear the cost of the
program, we can only speculate, at this time, on the level of participation and the costs of the program.

B) Statutory Authority: 625 ILCS 5/2-104

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Summer 2008

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: The impact of SB 300 on small businesses may also be substantial, as it provides that the BAIID providers must provide the interlock devices to indigent offenders free of charge and seek reimbursement from the "Indigent BAIID Fund". The IBF is established in the bill and funded by the offenders who are not indigent (through a 5% surcharge on the cost of the interlock device installed in their vehicle). As stated above, there is no way, at this time, to know what the costs of the program will be or to what extent the IBF will cover the costs of the program.

F) Agency Contact Person for Information:

Illinois Secretary of State
Marc Christopher Loro, Legal Advisor
Administrative Hearings
Room 300, Howlett Building
Springfield, Illinois 62756
217/785-8245 Fax: 217/782-2192
mloro@ilsos.net

G) Related Rulemakings and Other Pertinent Information: At this time, the Department is not aware of any further information which may serve the public interest. The public will have an opportunity to comment on any proposed rulemaking during the first notice period.


1) Rulemaking:
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

A) **Description of Rule(s)**: Amended Rule 150.445. This rule is being amended to conform to Section 12.43 of the Illinois Business Corporation, which was effective August 28, 2007 as per P.A. 95-507. Amended Rule 150.450. This rule is being amended to be consistent with Rule 178.145 for the Limited Liability Company Act.

B) **Statutory Authority**: Implemented and authorized by Section 1.05 of the Business Act (15 ILCS 5/1.05).

C) **Scheduled Meeting/Hearing Dates**: Unknown

D) **Date Agency Anticipates First Notice**: Unknown

E) **Impact on Small Businesses, Small Municipalities or Not for Profit Corporations**: Improved service

F) **Agency Contact Person for Information**:

   Illinois Secretary of State
   Robert Durchholz
   Department of Business Services
   Room 330 Howlett Building
   501 South 2nd Street
   Springfield, Illinois 62756
   217/782-4009 Fax: 217/782-1644
   rdurchholz@ilsos.net

G) **Related Rulemakings and Other Pertinent Information**: None

q) **Part(s) (Heading and Code Citations)**: Limited Liability Company Act, 14 Ill. Adm. Code 178

1) **Rulemaking**:

   A) **Description of Rule(s)**:

      Amended Rule 178.20 Filing Requirements. The rule is re-formatted in its entirety to become more functional. The catch-all formerly in d) is generalized and moved to a), while former paragraphs 1) through c)
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

become sub-sections 2) through 4), or elaborations of the new a). In addition, a new subsection is added for corporations, limited liability companies, limited partnerships and limited liability partnerships. The change to this Section will enhance the Department of Business Services' ability to offer on-line filing services.

Amended Rule 178.40 Sales of Information. Changes the title of the Section to the singular, thus conforming to the same title appearing at 160.12 regarding the General Not For Profit Corporation Act [805 ILCS 105], as well as the proposed new rules at new 166.60 for the Uniform Partnership Act (1997) [805 ILCS 206] and at new 171.60 for the Uniform Limited Partnership Act (2001) [805 ILCS 215] moves the reference to an "abstract of record" and clarifies that such an abstract is one source of information but not the only source. Finally, acknowledges that a limited liability company may have perpetual existence. The proposed new Rules at 166.60 and 171.60 utilize the same language reflected by the changes here.

Amended Rule 178.55 Payment of Fees. The language of this Section is also being amended to conform to that of proposed new Rules at 166.60 and 171.60. As the same Division within the Secretary of State's Department of Business Services is responsible for overseeing the Limited Liability Company Act, the Uniform Partnership Act (1997) and the Uniform Limited Partnership Act (2001), it is believed that the clientele will appreciate the similarity among like Rules for different Acts.

Amended Rule 178.60 Refunds. The change to this Section accommodates the creation of Section 5-48 of the Limited Liability Company Act [805 ILCS 180/5-48]. This Section of the statute specifically permits the Department of Business Services to issue refunds. Because of this, and because the Department's policy is to issue refunds in cases of duplicate filings, the change to this Section is necessary.

Amended Rule 178.145 Significant Differences. This Rule is changed to conform to the provisions of its "sister" section in the Limited Liability Company Act, or Section 1-20 [805 ILCS 180/1-20]. That Section of the statute does not include "prepositions" among the types of words which do not cause the name of a limited liability company to be distinguishable from the names of other such companies or corporations.
Amended Rule 178.180 Assumed Names. The change in this Section removes the requirement for a limited liability company to provide its FEIN number when filing an application to adopt an assumed name. There is no statutory requirement to provide this information, it is not required on any other filing under the Limited Liability Company Act, it serves no purpose for the Department of Business Services, and it may create issues concerning privacy.

Amended Rule 178.190 Improper Names. This Section of the Rules applies to the names of limited liability companies that may be considered offensive to good taste and decency. The change clarifies that this Rule applies to any name, regardless of whether it appears in English or in some other language.

B) Statutory Authority: Implemented and authorized by Section 15 of the Secretary of State Act (15 ILCS 305/15) and Section 50.20 of the Limited Liability Company Act (805 ILCS 180/50.20).

C) Scheduled Meeting/Hearing Dates: Unknown

D) Date Agency Anticipates First Notice: Unknown

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: All limited liability companies organizing or registering with the Secretary of State will experience greater clarity and consistency in the Administrative Rules, which will now correspond more closely with the statutory provisions of the Limited Liability Company Act with regard to refunds of fees erroneously paid to the Secretary of State and the availability of new company names.

F) Agency Contact Person for Information:

Illinois Secretary of State
Anthony B. Gordon, Assistant General Counsel
Office of the General Counsel
100 West Randolph Street, Suite 5-400
Chicago, Illinois  60601
312/814-9509 Fax: 312/814-5958
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

tgordon@ilsos.net

G) Related Rulemakings and Other Pertinent Information: None

r) Part(s) (Heading and Code Citations): Uniform Commercial Code 14 Ill. Adm. Code, 180

1) Rulemaking:

A) Description of Rule(s):

Amendment to Rules: Amendment to Rule 180.14. Reorganizes section and provides clarification for public record services and fees.

Amendment to Rule 180.15(b)(2): Provides clarification for the last day for filing a continuation.

Amendment to Rule 180.1(e)(1): Adds language providing for Transmitting Utility rejections.


C) Scheduled Meeting/Hearing Dates: Unknown

D) Date Agency Anticipates First Notice: Unknown

E) Impact on UCC filers: Provides clarification for public records services and fees. Also clarifies the last filling date for continuations and adds language for the rejection of Transmitting Utilities. Includes sale of information for notice of Federal Tax Lien and all documents under the provisions of Federal Tax Lien Registration Act.

F) Agency Contact Person for Information:

Illinois Secretary of State
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

Dennis L. Hankins, Administrator
Department of Business Services
Uniform Commercial Code Division
501 South Second Street
Howlett Building, Room 350 West
Springfield, Illinois  62756
217/524-3356  Fax: 217/557-4430
dhankins@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

s) Part(s) (Heading and Code Citations): The Illinois State Library, Acquisition Division, Illinois Documents Section 23 Ill. Adm. Code 3020

1) Rulemaking:

A) Description of Rule(s): Amend the definition of "publications" in Section 3020.100 to include examples of the types of publications to submit to the Illinois State Library; and amend Section 3020.110 to clarify the method for State agencies to transmit electronic publications to the Illinois State Library for long-term public access through the Internet.

B) Statutory Authority: Implementing Section 21 and authorized by Section 2 of the State Library Act [15 ILCS 320/2 and 21].

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: July 2008

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State
Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

300 South Second Street
Springfield, Illinois  62701-1796
Fax:  217/557-2619
jnatale@ilsos.net

G) Related Rulemaking and Other Pertinent Information: None

t) Part(s) (Heading and Code Citations): The Illinois State Library System Act, 23 Ill. Adm Code 3030

1) Rulemaking:

A) Description of Rule(s): Amend Section 3030.50 System Standards to delete old dates, and in Section 3030.90 Finance and Records list the major items to be included in the regional library systems' financial reports that are submitted annually to the Illinois State Library.

B) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: February 2008

E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: None

F) Agency Contact Person for Information:

Illinois Secretary of State
Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
300 South Second Street
Springfield, Illinois  62701-1796
Fax:  217/557-2619
jnatale@ilsos.net
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

G) Related Rulemaking and Other Pertinent Information: None

u) Part(s) (Heading and Code Citations): The Illinois State Library Grant Programs, 23 Ill. Adm. Code 3035

1) Rulemaking:

   A) Description of Rule(s): Public Library Construction Grant rules from 23 Ill. Adm. Code 3060 will be added as Subpart D; and revise the payout schedule for grants in Subparts B and C.

   B) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

   C) Scheduled Meeting/Hearing Dates: None

   D) Date Agency Anticipates First Notice: February 2008

   E) Impact on Small Business, Small Municipalities or Not For Profit Corporations: None

   F) Agency Contact Person for Information:

      Illinois Secretary of State
      Joseph Natale
      Rules Coordinator
      Illinois State Library
      Gwendolyn Brooks Building
      300 South Second Street
      Springfield, Illinois 62701-1796
      Fax: 217/557-2619
      jnatale@ilsos.net

   G) Related Rulemaking and Other Pertinent Information: None

v) Part(s) (Heading and Code Citations): The Illinois State Library Grant Programs, 23 Ill. Adm. Code 3035

1) Rulemaking:
JANUARY 2008 REGULATORY AGENDA

A) **Description of Rule(s):** Amend Section 3030.50 System Standards to delete old dates, and in Section 3030.90 Finance and Records list the major items to be included in the regional library systems' financial reports that are submitted annually to the Illinois State Library.

B) **Statutory Authority:** Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

C) **Scheduled Meeting/Hearing Dates:** None

D) **Date Agency Anticipates First Notice:** February 2008

E) **Impact on Small Business, Small Municipalities or Not For Profit Corporations:** None

F) **Agency Contact Person for Information:**

   Illinois Secretary of State  
   Joseph Natale  
   Rules Coordinator  
   Illinois State Library  
   Gwendolyn Brooks Building  
   300 South Second Street  
   Springfield, Illinois 62701-1796  
   Fax: 217/557-2619  
   jnatale@ilsos.net

G) **Related Rulemaking and Other Pertinent Information:** None

w) **Part(s) (Heading and Code Citations):** Public Library Construction Grants, 23 Ill. Adm. Code 3060

   1) **Rulemaking:**

   A) **Description of Rule(s):** This Part will be repealed and moved as to Subpart E to Part 3035.
B) **Statutory Authority:** Implementing Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3] and authorized by Sections 3 and 8 of the Illinois Library System Act [75 ILCS 10/2 and 8].

C) **Scheduled Meeting/Hearing Dates:** None

D) **Date Agency Anticipates First Notice:** February 2008

E) **Impact on Small Business, Small Municipalities or Not For Profit Corporations:** None

F) **Agency Contact Person for Information:**

   Illinois Secretary of State  
   Joseph Natale  
   Rules Coordinator  
   Illinois State Library  
   Gwendolyn Brooks Building  
   300 South Second Street  
   Springfield, Illinois 62701-1796  
   Fax: 217/557-2619  
   jnatale@ilsos.net

G) **Related Rulemaking and Other Pertinent Information:** None

x) **Part(s) (Heading and Code Citations):** Dealers, Wreckers, Transporters and Rebuilders, Section 1020.10. Dealers Established Place of Business

1) **Rulemaking:**

   A) **Description of Rule(s):** New vehicle dealers are currently permitted to have their own body repair shop under their dealership authority. The amendment to this rule would allow new vehicle dealers the opportunity to sub-lease existing space within their new car dealership to an independently licensed repairer to conduct car body repairs.

   B) **Statutory Authority:** 625 ILCS 5/5-100, 101

   C) **Scheduled Meeting/Hearing Dates:** Unknown
SECRETARY OF STATE

JANUARY 2008 REGULATORY AGENDA

D) **Date Agency Anticipates First Notice:** Unknown

E) **Impact on Small Business, Small Municipalities or Not For Profit Corporations:** Unknown

F) **Agency Contact Person for Information:**
   Illinois Secretary of State
   Brad Demuzio, Director
   Secretary of State Police
   110 E. Adams
   Springfield, Illinois  62701
   Fax: 217/524-8020
   bdemuzio1@ilsos.net

G) **Related Rulemaking and Other Pertinent Information:** None
a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision; 23 Ill. Adm. Code 1

1) Rulemaking:

A) Description: Part 1 will be amended in connection with districts' compliance with requirements related to health examinations, in response to P.A. 95-496. Various other updates will also be included.

B) Statutory Authority: 105 ILCS 5/2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 4, 2008

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

   Sally Vogl
   Agency Rules Coordinator
   Illinois State Board of Education
   100 North First Street
   Springfield, Illinois 62777
   217/782-5270

G) Related rulemakings and other pertinent information:

b) Part(s) (Heading and Code Citation): Certification; 23 Ill. Adm. Code 25

1) Rulemaking:

A) Description: New provisions will be added to Part 25 in response to P.A. 95-592, which established renewal requirements for holders of the school service personnel certificate. Various other updates will be included.

B) Statutory Authority: 105 ILCS 5/2-3.6, 14C-8, and Art. 21
STATE BOARD OF EDUCATION

JANUARY 2008 REGULATORY AGENDA

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: February 1, 2008

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

   Sally Vogl  
   Agency Rules Coordinator  
   Illinois State Board of Education  
   100 North First Street  
   Springfield, Illinois 62777  
   217/782-5270

G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): The "Grow Your Own" Teacher Education Initiative; 23 Ill. Adm. Code 60

   1) Rulemaking:

      A) Description: Revisions will be made to Part 60 to reflect changes made via P.A. 95-476.

      B) Statutory Authority: 110 ILCS 48/90

      C) Scheduled meeting/hearing date: To be announced.

      D) Date agency anticipates First Notice: February 1, 2008

      E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

      F) Agency contact person for information:

         Sally Vogl  
         Agency Rules Coordinator
Related rulemakings and other pertinent information:

d) Part(s) (Heading and Code Citation): Requirements for Accounting, Budgeting, Financial Reporting, and Auditing; 23 Ill. Adm. Code 100

1) Rulemaking:

A) Description: A new account code will be introduced to accommodate the new source of funds represented by the school facility occupation tax established by P.A. 95-675.

B) Statutory Authority: 105 ILCS 5/ 2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: March 7, 2008

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Determining Special Education Per Capita Tuition Charge; 23 Ill. Adm. Code 130
1) Rulemaking:

A) Description: Amendments to Part 130 are needed in response to P.A. 95-555, which requires the State Board of Education to issue an annual report identifying each school district's special education expenditures, receipts, and net expenditures over receipts. The method for calculating these amounts will be specified.

B) Statutory Authority: 105 ILCS 5/14-7.01, 14-7.02b, and 14-7.03

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 4, 2008

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information:

f) Part(s) (Heading and Code Citation): Driver Education; 23 Ill. Adm. Code 252

1) Rulemaking:

A) Description: Numerous revisions are needed in this set of rules in response to P.A. 95-310, in order to state consistently that the use of simulators, driving ranges, and other methods may not replace any portion of the six required hours of behind-the-wheel instruction.

B) Statutory Authority: 105 ILCS 5/27-23 and 27-24 through 27-24.8
STATE BOARD OF EDUCATION

JANUARY 2008 REGULATORY AGENDA

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: March 7, 2008

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information:

g) Part(s) (Heading and Code Citation): School Technology Program; 23 Ill. Adm. Code 575

1) Rulemaking:

A) Description: A revision will be made to provide for partial early repayments related to the School Technology Revolving Loan Program.

B) Statutory Authority: 105 ILCS 5/2-3.117a

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: February 1, 2008

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Charter schools, which are organized as not-for-profit corporations, are eligible for the loans discussed in Part 575 and will enjoy the same new flexibility as all other recipients.

F) Agency contact person for information:
STATE BOARD OF EDUCATION

JANUARY 2008 REGULATORY AGENDA

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) Related rulemakings and other pertinent information:
ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2008

a) Part (Heading and Code Citation): General Provisions 23 Ill. Adm. Code 2700

1) Rulemaking:

A) **Description:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) **Statutory Authority:** Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) **Scheduled meeting/hearing dates:** At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) **Date agency anticipates First Notice:** February 2008

E) **Effect on small business, municipalities or not for profit corporations:** None

F) **Agency Contact Person for Information:**

   Lynn Hynes  
   Agency Rules Coordinator  
   Illinois Student Assistance Commission  
   1755 Lake Cook Road  
   Deerfield, Illinois  60015  
   847/948-8500

G) **Related rulemakings and other pertinent information:** None
b) Part (Heading and Code Citation): Federal Family Education Loan Program (FFELP) 23 Ill. Adm. Code 2720

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2008

E) Effect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
847/948-8500

G) Related rulemakings and other pertinent information: None
c) Part (Heading and Code Citation): Illinois National Guard Grant Program 23 Ill. Adm. Code 2730

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2008

E) Effect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

   Lynn Hynes
   Agency Rules Coordinator
   Illinois Student Assistance Commission
   1755 Lake Cook Road
   Deerfield, Illinois 60015
   847/948-8500

G) Related rulemakings and other pertinent information: None
ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2008

d) Part (Heading and Code Citation): Illinois Veteran Grant Program 23 Ill. Adm. Code 2733

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2008

E) Effect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

    Lynn Hynes
    Agency Rules Coordinator
    Illinois Student Assistance Commission
    1755 Lake Cook Road
    Deerfield, Illinois  60015
    847/948-8500

G) Related rulemakings and other pertinent information: None
e) Part (Heading and Code Citation): Higher Education License Plate (HELP) Grant Program 23 Ill. Adm. Code 2737

1) Rulemaking:

A) Description: This Part is being amended to accommodate Public Act 095-0444 to maintain consistency in grants awarded for students attending eligible colleges and universities in the contiguous states. Moneys collected by the State Treasurer for the issuance of special collegiate license plates will be distributed through the Illinois Student Assistance Commission to participating colleges and universities for the sole purpose of scholarship grant awards to Illinois residents.

B) Statutory Authority: Implementing Section 37 of the Higher Education Student Assistance Act [110 ILCS 947/37] and Section 3-629 of the Illinois Vehicle Code [625 ILCS 5/3-629] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2008

E) Effect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

   Lynn Hynes
   Agency Rules Coordinator
   Illinois Student Assistance Commission
   1755 Lake Cook Road
   Deerfield, Illinois  60015
   847/948-8500

G) Related rulemakings and other pertinent information: None
f) Part (Heading and Code Citation): State Scholar Program 23 Ill. Adm. Code 2760

1) Rulemaking:

A) **Description**: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) **Statutory Authority**: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

C) **Scheduled meeting/hearing dates**: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) **Date agency anticipates First Notice**: February 2008

E) **Effect on small business, municipalities or not for profit corporations**: None

F) **Agency Contact Person for Information**:

   Lynn Hynes  
   Agency Rules Coordinator  
   Illinois Student Assistance Commission  
   1755 Lake Cook Road  
   Deerfield, Illinois  60015  
   847/948-8500

G) **Related rulemakings and other pertinent information**: None

g) Part (Heading and Code Citation): Illinois Future Teacher Corps (IFTC) Program 23 Ill. Adm. Code 2764
1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing efforts to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use.

B) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2008

E) Effect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

   Lynn Hynes
   Agency Rules Coordinator
   Illinois Student Assistance Commission
   1755 Lake Cook Road
   Deerfield, Illinois 60015
   847/948-8500

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Illinois Prepaid Tuition Program 23 Ill. Adm. Code 2775
Rulemaking:

A) Description: Amending this Part to delete language for contracts to which that provision applied. These contracts have been in force for more than three years, so the restriction is no longer needed.

B) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2008

E) Effect on small business, municipalities or not for profit corporations: None

F) Agency Contact Person for Information:

   Lynn Hynes
   Agency Rules Coordinator
   Illinois Student Assistance Commission
   1755 Lake Cook Road
   Deerfield, Illinois  60015
   847/948-8500

G) Related rulemakings and other pertinent information: None
PROCLAMATIONS

2007-422
Cervical Cancer Awareness Month
January 2008
(Revised)

WHEREAS, every year in the United States there are approximately 10,000 women diagnosed with and 3,700 women who die from cervical cancer; and

WHEREAS, in 2008, it is estimated that in Illinois 590 women will be diagnosed with and 210 women will die from cervical cancer; and

WHEREAS, most deaths from the disease could be avoided if women had regular checkups with the Pap test. Early detection significantly increases chances of survival. In fact, if detected early, cervical cancer is nearly 100 percent curable; and

WHEREAS, that is why I recently expanded the Illinois Breast and Cervical Cancer Program, which made Illinois the first state in the nation to ensure that all women can get access to potentially life-saving cancer screenings and treatment; and

WHEREAS, at the same time, I also launched a Take Charge, Get Screened Campaign to aggressively reach out to women and urge them to take time to get the preventative screenings that could save their lives; and

WHEREAS, throughout January, public and private organizations and state and local governments all around the country will promote education about cervical cancer screenings, treatment and causes:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as CERVICAL CANCER AWARENESS MONTH in Illinois to raise awareness about cervical cancer and to encourage all women to get tested regularly.

Issued by the Governor December 13, 2007
Filed by the Secretary of State December 26, 2007

2007-424
Engineers Week
February 17-23, 2008
WHEREAS, according to the Illinois Department of Financial and Professional Regulation, there are approximately 20,700 registered professional engineers and 2,300 registered structural engineers in Illinois; and

WHEREAS, engineers have used their scientific and technical knowledge and skills to provide the people of this state and across the nation with a wealth of innovations in all fields, including agriculture, transportation, construction and education; and

WHEREAS, engineers are vital to allowing our society to function efficiently, particularly in the areas of public safety, health, welfare, transportation, water, power, communications, structural and environmental engineering; and

WHEREAS, engineers face the major technological challenges of our time – from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the twenty-first century; and

WHEREAS, engineers are encouraging our young math and science students to realize the practical power of their knowledge; and

WHEREAS, we must depend upon the professional men and women in the field of engineering to find technological solutions to the problems we currently face, and those we might face in the future:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 17-23, 2008 as ENGINEERS WEEK in Illinois, and encourage all citizens to recognize and appreciate the countless benefits that engineers make to the state and to the country as a whole.

Issued by the Governor December 20, 2007
Filed by the Secretary of State December 26, 2007

2007-425
Radon Action Month
January 2008

WHEREAS, radon is a colorless, odorless, tasteless, radioactive gas that is released from the decay of uranium in soil and can seep into homes and buildings up to dangerous levels; and

WHEREAS, the Surgeon General of the United States issued a national health advisory warning Americans that indoor radon is the second-leading cause of lung cancer in the country. Breathing radon over prolonged periods can pose a significant health risk.
According to the United States Environmental Protection Agency, more than 21,000 lung cancer deaths every year are related to radon; and

WHEREAS, in just the State of Illinois, as many as 1,160 men and women are at risk of developing radon-related lung cancer every year. The health risks, however, are completely preventable; and

WHEREAS, radon can be detected with a simple test and fixed through well-established venting techniques. Since 2002, more than 50,000 measurements have been taken in our state, and homes that exceed the Environmental Protection Agency's Radon Action Level of 4.0 pCi/L have been corrected; and

WHEREAS, the Illinois Radon Awareness Act will go into effect January 1, 2008 and requires sellers to provide anyone buying a home, condominium or other residential property in Illinois with information about indoor radon exposure and its link to lung cancer; and

WHEREAS, it is also important that homes are tested for radon every two years. Consequently, the Illinois Emergency Management Agency and the American Lung Association of Illinois are partnering to provide radon information and guidance to families in our state about testing their homes regularly to find out how much radon they might be breathing; and

WHEREAS, in addition to the Emergency Management Agency and the American Lung Association, many organizations throughout the country will raise awareness about the health risks posed by radon during the month of January:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as RADON ACTION MONTH in Illinois, and urge all the citizens of our state to test their homes for radon and reduce their risk of developing lung cancer by taking actions to lower radon levels in their homes when necessary.

Issued by the Governor December 20, 2007
Filed by the Secretary of State December 26, 2007

2007-426
Salvation Army Day
December 28, 2007

WHEREAS, in the spirit of the holiday season, the Salvation Army is partnering with the State of Illinois to sponsor the annual Keep Our Kids Warm and Safe campaign to collect donations of winter hats, scarves, gloves and coats for children around the state; and
WHEREAS, since the launch of the first Keep Our Kids Warm and Safe campaign in 2003, state agencies have competed to collect the most winter clothing; and

WHEREAS, this year state agencies will also compete with companies and individuals to collect the most goods, and all donations will get distributed among Salvation Army centers throughout Illinois; and

WHEREAS, the Salvation Army has served the people of Illinois since 1885 and helps more than 1 million people statewide each year, providing 4 million meals, more than 900,000 nights of shelter and a wide range of other critical social services for the less fortunate annually; and

WHEREAS, like all nonprofits, the Salvation Army is dependent on the public's goodwill and support for their programs. The annual Christmas kettle campaign is one of their biggest fundraisers of the year:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 28, 2007 as SALVATION ARMY DAY in Illinois in recognition of the Salvation Army for all their terrific philanthropic activities, and to encourage everyone to make contributions to them this holiday season so they can continue lending their support to those in need all year long.

Issued by the Governor December 21, 2007
Filed by the Secretary of State December 26, 2007

2007-427
Special Session

WHEREAS, the Regional Transportation Authority (RTA) is the financial oversight and regional planning body for the three public transit operators in northeastern Illinois: the Chicago Transit Authority (CTA), Metra commuter rail, and Pace suburban bus; and

WHEREAS, the RTA is an important public asset that, according to the RTA, generates an annual economic impact of more than $12 billion to the State of Illinois; and

WHEREAS, approximately two million riders per day use the CTA, Metra commuter rail, or Pace suburban bus; and
WHEREAS, strengthening Illinois’ transit system will enhance residents’ quality of life by reducing pollution as well as traffic congestion; and

WHEREAS, according to the CTA, revenues to support transit are not keeping up with increased maintenance, repair and transit costs potentially necessitating additional state funding; and

WHEREAS, the CTA asserts that without additional funding by January 20, 2008, it is prepared to raise cash fares as high as $3.25 for rail passengers who pay cash, cut 81 bus routes, and layoff 2,400 employees; and

WHEREAS, Metra officials have warned riders to expect fares to increase up to 30% if additional funding is not received by the State of Illinois; and

WHEREAS, according to the RTA, without additional funding, Metra will face a $40 million deficit in 2008;

WHEREAS, although the Senate passed a bill that provides for approximately $200 million in interim relief for mass transit; that Bill has yet to be considered by the House; and, the Legislature has been unable to reach a funding solution that is acceptable to its membership; and

WHEREAS, the House of Representatives cancelled a previously scheduled session to address the asserted mass transit shortfall;

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95th General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on January 2, 2008, at 5:00 p.m., to consider any and all funding options for the RTA, CTA, Metra, and Pace including but not limited to HB 4161 and/or SB 307 as amended.

ROD BLAGOJEVICH
Governor

Dated: December 26, 2007
ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 32, Issue 2 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES
89 - 119 ........................................296
89 - 140 ........................................298
89 - 147 ........................................300
89 - 148 ........................................303
89 - 152 ........................................305
89 - 153 ........................................307
56 - 240 ........................................309

ADOPTED RULES
89 - 148 1/1/2008 ..............................312
14 - 166 1/7/2008 ..............................332
14 - 171 1/7/2008 ..............................346
74 - 800 12/26/2007 ..............................360

EMERGENCY RULES
89 - 119 1/1/2008 ..............................373
89 - 140 1/1/2008 ..............................383
89 - 147 1/1/2008 ..............................415
89 - 148 1/1/2008 ..............................518
89 - 152 1/1/2008 ..............................529
89 - 153 1/1/2008 ..............................536
89 - 160 1/1/2008 ..............................543
56 - 240 1/1/2008 ..............................574

PEREMPTORY RULES
8 - 125 1/1/2008 ..............................590
80 - 310 12/27/2007 ..............................598

EXECUTIVE ORDERS AND PROCLAMATIONS
07 - 424 12/20/2007 ..............................793
07 - 422 12/13/2007 ..............................793
07 - 425 12/20/2007 ..............................794
07 - 426 12/21/2007 ..............................795
07 - 427 12/26/2007 ..............................796

REGULATORY AGENDA
80 - 1 ........................................633
35 - 1500 ........................................634
32 - 501 ........................................637
2 - 1176 ........................................672
56 - 2520 ........................................699
56 - 210 ........................................708
77 - 205 ........................................714
11 - 1770 ........................................731
14 - 140 ........................................757
23 - 1 ........................................779
23 - 2700 ........................................785
## ORDER FORM

<table>
<thead>
<tr>
<th>Description</th>
<th>New</th>
<th>Renewal</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscription to the Illinois Register (52 Issues)</td>
<td></td>
<td></td>
<td>$290.00 (annually)</td>
</tr>
<tr>
<td>Electronic Version of the Illinois Register (E-mail Address Required)</td>
<td></td>
<td></td>
<td>$290.00 (annually)</td>
</tr>
<tr>
<td>Back Issues of the Illinois Register (Current Year Only)</td>
<td></td>
<td></td>
<td>$10.00 (each)</td>
</tr>
<tr>
<td>Microfiche sets of the Illinois Register 1977 – 2003</td>
<td></td>
<td></td>
<td>$200.00 (per set)</td>
</tr>
<tr>
<td>Cumulative/Sections Affected Indices 1990 - 2006</td>
<td></td>
<td></td>
<td>$5.00 (per set)</td>
</tr>
</tbody>
</table>

(Processing fee for credit cards purchases, if applicable.) $2.00

TOTAL AMOUNT OF ORDER $ ____________

☐ Check  Make Checks Payable To: Secretary of State

☐ VISA  ☐ Master Card  ☐ Discover  (There is a $2.00 processing fee for credit card purchases.)

Card #: ___________________________ Expiration Date: _______

Signature: ___________________________

Send Payment To: Secretary of State
Department of Index
Administrative Code Division
111 E. Monroe
Springfield, IL  62756

Fax Order To: (217) 524-0308

<table>
<thead>
<tr>
<th>Name:</th>
<th>Attention:</th>
<th>ID #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>State:</td>
<td>Zip Code:</td>
</tr>
<tr>
<td>City:</td>
<td>Fax:</td>
<td>E-Mail:</td>
</tr>
</tbody>
</table>

Published by JESSE WHITE • Secretary of State
www.cyberdriveillinois.com