
ILLINOIS

REGISTER



PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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November 6, 2015 Volume 39, Issue 45

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Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2015 until January 4, 2016.

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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015

19	April 27, 2015	May 8, 2015
20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Electronic Prescription Monitoring Program
- 2) Code Citation: 77 Ill. Adm. Code 2080
- 3) Section Number: 2080.100 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570/316, 317, 318, 319, 320 and 321]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking affects the Electronic Prescription Monitoring Program (PMP), which is designed to control the abuse of Schedule II, III, IV and V retail dispensed drugs. The proposed amendment changes the requirement that dispensers report to the central repository each time a Schedule II, III, IV or V drug or other selected drugs (see 77 Ill. Adm. Code 2080.230) is dispensed from not more than seven days after dispensing to no later than the next business day after dispensing; or, if no drugs are dispensed, then a zero report is required. The amendment will result in more frequent reporting and will improve the use of the PMP in identifying patients exhibiting prescription seeking behavior.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? No
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Community pharmacies who report controlled substance prescriptions
- B) Reporting, bookkeeping or other procedures required for compliance: Dispensers are required to report to the central repository each time a Schedule II, III, IV or V drug or other selected drugs (see 77 Ill. Adm Code 2080.230) is dispensed no later than the next business day after dispensing; or, if no drugs are dispensed, then a zero report is required.
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: CONTROLLED SUBSTANCES ACTIVITIESPART 2080
ELECTRONIC PRESCRIPTION MONITORING PROGRAM

Section	
2080.10	Authority
2080.20	Incorporation by Reference and Definitions
2080.30	General Description
2080.40	Official Triplicate Prescription Blanks (Repealed)
2080.50	Authorized Prescribers
2080.60	Application (Repealed)
2080.70	Schedule II, III, IV and V Drug Prescription Requirements
2080.80	Prohibited use of the Official Triplicate Prescription Blank (Repealed)
2080.90	Dispensing a Schedule II, III, IV or V Drug
2080.100	Dispenser Responsibility
2080.110	Partial filling of prescriptions (Repealed)
2080.120	Emergency situations (Repealed)
2080.130	Prescriptions from out-of-state prescribers and exempt Federal practitioners (Repealed)
2080.140	Exemptions for prescribers in hospitals and institutions (Repealed)
2080.150	Exemptions for long term care and home infusion services (Repealed)
2080.160	Exemptions for narcotic treatment programs (Repealed)
2080.170	Exemptions for research (Repealed)
2080.180	Investigatory and regulatory referrals (Repealed)
2080.190	Reports
2080.200	Prescriber and Dispenser Inquiry System
2080.210	Access to the Prescription Information Library (PIL)
2080.211	Other State Prescription Monitoring Authority Access
2080.220	Error Reporting
2080.230	Designated Controlled Substances
2080.240	Mid-Level Practitioners Prescriptive Authority Reporting
2080.250	Mailing of Controlled Substances

AUTHORITY: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570/316, 317, 318, 319, 320 and 321].

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 10 Ill. Reg. 4497, effective March 3, 1986; amended at 17 Ill. Reg. 11424, effective July 6, 1993; amended at 20 Ill. Reg. 3107, effective February 2, 1996; recodified from the Department of Alcoholism and Substance Abuse to the Department of Human Services at 21 Ill. Reg. 9319; amended at 26 Ill. Reg. 3975, effective March 4, 2002; amended at 33 Ill. Reg. 17333, effective December 9, 2009; amended at 39 Ill. Reg. 6421, effective April 22, 2015; amended at 40 Ill. Reg. _____, effective _____.

Section 2080.100 Dispenser Responsibility

- a) Each time a Schedule II, III, IV or V drug or other selected drugs, as described in Section 2080.230, is dispensed, the dispenser must transmit, no later than the next business day~~not more than 7 days~~ after dispensing, to the central repository the following data, or any other data deemed necessary by the PMPAC:
- 1) Dispenser DEA number.
 - 2) Dispenser full name and address.
 - 3) Recipient's (or animal and owner's) name and address.
 - 4) NDC identification number of the Schedule II, III, IV or V drug dispensed.
 - 5) Quantity of the Schedule II, III, IV or V drug dispensed.
 - 6) Date prescription filled.
 - 7) Date prescription written.
 - 8) Prescriber DEA number.
 - 9) Prescriber full name.
 - 10) Patient ID.
 - 11) Patient sex (M for male, F for female or U for unknown).
 - 12) Patient birth date (yyyymmdd – year, month, day).
 - 13) Date dispensed.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 14) Payment type (i.e., Medicaid, cash, third-party insurance).
- 15) Patient location code (i.e., home, nursing home, outpatient, etc.).
- 16) Days' supply (based on dispensed quantity).

b) If no Schedule II, III, IV or V drug or other selected drugs, as described in Section 2080.230, is dispensed, the dispenser must transmit a zero report, as set forth in American Society of Automation in Pharmacy (ASAP) Prescription Monitoring Program Standard Version 4.2 (2011), to the central repository, no later than the next business day. The incorporation by reference includes no later amendments or editions.

cb) For hospitals licensed under the Hospital Licensing Act [210 ILCS 85], any discharge or outpatient prescription exceeding a 72 hour quantity must be reported to the PMP central repository no later than the next business day~~within 7 days~~ after dispensing (~~may be reported more frequently~~). The report shall contain the following data or any other data deemed necessary by the PMPAC:

- 1) Dispenser DEA number.
- 2) Dispenser name and address.
- 3) Recipient's (or animal and owner's) name and address.
- 4) NDC identification number of the Schedule II, III, IV or V drug dispensed.
- 5) Quantity of the Schedule II, III, IV or V drug dispensed.
- 6) Date prescription filled.
- 7) Date prescription written.
- 8) Prescriber DEA number.
- 9) Prescriber name and address.
- 10) Patient ID.

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- 11) Patient sex (M for male, F for female or U for unknown).
 - 12) Patient birth (yyyymmdd – year, month, day).
 - 13) Date dispensed.
 - 14) Payment type (i.e., Medicaid, cash, third-party insurance).
 - 15) Patient location code (i.e., home, nursing home, outpatient, etc.).
 - 16) Days' supply (based on dispensed quantity).
- de) The Department shall impose a civil fine of \$100 per day for willful failure to comply with statutory reporting requirements. Assessment of the fine begins on the day after the report was required to be submitted and ends on the day the failure to report is remedied. Fines shall be payable to the Prescription Monitoring Program.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Destruction of Records
- 2) Code Citation: 50 Ill. Adm. Code 901
- 3) Section Number: 901.20 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 133 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/133 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: Section 133 of the Insurance Code concerning record retention requires that all books, records, documents, accounts and vouchers related to the financial condition, affairs and operations of a domestic company or of any principal U.S. office of a foreign/alien company located in this State, be preserved until the Director authorizes the disposal and/or destruction of such records. Title 50, Section 901.20 of the Illinois Administrative Code concerns the process by which an insurer can request permission to dispose of and/or destroy records pursuant to Section 133 of the Code. The Department recognizes that the current process outlined by this rule is outdated, unnecessary, and not in line with other states' requirements. The amendment to Section 901.20 will grant the authority to companies to destroy/dispose of records that are no longer needed in the transaction of current business, for the final disposition of an insurance claim or to determine the financial condition of the company for the period since the last examination report, or after a period of seven years, whichever is later, for items related to the final disposition of an insurance claim or the financial condition of the company.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | | |
|--|----|--|
| Diana Villamil Zuver
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago IL 60603

312/814-8135
fax: 312/814-2862 | or | Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

217/558-0957 |
|--|----|--|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None. The current version of Title 50, Section 901.20 of the Illinois Administrative Code requires a significant amount of reporting, bookkeeping and/or other procedures, including reviewing list of applications for the authority to destroy accumulated records and schedules of applications for continuing authority to destroy records after specified periods of time or the occurrence of specified events. This amendment provides that the company will have the authority to destroy/dispose of records when the files are no longer needed in the transaction of current business or after seven years if no longer needed for the disposition of an insurance claim or to determine the financial condition of the company since the date of the last examination report. The Department will have the authority to ensure compliance with this amended Section at the time of financial examination conducted approximately every five years.
- C) Types of professional skills necessary for compliance: Accounting skills. Department financial examiners already have the requisite skills necessary to ensure compliance with the amended Section.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it was not anticipated within that time period.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

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

PART 901

DISPOSAL AND DESTRUCTION OF RECORDS

Section

901.5 Introduction

901.10 Definitions

901.20 Disposal and Destruction Procedures for Compiling and Submitting Lists and Schedules of Records for Destruction

AUTHORITY: Implementing Section 133 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/133 and 401].

SOURCE: Filed and effective November 25, 1968; codified at 7 Ill. Reg. 4213; amended at 40 Ill. Reg. _____, effective _____.

Section 901.20 Disposal and Destruction Procedures for Compiling and Submitting Lists and Schedules of Records for Destruction

~~a) The company is authorized to dispose of or destroy~~ shall submit to the Director lists or schedules of records in its custody; that do not have sufficient administrative, legal or fiscal value to warrant their further preservation and are not needed:

- a) in the transaction of current business;
 - b) ~~or~~ for the final settlement or disposition of any claim arising out of a policy of insurance issued by the company, except that these records must be maintained for at least 7 years; or
 - c) ~~and are not required~~ to determine the financial condition of the company for the period since the date of the last examination report of the company officially filed with the Department of Insurance, except that these records must be maintained for at least 7 years, and that do not have sufficient administrative legal or fiscal value to warrant their further preservation, or that the retention of the records is an unnecessary expense to the company and such records serve no useful purpose.
- 1) Lists are applications for authority to destroy accumulated records.

DEPARTMENT OF INSURANCE

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~~matters to which the records may pertain; that no listed records are required to be retained in order to determine the financial condition of the Company or to verify the condition of the Company as stated in any annual statement filed subsequent to the date of the last examination report officially filed by the Department of Insurance; that other records exist as to any item which may become material in the future for the determination of the financial condition of the Company.~~

~~This Affidavit is signed for the purpose of obtaining the approval of the Director of Insurance for the destruction of records, to save unnecessary expense of unwarranted preservation, and for no other purpose.~~

President

Secretary

~~Subscribed and sworn to before me this _____ day of _____, 20 _____ :~~

Notary

~~The destruction of records described as listed or scheduled in the foregoing Affidavit is hereby authorized this _____ day of _____, 20 _____ :~~

Director of Insurance

(Source: Amended at 40 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Introduction
- 2) Code Citation: 35 Ill. Adm. Code 601
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
601.101	Amendment
601.102	Amendment
601.104	Amendment
601.105	Amendment
601.115	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 4, 10, 27, 28, and 28.2 of the Illinois Environmental Protection Act [415 ILCS 5/4, 10, 27, 28, 28.2]
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments to Illinois Pollution Control Board rules governing public water supplies add to Part 601 a new Section for incorporation by reference of national standards published by the American Water Works Association, the American Society for Testing and Materials, the American National Standards Institute, the National Sanitation Foundation International, and the Recommended Standards for Water Works, many of which contain design standards that would have to be met for a construction permit to issue. Definitions used in Parts 602 and 603 are also added to and revised in Part 601.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rulemakings are intended to streamline the public water supply permitting process and relieve regulatory burden.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Public comments must be

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

filed with the Clerk of the Board. Public comments should reference Docket R15-22 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R15-22 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's web site at www.ipcb.state.il.us.

For more information, contact hearing officer Jason James at 312/814-6929 or by e-mail at Jason.James@illinois.gov.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small private community water supplies and small municipalities that provide water to the public
- B) Reporting, bookkeeping or other procedures required for compliance: Reports generated through the permitting process to comply with incorporated standards.
- C) Types of professional skills necessary for compliance: Many types of community water supply permits require the oversight of an architect or engineer.

14) Regulatory Agenda on which this rulemaking was summarized: July, 2015.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 601
INTRODUCTION

Section

601.101	General Requirements
601.102	Applicability and Organization of this Chapter
601.103	Severability
601.104	Analytical Testing
601.105	Definitions
601.115	Incorporation by Reference

601.APPENDIX A References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended at 3 Ill. Reg. 13, p. 236, effective March 30, 1979; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at 14 Ill. Reg. 1379, effective January 8, 1990; amended in R89-5 at 16 Ill. Reg. 1585, effective January 10, 1992; amended in R96-18 at 21 Ill. Reg. 6537, effective May 8, 1997; amended in R15-22 at 40 Ill. Reg. _____, effective _____.

Section 601.101 General Requirements

Owners and official custodians of a public water supply in the State of Illinois shall provide, pursuant to the ~~Environmental Protection Act [415 ILCS 5] (Act), the Pollution Control Board (Board)~~ Rules, and the Safe Drinking Water Act (42 ~~USCU.S.C.~~ 300f et seq.), continuous operation and maintenance of public water supply facilities so that the water shall be assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 601.102 Applicability [and Organization of this Chapter](#)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) The provisions of this Chapter shall apply to groundwater and public water supplies, as defined in the Act, except for those designated as non-community water supplies. A public water supply shall be considered to end at each service connection.
- b) The Board regulations adopted in this Chapter are organized as provided in this Section.
- 1) Part 601 contains definitions, analytical testing requirements, and incorporations by reference applicable to Parts 601, 602, 603 and 607.
 - 2) Part 602 contains permitting requirements and standards for community water supplies and technical, financial and managerial capacity requirements for new community water supplies.
 - 3) Part 603 contains ownership and responsible personnel requirements for community water supplies.
 - 4) Part 607 contains requirements for emergency operation and cross-connection control.
 - 5) Part 611 contains regulations identical in substance with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) pursuant to Sections 1412(b), 1414(c), 1417(a) and 1445(a) of the Safe Drinking Water Act (SDWA) (42 USC 300g-1(b), 300g-3(c), 300g-6(a) and 300j-4(a)). Part 611 establishes primary drinking water regulations and includes definitions and incorporations by reference applicable to Part 611.
 - 6) Part 615 contains requirements and standards for the protection of groundwater for certain types of existing facilities or units located wholly or partially within a setback zone or a regulated recharge area. Part 615 includes definitions and incorporations by reference applicable to Part 615.
 - 7) Part 616 contains requirements and standards for the protection of groundwater for certain types of new facilities or units located wholly or partially within a setback zone or a regulated recharge area. Part 616 includes definitions applicable to Part 616.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 8) Part 617 contains the requirements and standards for regulated recharge areas. Part 617 includes definitions and an incorporation by reference applicable to Part 617.
- 9) Part 618 contains requirements and standards for maximum setback zones. Part 618 includes definitions applicable to Part 618.
- 10) Part 620 contains the method of classification of groundwater, nondegradation provisions, the groundwater quality standards, and procedures and protocols for the management and protection of groundwater. Part 620 includes definitions and incorporations by reference applicable to Part 620.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 601.104 Analytical Testing

- a) To determine compliance with ~~the~~these community water supplies rules and regulations (35 Ill. Adm. Code Subtitle F), all sampling, monitoring and testing ~~and physical, chemical, bacteriological, and microscopic analyses~~ shall be made according to the methods described in 35 Ill. Adm. Code 611, the National Primary Drinking Water Regulations (40 CFR 141), and any other method specifically approved by the Environmental Protection Agency ~~(Agency)~~.
- b) All analyses for substances other than those listed in 35 Ill. Adm. Code 611 ~~the rules and regulations~~ must be performed by methods acceptable to the Agency.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 601.105 Definitions

- a) For purposes of 35 Ill. Adm. Code 601, 602, 603 and 607 ~~this Chapter~~, unless a different meaning of a word or term is clear from the context:

"Act" means the Environmental Protection Act, ~~as amended~~, [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Aquifer Property Data" means the porosity, hydraulic conductivity, transmissivity and storage coefficient of an aquifer, head and hydraulic gradient.

"Board" means the Illinois Pollution Control Board.

"Boil Order" means a notice to boil all drinking and culinary water for at least five minutes before use, issued by the proper authorities to the consumers of a public water supply affected, whenever the water being supplied may have become microbiologically contaminated.

"Certified Laboratory" means any laboratory certified pursuant to Section 4(o) of the Act, or certified by USEPA approved by the Agency, the Illinois Department of Nuclear Safety or the Illinois Department of Public Health for the specific parameters to be examined, as set out in rules adopted pursuant to the Illinois Administrative Procedure Act [5 ILCS 100].

"Chemical Analysis" means analysis for any inorganic or organic substance, with the exception of radiological or microbiological analyses.

"Chlorine"

"Chlorine Demand" means the difference between the amount of chlorine applied to a given water and the amount of total available chlorine remaining at the end of the contact period. All test conditions (contact time, pH and temperature) must be given, expressing the chlorine demand in a given water.

"Combined Chlorine" means the reaction product formed when chlorine has reacted with ammonia to form chloramines.

"Free Chlorine" means the residual chlorine existing in water as the sum of hypochlorous acid and hypochlorite ion.

"Total Chlorine" means the sum of the free chlorine and the combined chlorine.

"Community Water Supply" or "CWS" means a public water supply which serves or is intended to serve at least 15 service connections used

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by residents or regularly serves at least 25 residents. (Section 3.145 of the Act)

"Confined Geologic Formations" are geologic water bearing formations protected against the entrance of contamination by other geologic formations.

"Cross-connection"

"Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water that contains water of unknown or questionable safety, steam, or one or more gases; chemicals or other substances when flow from one system to the other is possible.

"Direct Cross-connection" means a cross-connection formed when a piping system containing potable water is physically joined to another piping system containing water of unknown or questionable safety, steam, or one or more gases, chemicals or other substances.

"Indirect Cross-connection" means a cross-connection formed when water of unknown or questionable safety, steam or one or more gases, chemicals or other substances from one piping system can be forced, drawn by vacuum or otherwise introduced into another piping system containing potable water.

"Disinfectant" means any ~~agent~~oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to water in any part of the treatment or distribution process, ~~that~~which is intended to kill or inactivate pathogenic microorganisms.

~~"Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).~~

~~"Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.~~

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~~"Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.~~

"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3.2103-64 of the Act)

~~"Halogen" means one of the chemical elements chlorine, bromine or iodine.~~

"Head" means the sum of the elevation head, pressure head and velocity head at a given point in an aquifer.

"Hydraulic Conductivity" means the rate of flow in gallons per day (gpd) through a cross section of one square foot (ft²) under a unit hydraulic gradient (gpd/ft²).

"Hydraulic Gradient" means the rate of change of total head per unit distance of flow in a given direction.

"Infrastructure" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use.

~~"Man-Made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, National Bureau of Standards (NBS) Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.~~

"Maximum Average Daily Demand" or "Maximum Demand" means the maximum consecutive seven day production period.

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~~"Maximum Residence Time Concentration (MRTC)" means the concentration of total trihalomethanes found in a water sample taken at a point of maximum residence time in the public water supply distribution system.~~

~~"Maximum Total Trihalomethane Potential (MTP)" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.~~

~~"New Community Water Supply" means, beginning after October 1, 1999, all new community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 15 service connections used by residents or regularly serves at least 25 residents. Any water supply not currently a community water supply that adds residents so that the total served is 25 residents or more without constructing additional infrastructure will become a community water supply, but will not be required to demonstrate capacity under 35 Ill. Adm. Code 602.103 unless the community water supply is on restricted status as required by 35 Ill. Adm. Code 602.106.~~

~~"Non-community Water Supply" means a public water supply that is not a community water supply. (Section 3.145 of the Act)~~

~~"Official Custodian" means an individual who is an officer of an entity that is the owner of a community water supply. [415 ILCS 45/9.4]"Official Custodian" means any officer of an organization which is the owner or operator of a public water supply, and who has direct administrative responsibility for the supply.~~

~~"Persistent Contamination" exists when analysis for total coliform is positive in one or more samples of a routine sample set, and when three or more subsequent repeat samples indicate the presence of contamination.~~

~~"Picoeerie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.~~

~~"Point of Maximum Residence Time" means that part of the active portion of the distribution system remote from the treatment plant where the water has been in the distribution system for the longest period of time.~~

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"Porosity" means the percentage of the bulk volume of a rock or soil that is occupied by interstices, whether isolated or connected.

"Public Water Supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. (Section 3.28 of the Act)

~~"Recurring Contamination" exists when analysis of total coliform is positive in one or more samples of a routine sample set, if this occurs four or more times in a twelve consecutive month period.~~

~~"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.~~

"Responsible Operator in Charge" means an individual who is designated as a Responsible Operator in Charge of a community water supply pursuant to Section 1 of the Public Water Supply Operations Act [415 ILCS 45/1] and 35 Ill. Adm. Code 603. [415 ILCS 45/9.6]

"Sell Water" means to deliver or provide potable water, obtained from a public water supply subject to these regulations, to the consumer, who is then individually or specifically billed for water service, or where any monetary assessment is levied or required and specifically used for water service. Water supply facilities owned or operated by political subdivisions, homeowners associations, and not-for-profit associations, as well as privately owned utilities regulated by the Illinois Commerce Commission, are considered to sell water whether or not a charge is specifically made for water.

"Service Connection" is the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

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"Storage Coefficient" means the volume of water an aquifer releases from or takes into storage per unit surface area of the aquifer per unit change in head.

"Surface Water" means all tributary streams and drainage basins, including natural lakes and artificial reservoirs, which may affect a specific water supply above the point of water supply intake.

"Surface Water Supply Source" means any surface water used as a water source for a public water supply.

"Supply" means a community~~public~~ water supply.

~~"Total Trihalomethanes (TTHM)" means the sum of the concentration in milligrams per liter of the trihalomethane compounds trichloromethane (chloroform), dibromochloromethane, bromodichloromethane and tribromomethane (bromoform), rounded to two significant figures.~~

"Transmissivity" means the rate in gallons per minute (gpm), at which water is transmitted through a unit width, in feet (ft), of an aquifer under a unit hydraulic gradient (gpm/ft).

~~"Trihalomethane (THM)" means one of the family of organic compounds named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.~~

"Water Main" means any pipe for the purpose of distributing potable water ~~that~~which serves or is accessible to more than one property, dwelling, or rental unit, and is exterior to buildings.

"Water Service Line" means any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling or rental unit of the user.

"Well Hydraulics" means equations that are applied to understand the effect that a pumping well structure has on inducing the movement of water through permeable rock formations and certain aquifer properties to determine the rate of withdrawal of the well. This term is inclusive of equations that quantify wellbore skin effects/well loss.

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"Wellhead Protection Area" or "WHPA" means the surface and subsurface recharge area surrounding a community water supply well or well field, delineated outside of any applicable setback zones (pursuant to Section 17.1 of the Act) established pursuant to Illinois' Wellhead Protection Program, through which contaminants are reasonably likely to move toward the well or well field.

"Wellhead Protection Measures" means management practices needed to mitigate existing and future threats to the water quality within the delineated WHPA.

"Wellhead Protection Program" means the Wellhead Protection Program for the State of Illinois, approved by USEPA under section 1428 of the SDWA (42 USC 300h-7).

- b) Terms not specifically defined in subsection (a), will have the meanings ascribed in 35 Ill. Adm. Code 611.
- c) Terms not specifically defined in subsections (a) or (b) will have the meanings specified in The Water Dictionary, incorporated by reference in Section 601.115.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 601.115 Incorporations by Reference

- a) Abbreviations and Short-name Listing of References. The following names and abbreviated names are used in this Chapter I to refer to materials incorporated by reference:

"ANSI" means those standards published by American National Standards Institute (ANSI).

"ASTM" means those standards published by American Society for Testing and Materials (ASTM).

"AWWA" means those standards published by the American Water Works Association.

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"Recommended Standards" means "Recommended Standards for Water Works – Policies for the Review and Approval of Plans and Specifications for Public Water Supplies".

b) The Agency incorporates the following materials by reference:

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, PO Box C700, West Conshohocken PA 19428-2959, (610)832-9500.

ASTM D 2241-09, Standard Specification for Poly(Vinyl Chloride) (PVC) Pressure-Rated Pipe (SDR Series), approved December 1, 2009.

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver CO 80235, (303)794-7711.

ANSI/AWWA A100-06, Water Wells, approved February 2, 2006, effective August 1, 2006.

ANSI/AWWA B100-09, Granular Filter Material, approved January 25, 2009, effective March 1, 2010.

ANSI/AWWA C151/A21.51-09, Ductile-Iron Pipe, Centrifugally Cast, approved January 25, 2009, effective September 1, 2009.

ANSI/AWWA C200-12, Steel Water Pipe, 6 In. (150 mm) and Larger, approved June 10, 2012, effective September 1, 2012.

ANSI/AWWA C301-07, Prestressed Concrete Pressure Pipe, Steel-Cylinder Type, approved January 21, 2007, effective June 1, 2007.

ANSI/AWWA C651-05, Disinfecting Water Mains, approved January 16, 2005, effective June 1, 2005.

ANSI/AWWA C652-11, Disinfection of Water Storage Facilities, approved June 12, 2011, effective October 1, 2011.

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[ANSI/AWWA C653-03, Disinfection of Water Treatment Plants, approved January 19, 2003, effective June 1, 2003.](#)

[ANSI/AWWA C654-03, Disinfection of Wells, approved January 19, 2003, effective November 1, 2003.](#)

[AWWA C900-07 Polyvinyl Chloride \(PVC\) Pressure Pipe and Fabricated Fittings, 4 In. Through 12 In. \(100 mm Through 300 mm\), for Water Transmission and Distribution, 2007.](#)

[ANSI/AWWA C905-10, Polyvinyl Chloride \(PVC\) Pressure Pipe and Fabricated Fittings, 14 In. Through 48 In. \(350 mm Through 1,200 mm\), approved January 17, 2010, effective April 1, 2010.](#)

[AWWA C906-07 Polyethylene \(PE\) Pressure Pipe and Fittings, 4 In. \(100 mm\) Through 63 In. \(1,600 mm\) for Water Distribution and Transmission, 2007.](#)

[ANSI/AWWA D100-11, Welded Carbon Steel Tanks for Storage, approved January 23, 2011, effective July 1, 2011.](#)

[ANSI/AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage, approved January 25, 2009, effective November 1, 2009.](#)

[ANSI/AWWA D107-10, Composite Elevated Tanks for Water Storage, approved January 17, 2010, effective December 1, 2010.](#)

["The Water Dictionary", 2nd Edition, 2010.](#)

[NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor MI 48113-0140, \(734\)769-8010.](#)

[NFS/ANSI 60-2013 Drinking Water Treatment Chemicals – Health Effects, April 2014.](#)

[NSF/ANSI 61-2013 Drinking Water System Components – Health Effects, March 2014.](#)

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"Recommended Standards for Water Works – Policies for the Review and Approval of Plans and Specifications for Public Water Supplies", 2012 Edition, Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, Health Research Inc., Health Education Services Division, PO Box 7126, Albany NY 12224, (518)439-7286.

"Standard Specifications for Water and Sewer Main Construction in Illinois", 7th Edition, 2014, Illinois Society of Professional Engineers, 100 East Washington Street, Springfield IL 62701, (217)544-7424.

- c) No later amendments to or editions of the materials listed in subsection (b) are incorporated.

(Source: Added at 40 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 602
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
602.101	Amendment
602.102	Repealed/New Section
602.103	Repealed/New Section
602.104	Amendment
602.105	Amendment
602.106	Amendment
602.107	Renumbered/New Section
602.108	Repealed/New Section
602.109	Repealed/New Section
602.110	Renumbered
602.111	Amendment
602.112	Amendment
602.113	Amendment
602.114	Repealed
602.115	Amendment
602.116	Amendment
602.117	Amendment
602.118	Amendment
602.119	Amendment
602.120	Repealed
602.200	New Section
602.205	New Section
602.210	New Section
602.215	New Section
602.220	New Section
602.225	New Section
602.230	New Section
602.235	New Section
602.240	New Section
602.245	New Section
602.250	New Section
602.255	New Section
602.260	New Section
602.300	New Section
602.305	New Section

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602.310	New Section
602.315	New Section
602.320	New Section
602.400	New Section
602.405	New Section
602.410	New Section
602.415	New Section
602.500	New Section
602.505	New Section
602.510	New Section
602.515	New Section
602.520	New Section

- 4) Statutory Authority: Implementing and authorized by Sections 4, 10, 27, 28, and 28.2 of the Illinois Environmental Protection Act [415 ILCS 5/4, 10, 27, 28, 28.2]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to Illinois Pollution Control Board rules governing public water supplies consolidate the community water supply permitting rules in Part 652 and Part 602. The Board's permitting rules are found in Part 602 while the Illinois Environmental Protection Agency's permitting requirements are located in Part 652. The amendments consolidate all permitting requirements into a single part, Part 602, with five new subparts.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments will give community water supplies a succinct, compact set of permitting regulations in Part 602 and make Agency review of permit applications more efficient.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period

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of 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R15-22 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R15-22 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

For more information, contact hearing officer Jason James at 312/814-6929 or by e-mail at Jason.James@illinois.gov.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small private community water supplies and small municipalities that provide water to the public
- B) Reporting, bookkeeping or other procedures required for compliance: Reports generated through the permitting process to comply with incorporated standards
- C) Types of professional skills necessary for compliance: Many types of community water supply permits require the oversight of an architect or engineer.

14) Regulatory Agenda on which this rulemaking was summarized: July 2015.

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 602
PERMITSSUBPART A: GENERAL PERMIT PROVISIONS

Section	
602.101	<u>Purpose</u> Construction Permit
602.102	<u>Community Watery Supply Permits</u> Operating Permit
602.103	<u>Public Water Supply Capacity Development</u> Algicide Permit
602.104	Emergency <u>Permits</u> Permit
602.105	Standards for Issuance
602.106	Restricted Status
602.107	<u>Critical Review</u> Signatory Requirement for Permit Applications
602.108	<u>Right of Inspection</u> Construction Permit Applications
602.109	<u>Fees</u> Operating Permit Applications
602.110	<u>Signatory Requirement for Permit Applications</u> Algicide Permits Applications
602.111	Application Forms and Additional Information
602.112	Filing and Final Action by Agency on Permit Applications
602.113	Duration
602.114	Conditions (<u>Repealed</u>)
602.115	Design, Operation and Maintenance Criteria
602.116	Requirement for As-Built Plans
602.117	Existence of Permit No Defense
602.118	<u>Appeal of Final Agency Action on a Permit Application</u> Appeals from Conditions
602.119	Revocations
602.120	Limitations (<u>Repealed</u>)

SUBPART B: CONSTRUCTION PERMITS

<u>Section</u>	
<u>602.200</u>	<u>Construction Permit Requirement</u>
<u>602.205</u>	<u>Preliminary Plans</u>
<u>602.210</u>	<u>Construction Permit Applications</u>
<u>602.215</u>	<u>Submission of Applications, Plans and Specifications</u>
<u>602.220</u>	<u>Alterations</u>
<u>602.225</u>	<u>Engineer's Report</u>

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602.230	Design Criteria
602.235	Specifications
602.240	Plans
602.245	Source Construction Applications
602.250	Treatment Construction Applications
602.255	Storage Construction Applications
602.260	Water Main Construction Applications

SUBPART C: OPERATING PERMITS

<u>Section</u>	
602.300	Operating Permit Requirement
602.305	Operating Permit Applications
602.310	Projects Requiring Disinfection
602.315	Projects Not Requiring Disinfection
602.320	Partial Operating Permits

SUBPART D: ALGICIDE PERMITS

<u>Section</u>	
602.400	Algicide Permit Requirement
602.405	Algicide Permit Applications
602.410	Sampling
602.415	Required Permit Modification

SUBPART E: OTHER AQUATIC PESTICIDE PERMITS

<u>Section</u>	
602.500	Other Aquatic Pesticide Permit Requirement
602.505	Other Aquatic Pesticide Permit Application Contents
602.510	Permits Under Public Health Related Emergencies
602.515	State Agency Programs
602.520	Extension of Permit Duration

602.APPENDIX A References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

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SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 8 Ill. Reg. 2157, effective February 7, 1984; emergency amendment at 9 Ill. Reg. 13371, effective August 16, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 7337, effective April 22, 1986; amended in R96-18 at 21 Ill. Reg. 6562, effective May 8, 1997; amended in R03-21 at 27 Ill. Reg. 18030, effective November 12, 2003; amended in R15-22 at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PERMIT PROVISIONS**Section 602.101 Purpose~~Construction Permit~~**

The purpose of this Part is to establish and enforce minimum standards for the permitting of community water supplies.

- a) No person shall construct, install, or operate a community water supply without a permit granted by the Agency. [415 ILCS 5/18(a)(3)]~~No person shall cause or allow the construction of any new public water supply installation or cause or allow the change of or addition to any existing public water supply, without a construction permit issued by the Environmental Protection Agency (Agency). Public water supply installation, change, or addition shall not include routine maintenance, service pipe connections, hydrants and valves, or replacement of equipment, pipe, and appurtenances with equivalent equipment, pipe, and appurtenances.~~
- b) Owners are required to submit plans and specifications to the Agency and obtain written approval before construction, installation, changes or additions to a community water supply. [415 ILCS 5/15(a)]~~All work performed on a public water supply shall be in accordance with accepted engineering practices.~~
- c) Whenever emergency conditions require immediate action, the Agency may issue construction and operating permits by telephone to the owner or official custodian, or Responsible Operator in Charge, with whatever special conditions the Agency deems to be necessary for the proper safeguarding of the health of the water consumers.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.102 Community Water Supply Permits~~Operating Permit~~

A community water supply may seek the following types of permits issued by the Agency:

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- a) Construction Permit, pursuant to Subpart B of this Part;
- b) Operating Permit, pursuant to Subpart C of this Part;
- c) Algicide Permit, pursuant to Subpart D of this Part; or
- d) Aquatic Pesticide Permit, pursuant to Subpart E of this Part.

~~No owner or operator of a public water supply shall cause or allow the use or operation of any new public water supply, or any new addition to an existing supply, for which a Construction Permit is required under this Part, without an Operating Permit issued by the Agency.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. _____, effective _____)

Section 602.103 Public Water Supply Capacity Development~~Algicide Permits~~

~~*All new community water supplies must demonstrate technical, financial, and managerial capacity as a condition for issuance of construction and operating permits by the Agency. The demonstration must be consistent with the technical, financial and managerial provisions of the federal Safe Drinking Water Act (42 USC 300f), and regulations adopted by the Agency. [415 ILCS 5/15(b)]*~~ ~~No algicide shall be applied to any stream, reservoir, lake, pond, or other body of water used as a public water supply source without an Algicide Permit issued by the Agency. Copper sulfate and potassium permanganate are the only algaecides which may be used in public water supplies. Permits issued under this Section will be valid for public water supply sources only.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. _____, effective _____)

Section 602.104 Emergency ~~Permits~~Permit

- a) Whenever emergency conditions require immediate action, the Agency may issue construction and operating permits by telephone to the owner, official custodian, ~~operator~~, or Responsible Operator in Charge~~person in responsible charge~~, with whatever special conditions the Agency deems to be necessary for the proper safeguarding of the health of the water consumers.
 - 1) ~~As built plans and specifications covering the work performed under the~~

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~~telephone permit must be submitted to the Agency as soon as reasonably possible.~~

~~2) Modifications required by the Agency after review of the submission shall be made promptly.~~

b) Emergency conditions are hazards or threats to public health caused by:

- 1) accidents;
- 2) equipment failures;
- 3) human error; or
- 4) natural disasters.

c) The Agency shall confirm, in writing, within ~~10~~ten days ~~after~~of issuance, its granting of an emergency ~~construction~~ permit. ~~The Said~~ confirmation ~~will~~may be conditioned upon the receipt and approval, by the Agency, of as-built plans and specifications.

d) As-built plans and specifications covering the work performed under the emergency permit and any information required by special conditions in the emergency permit must be submitted to the Agency within 60 days after issuance of the emergency permit, unless otherwise stated by the Agency in writing.

e) The Agency may request that the community water supply make modifications after review of the as-built plans and specifications covering the work performed under the emergency permit. Modifications must be made within 90 days after the Agency's written request, unless otherwise stated by the Agency.

f) The Agency can be contacted by calling:

- 1) Bureau of Water, Division of Public Water Supplies Permit Section; or
- 2) after normal business hours, the State emergency number, (217)782-3637 (STA-EMER), or 1-800-782-7860.

g) Each applicant for an emergency permit to install or extend a water main must submit the appropriate fee, as specified in Section 16.1 of the Act, to the Agency

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within 10 calendar days from the date of issuance of the emergency construction permit. [415 ILCS 5/16.1]

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.105 Standards for Issuancea) Construction Permits and Operating Permits

- 1) The Agency shall not ~~issue~~~~grant~~ any construction or operating permit required by this Part unless the applicant submits adequate proof that the ~~community~~~~public~~ water supply will be constructed, modified or operated so as not to cause a violation of the ~~Environmental Protection Act~~ ~~or~~ ~~Board rules~~[415 ILCS 5].
- 2) ~~b)~~ Except as provided in subsection (a)(3), the The Agency shall not ~~issue~~~~grant~~ any construction or operating permit required by this Part unless the applicant submits adequate proof that the ~~community~~~~public~~ water supply facility conforms to the following design criteria. When the design criteria in the documents listed in this subsection (a)(2) conflict, the applicant must comply with the design criteria listed in subsection (a)(2)(A).
 - A) Criteria promulgated by the Agency under Section 39(a) of the Act or Section 602.115;
 - B) Recommended Standards for Water Works, incorporated by reference at 35 Ill. Adm. Code 601.115; and
 - C) AWWA, ASTM, ANSI or NSF standards incorporated by reference at 35 Ill. Adm. Code 601.115.
- 3) When the documents listed in subsection (a)(2) do not provide design criteria for the proposed community water supply facility, the Agency must not issue the construction or operating permit unless the applicant submits adequate proof that the community water supply facility conforms to other~~promulgated by the Agency under Section 39(a) of the Act or Section 602.115 or is based on such other~~ design criteria ~~that~~~~which~~ the applicant proves will produce consistently satisfactory results.

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- 4)e) The Agency shall not ~~issue~~~~grant~~ any construction permit required by this Part unless the applicant submits proof that ~~all~~~~any~~ plan ~~and specification~~ documents required by this Section and ~~Subpart B of this Part~~~~Section 602.108~~ have been prepared by a person ~~licensed~~~~qualified~~ under the Illinois Architecture Practice Act [225 ILCS 305], the Illinois Professional Engineering Practice Act [225 ILCS 325], the Illinois Structural Engineering Licensing Act [225 ILCS 340], ~~or, for site and groundwater conditions, under the Professional Geologist Licensing Act [225 ILCS 745],~~ or any required combination ~~of these Acts~~~~thereof~~.
- 5) The Agency must not issue a construction permit unless the community water supply has filed a notification of ownership pursuant to 35 Ill. Adm. Code 603.101.
- 6) The existence of a violation of the Act, Board regulation, or Agency regulation will not prevent the issuance of a construction permit if:
- A) the applicant has been granted a variance or an adjusted standard from the regulation by the Board;
 - B) the permit application is for construction or installation of equipment to alleviate or correct a violation;
 - C) the permit application is for a water main extension to serve existing residences or commercial facilities when the permit applicant can show that those residences or commercial facilities are being served by a source of water of a quality or quantity that violates the primary drinking water standards of 35 Ill. Adm. Code 611; or
 - D) the Agency determines the permit application is for construction or installation of equipment necessary to produce water that is assuredly safe, as required by 35 Ill. Adm. Code 601.101.
- b) Algicide or Aquatic Pesticide Permit
The Agency must not issue an algicide or pesticide permit required by this Part unless the applicant submits adequate proof that the application of the algicide or aquatic pesticide will not cause a violation of the Act, Board regulation, or Agency regulation.

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- d) ~~Until December 8, 2003, the Agency shall not deny for the following reasons any construction or operating permit required by this Part:~~
- 1) ~~the radium-226 level is less than or equal to 20 pCi/L;~~
 - 2) ~~the radium-228 level is less than or equal to 20 pCi/L; or~~
 - 3) ~~the gross alpha particle activity level minus the radium-226 level is less than or equal to 15 pCi/L.~~
- e) ~~From December 8, 2003, until December 8, 2009, the Agency may issue a construction or operating permit to a public water supply that exceeds the maximum contaminant level (MCL) for combined radium (radium-226 and radium-228) of 5 pCi/L, the MCL for gross alpha particle activity of 15 pCi/L, or the MCL for uranium of 30 µg/L (35 Ill. Adm. Code 611.330) if the supply is bound to comply with the MCL pursuant to a specific schedule under:~~
- 1) ~~A Compliance Commitment Agreement executed pursuant to Section 31 of the Act [415 ILCS 5/31]; or~~
 - 2) ~~An enforceable court order after referral by the Agency.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.106 Restricted Status

- a) Restricted status shall be defined as the Agency determination, pursuant to Section 39(a) of the Act and Section 602.105, that a ~~community~~public water supply facility, or portion thereof, may no longer be issued a construction permit without causing a violation of the Act or Board or Agency rules ~~or this Chapter~~. Violations of Board rules that can result in a restricted status determination include, but are not limited to, regulations establishing maximum contaminant levels, treatment techniques, source water quantity requirements, treatment unit loading rates, storage volume requirements, and minimum pressure for a distribution system.
- 1) When the Agency cannot issue a construction permit to a community water supply because that issuance would extend an existing violation of the Act or Board rules, the Agency must place the community water supply on restricted status.

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- 2) Except as specified in Section 602.105(a)(5), the Agency must not issue a permit for water main extension construction when the water main would extend an existing violation of the Act or Board rules.
- b) The Agency must publish on its website and in the Environmental Register and update~~The Agency shall publish and make available to the public,~~ at intervals of not more than ~~threesix~~ three months, a comprehensive ~~and up-to-date~~ list of community water supplies subject to restrictive status ~~and the reasons why.~~ This list will be entitled the "Restricted Status List".
- c) The Agency shall notify the owners or official custodian and Responsible Operator in Charge of a community water supply~~supplies~~ when the community water supply is initially placed on restricted status by the Agency.
- d) The restricted status list must include a statement of the potential or existing violation of the Act or Board regulations that caused the community water supply's inclusion on the list. ~~Until December 8, 2003, the Agency shall not place public water supplies on restricted status when:~~
- 1) ~~the radium 226 level is less than or equal to 20 pCi/L;~~
 - 2) ~~the radium 228 level is less than or equal to 20 pCi/L; or~~
 - 3) ~~the gross alpha particle activity level minus the radium 226 level is less than or equal to 15 pCi/L.~~
- e) Owners or official custodians of community water supplies that have been placed on restricted status must notify any person requesting construction of a water main extension of this status. ~~From December 8, 2003, until December 8, 2009, the Agency shall not place a public water supply on restricted status for exceeding the maximum contaminant level (MCL) for combined radium (radium 226 and radium 228) of 5 pCi/L, the MCL for gross alpha particle activity of 15 pCi/L, or the MCL for uranium of 30 µg/L (35 Ill. Adm. Code 611.330) if the supply is bound to comply with the MCL pursuant to a specific schedule under:~~
- 1) ~~A Compliance Commitment Agreement executed pursuant to Section 31 of the Act [415 ILCS 5/31]; or~~
 - 2) ~~An enforceable court order after referral by the Agency.~~

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.107 Critical Review~~Signatory Requirement for Permit Applications~~

- a) The Agency must publish in the Environmental Register and on its webpage, at the same frequency as the Restricted Status List, a list of those community water supplies that Agency records indicate exceed 80 percent of the rate of any of the quantity requirements in the Board's or Agency's. This list will be entitled the "Critical Review List".
- b) The Critical Review List must include a description of the cause of the community water supply's inclusion on the list.
- c) The Agency must notify the owner or official custodian and the Responsible Operator in Charge of the community water supply when the community water supply is initially placed on critical review status by the Agency.
- d) Owners or official custodians of community water supplies that have been placed on critical review status must notify of this status any person requesting construction of a water main extension.

~~All permit applications shall be signed by the owner or official custodian of the public water supply, or by the owner's duly authorized agent, and shall be accompanied by evidence of authority to sign the application.~~

(Source: Former Section 602.107 renumbered to Section 602.110 and new Section 602.107 added at 40 Ill. Reg. _____, effective _____)

Section 602.108 Right of Inspection~~Construction Permit Applications~~

The permittee must allow the Agency and its duly authorized representatives to perform inspections in accordance with its authority under the Act, including but not limited to:

- a) entering at reasonable times the permittee's premises where treatment or distribution facilities are located or where any activity is to be conducted pursuant to a permit;
- b) having access to and copying at reasonable times any records required to be kept under the terms and conditions of a permit;

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- c) inspecting at reasonable times, including during any hours of operation:
 - 1) equipment constructed or operated under the permit;
 - 2) equipment or monitoring methodology; or
 - 3) equipment required to be kept, used, operated, calibrated and maintained under the permit;
- d) obtaining and removing at reasonable times samples of any raw or finished water, discharge or emission of pollutants;
- e) entering at reasonable times to use any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any raw or finished water, activity, discharge or emission authorized by a permit.

~~All applications for any construction permit required under this Chapter shall contain, where appropriate, the following information and documents:~~

- ~~a) A summary of the design basis;~~
- ~~b) Operation requirements;~~
- ~~c) General layout;~~
- ~~d) Detailed plans;~~
- ~~e) Specifications;~~
- ~~f) A professional seal to satisfy Section 602.105(c) requirements;~~
- ~~g) Certification by each person signing the application that the information in the application is complete and accurate, and that the text of the application has not been changed from the Agency's official construction permit application form; and~~
- ~~h) Any other information required by the Agency for proper consideration of the permit.~~

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(Source: Former Section repealed and new Section added at 40 Ill. Reg. _____, effective _____)

Section 602.109 Fees Operating Permit Applications

- a) Each applicant required to pay a fee must submit the fee to the Agency along with the permit application or as-built plans. The Agency must deny any construction permit application for which a fee is required that does not contain the appropriate fee. [415 ILCS 5/16.1(a)]
- b) The following fees are required by the Act:
- 1) \$240 if the construction permit application is to install or extend water main that is more than 200 feet, but not more than 1,000 feet in length. [415 ILCS 5/16.1(d)(1)]
 - 2) \$720 if the construction permit application is to install or extend water main that is more than 1,000 feet but not more than 5,000 feet in length. [415 ILCS 5/16.1(d)(2)]
 - 3) \$1200 if the construction permit application is to install or extend water main that is more than 5,000 feet in length. [415 ILCS 5/16.1(d)(3)]
- c) Any applicant who submits as-built plans to install or extend a water main must pay the fees listed in subsection (b). [415 ILCS 5/16.1(c)]
- d) Each applicant for an emergency construction permit to install or extend a water main must submit the appropriate fee to the Agency within 10 calendar days from the date of issuance of the emergency permit. [415 ILCS 5/16.1(c)]
- e) This Section does not apply to following:
- 1) any department, agency or unit of State government for installing or extending a water main;
 - 2) any unit of local government with which the Agency has entered into a written delegation agreement under Section 4 of the Act which allows such unit to issue construction permits under Title IV of the Act, or regulations adopted under Title IV, for installing or extending a water main; or

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- 3) any unit of local government or school district for installing or extending a water main where both of the following conditions are met:
- A) the cost of the installation or extension is paid wholly from monies of the unit of local government or school district, State grants or loans, federal grants or loans, or any combination thereof; and
- B) the unit of local government or school district is not given monies, reimbursed or paid, either in whole or in part, by another person (except for State grants or loans or federal grants or loans) for the installation or extension. [415 ILCS 5/16.1(f)]

All applications for operating permits shall contain:

- a) ~~The name and certificate number of the certified operator in responsible charge on the operational staff of the public water supply or the name and registration number of the registered person in responsible charge for supplies which are exempt from the requirement for a certified operator; and~~
- b) ~~the name and location of the public water supply;~~
- c) ~~the construction permit number under which the public water supply was constructed; and~~
- d) ~~any other information required by the Agency for proper consideration of the permit.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. _____, effective _____)

Section 602.110 Signatory Requirement for Permit Applications~~Algaeide Permit Applications~~

All permit applications must be signed by the owner or official custodian of the community water supply, or by the owner's duly authorized agent, and must be accompanied by evidence of authority to sign the application.

- a) ~~All applications for algaeide permits shall contain:~~

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- 1) ~~the name and certificate number of the certified operator supervising the application of the algicide;~~
 - 2) ~~a statement describing the extent of the algae problem, history of any past algae problems, and algicide treatments, and a description of any fish kills which have resulted from treatments in the past; and~~
 - 3) ~~adequate information to support exceeding the limits as stated in 35 Ill. Adm. Code 302: Water Quality Standards.~~
- b) ~~After any algicide permit is issued, and before the permit expires by its stated terms, if there is any major change either in the operation of the public water supply, or in algae growth, which affects the use of the algicide as outlined in the permit, the public water supply shall submit an application for modification of its permit. This application shall contain all of the information required by this subsection (b) and subsection (a) above.~~
 - e) ~~Any algicide permit issued under this Section shall exempt the permittee from obtaining an aquatic pesticide permit as provided in 35 Ill. Adm. Code 652.601.~~

(Source: Former Section 602.110 repealed and former Section 602.107 renumbered to Section 602.110 at 40 Ill. Reg. _____, effective _____)

Section 602.111 Application Forms and Additional Information

The Agency may prescribe the form in which all information required under this Part shall be submitted and ~~may require~~~~may adopt procedures requiring~~ such additional information as is necessary to determine whether the ~~community~~public water supply~~-system~~ will meet the requirements of the Act and this Chapter.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.112 Filing and Final Action by Agency on Permit Applications

- a) For permits without a fee under Section 602.109:
 - 1) An application for permit shall be deemed to be filed on the date of initial receipt by the Agency of the application documents. The Agency shall send the applicant written notification of receipt of the complete application.

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- 2) Except for emergency permits, applications for construction permits must be filed at least 90 days before the expected start of construction.
 - 3) ~~b)~~ If the Agency fails to take final action, by granting or denying the permit as requested or with conditions, within ~~90~~ninety days from the filing of the completed application, the applicant may deem the permit granted for a period of one year, ~~commencing on the ninety first day after the application was filed.~~
 - 4) ~~e)~~ Any applicant for a permit may waive in writing the requirement that the Agency must take final action within ~~90~~ninety days from the filing of the application.
- b) For permits with a fee under Section 602.109:
- 1) An application for a permit must be deemed to be filed on the date the Agency has received the application documents and required fee. The Agency must send the applicant written notification of receipt of the complete application.
 - 2) Except for emergency construction permits, applications for construction permits must be filed at least 45 days before the expected start of construction.
 - 3) The Agency must deny construction permit applications that do not contain the entire fee.
 - 4) The Agency must take final action by granting or denying permits within 45 days after the filing of an application and the payment of the required fee. If the Agency fails to take final action within 45 days after filing the application and payment of the required fee, the applicant may deem the permit issued.
- c) The Agency must maintain a progress record of all permit applications, including interim and final action dates. This information is available to the applicant upon request.
- d) The Agency ~~must~~shall send all notices of final action by U.S. mail. The Agency ~~must~~shall be deemed to have taken final action on the date that the notice is

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mailed.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.113 Duration

- a) Construction ~~Permits~~permits
- 1) Construction permits for community water supply facilities expire one year from the date of issuance or renewal, unless construction has started. If construction does not commence within one year from the date of issuance or renewal, the permit shall be valid for the start of construction within one year from the date of issuance and may be renewed for additional one year periods at the discretion of the Agency, upon written request of the applicant.
 - 2) If construction commences within one year from the date of issuance or renewal of the construction permit, the permit expires five years from the date of issuance or renewal. Construction, once started, may continue for four years without permit renewal and Thereafter, the permit may be renewed for periods specified by the Agency at its discretion, upon written request of the applicant for each permit renewal.
 - 3) For the purposes of this Section, construction must be deemed commenced when work at the site has been initiated and proceeds in a reasonably continuous manner to completion.
- b) ~~Operating permits~~Operation Permits—~~Operation Permits~~ shall be valid until revoked unless otherwise stated in the permit.
- c) ~~Algicide Permits~~—Algicide permits must be issued for fixed terms of five years shall be valid for the period stated in the permit, but in no case longer than five years.
- d) Aquatic pesticide permits must be valid for a fixed term, not to exceed one year.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.114 Conditions (Repealed)

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~~In addition to specific conditions authorized under this Part, the Agency may impose such conditions in a permit as may be necessary to accomplish the purposes of the Act and as are not inconsistent with regulations promulgated by the Illinois Pollution Control Board (Board).~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 602.115 Design, Operation, and Maintenance Criteria

- a) The Agency may adopt criteria in rules for the design, operation, and maintenance of ~~community~~public water supply facilities as necessary to insure safe, adequate, and clean water. These criteria shall be revised from time to time to reflect current engineering judgment and advances in the state of the art.
- b) Before adopting new criteria or making substantive changes to any of its rules for ~~community~~public water supplies, the Agency shall comply with the provisions of the Administrative Procedure Act [5 ILCS 100].

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.116 Requirement for As-Built Plans

~~If any portion of~~Whenever a community water supply has been constructed without a construction permit as required by Section 602.101, or an emergency permit issued pursuant to Section 602.104, the community water supply must submit to the Agency ~~may require submission of as-built plans and specifications and a construction permit application. As-built plans and specifications must be~~ prepared by a qualified person as described in Section ~~602.105(a)(4)~~602.105(e). All plans and specifications submitted to the Agency under this Section must be clearly marked "as-built" or "record drawings". Any deficiencies requiring correction, as determined by the Agency, must be corrected within a time limit set by the Agency. Submission of as-built plans and the correction of any deficiencies~~This~~ does not relieve the owner or official custodian from any liability for construction ~~of the supply~~ without a permit.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.117 Existence of Permit No Defense

The existence of a permit under this Chapter shall not constitute a defense to a violation of the Act, ~~or any Board regulation, or Agency regulation~~rule except for the requirements to secure construction, operating, algicide, aquatic pesticide or emergency permits.

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.118 Appeal of Final Agency Action on a Permit Application Appeals from Conditions

- a) If the Agency denies a permit required under this Part, the applicant may petition the Board to appeal the Agency's final decision pursuant to Section 40 of the Act.
- b) An applicant may consider any condition imposed by the Agency in a permit as a refusal by the Agency to grant a permit ~~that which~~ shall entitle the applicant to appeal the Agency's decision to the Board pursuant to Section 40 of the Act.
- c) All appeals must be filed with the Board within 35 days after the date on which the Agency served its decision on the applicant.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.119 Revocations

Violation of any permit conditions or failure to comply with ~~the Act, Board any rule or~~ regulation ~~or Agency regulation of this Chapter~~ shall be grounds for enforcement actions as provided in the Act, including revocation of a permit. Revocation of a permit ~~Such enforcement actions~~ shall be sought by filing a complaint with the Board pursuant to Title VIII of the Act.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 602.120 Limitations (Repealed)

~~Issuance of a permit under this Part does not relieve the applicant of the obligation to obtain other permits required from other State entities, the Agency, or local governing bodies. Any permit issued under this Part shall not be considered to be valid unless and until all applicable permits from State agencies, including but not limited to those listed below, have been applied for:~~

AGENCY	PERMIT DESCRIPTION
Illinois Commerce Commission	Certificate of Convenience and Necessity
Dept. of Natural Resources Office of Water Resources	Changes to Existing Waterways

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(Source: Repealed at 40 Ill. Reg. _____, effective _____)

SUBPART B: CONSTRUCTION PERMITSSection 602.200 Construction Permit Requirement

- a) No person shall cause or allow the construction of any new community water supply installation, or cause or allow the change of or addition to any existing community water supply, without a construction permit issued by the Agency.
- b) Construction permits must be obtained by the owner or official custodian of a community water supply:
 - 1) prior to beginning construction of any proposed community water supply;
 - 2) prior to all alterations, changes or additions to an existing community water supply that may affect the sanitary quality, mineral quality or adequacy of the community water supply; and
 - 3) prior to adding new chemicals to the treatment process or changing the points of chemical application.
- c) A construction permit is not needed for normal work items such as:
 - 1) installation of customer service connections to distribution system water mains;
 - 2) installation or replacement of hydrants and valves in the distribution system;
 - 3) repair of water mains, including replacement of existing water mains with mains of equivalent size pipe in the same location;
 - 4) routine maintenance of equipment, such as painting, reconditioning or servicing;
 - 5) replacement of chemical feeders, pumps, controls, filter media, softener resins, pipes and appurtenances that have the same rated capacity as existing facilities previously permitted by the Agency; or

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- 6) installation or replacement of meters.
- d) All work performed on a community water supply must be in accordance with accepted engineering practices.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.205 Preliminary Plans

- a) To expedite the review of subsequent construction permit application plan documents, preliminary plans may be submitted prior to the submission of a construction permit application. No construction permit shall be issued until the completed application, required fee, plans and specifications have been submitted.
- b) If preliminary plans are submitted, as directed under the Illinois Drinking Water Revolving Loan Funding Process (see 35 Ill. Adm. Code 664), the documents must include a description of alternate solutions, a discussion of the alternatives and reasons for selecting the alternative recommended.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.210 Construction Permit Applications

All applications for construction permits required under this Part must contain, when appropriate, the following information and documents:

- a) General information, including, but not limited to:
 - 1) name of the community water supply;
 - 2) community water supply identification number;
 - 3) the name and mailing address of the owner or official custodian of the community water supply; and
 - 4) name, scope and location of the project;
- b) Engineer's report as specified in Section 602.225;

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- c) A summary of the design criteria as specified in Section 602.230;
- d) Specifications as specified in Section 602.635;
- e) Plans as specified in Section 602.240;
- f) Specific information for the type of construction, as follows:
 - 1) For source construction, information specified in Section 602.245;
 - 2) For the construction of treatment facilities, information specified in Section 602.250;
 - 3) For the construction of storage facilities, information specified in Section 602.255;
 - 4) For the construction of water mains, information specified in Section 602.260;
- g) Water purchase contracts between water supplies and/or inter-municipal agreements, when applicable;
- h) Evaluation of technical, managerial and financial capacity as specified in Section 602.103 for new community water supplies;
- i) Certification by each person signing the application that the information in the application is complete and accurate, and that the text of the application has not been changed from the Agency's official construction permit application form; and
- j) Any other information required by the Agency for proper consideration of the permit.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.215 Submission of Applications, Plans and Specifications

- a) Two copies of the completed application, and any required plans, specifications and supplemental schedules, must be submitted to the Agency for review and approval.

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- b) All permit applications must be mailed or delivered to the appropriate address designated by the Agency.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.220 Alterations

- a) Before any deviations from plans and specifications approved by the Agency are made, the owner or official custodian, or an authorized delegate, must make a written request for a supplemental permit.
- b) Revised plans or specifications must be submitted to and approved by the Agency with the supplemental permit request.
- c) The Agency must approve supplemental permit requests if those requests comply with Section 602.105 and this Subpart.
- d) A supplemental permit is not required for minor changes that will not affect the location, capacity, hydraulic conditions, water treatment processes or sanitary or mineral quality of the water to be delivered.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.225 Engineer's Report

Upon request from the Agency, an applicant for a construction permit must submit an Engineer's Report. Types of construction projects for which the Agency may request an Engineer's Report include, but are not limited to, the construction of a new community water supply, a new source location, or a new water treatment process other than chemical feeding only. The Engineer's Report may be submitted as a preliminary plan pursuant to Section 602.205. An Engineer's Report submitted pursuant to this Section must contain the information specified by this Section.

- a) General information, including:
- 1) a description of existing community water supply;
 - 2) a description of sewerage facilities;
 - 3) a description of the municipality or area to be served; and

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- 4) the name and mailing address of the owner or official custodian of the community water supply.
- b) The extent of the community water supply system, including:
- 1) a map of the area to be served with water and any provisions for extending the community water supply system;
 - 2) maps of additional areas to be served and an appraisal of the future requirements for service; and
 - 3) present and prospective industrial and commercial water supply needs that are likely to be required in the near future.
- c) Water consumption data, including:
- 1) population trends as indicated by available records;
 - 2) an estimate of the number of consumers, based on population trends, who will be served by the proposed or expanded water supply system 20 years in the future;
 - 3) present and future water consumption values used as the basis of design;
 - 4) present and estimated future yield of the water sources for a community water supply; and
 - 5) estimated water loss in the distribution system based on available records.
- d) A justification for the project when two or more solutions exist for providing community water supply facilities, as directed under the Illinois Drinking Water Revolving Loan Funding Process, each of which is feasible and practicable. The Engineer's Report must discuss the alternatives and provide reasons for selecting the one recommended, including financial considerations, operational requirements, operator qualifications, reliability and water quality considerations.
- e) Sources of Water Supply. The Engineer's Report must describe the proposed source or sources of water supply to be developed and the reasons for their selection, and provide information as follows:

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- 1) For surface water sources:
 - A) hydrological data, stream flow and weather records;
 - B) safe yield, including all factors that may affect it;
 - C) documentation of structural safety of any spillway or dam to assure the spillway or dam can continue to provide a source of water during extreme weather;
 - D) description of the watershed, noting any existing or potential sources of contamination (such as highways, railroads, chemical facilities, land/water use activities, etc.) that may affect water quality;
 - E) summarized quality of the raw water with special reference to fluctuations in quality, changing meteorological conditions, etc.; and
 - F) source water protection issues or measures, including erosion and siltation control structures, that need to be considered or implemented.

- 2) For groundwater sources:
 - A) the sites considered;
 - B) advantages of the site selected;
 - C) the elevations above mean sea level of site selected;
 - D) the probable character of geologic formations through which the source is to be developed;
 - E) hydrogeologic conditions affecting the site, such as anticipated interference between proposed and existing wells;
 - F) sources of possible contamination such as sewers and sewage treatment/disposal facilities, highways, railroads, landfills,

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outcroppings of consolidated water bearing formations, chemical facilities, waste disposal wells, and agricultural uses;

G) the test well depth and method of construction, including placement of liners or screens;

H) test pumping rates and their duration, including water levels and specific yield;

I) test well water quality information; and

J) wellhead protection measures being considered.

f) Project sites, including:

1) a discussion of the various sites considered and advantages of the recommended ones;

2) the proximity of residences, industries and other establishments; and

3) any potential sources of pollution that may influence the quality of the supply or interfere with effective operation of the water works system, such as sewage absorption systems, septic tanks, privies, cesspools, sink holes, sanitary landfills, and refuse and garbage dumps, etc.

g) Proposed Treatment Processes. The Engineer's Report must describe all proposed treatment processes for providing the quality desired from the specific raw water under consideration and any available data proving the capability of providing the treatment.

h) Automation. The Engineer's Report must provide supporting data justifying automatic equipment, including the servicing and operator training to be provided, and must provide for manual override for any automatic controls.

i) Power. The Engineer's Report must include the following power description:

1) the main source of power;

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- 2) dedicated standby power capable of providing power to operate the community water supply's water source, treatment plant and distribution facilities during power outages; and
 - 3) outside emergency power sources that are available.
- j) Soil characteristics, groundwater conditions and foundation problems, including:
- 1) the character of the soil through which water mains are to be laid;
 - 2) the foundation conditions prevailing at sites of proposed structures; and
 - 3) the approximate elevation of groundwater relative to mean sea level at its expected highest level in relation to subsurface structures.
- k) Flow requirements, including a hydraulic analysis based on flow demands and pressure requirements.

BOARD NOTE: Fire flows, when fire protection is provided, should meet the recommendations of the Illinois Insurance Services Office or other similar agency for the service area involved.

- l) Water Plant Wastes. When waste treatment facilities are necessary for the addition of a new process or an increase in water treatment plant capacity, those facilities must be included as part of the engineering plans and specifications, and the Engineer's Report must include the following:
- 1) an estimate of the character and volume of the waste that will be generated and its proposed disposition; and
 - 2) the type of waste treatment, discharge location and frequency of discharge.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.230 Design Criteria

A summary of complete design criteria must be submitted for the proposed project containing, when applicable, the following:

- a) long term dependable yield of the source of supply;

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- b) reservoir surface area, volume, and a volume versus depth curve;
- c) area of the watershed;
- d) estimated average and maximum daily water demands for the design period;
- e) number of proposed service connections;
- f) firefighting requirements;
- g) flash mix, flocculation and settling basin capacities;
- h) retention times;
- i) unit loadings;
- j) filter area and the proposed filtration rate;
- k) backwash rate;
- l) feeder capacities and ranges; and
- m) minimum and maximum chemical application rates.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.235 Specifications

- a) Complete detailed specifications must be supplied or referenced from Standard Specifications for Water and Sewer Main Construction in Illinois, incorporated by reference in 35 Ill. Adm. Code 601.115, for all community water supply construction.
- b) The specifications must have a professional seal and signature that satisfy Section 602.105(a)(4).
- c) Water main standard specifications that have been adopted by a community water supply or a consulting engineer may be submitted for review by the Agency. If approved standard specifications are kept on file with the Agency, the community

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water supply or consulting engineer need not resubmit the specifications unless changes occur. Standard specifications must equal or exceed the requirements of Section 602.105.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.240 Plans

- a) Unless otherwise specified by the Agency, plans submitted to the Agency must provide the following:
- 1) a suitable title;
 - 2) the name of the owner of the community water supply;
 - 3) the area or institution to be served;
 - 4) a scale;
 - 5) a north point;
 - 6) the data used;
 - 7) the boundaries of the municipality or area to be served;
 - 8) the date and the name and address of the designing engineer;
 - 9) a professional engineer's seal and signature to satisfy Section 602.105(a)(4);
 - 10) the locations and sizes of existing water mains;
 - 11) the locations and nature of existing water works structures and appurtenances affecting the proposed construction, noted on one sheet;
 - 12) the locations of any petroleum storage tanks within 400 feet of the proposed construction;
 - 13) dimensions, elevations and explanatory notes; and

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- 14) details as specified in Sections 620.245 through Section 602.260.
- b) Plans must be drawn to a scale that will describe the proposed structures and equipment.
- c) The size of plans submitted to the Agency must not exceed 24 inches by 36 inches.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.245 Source Construction Applications

Construction permit applications for the construction of a new, or the modification of an existing, well or surface water intake must include the information specified by this Section.

- a) Well construction permit applications must specify the following:
- 1) the latitude and longitude of the well location;
 - 2) the location and nature of all potential routes, potential primary sources, and potential secondary sources of contamination within 2,500 feet of the well location;
 - 3) for sites subject to flooding, the well casing heights and maximum flood level based upon best available information, which includes, but is not limited to, the flood of record or the 100 year or 500 year flood projections;
 - 4) a general aquifer description;
 - 5) the total well depth;
 - 6) the well casing diameter, material, depth, weight, height above ground, and thickness;
 - 7) the grout type, thickness and depth;
 - 8) the screen diameter, material, slot size and length, if applicable;
 - 9) temporary capping and security measures during well construction;

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- 10) proposed pump test procedures;
 - 11) sampling procedures, if necessary under 35 Ill. Adm. Code 611.212, for wells that may be subject to surface water influences;
 - 12) the type, design capacity, head rating, and depth of pump setting;
 - 13) the column pipe diameter, length, material and joint;
 - 14) the discharge pipe diameter, depth of cover, material and valving;
 - 15) the casing vent diameter;
 - 16) the airline length;
 - 17) the location of the raw water sample tap;
 - 18) a description of how the top of the well casing is sealed;
 - 19) a description of access to the well site; and
 - 20) well hydraulics and aquifer property data.
- b) The following information must be submitted on plans for well construction permit applications:
- 1) the well location and a 2,500 foot radius showing the location of potential routes, potential primary sources, and potential secondary sources of contamination;
 - 2) the well location and a 400 foot radius showing the location of the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118;
 - 3) a cross-section of the well showing finished grade, natural ground surface, vent, casing, column pipe, screen, well depth, pump depth, grout, gravel pack and discharge piping;
 - 4) all discharge piping, including pressure gauge, meter, sample tap, check valve, shut-off valve and vacuum/air release valve, if applicable;

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- 5) well house construction, if provided;
 - 6) the locations of all electrical junction boxes;
 - 7) the locations of all observation wells; and
 - 8) pipng showing the ability to pump to waste.
- c) The following information must be submitted on plans for surface water intake construction permit applications:
- 1) plan and profile views of the intake structure showing the location, elevation of intake ports, fish screens, valves, piping and pumps, if applicable;
 - 2) location of inspection manholes, if applicable; and
 - 3) location of chemical treatment, if applicable.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.250 Treatment Construction Applications

The following information must be submitted on plans for the construction of treatment facilities:

- a) all appurtenances, specific structures or equipment having any connection with the planned water treatment improvements;
- b) detailed hydraulic profiles of water flowing through treatment systems;
- c) schematic plumbing for all structures and equipment;
- d) location of feeders, piping layout and points of application;
- e) locations of the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118;

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- f) for sites subject to flooding, the maximum flood level based upon best available information, including, but not limited to, the flood of record or the 100 year or 500 year flood projections; and
- g) security provisions.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.255 Storage Construction Applications

The following information must be submitted on plans for the construction of storage facilities:

- a) storage capacity;
- b) plan and profile views showing the location, elevation, piping, access hatches, vents, overflows, safety appurtenances and sample taps;
- c) for below ground or partially below ground storage tanks, locations of the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118 within a 400 foot radius of the storage structure;
- d) security provisions;
- e) baffling arrangement, if applicable;
- f) for sites subject to flooding, the maximum flood level based upon best available information, including, but not limited to, the flood of record or the 100 year or 500 year flood projections; and
- g) for hydropneumatic tanks, the bypass piping, access manhole, drain, sight glass, pressure gauge, pressure relief valve, air compressor and housing;
- h) mixing systems, if applicable; and
- i) the ability to drain a storage tank without causing the pressure in the distribution system to drop below 20 psi.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.260 Water Main Construction Applications

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- a) Water main construction permit applications must specify the following:
- 1) the existing population served by the present supply, and the population to be served by the water main extension;
 - 2) the average daily pumpage for the community water supply on an annual basis;
 - 3) the maximum daily pumpage;
 - 4) the capacity of the community water supply;
 - 5) the capacity of the raw water source;
 - 6) the capacity of the proposed water main;
 - 7) the normal expected operating pressure on the proposed water main;
 - 8) the minimum expected operating pressure on the proposed water main;
 - 9) the pressure at the point of connection at present maximum demand;
 - 10) the calculated pressure at the point of connection under maximum demand after installation of the water main;
 - 11) the size of the pipe and total feet of the water main;
 - 12) the pipe material and type of joint;
 - 13) the proposed depth below ground surface of the water main;
 - 14) sewer and water separation:
 - A) an indication of whether the minimum horizontal and vertical separation requirements in 35 Ill. Adm. Code 653.119 have been met; and
 - B) an explanation of other measures taken to protect the water main if the separation requirements are not met;

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- 15) a disinfection plan that details the chemical to be used, initial disinfectant concentration, final disinfectant concentration and retention time in hours; and
 - 16) a water sampling plan to meet the requirements of Section 602.310.
- b) The following information must be submitted on plans with water main construction permit applications:
- 1) the border lines of the municipality, water district or area to be served;
 - 2) the size, length and identity of proposed water mains and water system structures;
 - 3) the elevation of water mains where necessary to show proper separation from sewers and the elevation of other water system structures;
 - 4) the location of existing or proposed streets;
 - 5) the location of storm, sanitary, combined and house sewers, septic tanks, disposal fields and cesspools;
 - 6) the location of pipelines and other sources containing hydrocarbons;
 - 7) the distance between the community water supply structures and the sources of pollution listed in Table A of 35 Ill. Adm. Code 653.118;
 - 8) stream crossings with elevations of the stream bed shown, including the normal, extreme high and extreme low water levels of the stream; and
 - 9) all appurtenances, specific structures or equipment having any connection with planned water mains and water system structures.

(Source: Added at 40 Ill. Reg. _____, effective _____)

SUBPART C: OPERATING PERMITSSection 602.300 Operating Permit Requirement

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- a) No person shall cause or allow the use or operation of any new community water supply, or any new addition to an existing community water supply, for which a construction permit is required under this Part, without an operating permit issued by the Agency.
- b) The operating permit application must be filed with the Agency when construction is complete.
- c) The operating permit must be obtained before the project is placed in service.
- d) Partial operating permits may be obtained pursuant to Section 602.320.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.305 Operating Permit Applications

- a) All applications for operating permits must contain:
 - 1) the name, signature and identification number of the Responsible Operator in Charge (see 35 Ill. Adm. Code 603);
 - 2) the community water supply's name, address, identification number and project name;
 - 3) the construction permit number, type of construction permit, and date the construction permit was issued;
 - 4) an explanation of the status of the construction project. If the project is only partially completed, the applicant must provide the information set forth in Section 602.320; and
 - 5) any other information required by the Agency for proper consideration of the permit, including, but not limited to, the submission of the water sample results pursuant to Section 602.310.
- b) If the operating permit application is for the operation of a well, the operating permit application must include the following information in addition to the information required by subsection (a):
 - 1) final geologic well log;

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- 2) aquifer property data;
- 3) lateral area of influence, as calculated pursuant to 35 Ill. Adm. Code 671.Subpart B;
- 4) delineated well head protection area; and
- 5) analyses of water samples for the constituents listed in 35 Ill. Adm. Code 620.410(a) and (b).

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.310 Projects Requiring Disinfection

- a) Satisfactory disinfection as specified in this Section must be demonstrated before the issuance of an operating permit for completed construction projects when facilities produce, contain, treat or carry water that must be bacteriologically safe. This includes, but is not limited to, water mains, filters, finished water storage tanks and wells.
- b) Disinfection of a filter with granular activated carbon (GAC) must be completed prior to adding the GAC. Disinfection of an ion exchange unit must be completed prior to adding a resin with a low chlorine tolerance. Disinfection of a membrane unit must be completed prior to adding membrane material with a low chlorine tolerance. Care should be taken when handling the GAC, resin or membrane to keep the material as clean as possible.
- c) Except as specified in subsection (d), satisfactory disinfection is demonstrated when two consecutive water sample sets collected from the completed project at least 24 hours apart indicate no bacterial growths as measured by the membrane filter technique or no tubes testing positive as measured by the presumptive test, fermentation tube method, as set forth in 35 Ill. Adm. Code 611. A sample set consists of the following:
 - 1) For water mains, representative water samples must be collected from every 1,200 feet of new main along each branch and from the end of the line. The Agency may approve a different sampling plan on a site-specific basis.

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- 2) For water treatment plants, representative water samples must be collected from each aerator, detention tank, filter, ion exchange unit and clearwell, from all other treatment components other than those not requiring disinfection under Section 602.315, and from the entry point to the distribution system.
- d) For water main construction projects at existing community water supplies practicing chlorination in accordance with 35 Ill. Adm. Code 611.240, satisfactory disinfection is demonstrated when:
 - 1) one water sample set from the completed project collected in accordance with subsection (c)(1) indicates no bacterial growths as measured by the membrane filter technique or no tubes testing positive as measured by the presumptive test, fermentation tube method as set forth in 35 Ill. Adm. Code 611; and
 - 2) Adequate chlorine residual is present at the point of connection. Adequate chlorine residuals exist in a distribution system when there is a minimum of 0.2 mg/l free chlorine residual for water supplies practicing free chlorination or 0.5 mg/l combined chlorine residual for water supplies practicing combined chlorination.
- e) If the analyses performed pursuant to subsection (d) indicate the presence of bacterial growth, the community water supply must do the following to demonstrate satisfactory disinfection:
 - 1) resample at the sampling point indicating contamination and at every sampling point downstream of the point indicating contamination;
 - 2) submit a general layout sheet of the project indicating the location of all water mains to be operating; and
 - 3) submit evidence to the Agency that two consecutive water sample sets collected as specified in subsection (e)(1) indicated no bacterial growths as measured by the membrane filter technique or no tubes testing positive as measured by the presumptive test, fermentation tube method as set forth in 35 Ill. Adm. Code 611.
- f) Analyses conducted pursuant to this Section must be performed by a certified laboratory.

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(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.315 Projects Not Requiring Disinfection

Disinfection is not required for projects involving installation of equipment not in contact with finished water, which includes, but is not limited to, chemical feeders, coagulation basins and raw surface water transmission lines.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.320 Partial Operating Permits

- a) If all phases of a construction project will not be completed at one time, the Agency must issue a partial operating permit pursuant to Section 602.105 upon receipt of:
- 1) a cover letter describing which sections of the project are completed;
 - 2) a general layout plan sheet of the project indicating the location of water mains, treatment processes or storage facilities to be operated;
 - 3) a completed and signed operating permit application; and
 - 4) bacteriological analyses results from water samples collected from the completed section of the project verifying satisfactory disinfection in accordance with Section 602.310.
- b) Additional operating permits may be obtained in accordance with this Section as other portions of the project are completed.

(Source: Added at 40 Ill. Reg. _____, effective _____)

SUBPART D: ALGICIDE PERMITS**Section 602.400 Algicide Permit Requirement**

- a) No person shall apply algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids to any stream, reservoir, lake, pond or other body of

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water used as a community water supply source without an Algicide Permit issued by the Agency.

- b) Permits issued under this Subpart D will be valid for community water supply sources only.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.405 Algicide Permit Applications

All applications for Algicide Permits must contain, at a minimum:

- a) the name and identification number of the Responsible Operator in Charge supervising the application of the copper sulfate, copper sulfate based products, or copper sulfate chemical aids;
- b) a statement describing the extent of the algae problem, history of any past algae problems, and past algicide treatments;
- c) a description of any adverse effects algae has had on the various treatment processes and on the finished water quality;
- d) a description of any fish kills that might have resulted from past use of copper sulfate, copper sulfate based products, and copper sulfate chemical aids;
- e) the location and volume of the body of water where the copper sulfate, copper sulfate based products, or copper sulfate chemical aids will be applied;
- f) the name of the source stream (if any);
- g) the amount of copper sulfate, copper sulfate based products, or copper sulfate chemical aids to be used for each treatment;
- h) the time interval between treatments;
- i) a copy of the applicant's authorization to discharge under an NPDES permit if the algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids is applied to a water of the United States;

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- j) additional information requested by the Agency to assure the safety of a community water supply, as required by 35 Ill. Adm. Code 302.210; and
- k) any other information required by the Agency for proper consideration of the permit.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.410 Sampling

- a) The owner or official custodian, or an authorized delegate, must collect water samples for each application of copper sulfate, copper sulfate based products, or copper sulfate chemical aids. Water samples must be collected at the locations and times established in this subsection (a).
 - 1) From the raw water intake, one sample must be collected before treatment.
 - 2) From the entry point to the distribution system:
 - A) One sample must be collected approximately 24 hours following the copper sulfate treatment.
 - B) One sample must be collected approximately 48 hours following the copper sulfate treatment.
- b) The sample results must demonstrate that concentrations of copper do not pose a high health risk to water consumers.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.415 Required Permit Modification

After any Algicide Permit is issued, and before the permit expires, if there is any major change either in the operation of the community water supply or in algae growth that affects the use of the algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids, as outlined in the permit, the community water supply must submit an application for modification of its permit. This application must contain all the information required by Section 602.405.

(Source: Added at 40 Ill. Reg. _____, effective _____)

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SUBPART E: OTHER AQUATIC PESTICIDE PERMITS**Section 602.500 Other Aquatic Pesticide Permit Requirement**

- a) When the application of the pesticide will have an effect on any community water supply, no person shall apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids to any stream, reservoir, lake, pond or other body of water used as a community water supply source without an Aquatic Pesticide Permit issued by the Agency. Effect is defined as any measurable concentration of the pesticide in the intake water of the community water supply.
- b) No person shall apply an aquatic pesticide, other than an algicide, copper sulfate, copper sulfate based products, or copper sulfate chemical aids, within 20 miles upstream of a public or food processing water supply intake without an Aquatic Pesticide Permit issued by the Agency. The 20 mile upstream distance must be measured as follows:
- 1) for streams, the distance must be measured from the water supply intake to the downstream edge of the application area;
 - 2) for impoundments, the distance must be measured as the straight line distance over water from the intake to the nearest edge of the application area or, if the shape of the impoundment will not allow a straight line measurement over water, the distance must be measured as the shortest distance over water between the intake and the application area;
 - 3) for streams tributary to impoundments, the distance must be the sum of the stream distance plus the shortest line distance described in subsection (b)(2).

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.505 Other Aquatic Pesticide Permit Application Contents

All applications for Aquatic Pesticide Permits must contain, at a minimum:

- a) The reasons for controlling the aquatic plant or animal nuisance.
- b) Applicant Information

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- 1) The applicant must be the official custodian of, or have control over the waters to which the aquatic pesticide is applied.
 - 2) The application must contain the name, address, telephone number and signature of the applicant. If the applicant's signature cannot be obtained, the application must be accompanied by a signed statement that the applicant has requested or approved the use of the aquatic pesticide for the times and locations identified in the application.
- c) Applicator Information
- 1) The name, address and telephone number of the applicator.
 - 2) The applicator's Illinois Department of Agriculture license number.
 - 3) A list of the limitations imposed by the applicator's license that restrict the types of pesticides that may be used by the applicator.
- d) General Information
- 1) A description of the aquatic pesticide by trade name, chemical name or name of active ingredients, and names of decomposition products.
 - 2) The U.S. Environmental Protection Agency (USEPA) Registration Number for the pesticide.
 - 3) A description of the steps to be followed in preparing and applying the pesticide, including, but not limited to, proportions, mixing and precautions in preparation. A copy or facsimile of the label containing this information may be used to satisfy this requirement.
- e) Time and Location of Treatment
- 1) A depiction of the area or areas to be treated on a U.S. Geological Survey (USGS) topographic map reproduction or an accurately drawn map of larger scale. The depiction must include the locations and provide the name of the owners of all water intakes for a distance of 20 miles downstream of each area to be treated.

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- 2) Ponds under 10 acres to be treated, but that are not used as a water source for public or food processing water supplies, must be described using a map of the pond, its tributaries and the surrounding area.
 - A) Pond locations must be given and described using the quarter section, section number, township, range, county and township name.
 - B) The name of all public and food processing water supplies for a distance of 20 miles downstream of the pond to be treated must be provided.
- 3) The date and time required for each treatment.
- f) An inventory of the species, size and population of animals or plants to be controlled.
- g) Contacts with Downstream Water Users
 - 1) Written documentation showing that all water supplies described in Section 602.500 have been notified of the proposed treatment and provided details of possible adverse effects.
 - 2) The names of water supply operators who will be notified 24 hours before the aquatic pesticide application.
- h) Application and Precautions
 - 1) A description of the method to be used to apply the pesticide.
 - 2) A description of the method to be used to protect humans and animals during the time toxic pesticide concentrations exist in the water.
 - 3) A description of the method to be used to remove dead plants or animals should these accumulations result in water quality deterioration.
 - 4) A description of the method to be used to retain water in the impoundment while toxic pesticide concentrations exist.

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- 5) A description of the method to be used for detoxification of the water in the event of water supply contamination.
 - 6) A description of the actions to be taken to insure that tributary streams will not reintroduce the aquatic life being controlled following application of the pesticide. If these actions cannot be taken, the anticipated frequency of retreatment shall be stated.
 - 7) A copy of the contingency plan to be followed by water plant operators for emergency water plant shut down or emergency operation.
- i) Water Characteristics and Chemistry
- 1) The expected life of the pesticide's active ingredient and its decomposition products, considering characteristics of the water such as pH, dissolved oxygen and temperature.
 - 2) A list of the limiting chemical constituents of the water to be treated that can hinder the effectiveness of the pesticide.
 - 3) A list of the short term and chronic effects of the pesticide on people and animals.
 - 4) A description of the weather and stream flow conditions under which the pesticide must be applied.
 - 5) A list of the references used to obtain information required by subsections (i)(1) through (4).
- j) Pesticide Dosage and Concentration
- 1) A description of the pesticide dosage.
 - 2) A description of the concentration of the pesticide in the water immediately after application.
 - 3) A copy of the computations used to determine the concentration.
- k) Stream and Impoundment Data

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- 1) Streams
 - A) The stream flow expected during pesticide application.
 - B) When stream flows are not available, data on high, average and low stream flow conditions.
 - C) The specific quantity of discharge in cubic feet per second and the average stream velocity in feet per second.
 - 2) Impoundments
 - A) The surface area, average depth, maximum depth and volume of the impoundment.
 - B) The flow expected into and out of the impoundment during the time the pesticide will be active, including the flows attributed to contributing streams, flow over the spillway and water withdrawn by individual users.
 - C) Information pertinent to the segment in question when only part of the impoundment will be treated.
 - D) A depiction of the water flow patterns to the water supply intake on a map of the impoundment.
 - E) An estimate of the minimum time required for the aquatic pesticide to reach the water supply intake.
 - 3) A list of the reference sources or the name and qualifications of the person supplying stream flow and impoundment data.
- 1) Additional Information and Reports
 - 1) Additional information must be provided to the Agency upon request to assure the safety of a community water supply as required by 35 Ill. Adm. Code 302.210. A copy of the applicant's authorization to discharge under an NPDES permit must be submitted if the aquatic pesticide is applied to a water of the United States.

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- 2) A report letter must be filed with the Agency within 30 days following each application of the aquatic pesticide. The report must include, but is not limited to:
- A) the names and addresses of the applicant and applicator;
 - B) the aquatic pesticide application permit number;
 - C) the date of aquatic pesticide application;
 - D) the name and amount of aquatic pesticide applied; and
 - E) a description of any mishap that endangered a community water supply and a chronology of the steps taken to correct the problem.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.510 Permits Under Public Health Related Emergencies

The Agency may issue Aquatic Pesticide Permits by telephone whenever public health is immediately endangered by an aquatic pest such as a disease-carrying organism. Aquatic Pesticide Permits issued by telephone must have special conditions for safeguarding downstream public and food processing water supplies.

- a) The Agency must confirm in writing the granting of an emergency Aquatic Pesticide Permit within 10 days after issuance.
- b) A written report containing the same information required for a permit application under Section 602.505 must be made to the Agency within 30 days following pesticide application.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 602.515 State Agency Programs

The Departments of Public Health, Natural Resources and Agriculture may place on file with the Agency information required by Section 602.505(h), (i) and (j) for reference in future permit applications.

(Source: Added at 40 Ill. Reg. _____, effective _____)

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Section 602.520 Extension of Permit Duration

The Agency may extend the duration of an Aquatic Pesticide Permit when circumstances beyond the control of the applicant prevent the aquatic pesticide application during the time specified in the permit.

- a) All requests for extensions of permit duration must:
 - 1) be in writing;
 - 2) list the reasons the aquatic pesticide could not be applied on the date permitted;
 - 3) give the new date the aquatic pesticide is to be applied;
 - 4) contain a statement that the aquatic pesticide will be applied in accordance with the conditions listed in the Aquatic Pesticide Permit; and
 - 5) contain the Aquatic Pesticide Permit Number, the name and Illinois Department of Agriculture license number of the applicator and the signature of the applicant.
- b) Requests for extensions of permit duration may be made by telephone provided:
 - 1) the information listed in subsection (a) is stated; and
 - 2) the information listed in subsection (a) is transmitted in writing to the Division of Public Water Supplies Permit Section within five days after the date verbal approval for an extension of permit duration is given by the Agency.
- c) Applications for extensions of permit duration shall not be granted if more than 60 days have elapsed from the date of aquatic pesticide application listed in the permit.
- d) Extensions of permit duration, if granted by the Agency, must be in writing and must state the time of the extension.

(Source: Added at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Ownership and Responsible Personnel
- 2) Code Citation: 35 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
603.101	Amendment
603.102	Repealed/New Section
603.103	Amendment
603.104	Repealed/New Section
603.105	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4, 10, 27, 28, and 28.2 of the Illinois Environmental Protection Act [415 ILCS 5/4, 10, 27, 28, 28.2]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments to Illinois Pollution Control Board rules governing public water supplies amend Part 603 to be consistent with recent amendments to the Public Water Supply Operations Act, [415 ILCS 45] (2012). The updates add the new term Responsible Operator in Charge (ROINC), a position that a community water supply must designate and that directly supervises the water treatment facilities or distribution facilities, or both, of the community water supply. The proposal would also spell out the ROINC's duties and areas of responsibility. The proposal also adds a new concept: an "administrative contact" that a community water supply could designate to serve as agent of the owner or official custodian; notice on the administrative contact would be considered notice on the owner or official custodian.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These amendments allow more timely and effective notice to community water supply operators, allowing regulators to directly

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contact individuals in charge of operations instead of contacting parties that may not have direct knowledge of the water supply.

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R15-22 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R15-22 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

For more information, contact hearing officer Jason James at 312/814-6929 or by e-mail at Jason.James@illinois.gov.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small private community water supplies and small municipalities that provide water to the public
 - B) Reporting, bookkeeping or other procedures required for compliance: Reports generated through the permitting process to comply with incorporated standards.
 - C) Types of Professional skills necessary for compliance: Many types of community water supply permits require the oversight of an architect or engineer.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARDPART 603
OWNERSHIP AND RESPONSIBLE PERSONNEL

Section

603.101	Ownership
603.102	Administrative Contact <u>Responsible Personnel</u>
603.103	Responsible Operator in Charge <u>Certified Operator</u>
603.104	Exempt Community Water Supply <u>Registered Person in Responsible Charge</u>
603.105	Notification of Change of Ownership or <u>Responsible Operator in Charge</u> Responsible Personnel

603.APPENDIX A References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at R96-18 at 21 Ill. Reg. 6558, effective May 8, 1997; amended at 40 Ill. Reg. _____, effective _____.

Section 603.101 Ownership

- a) To assure the continued maintenance and operation of ~~community~~ public water supplies, each supply ~~must~~ shall be under the individual direct supervision of a municipal or private corporation, individual private ownership, or a regularly organized body governed by a constitution and by-laws requiring regular election of officers.
- b) The body exercising ~~such~~ direct supervision over a community water supply shall file with the ~~Environmental Protection Agency (Agency)~~ a statement of ownership before commencing construction of any ~~community~~ public water supply facility. ~~Public water supplies in existence on December 21, 1974, shall file a statement of ownership with the Agency no later than ninety days after that date.~~
- c) The body filing ~~such~~ a statement of ownership under subsection (b) shall be

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considered to be the owner of the community water supply until such time as a notification of change of ownership is received, in accordance with Section 603.105.

- d) The owner or official custodian and the Responsible Operator in Charge ~~and individual~~ designated ~~in responsible charge~~ pursuant to Sections 603.103 ~~must~~ ~~603.104 shall~~ be jointly accountable for the proper operation of the community water supply.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 603.102 Administrative Contact ~~Responsible Personnel~~

The owner or official custodian of a community water supply may designate, on forms provided by the Agency, an individual to act as agent of the owner or official custodian for all matters related to the community water supply. The designated agent must be known as the Administrative Contact of the community water supply. Any notice provided to the Administrative Contact must be considered notice to the owner or official custodian. An individual's designation as Administrative Contact must remain in effect until the Agency receives written notice otherwise.

~~Each public water supply shall have designated an individual in responsible charge of the operation of that supply properly qualified and registered pursuant to Public Water Supply Operations Act [415 ILCS 45], with all provisions of the Public Water Supply Operations Act complied with.~~

(Source: Former Section repealed and new Section added 40 Ill. Reg. _____, effective _____)

Section 603.103 Responsible Operator in Charge ~~Certified Operator~~

- a) Under the Public Water Supply Operations Act, all portions of a community water supply system must be under the direct supervision of a Responsible Operator in Charge. [415 ILCS 45/1].
- b)a) Each community ~~public~~ water supply, unless exempted under Section 603.104, must designate ~~shall have a certified operator, qualified and registered in accordance with the Public Water Supply Operations Act, designated in responsible charge of the supply's operation.~~

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- 1) one Responsible Operator in Charge who directly supervises both the treatment and distribution facilities of the community water supply; or
 - 2) one Responsible Operator in Charge who directly supervises the treatment facilities of the community water supply and one Responsible Operator in Charge who directly supervises the distribution facilities of the community water supply.
- c) The Responsible Operator in Charge must be a certified operator, qualified and registered in accordance with the Public Water Supply Operations Act and 35 Ill. Adm. Code 681.
- d) The Responsible Operator in Charge must be on the community water supply's operational staff or be providing services to the community water supply under a contract approved by the Agency pursuant to 35 Ill. Adm. Code 681.1015.
- e)b) The owner or official custodian and the Responsible Operator in Charge ~~must be certified operator designated in responsible charge shall file a signed statement identifying the Responsible Operator in Charge certified operator in responsible charge~~ on forms provided by the Agency.
- 1) ~~Both the treatment and distribution facilities of each supply must have responsible personnel indicated.~~
 - 2) ~~One properly certified operator may supervise both the treatment and distribution facilities of the supply.~~
- f)e) *Each individual who is a Responsible Operator in Charge for a community water supply is jointly accountable with the owner of the community water supply for the proper operation of the portions of the community water supply over which he or she has been designated as the Responsible Operator in Charge. [415 ILCS 45/1.1(a)]* Completion of the forms required by subsection (e) must~~shall~~ indicate acceptance of the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by both owner or official custodian and certified operator.
- g) Responsible Operator in Charge must submit to the Agency, in accordance with Board rules, consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results, such as corrosion control reports and monitoring results. [415 ILCS 45/1.1(b)(3)]

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 603.104 Exempt Community Water Supply~~Registered Person in Responsible Charge~~

Pursuant to Section 9.1 of the Public Water Supply Operations Act, a community water supply is not required to have a Responsible Operator in Charge if it:

- a) consists only of distribution and storage facilities and does not have any collection and treatment facilities;
 - b) obtains all of its water from, but is not owned or operated by, a community water supply that is required to employ a Class A, Class B, Class C, or Class D community water supply operator;
 - c) does not sell water to any person; and
 - d) is not a carrier that conveys passengers in interstate commerce. [415 ILCS 45/9.2]
- a) ~~A public water supply may seek an exemption from the requirement of a certified operator in responsible charge.~~
 - b) ~~Each public water supply seeking such exemption shall so request in writing to the Agency.~~
 - c) ~~Each public water supply exempted from the certified operator requirement by the Agency, pursuant to the Public Water Supply Operations Act, shall have either a certified operator or person registered in accordance with the Public Water Supply Operations Act, designated in responsible charge of the supply's operation.~~
 - d) ~~Each public water supply exempted by the Agency and retaining a registered person in responsible charge shall file with the Agency a signed statement identifying the registered person in responsible charge on forms provided by the Agency. Such statement shall also be signed by the registered person in responsible charge.~~
 - 1) ~~Both the treatment and distribution facilities of each supply must have responsible personnel indicated.~~

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- 2) ~~One properly registered person in responsible charge may supervise both the treatment and distribution facilities of the supply.~~
- e) ~~Completion of the above forms shall indicate acceptance of the duties and responsibilities for the proper operation and maintenance of the public water supply facilities by both owner or official custodian and registered person in responsible charge.~~

(Source: Former Section repealed and new Section added at 40 Ill. Reg. _____, effective _____).

Section 603.105 Notification of Change of Ownership or Responsible Operator in Charge~~Responsible Personnel~~

- a) ~~Within 15 days after any change in ownership of a community water supply, the new owner must notify the~~The Agency ~~shall be notified within fifteen days~~, on forms supplied by the Agency, ~~by the owner of a public water supply of changes in ownership.~~
- b) ~~Within 15 days after any change in the Responsible Operator in Charge, the owner or official custodian and the new Responsible Operator in Charge must notify the~~The Agency ~~shall be notified within fifteen days~~, on forms supplied by the Agency, of ~~the~~ changes in responsible personnel, ~~and who may be contacted in the event such contact is required.~~
- e) ~~No notification shall be considered valid unless the new owner or responsible personnel indicates acceptance of these responsibilities and duties in the notification document.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Plumbers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
750.110	Amendment
750.125	Amendment
750.210	Amendment
750.300	Amendment
750.310	Amendment
750.500	Amendment
750.510	Amendment
750.530	Amendment
750.710	Amendment
750.730	Amendment
750.800	Amendment
750.910	Amendment
- 4) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to update the duties of the State Board of Plumbing Examiners, the provisions related to the administration of the Plumbing Licensing Examination, the plumbing education course requirements, the requirements to inspect plumbing and the duties/responsibilities of plumbers who inspect plumbing, amendments to the establishment of plumbing programs and ordinances by governmental units and amendments to plumbing inspector violations. The amendments will align the Code with the Act and provide clarity to existing processes utilized by the Department.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: Plumbing rules must comport with the statute.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons should present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Plumbing License
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTHPART 750
PLUMBERS LICENSING CODE

SUBPART A: GENERAL PROVISIONS

Section	
750.100	Applicability (Repealed)
750.110	Definitions
750.115	Statutory Authority (Repealed)
750.120	Administrative Hearings
750.125	Referenced Materials

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section	
750.200	Organization of the State Board of Plumbing Examiners
750.205	Election of Officers (Repealed)
750.210	Duties of the State Board of Plumbing Examiners
750.215	Duties of Chairman (Repealed)
750.220	Records of the State Board of Plumbing Examiners
750.225	Duties of Vice-Chairman (Repealed)
750.235	Quorum (Repealed)
750.245	Meetings (Repealed)

SUBPART C: ADMINISTRATION OF AND REQUIREMENTS FOR
PLUMBING LICENSE EXAMINATION

Section	
750.300	Requirements for Admission to the Plumbing License Examination
750.310	Administration of the Plumbing License Examination
750.320	Plumbing License Examination Results
750.330	Course Credit (Repealed)

SUBPART D: PLUMBING PROGRAM FEES

Section	
750.400	Licensing of Plumbers

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- 750.410 Licensing of Apprentice Plumbers
- 750.420 Documentation Required for Sponsors of Apprentices
- 750.430 Plumbers' and Apprentice Plumbers' License Records

SUBPART E: PROGRAMS OF INSTRUCTION
AND CONTINUING EDUCATION

Section

- 750.500 Continuing Education Requirements for Licensed Plumbers
- 750.510 Department Approval of Continuing Education Sponsors and Courses
- 750.520 Continuing Education Course Records
- 750.530 Department Approval and Evaluation of Courses of Instruction in Plumbing
- 750.540 Topics for Approved Programs of Instruction in Plumbing and Approved Continuing Education Courses
- 750.550 Programs of Instruction and Practical Training in Plumbing Approved as Equivalent to Illinois Licensed Apprenticeship

SUBPART F: REQUIREMENTS FOR PLUMBING FIRMS

Section

- 750.600 Organization of Plumbing Firms

SUBPART G: ~~CERTIFICATION OF~~ PLUMBING INSPECTORS

Section

- 750.700 Purpose and Authority for Certification of Plumbing Inspectors
- 750.710 Certification of Plumbing Inspectors
- 750.720 Renewal of Plumbing Inspector Certification and Continuing Education Requirements for Certified Plumbing Inspectors
- 750.730 ~~Responsibilities of Certified~~ Plumbing Inspectors

SUBPART H: APPROVAL OF PLUMBING PROGRAMS
ESTABLISHED BY GOVERNMENTAL UNITS

Section

- 750.800 Governmental Units Establishing Plumbing Programs

SUBPART I: VIOLATIONS OF PLUMBER'S LICENSE
AND PLUMBING INSPECTOR'S CERTIFICATION

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Section	
750.900	Plumber's and Apprentice Plumber's License Violations
750.910	Certified Plumbing Inspector Violations

SUBPART J: CIVIL PENALTIES FOR UNLICENSED PLUMBERS

Section	
750.1000	Civil Penalties for Unlicensed Plumbers

SUBPART K: ADMINISTRATIVE FEES

Section	
750.1100	Plumbers' and Apprentice Plumbers' Examination and Licensure Fees
750.1110	Other Fees

AUTHORITY: Authorized by and implementing the Illinois Plumbing License Law [225 ILCS 320].

SOURCE: Adopted at 2 Ill. Reg. 40, p. 1, effective October 1, 1978; codified at 5 Ill. Reg. 10870; Part repealed, new Part adopted at 13 Ill. Reg. 19564, effective December 1, 1989; emergency amendment at 16 Ill. Reg. 12785, effective July 30, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 417, effective December 28, 1992; recodified at 23 Ill. Reg. 14649; amended at 24 Ill. Reg. 12019, effective August 1, 2000; amended at 38 Ill. Reg. 19715, effective September 23, 2014; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 750.110 Definitions

For the purposes of this Part:

"Act" means the Illinois Plumbing License Law [225 ILCS 320].

"Agent" means an Illinois licensed plumber designated by a sponsor of an apprentice plumber as responsible for supervision of the apprentice plumber, with prior approval from the Department.

"Apprentice plumber" means any licensed person who is learning and performing plumbing under the supervision of a sponsor or his agent in accordance with the provisions of the Act. (Section 2 of the Act)

"Approved apprenticeship program" means an apprenticeship program approved

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by the U.S. Department of Labor's Bureau of Apprenticeship and Training and the Department under this Part, including Joint Apprenticeship Committee (JAC) Programs. (Section 2 of the Act)

"Board" means the Illinois State Board of Plumbing Examiners. (Section 2 of the Act)

"Certification" means the act of obtaining or holding a certificate of competency in plumbing inspection from the Department, pursuant to this Part.

"Certified plumbing inspector" means any licensed plumber to whom the Department has issued a certificate of competency to inspect plumbing in Illinois.

~~"Conflict of interest" means for a licensed plumbing inspector, or his or her agent or employee, to perform plumbing work and later conduct a certified inspection of the same plumbing work.~~

"Continuing education credit hour" means that 50 minutes of classroom time, excluding breaks, is equivalent to one credit hour.

"Course" means any class, seminar or other program of instruction in plumbing that has been approved by the Department for the purpose of complying with continuing education requirements.

"Course sponsor" means the person or legal entity who is registered pursuant to this Part and who is responsible for conducting a continuing education course approved by the Department.

"Department" means the Illinois Department of Public Health, plumbing program. (Section 2 of the Act)

"Director" means the Director of the Illinois Department of Public Health. (Section 2 of the Act)

"Governmental unit" means a city, village, incorporated town, county or sanitary or water district.

"Incompetence" means conduct in the performance of plumbing work that indicates a lack of ability to discharge the duties required to protect the health, safety and welfare of the public; failure to maintain competency in applying the

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standards set forth in the Illinois Plumbing Code; lack of knowledge of the fundamental principles of plumbing inspection or an inability to apply these principles; or failure to maintain competency in current plumbing inspection practices.

"Misconduct" means an act performed in the discharge of enforcement duties that jeopardizes the interests of the public, including violation of federal or State laws, local ordinances or administrative rules relating to the position, preparation of deficient or falsified reports, failure to submit information or reports required by law or contract when requested by the municipality or the Department, conduct that evidences a lack of trustworthiness, misrepresentation of qualifications such as education, experience or certification, illegal entry of premises, misuse of funds, or misrepresentation of authority.

"Retired plumber" means any licensed plumber in good standing who meets the requirements of the Act and this Part to be licensed as a retired plumber and voluntarily surrenders his plumber's license to the Department, in exchange for a retired plumber's license. (Section 2 of the Act)

"Revoke" means to permanently remove the plumbing license of a licensed plumber for violations of the Illinois Plumbing License Law, Illinois Plumbing Code or this Part.

"Sponsor" means an Illinois licensed plumber or an approved apprenticeship program that has accepted an individual as an Illinois licensed apprentice plumber for education and training in the field of plumbing and whose name and license number or apprenticeship program number shall appear on the individual's application for an apprentice plumber's license. (Section 2 of the Act)

"Suspend" means to temporarily remove the plumbing license of a licensed plumber for violations of the Illinois Plumbing License Law, Illinois Plumbing Code or this Part.

"Telecommunications carrier" means a telecommunications carrier as defined in the Public Utilities Act. (Section 2 of the Act)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 750.125 Referenced Materials

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The following materials are referenced in this Part:

- a) State Statute and Rules:
 - 1) Illinois Plumbing License Law [225 ILCS 320]
 - 2b) School Code [105 ILCS 5]
 - 3e) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - 4d) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

- b) Federal Statute
Americans With Disabilities Act (42 USC 12101 et seq.)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART B: STATE BOARD OF PLUMBING EXAMINERS

Section 750.210 Duties of the State Board of Plumbing Examiners

The State Board of Plumbing Examiners ~~shall perform the duties described, as provided in Section 7 of the Act.~~ Illinois Plumbing License Law, ~~exercises its duties under the supervision of the Department by:~~

- a) ~~preparing subject matter for the plumbing license examination;~~
- b) ~~assisting the Department in administering the plumbing license examination;~~
- c) ~~grading completed plumbing license examinations and reporting the results to the Director;~~
- d) ~~suggesting revisions to rules governing the plumbing license examination and hearings for suspension, revocation or reinstatement; and~~
- e) ~~submitting recommendations to the Director for the efficient administration of the Illinois Plumbing License Law.~~

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART C: ADMINISTRATION OF AND REQUIREMENTS FOR
PLUMBING LICENSE EXAMINATION

Section 750.300 Requirements for Admission to the Plumbing License Examination

- a) To apply for admittance to the examination for a plumber's license, a person shall file an application for examination on forms provided by the Department.
- 1) The application form may be obtained by downloading the application from the Department's website (<http://dph.illinois.gov/topics-services/environmental-health-protection/plumbing>) (<http://www.idph.state.il.us/envhealth/plumbing.htm>).
 - 2) The application shall be submitted to the Illinois Department of Public Health, 525 West Jefferson Street, 3rd Floor, Springfield, Illinois 62761.
 - 3) The Department will accept applications postmarked at least 30 days before the examination date. On each examination date, not more than 50 applicants (not more than 40 during winter months) will be examined. The examination will be scheduled at least once every three months. The Department and the Board may schedule additional examination dates as they deem necessary, based on the number of applicants.
 - 4) The Department and the Board will establish examination dates and locations. This information will be included with the examination application form.
- b) For each application the following materials must be received by the Department, postmarked at least 30 days before the examination date:
- 1) A completed application form;
 - 2) A photograph of the face of the applicant at least 1½ inches by 2½ inches;
 - 3) Proof of eligibility as specified in subsection (e); and
 - 4) The required non-refundable application fee as specified in Section 750.1100.

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- c) The applicant shall be a citizen of the United States or shall have declared his or her intent to become a citizen. (Notarized papers, such as "Intent to File for Citizenship", shall be submitted to the Department.)
- d) The applicant shall have completed at least a two year course of study in a high school, or an equivalent course of study, equal to 10 credit hours;
- e) To be eligible for the plumbing license examination, an applicant shall possess one of the following combinations of experience and education and shall provide proof of experience and education as follows:
 - 1) Illinois licensed apprentice plumber:
 - A) Each applicant shall have served a minimum of four years as an Illinois licensed apprentice plumber.
 - B) Each applicant who has served an apprenticeship shall be able to establish that he or she received instruction through practical experience under the supervision of a licensed plumber.
 - C) The term of apprenticeship shall be not less than 1,400 hours per year, for a total of 5,600 hours in four years.
 - 2) Illinois licensed apprentice plumber with training or education:
 - A) Each applicant shall have served at least two years as an Illinois licensed apprentice plumber and have two years of approved courses in plumbing (see Section 750.540) for a total of 5,600 hours.
 - B) Proof of practical experience shall be provided as specified in subsection (e)(1)(B).
 - C) A person who submits evidence of classroom or laboratory training in a vocational or trade school, a branch of the military service, or a college or university shall be given credit hours at the rate of two credit hours for each classroom hour, not to exceed a maximum of 24 months' credit.

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- D) Evidence shall consist of transcripts, degrees, military service records or certificates of completion. If the course submitted by an applicant for the plumbing license examination has already been evaluated and approved by the Department, the applicant need only verify participation in the course.
- 3) Licensed apprentice in another state or territory of the United States:
- A) Each applicant shall have the equivalent of four years as a licensed apprentice in another state or territory of the United States.
- B) Proof of practical experience shall be provided as specified in subsection (e)(1)(B).
- C) A person who submits evidence of experience in plumbing through an apprentice plumbing program in another state or territory of the United States, or a municipality in another state or territory, other than the State of Illinois shall be given credit on an hour-for-hour basis toward the minimum four years of apprenticeship required.
- 4) A person who has completed a course of study approved by the Department as equivalent to a four year apprenticeship served by an Illinois licensed apprentice plumber:
- A) An approved course of instruction in plumbing shall cover the subject areas and provide the number of hours of instruction and practical training specified in Section 750.550. An approved course of instruction shall total 2,800 hours of credit.
- B) Evidence shall consist of transcripts, degrees or certificates of completion to verify completion of a course that has been evaluated and approved by the Department.
- 5) Licensed plumber in another state, municipality or territory of the United States with no apprentice plumber program:
- A) Documents verifying licensure and plumbing experience and training will be considered on an hour-for-hour basis toward meeting the apprenticeship requirement of 1,400 hours per year. An applicant shall obtain documentation from the licensing state,

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municipality, or territory to verify to the Department that he/she was tested to obtain his/her license and that the test consisted of at least three areas – knowledge of plumbing design, practical or working skill evaluation, and knowledge of plumbing standards applicable to the licensing entity's jurisdiction (see Section 750.310).

- B) A copy of the rules from the licensing entity pertaining to the licensing of plumbers shall accompany the examination application.
- 6) Licensed plumber in a foreign state:
- A) Each applicant shall have at least two years of experience as an Illinois licensed apprentice plumber or two years of courses in plumbing, approved in accordance with Section 750.540.
 - B) Documentation of the applicant's license issued by a foreign state shall be submitted.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 750.310 Administration of the Plumbing License Examination

The examinations administered to applicants for a plumber's license shall be uniform and comprehensive and shall be administered in a manner prescribed by the Department. The examinations shall test applicants' knowledge and qualifications in the planning and design of plumbing systems; their knowledge, qualifications, and manual skills in plumbing; and their knowledge of the Illinois Plumbing Code.

- a) ~~The examination for a plumber's license shall consist of the following:~~
 - ↳ The Department will provide reasonable accommodations for applicants with disabilities in accordance with the Americans With Disabilities Act. An applicant who may require an accommodation to take the examination due to a disability shall submit acceptable documentation of the disability and a proposal for accommodation to the Department at least 10 business days before the exam date. Acceptable documentation includes a current statement or documentation from a physician licensed to practice medicine in all its branches in Illinois verifying the disability and providing a

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~~specific proposal for accommodation as it relates to the disability. The statement shall be on the physician's letterhead and include the address, phone number and signature of the physician, date prepared, and the name of the applicant. Written questions (true/false or multiple choice). Questions will be based on the Illinois Plumbing Code. All applicants shall be required to read the examination questions and write the answers unassisted.~~

- ~~2) Drawings or charts. The applicant will be required to complete charts that show plumbing fixtures and that require drainage and vent lines to be added.~~
 - ~~3) Practical (shop). Projects requiring copper, cast iron, lead and plastic to be assembled as indicated in the assignment will be assigned to each applicant. All three parts of the practical examination shall be completed before any part is eligible for grading.~~
- ~~b) An applicant who has a physical disability will be assisted with unloading, carrying, and reloading of tools or equipment; but the applicant shall take all parts of the examination unassisted.~~
 - be) Each applicant will be responsible for providing his/her own tools and other required material. Each applicant will be advised in writing as to what to bring to the examination.
 - ~~cd)~~ Only persons authorized by the Department. No persons other than the Board, Department staff, and those persons directly associated with the examinee for the transport of necessary equipment are permitted in the examination area.
 - de) Any ~~applicant~~examinee wearing a shirt, jacket, cap or any article of clothing bearing pictures, writing, inscriptions or logos of any kind will not be permitted into the examination. Safety glasses shall be worn at all times when in the shop.
 - ef) ~~An applicant~~Upon starting the examination, an examinee will not be permitted to leave the examination area without permission.
 - fg) The maximum grade value of each part of the examination shall be 100 points. An ~~applicant~~examinee must make an average of 75 or above on the examination and a grade of 61 or above on each part of the examination to pass.

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- gh) An ~~applicant~~examinee who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a retake application form and fee. The application and fee shall be submitted in accordance with Section 750.300.
- i) ~~An examinee who fails to pass the examination and applies to take the examination again shall retake all parts of the examination, even if the examinee passed one or more parts of the examination the first time it was taken.~~
- hj) An ~~applicant~~examinee who is observed cheating during the course of an examination shall be immediately expelled from the examination in progress and ~~shall appear before the Board of Plumbing Examiners and representatives of the Department on the day that the offense occurs. The Board shall recommend that applicant's~~the examination will be declared void. ~~A written record of the meeting shall be made and become a part of the examinee's file. The Board shall make as a part of the record its recommendations concerning the examinee a part of the record and shall forward the recommendations to the Department.~~
- 1) The Department will send to the applicant observed cheating a notice of intent to deny the applicant's application for examination and bar the applicant from reapplying for examination for a period of not less than six months~~or suspend the applicant's license~~. The applicant ~~may~~shall request a hearing, in writing, to contest the Department's notice within the time specified in the notice. If the applicant does not request a hearing in writing within the time specified in the notice, the applicant's right to a hearing shall be waived.
 - 2) All hearings shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
 - 3) ~~The Department will advise the Board of its final decision concerning the examinee.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART E: PROGRAMS OF INSTRUCTION
AND CONTINUING EDUCATION

Section 750.500 Continuing Education Requirements for Licensed Plumbers

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- a) Each licensed plumber shall, as a condition of each annual license renewal after the first license renewal, provide proof of completion of four hours of continuing education. Continuing education hours shall be completed in one or more courses offered by course sponsors approved by the Department pursuant to Section 750.510.
- b) A licensed plumber is not required to complete continuing education for the year in which ~~that~~the person's plumbing license was initially issued.
- c) A licensed retired plumber is not required to complete continuing education unless the licensed retired plumber wishes to restore his or her license to the status of a licensed plumber. The Department will determine the number of continuing education hours required for a change in licensure, based on the length of time the plumber has been retired in accordance with subsection (a).
- d) Licensed plumbers who have been found to have committed repeated violations of the Illinois Plumbing Code shall complete a minimum of two hours of additional continuing education conducted by the Department, at a time and location to be determined by the Department.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 750.510 Department Approval of Continuing Education Sponsors and Courses

The Department ~~will~~shall maintain a list of approved continuing education course sponsors. Sponsors may include universities, colleges, professional trade associations, unions, vocational schools, firms, individuals, corporations, or any entity that meets the criteria provided by the Department ~~and the Board of Plumbing Examiners~~.

- a) Registration. Each continuing education course sponsor shall register with the Department before submitting course materials for approval by the Department. Registration shall be valid for three years from the date of issuance.
 - 1) Course sponsors shall register using a form provided by the Department and shall include:
 - A) the name, address, and phone and fax numbers of the applicant;
 - B) the names and addresses of any persons who have received or will

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receive any portion of revenues generated from the course;

C) the name, address and Illinois license number of the plumber or professional engineer supervising the continuing education course.

- 2) The course sponsor shall report to the Department any change to the information submitted in the initial registration before conducting its next course~~within 30 days after such change takes effect.~~
- b) Continuing Education Course Approval~~education course approval.~~
- 1) A separate application for approval must be submitted to the Department on forms provided by the Department for each course offered by a course sponsor.
 - 2) An application for approval of a continuing education course may be submitted only by sponsors registered with and approved by the Department.
 - 3) A continuing education course shall provide instruction in at least one of the subject areas specified in Section 750.540.
 - 4) A course application shall include a course syllabus containing the following information: name and assigned number of the course, name and registration number of the sponsor, name of the instructor or presenter, an outline of the course, the amount of time needed to present the course, and the course objectives.
 - 5) A syllabus is not required for seminars held at product shows, but the application for approval shall include the name and assigned number of the seminar, name and registration number of the sponsor, name of the instructor or presenter, the amount of time needed to present the seminar, and the objectives of the seminar.
 - 6) A course application shall include the qualifications of the instructor or presenter.
 - 7) The course sponsor shall report to the Department any change to the information submitted in the initial application for continuing education course approval before conducting its next course~~within 30 days after such~~

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~~change takes effect.~~

- 8) Course approval is valid for three years from the date of issuance, unless changes in course information do not meet the approval criteria of this Section.
 - 9) Courses will be assigned a course number. The course number and the sponsor's number shall appear on all advertisements for the course.
 - 10) Seminars held at product shows may be approved for continuing education credit by the Department, based on the material presented and the length of the seminar. The sponsor or facilitator of the product show must be a registered course sponsor.
- c) The Department may deny, suspend or revoke approval of any course sponsor ~~and/or~~ may issue a fine to any course sponsor who:
- 1) Attempts to obtain or obtains registration or course approval through fraudulent means, including false statements and misrepresentation of facts, whether intentional or through negligence;
 - 2) Does not provide complete and accurate information in either the initial registration or in any notification of changes to ~~that~~~~such~~ information;
 - 3) Does not provide the Department with changes to the information submitted in the initial registration before conducting its next course; ~~within 30 days after such changes take effect;~~
 - 4) Advertises a course as being approved by the Department before ~~such~~ approval is received;
 - 5) Does not maintain records as required in Section 750.520~~subsection (c) of this Section;~~
 - 6) Does not report information to the Department as required in subsections (a) and (b) ~~of this Section.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 750.530 Department Approval and Evaluation of Courses of Instruction in

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Plumbing

- a) A college, university, trade school or vocational school that has established a program providing a course of instruction in plumbing may submit a letter to the Department requesting approval of its program or course of instruction.
- 1) The request for approval shall include information on the curriculum offered by the program, qualifications of the instructors, and information indicating that the teaching facility to be used for the program provides both shop and classroom facilities.
 - 2) For a program to be approved, it shall provide instruction in plumbing [that is supervised by a licensed plumber or an Illinois licensed professional engineer](#) courses.
- b) The Department will evaluate a training program before making a determination to approve or deny a request for approval. Approval will be granted based on the information included in the request letter, including confirmation of the qualifications of the instructors, evidence that the program's courses provide instruction in the subject areas specified in Section 750.540, and determination that the teaching facility provides both shop and classroom facilities.
- c) Each instructor participating in a program of instruction in plumbing shall be considered qualified by meeting one of the criteria specified in subsections (c)(1) through (3). The instructor shall provide verification of the license or certificate. A copy of the instructor's educator license will establish verification.
- 1) An Illinois licensed plumber [or an Illinois licensed professional engineer](#);
 - 2) An individual who possesses a provisional career and technical educator endorsement on an educator license, issued by the State Board of Education pursuant to Section 21B-20 of the School Code (see 23 Ill. Adm. Code 25.72), in a field related to plumbing (such as hydraulics, pneumatics, or water chemistry); or
 - 3) A representative of an industry or a manufacturing business related to plumbing, including, but not limited to, the copper industry, plastic pipe industry or cast iron industry. Courses that are taught by industry representatives shall be educational and shall not be sales oriented. Industry representatives shall be assisted by an Illinois licensed plumber

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during the presentation of a course of instruction.

- d) The Department may evaluate an approved program to determine the ongoing effectiveness of the training program. An evaluation will be conducted:
 - 1) As the result of a complaint to the Department;
 - 2) Upon the failure of 25% of students from the program who complete the plumbing license examination; or
 - 3) As a result of changes in the curriculum.
- e) The program's curriculum will be evaluated for compliance with the list of topics for courses of instruction in plumbing in Section 750.540.
- f) The program's facilities will be evaluated for its suitability for training in the practice of plumbing in all its forms and the type of tools, condition of tools, safety devices, and ventilation for the discharge of heat, smoke, and fumes.
- g) The Department will notify the training program sponsor of all deficiencies determined in the evaluation.
 - 1) The program sponsor shall contact the Department within 15 days after receiving the notice of deficiencies to arrange a plan of correction for the deficiencies. The program sponsor shall have not less than 30 and not more than 90 days from the date of the notice of deficiencies to remedy the deficiencies. The specific time period for correction will be stated in the notice of deficiencies.
 - 2) If the deficiencies are not remedied within the time frame specified in subsection (g)(1)(a), the Department will withdraw its approval in writing. Upon withdrawal of approval, the training program sponsor shall have the right to request a hearing. (See Section 750.120.)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART G: ~~CERTIFICATION OF~~ PLUMBING INSPECTORS**Section 750.710 Certification of Plumbing Inspectors**

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~~All persons who inspect plumbing in the State shall meet the minimum requirements for certification established in this Part. No person shall inspect plumbing in the State without first obtaining certification from the Department. Licensed plumbers providing plumbing inspection services to a unit of local government authorized under the Plumbing Licensing Law may continue for a period of not more than six months from October 1, 2014 to provide inspection service, after which the certification requirements of this Part shall apply.~~ The Department will issue a plumbing inspector's certification to any licensed plumber who meets the qualifications for a plumbing inspector specified in this Section and who pays to the Department the required fees specified in Section 750.1100.

- a) The application form may be obtained by downloading the application from the Department's website (<http://dph.illinois.gov/sites/default/files/licensecertificate/plumbinginspectorcertificationexaminationapplication.pdf> (<http://www.idph.state.il.us/envhealth/plumbing.htm>)).
- b) The application shall be submitted to the Illinois Department of Public Health, 525 West Jefferson Street, 3rd Floor, Springfield, Illinois 62761.
- c) To qualify for certification as a plumbing inspector, an applicant shall:
 - 1) Be currently licensed by the Department as a plumber. An apprentice plumber's license or retired plumber's license shall not be used to fulfill this requirement.
 - 2) Have held an Illinois plumbing license for at least seven years. An apprentice plumber's license or retired plumber's license shall not be used to fulfill this requirement.
 - 3) Have passed the examination administered by the Department for certification of plumbing inspectors.
 - A) The Department will accept applications for the examination at any time during normal business hours.
 - B) The Department will schedule examinations when it has sufficient applicants, in the opinion of the Department, to establish an examination date and location. Applicants will also be allowed to take the examination at any time acceptable to the Department.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 750.730 ~~Responsibilities of Certified Plumbing Inspectors~~

- a) Any plumbing inspector certified pursuant to this Part may inspect any private or public property for the purpose of investigating conditions relating to the enforcement of the Illinois Plumbing Code and the Illinois Plumbing License Law.
- b) Any licensed plumber who inspects plumbing shall:
- 1) Not inspect any plumbing that the licensed plumber has directly or indirectly caused to be installed, modified or repaired.
 - 2) Provide, upon completion of a plumbing inspection, a written report, either in paper or electronic form, that sets forth the following:
 - A) The specific violation, if any, with citation to the applicable code;
 - B) the name address, phone number, Illinois plumbing license number and email of the inspector issuing the report;
 - C) the date of the inspection;
 - D) the date or dates by which the violation or violations must be cured; and
 - E) the authority under which the inspection was conducted.
 - 3) Cooperate with the Department in any investigation or inquiry it may conduct concerning plumbing.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART H: APPROVAL OF PLUMBING PROGRAMS
ESTABLISHED BY GOVERNMENTAL UNITS

Section 750.800 Governmental Units Establishing Plumbing Programs

- a) ~~This Part does not prohibit governmental units from enacting a minimum code of standards for the design of plumbing materials and the operation and maintenance~~

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~~of plumbing systems, and ordinances or rules for the inspection of plumbing systems.~~ Any ordinances ~~or rules~~ adopted by a governmental ~~unit~~ shall be at least as stringent as the Illinois Plumbing Code, as required by Section 36 of the Act. For purposes of this subsection (a) and subsection (b), the term "governmental unit" shall mean a city, town, village, township or county with a water supply system or sewage disposal system or both.

- b) ~~Before~~ If a governmental unit ~~adopts an ordinance~~ adopts ordinances that ~~is~~ are more stringent than the Illinois Plumbing Code, a copy of ~~that~~ such ordinance ~~or rule~~, including all required supporting documentation ~~amendments~~, shall be submitted to the Department, on forms, and in a manner, prescribed by the Department, for Department review and approval. If an ordinance ~~such plan~~ is approved by the Department, the governmental unit may proceed with formal adoption of the ordinance as approved by the Department. Once the approved ordinance is adopted by the governmental unit, a certified copy of the adopted ordinance shall be submitted to the Department. Ordinances shall have no legal effect unless approved by the Department. ~~the ordinance shall prevail in lieu of the Illinois Plumbing Code. The Department shall issue written approval.~~
- c) Review of Plumbing Programs of Governmental Units. The Department shall conduct inquiries, make inspections and review the plumbing programs operated by governmental units. ~~This shall be done by an Illinois licensed plumber who is employed by the Department.~~
- d) Governmental Units Operating ~~Establishing~~ Plumbing Programs. ~~The~~ Not less than once every three years, the Department may ~~shall~~ evaluate each plumbing program operated by a governmental unit to determine whether that program is being operated under a rule or ordinance adopted in compliance with this Section. If the Department finds after investigation that a plumbing program is not being operated or enforced as required, the Director shall give written notice of the findings to the chief administrative officer of the governmental unit. If the Department finds, not less than 30 days after the notice, that the program is not being conducted as required by existing ordinances or rules, the Director shall give written notice of its findings to the chief administrative officer of the governmental unit. After an administrative hearing, as provided in Section 35 of the Act, the Department may prohibit ~~seek to enjoin~~ the governmental unit from performing plumbing inspections and administering a plumbing program until approval is granted by the Department.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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SUBPART I: VIOLATIONS OF PLUMBER'S LICENSE
AND PLUMBING INSPECTOR'S CERTIFICATION**Section 750.910 ~~Certified~~ Plumbing Inspector Violations**

The Department may take disciplinary action against a ~~certified~~ plumbing inspector for violations of the Act, this Part or the Illinois Plumbing Code. Pursuant to Section 20 of the Act, such action may include revocation, suspension, or denial of a plumbing license or plumbing inspector's certificate issued by the Department; and under Section 5(b.10) of the Act may include an Order of Correction to a telecommunications carrier for improper advertising. A violation, for the purposes of this Section, shall be considered to mean a finding of violation of a Section of the Act, or this Part, or the Illinois Plumbing Code by the Director in a final order issued pursuant to the Act and shall include the following acts:

- a) a ~~certified~~ plumbing inspector presenting, as his or her own, the ~~license~~ certificate of another person;
- b) submitting false information or misrepresenting facts to the Department for the purpose of obtaining certification or renewal of certification as a plumbing inspector;
- c) using or attempting to use a certificate that has been suspended or revoked;
- d) operating a business organization advertising itself as a certified plumbing inspection business after the termination of its only certified plumbing inspector without another member of the business organization obtaining certification from the Department;
- e) commencing or performing certified plumbing inspections for which a permit is required pursuant to the Illinois Plumbing Code without ~~the~~ such permit being in effect;
- f) willfully violating any State law or rule, or any municipal or county ordinance ~~or regulation~~, relating to uncertified or certified plumbing inspections or committing any other form of misconduct;
- g) being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice of plumbing;

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- h) violating any provision of the ~~Act~~Illinois Plumbing License Law, this Part, the Illinois Plumbing Code, or any county or municipal plumbing ~~laws or ordinances~~ or failing to follow any directive or order of the Department;
- i) performing any act that assists a person or entity in engaging in the prohibited uncertified practice of inspecting plumbing, if the certified plumbing inspector knows or has reasonable grounds to know that the person or entity is uncertified;
or
- j) knowingly assisting or conspiring with an uncertified person by allowing one's plumbing inspector's certificate to be used by the uncertified person with intent to violate the requirements of Section 750.710. When a certified plumbing inspector allows his or her certificate to be used by one or more business organizations without participating in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the requirements of this Section.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
515.100	Amendment
515.210	Amendment
515.220	Amendment
515.250	Amendment
515.255	New Section
515.330	Amendment
515.445	Amendment
515.830	Amendment
515.3090	Amendment
515.4000	Amendment
515.4010	Amendment
515.4020	Amendment
515.5000	Amendment
515.5002	New Section
515.5004	New Section
515.5010	Amendment
515.5015	New Section
515.5016	New Section
515.5017	New Section
515.5020	Amendment
515.5030	Amendment
515.5040	Amendment
515.5050	Amendment
515.5060	Amendment
515.5070	Amendment
515.5080	Amendment
515.5083	New Section
515.5085	New Section
515.5087	New Section
515.5090	Amendment
515.APPENDIX K	Amendment
515.APPENDIX L	Amendment
515.APPENDIX N	Amendment
515.APPENDIX O	Amendment

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515.APPENDIX P Amendment

- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements PA 98-1001 which created the designation of Acute Stroke-Ready Hospitals and Comprehensive Stroke Centers and PA 98-973, which modified terminology and provided for licensure of pre-hospital registered nurses, emergency communications registered nurses and emergency medical responders.

This rulemaking also amends provisions of the Part with respect to pediatric services. Pediatric amendments seek to allow existing physicians with many years of pediatric Emergency Room (ER) experience to continue to work in hospital emergency rooms that are designated as Emergency Department Approved for Pediatrics (EDAP); eliminate the waiver provisions with respect to board certified ER physicians; update the Part to current national pediatric medical standards; and permit healthcare professionals working in an out of state hospital (but close to the border) that participates in an Illinois EMS system to utilize qualified individuals licensed in the state where the facility is located and removes the requirement for dual licensing.

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

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking. None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate on units of local government.

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

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

271/782-2043
email: dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small and not-for-profit corporations will need to comply with the rules to become an EDAP, SEDP or Pediatric Critical Care Center (PCCC) recognized facility. Small and not-for-profit corporations will need to comply with the rules to become a comprehensive Stroke Center, Primary Stroke Center or an Acute Stroke-Ready Hospital recognized facility. This is a voluntary recognition.
- B) Reporting, bookkeeping or other procedures required for compliance: Hospitals that voluntarily seek recognition will need to have policies and procedures in place and meet staff requirements.
- C) Types of professional skills necessary for compliance: The facility will have to have certain qualifications for physicians, nurse practitioners, physician assistants and nursing staff.

14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES, TRAUMA CENTER,
COMPREHENSIVE STROKE CENTER, PRIMARY STROKE CENTER AND
ACUTE STROKE-READY HOSPITAL~~EMERGENT STROKE READY HOSPITAL~~ CODE

SUBPART A: GENERAL PROVISIONS

- Section
- 515.100 Definitions
- 515.125 Incorporated and Referenced Materials
- 515.150 Waiver Provisions
- 515.160 Facility, System and Equipment Violations, Hearings and Fines
- 515.165 Suspension, Revocation and Denial of Licensure
- 515.170 Employer Responsibility
- 515.180 Administrative Hearings
- 515.190 Felony Convictions

SUBPART B: EMS REGIONS

- Section
- 515.200 Emergency Medical Services Regions
- 515.210 EMS Regional Plan Development
- 515.220 EMS Regional Plan Content
- 515.230 Resolution of Disputes Concerning the EMS Regional Plan
- 515.240 Bioterrorism Grants
- 515.250 Hospital Stroke Care Fund
- 515.255 Stroke Data Collection Fund

SUBPART C: EMS SYSTEMS

- Section
- 515.300 Approval of New EMS Systems
- 515.310 Approval and Renewal of EMS Systems
- 515.315 Bypass Status Review
- 515.320 Scope of EMS Service
- 515.330 EMS System Program Plan
- 515.340 EMS Medical Director's Course

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515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications
515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs (Repealed)
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints
515.455	Intra- and Inter-system Dispute Resolution
515.460	Fees
515.470	Participation by Veterans Health Administration Facilities

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section	
515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity
515.620	Felony Convictions (Renumbered)
515.630	Evaluation and Recognition of Military Experience and Education
515.640	Reinstatement

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section

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515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.715	Provisional Licensure for First Responders and Emergency Medical Responders
515.720	First Responder (Repealed)
515.725	First Responder/Emergency Medical Responder
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse
515.750	Trauma Nurse Specialist
515.760	Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section	
515.800	Vehicle Service Provider Licensure
515.810	EMS Vehicle System Participation
515.820	Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825	Alternate Response Vehicle
515.830	Ambulance Licensing Requirements
515.833	In-Field Service Level Upgrade – Rural Population
515.835	Stretcher Van Provider Licensing Requirements
515.840	Stretcher Van Requirements
515.845	Operation of Stretcher Vans
515.850	Reserve Ambulances
515.860	Critical Care Transport

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section	
515.900	Licensure of SEMSV Programs – General
515.910	Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920	SEMSV Program Licensure Requirements for All Vehicles
515.930	Helicopter and Fixed-Wing Aircraft Requirements
515.935	EMS Pilot Specifications
515.940	Aeromedical Crew Member Training Requirements
515.945	Aircraft Vehicle Specifications and Operation
515.950	Aircraft Medical Equipment and Drugs
515.955	Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960	Aircraft Communications and Dispatch Center

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515.963	Flight Program Safety Standards
515.965	Watercraft Requirements
515.970	Watercraft Vehicle Specifications and Operation
515.975	Watercraft Medical Equipment and Drugs
515.980	Watercraft Communications and Dispatch Center
515.985	Off-Road SEMSV Requirements
515.990	Off-Road Vehicle Specifications and Operation
515.995	Off-Road Medical Equipment and Drugs
515.1000	Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section	
515.2000	Trauma Center Designation
515.2010	Denial of Application for Designation or Request for Renewal
515.2020	Inspection and Revocation of Designation
515.2030	Level I Trauma Center Designation Criteria
515.2035	Level I Pediatric Trauma Center
515.2040	Level II Trauma Center Designation Criteria
515.2045	Level II Pediatric Trauma Center
515.2050	Trauma Center Uniform Reporting Requirements
515.2060	Trauma Patient Evaluation and Transfer
515.2070	Trauma Center Designation Delegation to Local Health Departments
515.2080	Trauma Center Confidentiality and Immunity
515.2090	Trauma Center Fund
515.2100	Pediatric Care (Renumbered)
515.2200	Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section	
515.3000	EMS Assistance Fund Administration

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section	
515.3090	Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services
515.4000	Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)

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- 515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
- 515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

SUBPART K: COMPREHENSIVE STROKE CENTERS, PRIMARY STROKE CENTERS AND ACUTE STROKE-READY HOSPITALS~~EMERGENT STROKE READY HOSPITALS~~

- 515.5000 Definitions
- 515.5002 State Stroke Advisory Subcommittee
- 515.5004 Regional Stroke Advisory Subcommittee
- 515.5010 Stroke Care – Restricted Practices
- 515.5015 Comprehensive Stroke Center (CSC) Designation
- 515.5016 Request for Comprehensive Stroke Center Designation
- 515.5017 Suspension and Revocation of Comprehensive Stroke Center Designation
- 515.5020 Primary Stroke Center (PSC) Designation
- 515.5030 Request for Primary Stroke Center Designation
- 515.5040 Suspension and Revocation of Primary Stroke Center Designation
- 515.5050 Acute Stroke-Ready Hospital (ASRH)~~Emergent Stroke Ready Hospital (ESRH)~~ Designation without National Certification
- 515.5060 Acute Stroke-Ready Hospital~~Emergent Stroke Ready Hospital~~ Designation Criteria without National Certification
- 515.5070 Request for Acute Stroke-Ready Hospital~~Emergent Stroke Ready Hospital~~ Designation without National Certification
- 515.5080 Suspension and Revocation of Acute Stroke-Ready Hospital~~Emergent Stroke Ready Hospital~~ Designation without National Certification
- 515.5083 Acute Stroke-Ready Hospital Designation with National Certification
- 515.5085 Request for Acute Stroke-Ready Hospital Designation with National Certification
- 515.5087 Suspension and Revocation of Acute Stroke-Ready Hospital Designation with National Certification
- 515.5090 Data Collection and Submission
- 515.5100 Statewide Stroke Assessment Tool
- 515.APPENDIX A A Request for Designation (RFD) Trauma Center
- 515.APPENDIX B A Request for Renewal of Trauma Center Designation
- 515.APPENDIX C Minimum Trauma Field Triage Criteria
- 515.APPENDIX D Standing Medical Orders
- 515.APPENDIX E Minimum Prescribed Data Elements
- 515.APPENDIX F Template for In-House Triage for Trauma Centers
- 515.APPENDIX G Credentials of General/Trauma Surgeons Level I and Level II
- 515.APPENDIX H Credentials of Emergency Department Physicians Level I and Level II

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- 515.APPENDIX I Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
- 515.APPENDIX J Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
- 515.APPENDIX K Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
- 515.APPENDIX L Pediatric Equipment Recommendations for Emergency Departments
- 515.APPENDIX M Inter-facility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline
- 515.APPENDIX N Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application
- 515.APPENDIX O Pediatric Critical Care Center Plan
- 515.APPENDIX P Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012; amended at 36 Ill. Reg. 2296, effective January 25, 2012; amended at 36 Ill. Reg. 3208, effective February 15, 2012; amended at 36 Ill. Reg. 11196, effective July 3, 2012; amended at 36 Ill. Reg. 17490, effective December 3, 2012; amended at 37 Ill. Reg. 5714, effective April 15, 2013; amended at 37 Ill. Reg. 7128, effective May 13, 2013; amended at 37 Ill. Reg. 10683, effective June 25, 2013; amended at 37 Ill. Reg. 18883, effective November 12, 2013; amended

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at 37 Ill. Reg. 19610, effective November 20, 2013; amended at 38 Ill. Reg. 9053, effective April 9, 2014; amended at 38 Ill. Reg. 16304, effective July 18, 2014; amended at 39 Ill. Reg. 13075, effective September 8, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 515.100 Definitions

Act – the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Acute Stroke-Ready Hospital or ASRH – a hospital that has been designated by the Department as meeting the criteria for providing emergent stroke care. Designation may be provided after a hospital has been certified or through application and designation as an Acute Stroke-Ready Hospital. (Section 3.116 of the Act)

Advanced Life Support Services or ALS Services – an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical ~~services~~ that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the National EMS Education Standards ~~Advanced Life Support National Curriculum of the United States Department of Transportation~~ and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Aeromedical Crew Member or Watercraft Crew Member or Off-road Specialized Emergency Medical Services Vehicle (SEMSV) Crew Member – an individual, other than an EMS pilot, who has been approved by an SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program.

Alternate EMS Medical Director or Alternate EMS MD – the physician who is designated by the Resource Hospital to direct the ALS/Advanced/ILS/BLS operations in the absence of the EMS Medical Director.

Alternate Response Vehicle – ambulance assist vehicles and non-transport vehicles as defined in Section 515.825.

Ambulance – any publicly or privately owned on-road vehicle that is specifically

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designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such ~~individuals~~an individual. (Section 3.85 of the Act)

Ambulance Service Provider and Vehicle Service Provider Upgrades – Rural Population – a practice that allows an ambulance, alternate response vehicle, specialized emergency medical services vehicle or vehicle service provider that serves a population of 7,500 or fewer to upgrade the level of service of the provider vehicle using pre-approved System personnel and equipment.

Ambulance Service Provider ~~or Ambulance Provider~~ – any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

Applicant – an individual or entity applying for a Department-issued license or certification.

Associate Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting training programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive emergency department with 24-hour physician coverage. It shall have a functioning Intensive Care Unit or a Cardiac Care Unit.

Associate Hospital EMS Coordinator – the ~~Paramedic EMT Paramedic (EMT-P)~~ or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS, Intermediate Life Support, ~~Advanced (ILS)~~ or Basic Life Support ~~(BLS)~~ System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director – the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS, ILS, or BLS System, in accordance with the

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Department-approved EMS System Program Plan.

Basic Emergency Department – a classification of a hospital emergency department where at least one physician is available in the emergency department at all times; physician specialists are available in minutes; and ancillary services, including laboratory, x-ray and pharmacy, are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements.

Basic Life Support or BLS Services – a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical ~~services~~ that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in the [National EMS Education Standards in a Basic Life Support National Curriculum of the United States Department of Transportation](#) and any modifications to that curriculum standards specified in this Part. (Section 3.10 of the Act)

Board Eligible in Emergency Medicine – completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPT) for the American Osteopathic Association (AOA).

Certified Registered Nurse Anesthetist or CRNA – a licensed registered professional nurse who has had additional education beyond the registered professional nurse requirements at a school/program accredited by the National Council on Accreditation; who has passed the certifying exam given by the National Council on Certification; and who, by participating in 40 hours of continuing education every two years, has been recertified by the National Council on Recertification.

Child Abuse and Neglect – see the definitions of "abused child" and "neglected child" in Section 3 of the Abused and Neglected Child Reporting Act.

Child Life Specialist – A person whose primary role is to minimize the adverse effects of children's experiences by facilitating coping and the psychosocial adjustment of children and their families through the continuum of care.

Comprehensive Emergency Department – a classification of a hospital emergency department where at least one licensed physician is available in the emergency department at all times; physician specialists shall be available in minutes; ancillary services, including laboratory and x-ray, are staffed at all times; and the

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pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements.

Comprehensive Stroke Center or CSC – a hospital that has been certified and has been designated as a Comprehensive Stroke Center under Subpart K. (Section 3.116 of the Act)

CPR for Healthcare Providers – a course in cardiopulmonary resuscitation that meets or exceeds the American Heart Association course "BLS for Healthcare Providers".

Critical Care Transport or CCT – A Specialty Care Transport (SCT) level of inter-facility or 911 service that uses paramedic, pre-hospital registered nurse (~~PHRN~~) and, on occasion, specialized nursing staff to perform skills and interventions at levels above the usual and customary scope of paramedic practice within the State of Illinois. Advanced education, continuing education and special certifications are required. All Critical Care Transport Programs shall be under the direction of a Department-approved ALS EMS System.

Department or IDPH – the Illinois Department of Public Health. (Section 3.5 of the Act)

Director – the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Door-to-_____ – The time from patient arrival at the health care facility until the specified result, procedure or intervention occurs.

Dysrhythmia – a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

Effective Radiated Power or ERP – the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

Electrocardiogram or EKG – a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

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Emergency – a medical condition of recent onset and severity that would lead a prudent ~~lay person~~ ~~lay person~~, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

Emergency Communications Registered Nurse or ECRN – a registered professional nurse, licensed under the Nurse Practice Act, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in accordance with System protocols. (Section 3.80 of the Act) For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Emergency Department Approved for Pediatrics or EDAP – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.4000 of this Part as being capable of providing optimal emergency department care to pediatric patients 24 hours per day.

Emergency Medical Dispatcher or EMD – a person who has successfully completed a training course in emergency medical dispatching ~~meeting or exceeding the National Curriculum of the United States Department of Transportation~~ in accordance with this Part, who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles. (Section 3.70 of the Act)

Emergency Medical Dispatch Priority Reference System or EMDPRS – an EMS System's organized approach to the receipt, management and disposition of a request for emergency medical services.

Emergency Medical Services Personnel or EMS Personnel – includes Emergency Medical Responder, Emergency Medical Dispatcher, Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Emergency Communications Registered Nurse and Pre-Hospital Registered Nurse.

Emergency Medical Responder or EMR (AKA First Responder) – a person who has successfully completed a course of instruction for the Emergency Medical Responder as approved by the Department, who provides Emergency Medical

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Responder services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the National EMS Educational Standards for Emergency Medical Responders as modified by the Department.

Emergency Medical Responder Services – a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the Emergency Medical Responder curriculum of the National EMS Education standards and any modifications to that curriculum (standards) specified in this Part. (Section 3.10 of the Act)

Emergency Medical Services Personnel or EMS Personnel – persons licensed as an Emergency Medical Responder (First Responder), Emergency Medical Dispatcher, Emergency Medical Technician, Emergency Medical Technician-Intermediate, Advanced Emergency Medical Technician (A-EMT), Paramedic, Emergency Communications Registered Nurse, or Pre-Hospital Registered Nurse. (Section 3.5 of the Act)

Emergency Medical Services System or EMS System or System – an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, Advanced, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department, and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Act)

Emergency Medical Services System Survey – a questionnaire that provides data to the Department for the purpose of compiling annual reports.

Emergency Medical Technician-~~Basic or EMT-B~~ – a person who has successfully completed a course ~~of instruction~~ in basic life support as ~~approved~~prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Coal Miner – for purposes of the Coal Mine Medical Emergencies Act, an EMT, ~~EMT-B~~, A-EMT, EMT-I or Paramedic~~EMT-P~~ who has received additional education~~training~~ emphasizing extrication from a

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coal mine.

Emergency Medical Technician-Intermediate or EMT-I – a person who has successfully completed a course ~~of instruction~~ in intermediate life support as approved by the Department, is currently licensed by the Department in accordance with the standards prescribed ~~in by the Act and~~ this Part and practices within an Intermediate or Advanced Life Support EMS System. (Section 3.50 of the Act)

~~Emergency Medical Technician-Paramedic or EMT-P – a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an Advanced Life Support EMS System. (Section 3.50 of the Act)~~

Emergent Stroke Care – emergency medical care that includes diagnosis and emergency medical treatment of suspected or known ~~suspected or known~~ acute stroke patients. (Section 3.116 of the Act)

Emergent Stroke Ready Hospital – a hospital that has been designated by the Department as meeting the criteria for providing emergency stroke care as set forth in the Act and Section 515.5060. (Section 3.116 of the Act)

EMS – emergency medical services.

EMS Administrative Director – the administrator, appointed by the Resource Hospital in consultation with the EMS Medical Director, in accordance with this Part, responsible for the administration of the EMS System. (Section 3.35 of the Act) ~~with the approval of the EMS Medical Director, responsible for the administration of the EMS System.~~

EMSC – Emergency Medical Services for Children.

~~EMS Medical Director or EMS MD – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.~~

EMS Lead Instructor – a person who has successfully completed a course of education as approved ~~prescribed~~ by the Department in this Part, and who is currently approved by the Department to coordinate or teach education, training

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and continuing education courses, in accordance with this Part. (Section 3.65 of the Act)

EMS Medical Director or EMS MD – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Regional Plan – a plan established by the EMS Medical Director's Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator – ~~an~~the designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

EMS System Program Plan – the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

~~*First Responder—a person who is at least 18 years of age, who has successfully completed a course of instruction in emergency medical responder as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency medical responder course. (Section 3.60 of the Act)*~~

~~*First Response Services—a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the First Responder curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)*~~

Fixed-Wing Aircraft – an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

Full-Time – on duty a minimum of 36 hours, ~~four days~~ a week.

Half-Duplex Communications – a radio or device that transmits and receives signals in only one direction at a time.

Health Care Facility – a hospital, nursing home, physician's office or other fixed

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location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" ~~that~~ which utilize EMS Personnel/EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in the Act and this Part. (Section 3.5 of the Act)

Helicopter or Rotorcraft – an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Helicopter Shopping – the practice of calling various operators until a helicopter emergency medical services (HEMS) operator agrees to take a flight assignment, without sharing with subsequent operators that the previously called operators declined the flight, or the reasons why the flight was declined.

Hospital – *has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act. (Section 3.5 of the Act)*

Hospitalist – a physician who primarily provides unit-based/in-hospital services.

In-Field Service Level Upgrade – a practice that allows the delivery of advanced care from a lower level service provider by a licensed higher level of care ambulance, alternate response vehicle, or specialized emergency medical services vehicle according to a pre-approved written plan approved by the local EMS Medical Director.

Instrument Flight Rules or IFR – the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions or IMC – meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support Services or ILS Services – an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical ~~services~~ care that includes basic life support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support national curriculum ~~National Curriculum~~ of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

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Level I Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2030 of this Part to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours per day.

Level II Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 of this Part to provide optimal care to trauma patients, to provide some essential services available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Licensee – an individual or entity to which the Department has issued a license.

Limited Operation Vehicle – a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

Local System Review Board – a group established by the Resource Hospital to hear appeals from ~~EMS Personnel~~ EMTs or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

Mobile Radio – a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity – a negative outcome that is the result of the original medical or trauma condition or treatment rendered or omitted.

911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone or mobile device to obtain emergency services, including police, fire, medical ambulance and rescue.

Non-emergency Medical Care – medical care or monitoring services rendered to patients whose ~~condition~~ condition ~~does~~ not meet the Act's definition of emergency, before or during transportation of such patients to or from health care facilities visited for the purpose of obtaining medical or health care services ~~that~~ which are not emergency in nature, using a vehicle regulated by the Act and this Part. (Section 3.10 of the Act)

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Nurse Practitioner – a person who is licensed as a nurse practitioner under the Nurse Practice Act. For out-of-state facilities that have Illinois recognition under the [EMS](#), trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SEMSV or Off-Road SEMS Vehicle – a motorized cart, golf cart, all-terrain vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

Paramedic or EMT-P – a person who has successfully completed a course in advanced life support care as approved by the Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an Advanced Life Support EMS System. (Section 3.50 of the Act)

Participating Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Critical Care Center or PCCC – a hospital participating in an approved EMS System and designated by the Department as being capable of providing optimal critical and specialty care services to pediatric patients, and of providing all essential services either in-house or readily available 24 hours per day.

Pediatric Patient –patient from birth through 15 years of age.

Physician – any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987. [For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.](#)

Physician Assistant – a person who is licensed under the Physician Assistant Practice Act. For out-of-state facilities that have Illinois recognition under the [EMS](#), trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Pilot or EMS Pilot – a pilot certified by the Federal Aviation Administration who has been approved by an SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program.

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Portable Radio – a hand-held radio that accompanies the user during the conduct of emergency medical services.

Pre-Hospital Care – those ~~emergency~~ medical services rendered to ~~emergency~~ patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to healthcare facilities. (Section 3.10(e) of the Act)~~hospitals~~.

Pre-Hospital Care ~~Participants~~ ~~Provider~~ – Any EMS Personnel, a System Participant or any EMT-B, I, P, Ambulance, Ambulance Service Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS Administrative Director, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, ECRN, Resource Hospital, Emergency Dispatch Center or physician ~~Physician~~ serving on an ambulance or non-transport vehicle or giving voice orders ~~for~~ over an EMS System and who are subject to suspension by the EMS Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

Pre-Hospital Registered Nurse or ~~Pre-Hospital RN~~ or PHRN – a registered professional nurse, with an unencumbered registered nurse license in the state in which he or she practices~~licensed under the Nurse-Practice Act~~, who has successfully completed supplemental education in accordance with this Part and who is approved by an Illinois EMS Medical Director to practice within an EMS System~~as emergency medical services personnel~~ for pre-hospital and inter-hospital emergency care and non-emergency medical transports. (Section 3.80 of the Act) For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Primary Stroke Center or PSC – a hospital that has been certified by a Department-approved, nationally recognized certifying body and designated as a Primary Stroke Center by the Department. (Section 3.116 of the Act)

Regional EMS Advisory Committee – a committee formed within an Emergency Medical Services ~~(EMS)~~ Region to advise the Region's EMS Medical Directors Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each Resource Hospital within

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the Region, one administrative representative from an Associate Hospital within the Region, one administrative representative from a Participating Hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one individual from each level of license provided by the Act, one Emergency Medical Technician (EMT)/Pre-Hospital RN from each level of EMT/one Pre-Hospital Registered NurseRN practicing within the Region, and one registered professional nurse currently practicing in an emergency department within the Region. Of the ~~two~~ administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's EMS Advisory Committee. (Section 3.25 of the Act)

Regional EMS Coordinator – the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee – a group *comprised of the Region's EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For regionsRegions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical advisor shall serve on the Committee. For other regionsRegions, the fire department vehicle service providers shall select which medical advisor to serve on the Committee on an annual basis.* (Section 3.25 of the Act)

Regional Stroke Advisory Subcommittee – a subcommittee formed within each Regional EMS Advisory Committee to advise the Director and the Region's EMS Medical Directors Committee on the triage, treatment, and transport of possible acute stroke patients and to select the Region's representative to the State Stroke Advisory Subcommittee. (Section 3.116 of the Act) The composition of the Subcommittee shall be as set forth in Section 3.116 of the Act.

Regional Trauma Advisory Committee – a committee formed within an Emergency Medical Services ~~(EMS)~~ Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each trauma centerTrauma Center within the Region, one EMS Medical Director from a Resource Hospital within the Region, one EMS System Coordinator from another Resource Hospital

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within the Region, one representative each from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each ~~trauma center~~Trauma Center within the Region, one EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, or PHRN~~EMT~~ representing the highest level of EMS Personnel~~EMT~~ practicing within the Region, one emergency physician and one Trauma Nurse Specialist (~~TNS~~) currently practicing in a ~~trauma center~~Trauma Center. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN – a person who is licensed as a professional nurse under the Nurse Practice Act. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Resource Hospital – the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

Rural Ambulance Service Provider – an ambulance service provider licensed under the Act that serves a rural population of 7,500 or fewer inhabitants. (Section 3.87(a) of the Act)

Rural In-Field Service Level Upgrade – a practice that allows the delivery of advanced care for a lower level service provider that serves a rural population of 7,500 or fewer inhabitants, through use of EMS System approved EMS personnel.

Rural Vehicle Service Provider – an entity that serves a rural population of 7,500 or fewer inhabitants and is licensed by the Department to provide emergency or non-emergency medical services in compliance with the Act, this Part and an operational plan approved by the entity's EMS System, utilizing at least an ambulance, alternate response vehicle as defined by the Department in this Part, or specialized emergency medical services vehicle. (Section 3.87(a) of the Act)

Screening – a preliminary procedure or assessment, such as a test or examination, to detect the most characteristic sign or signs of a disorder or condition that may

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require further investigation (for example, assessing for potential abuse or neglect through interview responses and behavioral/physical symptom clues).

SEMSV Medical Control Point or Medical Control Point – the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director – the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program – a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, using specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

Special-Use Vehicle – any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

Specialized Emergency Medical Services Vehicle or SEMSV – a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads. (Section 3.85 of the Act)
"Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (i.e., in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is used for the emergency transportation of the sick or injured;

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The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

Standby Emergency Department – a classification of a hospital emergency department where at least one of the registered nurses on duty in the hospital is available for emergency services at all times, and a licensed physician is "on-call" to the emergency department at all times in accordance with Section 250.710 of the Hospital Licensing Requirements.

Standby Emergency Department Approved for Pediatrics or SEDP – a hospital participating in an approved EMS System and designated by the Department, pursuant to Section 515.4010 of this Part, as being capable of providing optimal standby emergency department care to pediatric patients and to have transfer agreements and transfer mechanisms in place when more definitive pediatric care is needed.

State EMS Advisory Council – a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

Stretcher Van – a vehicle used by a licensed stretcher van provider to transport non-emergency passengers in accordance with the Act and this Part.

Stretcher Van Provider – an entity licensed by the Department to provide non-emergency transportation of passengers on a stretcher in compliance with the Act and this Part, utilizing stretcher vans. (Section 3.86 of the Act)

Stroke Network – a voluntary association of hospitals, including a hospital with a board eligible or board certified neurosurgeon or neurologist, that may, among other activities, share stroke protocols; provide medical consultations on possible or known acute stroke patients or on inter-facility transfers of possible or known

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acute stroke patients; or provide education specific to improving acute stroke care. Participating hospitals in a stroke network may be in-state or out-of-state.

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension – two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

System Participation Suspension – the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Telecommunications Equipment – a ~~communication system~~ radio capable of transmitting and receiving voice and electrocardiogram (EKG) signals.

Telemetry – the transmission of data through a communication system ~~by wire, radio, or other means from remote sources~~ to a receiving station for recording, interpretation and analysis.

Trauma – any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

Trauma Category I – a classification of trauma patients in accordance with Appendix C and Appendix F of this Part.

Trauma Category II – a classification of trauma patients in accordance with Appendix C and Appendix F of this Part.

Trauma Center – a hospital which: within designated capabilities provides optimal care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the Act. (Section 3.90 of the Act)

Trauma Center Medical Director – the trauma surgeon appointed by a

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Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee – a group composed of the Region's Trauma Center Medical Directors. (Section 3.25 of the Act)

Trauma Coordinator – a registered nurse working in conjunction with the Trauma Medical Director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS – a registered professional nurse licensed under the Nurse Practice Act who has successfully completed supplemental education and testing requirements as prescribed by the Department, and is licensed/certified in accordance with this Part. (Section 3.75 of the Act) For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric program, the professional shall have an unencumbered license in the state in which he or she practices.

Trauma Nurse Specialist Course Coordinator or TNSCC – a registered nurse appointed by the Chief Executive Officer of a hospital designated as a TNS Training Site, who meets the requirements of Section 515.750 ~~of this Part.~~

Trauma Service – an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c) ~~of this Part.~~

Unit Identifier – a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

Vehicle Service Provider – an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with the Act and this Part and an operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV). (Section 3.85(a) of the Act)

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Watercraft – a nautical vessel, boat, airboat, hovercraft or other vehicle that operates in, on or across water.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART B: EMS REGIONS

Section 515.210 EMS Regional Plan Development

- a) *Within six months after designation of an EMS Region, an EMS Region Plan addressing at least the information prescribed in Section 515.220 ~~of this Part~~ shall be submitted to the Department for approval. The plan shall be developed by the Region's EMS Medical Directors Committee with advice from the Regional EMS Advisory Committee; portions of the plan concerning trauma shall be developed jointly with the Region's Trauma Center Medical Directors or Trauma Center Medical Directors Committee, whichever is applicable, with advice from the Regional Trauma Advisory Committee, if such Advisory Committee has been established in the Region. (Section 3.25(a) of the Act)*
- b) *Portions of the Plan concerning stroke shall be developed jointly with the Regional Stroke Advisory Subcommittee as identified in Section 515.5004. (Section 3.25(a) of the Act) The Director will coordinate with and assist the EMS System Medical Directors and Regional Stroke Advisory Subcommittee within each EMS Region to establish *protocols* related to the *triage, treatment, and transport of possible acute stroke patients* by licensed emergency medical services providers. (Section 3.30(a)(9) of the Act)*
- c) *The Regional Stroke Subcommittee shall provide updates to the Regional EMS Advisory Committee at the Regional EMS Advisory Committee's regularly scheduled meetings. The Plan shall also be updated at least annually to consider the most current nationally recognized standards of stroke care and to incorporate each Comprehensive Stroke Center, Primary Stroke Center or Acute Stroke-Ready Hospital ~~Emergent Stroke Ready Hospital~~ into the Region Plan.*
- d) *A Region's Trauma Center Medical Directors may choose to participate in the development of the EMS Region Plan through membership on the Regional EMS Advisory Committee, rather than through a separate Trauma Center Medical Directors Committee. If that option is selected, the Region's Trauma Center Medical Director shall also determine whether a separate Regional Trauma Advisory Committee is necessary for the Region. (Section 3.25(b) of the Act)*

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- e) *In the event of disputes over content of the Plan between the Region's EMS Medical Directors Committee and the Region's Trauma Center Medical Directors or Trauma Center Medical Directors Committee, whichever is applicable, the Director of the Illinois Department of Public Health shall intervene through a review in accordance with Section 515.230. (Section 3.25(c) of the Act)*
- f) If after six months a Plan or portions of a Plan are not submitted, the Director will contact the EMS Medical Directors to seek input as to disputes, problems, or issues concerning areas not developed in the Plan. If necessary, the Director will contact members of the Regional EMS Advisory Committee to seek input into portions of the Plan that are not agreed upon. After consulting with the Committee and reviewing the plans submitted by the surrounding Regions, the Director will develop proposed policies and procedures for the Region. The Committee shall approve these policies within 30 days or submit its own policies to the Director for approval. If the Committee has not submitted a complete Plan after 30 days, the Region will implement the policies and procedures developed by the Director in its EMS Region Plan.
- g) *Every 2 years, the members of the Region's EMS Medical Directors Committee shall rotate serving as Committee Chair, and select the Associate Hospital, Participating Hospital and vehicle service providers ~~that~~^{which} shall send representatives to the Advisory Committee, and the EMS Personnel EMTs/Pre-Hospital RN and nurse who shall serve on the Advisory Committee. (Section 3.25(d) of the Act) Each System in the Region must have at least one representative on the Committee.*
- h) *Every 2 years, the members of the Trauma Center Medical Directors Committee shall rotate serving as Committee Chair, and select the vehicle service providers, EMS Personnel EMT, emergency physician, EMS System Coordinator and TNS who shall serve on the Advisory Committee. (Section 3.25(e) of the Act) It is recommended that the committee chair be held by Trauma Center Medical Directors of the Level I Trauma Centers in the Region.*

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.220 EMS Regional Plan Content

- a) *The EMS Medical Directors Committee portion of the Regional Plan shall address at least the following:*

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- 1) *Protocols for inter-System/inter-Region patient transports, including protocols for pediatric patients and pediatric patients with special health care needs, identifying the conditions of emergency patients ~~that~~^{which} may not be transported to the different levels of emergency department, based on their department classifications and relevant Regional considerations (e.g., transport times and distances);*
- 2) *Regional standing medical orders;*
- 3) *Patient transfer patterns, including criteria for determining whether a patient needs the specialized service of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or ~~regional~~^{Regional} trauma center, Comprehensive Stroke Center, Primary Stroke Center, Acute Stroke-Ready Hospital or Emergent Stroke Ready Hospital, which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal;*
- 4) *Protocols for resolving ~~regional~~^{Regional} or inter-System conflict;*
- 5) *An EMS disaster preparedness plan which includes the actions and responsibilities of all EMS participants within the Region for care and transport of both the adult and pediatric population;*
- 6) *Regional standardization of continuing education requirements;*
- 7) *Regional standardization of Do Not Resuscitate (DNR) policies, and protocols for power of attorney for health care;*
- 8) *Protocols for disbursement of Department grants (Section 3.30(a)(1-8) of the Act);*
- 9) *Protocols for the triage, treatment, and transport of possible acute stroke patients developed jointly with the Regional Stroke Advisory Subcommittee (Section 3.30(a)(9) of the Act);*
- 10) *Protocols for stroke screening;*

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- 11) Development of protocols to improve and integrate EMS for children (or EMSC) into the current delivery of emergency services within the Region; and
 - 12) Development of a policy in regard to incidents involving school buses, which shall include, but not be limited to:
 - A) Assessment of the incident, including mechanism and extent of damage to the vehicle;
 - B) Passenger assessment/extent of injuries;
 - C) A provision for transporting all children with special healthcare needs and those with communication difficulties;
 - D) Age specific issues; and
 - E) Use of a release form for nontransports.
- b) *The Trauma Center Medical Directors or Trauma Center Medical Directors Committee portion of the Regional Plan shall address at least the following:*
- 1) *The identification of ~~regional trauma centers~~~~Regional Trauma Centers~~ and identification of trauma centers that specialize in pediatrics;*
 - 2) *Protocols for inter-System and inter-Region trauma patient transports, including identifying the conditions of emergency patients which may not be transported to the different levels of emergency department, based on their department classifications and relevant Regional considerations (e.g., transport times and distances);*
 - 3) *Regional trauma standing medical orders;*
 - 4) *Trauma patient transfer patterns, including criteria for determining whether a patient needs the specialized services of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or ~~regional~~~~Regional~~ trauma center which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal (These policies must include the criteria of Section 515.Appendix C.);*

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- 5) *The identification of which types of patients can be cared for by Level I and Level II Trauma Centers;*
- 6) *Criteria for inter-hospital transfer of trauma patients, including the transfer of pediatric patients;*
- 7) *The treatment of trauma patients in each trauma center within the Region;*
- 8) ~~*The establishment of a Regional trauma quality assurance and improvement subcommittee, consisting of trauma surgeons, which shall perform periodic medical audits of each trauma center's trauma services, and forward tabulated data from such reviews to the Department; and*~~
- 8)9) *A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients. (Section 3.30(b)(1-9) of the Act)*
 - A) This shall include but not be limited to all cases that have been deemed potentially preventable or preventable in the trauma center review using Resources for Optimal Care of the Injured Patient. This review should exclude trauma patients who were dead on arrival.
 - B) In addition, the review shall include all patients who were transferred more than two hours after time of arrival at the initial institution and who meet one or more of the following criteria at the receiving trauma center:
 - i) Admitted to an intensive care unit;
 - ii) Admitted to a bed with telemetry monitoring;
 - iii) Went directly to the operating room;
 - iv) Went to the operating room from the emergency department;
 - v) Discharged to a rehabilitation or skilled care facility;

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- vi) Died following arrival.
 - C) The Region shall include a review of morbidity/audit filters that have been determined by the Region.
 - D) Cumulative ~~regional~~Regional reports will be made available upon request from the Department; ~~and-~~
- 9) *The establishment of a regional trauma quality assurance and improvement subcommittee, consisting of trauma surgeons, that shall perform periodic medical audits of each trauma center's trauma services, and forward tabulated data from those reviews to the Department. (Section 3.30(b)(9) of the Act)*
- c) The Regional Stroke Advisory Subcommittee portion of the Region Plan shall address at least the following:
 - 1) The identification of Comprehensive Stroke Centers, Primary Stroke Centers, Acute Stroke-Ready Hospitals and Emergent Stroke Ready Hospitals and their incorporation in the Region Plan and the System Program Plan;
 - 2) In conjunction with the EMS Medical Directors, development of protocols for identifying and transporting acute stroke patients to the nearest appropriate facility capable of providing acute stroke care. These protocols shall be consistent with individual System bypass or diversion protocols and protocols for patient choice;
 - 3) Regional stroke transport protocols recommended by the Regional Stroke Advisory Subcommittee and approved by the EMS Medical Directors Committee; and
 - 4) With the EMS Medical Directors, joint development of acute stroke patient transfer patterns, including criteria for determining whether a patient needs the specialized services of a Comprehensive Stroke Center, Primary Stroke Center, Acute Stroke-Ready Hospital or Emergent Stroke Ready Hospital, along with protocols for the bypassing of, or diversion to, any hospital, which are consistent with individual inter-system bypass or diversion protocols and protocols for patient choice or refusal.

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- d) *The Director shall coordinate with and assist the EMS System Medical Directors and Regional Stroke Advisory Subcommittee within each EMS Region to establish protocols related to the assessment, treatment, and transport of possible acute stroke patients by licensed emergency medical services providers. These protocols shall include regional transport plans for the triage and transport of possible acute stroke patients to the most appropriate Comprehensive Stroke Center, Primary Stroke Center or Acute Stroke-Ready Hospital~~Emergent Stroke Ready Hospital~~, unless circumstances warrant otherwise. (Section 3.118.5(f) of the Act)*
- e) *The Region's EMS Medical Directors and Trauma Center Medical Directors Committees shall appoint any subcommittees which they deem necessary to address specific issues concerning Region activities. (Section 3.30(c) of the Act)*
- f) Internal Disaster Plans
- 1) Each System hospital shall submit an internal disaster plan to the EMS Medical Directors Committee and the Trauma Center Medical Directors Committee.
 - 2) The hospital internal disaster plan shall be coordinated with, or a part of, the hospital's overall disaster plan.
 - 3) The plan shall be coordinated with local and State disaster plans.
 - 4) The hospital internal disaster plan shall be developed by a hospital committee and shall at a minimum:
 - A) Identify the authority to implement the internal disaster plan, including the chain of command and how notification shall be made throughout the hospital;
 - B) Identify the critical operational elements required in the hospital in an internal disaster;
 - C) If the facility needs to go on bypass or resource limitation status, identify the person responsible for notification and the persons both outside and within the hospital who should be notified;

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- D) Identify a person or group responsible for ensuring that needed resources and supplies are available;
- E) Identify a person to communicate with representatives from other agencies, organizations, and the EMS System;
- F) Identify a person who is responsible for procuring all supplies required to manage the facility and return the facility to the pre-incident status;
- G) Identify the plan and procedure for educating facility employees on their role and responsibilities during the disaster;
- H) Designate a media spokesperson;
- I) Establish a method for resource coordination between departments and individuals to address management of staff, patients and patient flow patterns;
- J) Designate a person (safety officer) with responsibility for establishing safety policies to include, but not be limited to, decontamination operations, safety zones, site safety plans, evacuation parameters, and traffic patterns;
- K) Designate a location where personnel, not actually committed to the incident, will report for assignments, as needed (i.e., a staging area);
- L) Include notification procedures to EMS Systems, area ambulances, both public and private, and police and fire authorities of the type of incident that caused the hospital to implement its internal disaster plan and of any special instructions, e.g., use of a different driveway or entrance;
- M) Establish a designated form of communication, both internal and external, to maintain two-way communication (e.g., Mobile Emergency Communications of Illinois (MERC I), ham radio, walkie talkies);

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- N) Include a policy to call in additional nursing staff when an identified staffing shortage exists;
- O) Include the policy developed pursuant to Section 515.315(f);
- P) *Include contingency plans for the transfer of patients to other facilities if an evacuation of the hospital becomes necessary due to a catastrophe, including but not limited to a power failure (Section 3.30 of the Act); and*
- Q) Address biological and chemical incidents and the availability of decontamination.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.250 Hospital Stroke Care Fund

- a) When funding is available, the Director will annually distribute, through *matching grants*, moneys deposited into the Hospital Stroke Care Fund, ~~*a special fund of the State Treasury to encourage the establishment and retention of Primary Stroke Centers, Emergent Stroke Ready Hospitals and stroke networks throughout the State.*~~ The Director will provide funds to the following:
 - 1) Illinois hospitals that have been certified as Comprehensive Stroke Centers, Primary Stroke Centers and Acute Stroke-Ready Hospitals or that seek certification or designation or both as Comprehensive Stroke Centers, Primary Stroke Centers and Acute Stroke-Ready Hospitals.~~*hospitals that have been certified as Primary Stroke Centers or that seek certification or designation or both as Primary Stroke Centers*~~ If certification or designation is not achieved within 12 months after receipt of the grant, all grant funds shall be returned to the Hospital Stroke Care Fund.
 - 2) Illinois hospitals that have been designated as Acute Stroke-Ready Hospitals or that seek designation as Acute Stroke-Ready Hospitals.~~*hospitals that have been designated as Emergent Stroke Ready Hospitals or that seek designation as Emergent Stroke Ready Hospitals.*~~ If designation is not achieved within 12 months after receipt of the grant, all grant funds shall be returned to the Hospital Stroke Care Fund.

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- 3) ~~Illinois hospitals for the development, expansion, or enhancement of, or quality improvement efforts for, stroke networks in Illinois. (Section 3.226 of the Act)~~
- b) ~~Money~~Moneys, including appropriations, donations and grants, shall be deposited into the fund and allocated according to the hospital needs in each region.~~collected by the Department pursuant to its authority to designate Primary Stroke Centers and Emergent Stroke Ready Hospitals shall be deposited in the Fund and shall be allocated according to the hospital needs within each EMS region and used solely for the purposes described in Section 3.117.5 of the Act. (Sections 3.117.5 and 3.226 of the Act)~~
- c) Award of Funds
 - 1) Any hospital licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act may apply to the Department for funds.
 - 2) Applications shall be made in a manner and form prescribed by the Department. The form and instructions, including timelines for application submission and approval, will be posted on the Department's website.
 - 3) Each Regional Stroke Advisory Subcommittee shall forward to the Department matching grant recommendations that reflect a consensus of Comprehensive Stroke Centers, Primary Stroke Centers and Acute Stroke-Ready Hospitals~~Emergent Stroke Ready Hospitals~~, or other hospitals seeking certification or designation, within their EMS Region. The Department will consider the Subcommittee's recommendations when awarding matching grants to hospitals seeking to improve stroke care.
 - 4) When applications exceed available funds, the Department *may consider prioritizing grant awards to hospitals in areas with the highest incidence of stroke, taking into account geographic diversity*~~and health care disparities~~, where possible. (Section 3.117.5(d) of the Act)
 - 5) All grant funds awarded shall be used exclusively for the establishment and retention of Comprehensive Stroke Centers, Primary Stroke Centers, Acute Stroke-Ready Hospitals~~Emergent Stroke Ready Hospitals~~, stroke networks and improvement of stroke systems of care. Grant funds used

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for personnel costs shall be directly related to enhancement of stroke care. All grant funds are subject to the Illinois Grant Funds Recovery Act.

- d) Subject to appropriation, the Director will award matching grants to:
- 1) *Hospitals for the acquisition and maintenance of necessary infrastructure, including personnel, equipment, ~~supplies~~supplies, and pharmaceuticals for the ~~prevention~~prevention, diagnosis, treatment and management~~and management~~ of acute stroke patients (Section 3.117.5(a) of the Act);*
 - 2) *Hospitals to pay the fee for certifications and re-certifications by Department-approved, nationally recognized certifying bodies or to provide additional certification, education or training for directors of stroke care, physicians, hospital staff, or emergency medical services personnel authorized under the Act (Section 3.117.5(a) of the Act);*
 - 3) *Comprehensive Stroke Centers, Primary Stroke Centers and Acute Stroke-Ready Hospitals~~Emergent Stroke-Ready Hospitals~~ for developing or enlarging stroke networks, for stroke education, and to enhance the ability of the EMS System to respond to possible acute stroke patients (Section 3.117.5(b) of the Act);*
 - 4) *Hospitals that have been certified as Comprehensive Stroke Centers, Primary Stroke Centers or Acute Stroke-Ready Hospitals (Section 3.226(b)(1) of the Act);*
 - 5) *Hospitals that seek certification or designation or both as Comprehensive Stroke Centers, Primary Stroke Centers or Acute Stroke-Ready Hospitals (Section 3.226(b)(2) of the Act);*
 - 6) *Hospitals that have been designated Acute Stroke-Ready Hospitals (Section 3.226(b)(3) of the Act);*
 - 7) *Hospitals that seek designation as Acute Stroke-Ready Hospitals (Section 3.226(b)(4) of the Act); and*
 - 8) *Grants will also be awarded for the development of stroke networks (Section 3.226(b)(5) of the Act).*

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- e) *Interfund transfers from the Hospital Stroke Care Fund shall be prohibited.*
(Section 3.226(d) of the Act)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.255 Stroke Data Collection Fund

- a) *The Stroke Data Collection Fund is created as a special fund in the State treasury for the purpose of receiving appropriations, donations and grants collected by the Department pursuant to Department designation of Comprehensive Stroke Centers, Primary Stroke Centers and Acute Stroke-Ready Hospitals. ((Section 3.117.75 of the Act)*
- b) *Moneys in the fund shall be used by the Department to support the data collection provided for in Section 3.118 of the Act.*
- c) *Any surplus funds beyond what are needed to support the data collection provided for in Section 3.118 of the Act shall be used by the Department to support the salary of the Department Stroke Coordinator or for other stroke-care initiatives, including administrative oversight of stroke care. (Section 3.117.75(b) of the Act)*

(Source: Added at 40 Ill. Reg. _____, effective _____)

SUBPART C: EMS SYSTEMS

Section 515.330 EMS System Program Plan

An ~~EMSEmergency Medical Services (EMS)~~ System Program Plan shall contain the following information:

- a) The name, address and fax number of the Resource Hospital;
- b) The names and resumes of the following persons:
- 1) The EMS MD;_;
 - 2) The Alternate EMS MD;_;
 - 3) The EMS Administrative Director;_;

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- 4) The EMS System Coordinator;
- c) The name, address and fax number of each Associate or Participating Hospital (see subsection (i));
- d) The name and address of each ambulance provider participating within the EMS System;
- e) A map of the EMS System's service area indicating the location of all hospitals and ambulance providers participating in the System;
- f) Current letters of commitment from the following persons at the Resource Hospital, which describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and which state the writer's understanding of and commitment to any necessary changes, such as emergency department staffing and educational requirements:
 - 1) The Chief Executive Officer of the hospital;
 - 2) The Chief of the Medical Staff; and
 - 3) The Director of the Nursing Services;
- g) A letter of commitment from the EMS MD that describes the EMS MD's agreement to:
 - 1) Be responsible for the ongoing education of all System personnel, including ~~coordinating~~ didactic and clinical experience;
 - 2) Develop and authorize written standing orders (treatment protocols, standard operating procedures) ~~to be used in the EMS MD's absence~~ and certify that all involved personnel will be knowledgeable and competent in emergency care ~~and capable of providing treatment and using communications equipment once the program is operational~~;
 - 3) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;

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- 4) Develop or approve one or more ~~patient care reports~~~~ambulance emergency run reports (run sheets)~~ covering all types of patient care responses~~of ambulance runs~~ performed by System ~~ambulance~~ providers;
 - 5) Ensure that the Department has access to all records, equipment and vehicles under the authority of the EMS MD during any Department inspection, investigation or site survey;
 - 6) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;
 - 7) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System;
 - 8) Direct the applicant to the IDPH EMS website for access to an~~Ensure that a copy of the application for independent renewal form for (a form supplied by the Department) is provided to~~ EMS Personnel~~every EMT-B, EMT-I or EMT-P~~ within the System who ~~have~~has not been recommended for ~~relicensure~~~~re-licensure~~ by the EMS MD; and
 - 9) Be responsible for compliance with the provisions of Sections 515.400 and 515.410 ~~of this Part~~;
- h) A description of the method of providing EMS services, which includes:
- 1) Single vehicle response and transport;
 - 2) Dual vehicle response;
 - 3) Level of first response vehicle;
 - 4) Level of transport vehicle;
 - 5) A policy that describes in-field service level upgrade, using advanced level EMS vehicle service providers;
 - 6) A policy that describes ambulance service provider and vehicle service provider upgrade – rural population (optional);

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- 7) Use of mutual aid agreements; and
 - 8) Informing the caller requesting an emergency vehicle of the estimated time of arrival when this information is requested by the caller;
- i) A letter of commitment from each Associate Hospital, Participating Hospital or Veterans Health Administration facility within the System, which includes the following:
- 1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of the System;
 - 2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its use of the education and continuing education aspects of the program;
 - 3) Only at an Associate Hospital, a commitment to meet the System's educational standards for ECRNs;
 - 4) An agreement to provide exchange of all drugs and equipment with all pre-hospital providers participating in the System or other EMS system whose ambulances transport to them;
 - 5) An agreement to use the standard treatment orders as established by the Resource Hospital;
 - 6) An agreement to follow the operational policies and protocols of the System;
 - 7) A description of the level of participation in the training and continuing education of EMS~~pre-hospital~~ personnel;
 - 8) An agreement to collect and provide relevant data as determined by the Resource Hospital;
 - 9) A description of the hospital's data collection and reporting methods and the personnel responsible for maintaining all data;

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- 10) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;
 - 11) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized; and
 - 12) The names and resumes of the Associate Hospital EMS MD and Associate Hospital EMS Coordinator;
- j) A letter of commitment from each ambulance provider participating within the System, which indicates compliance with Section 515.810 ~~of this Part~~;
 - k) Descriptions and documentation of each communications requirement provided in Section 515.400 ~~of this Part~~;
 - l) The Program Plan shall consist of the EMS System Manual, which shall be made accessible ~~provided~~ to all System participants and shall include the following Sections:
 - 1) ~~Education and Training~~
 - A) Curricula for all education ~~Content and curricula of training~~ programs for EMS Personnel offered or authorized within the System shall be consistent with national EMS education standards, including any necessary transitional or bridge education to align System personnel with the current national EMS education standards. ~~EMT, Emergency Medical Dispatcher, First Responder, Pre-Hospital RN, ECRN and Lead Instructor candidates, including:~~
 - i) ~~Entrance and completion requirements;~~
 - ii) ~~Program schedules;~~
 - iii) ~~Goals and objectives;~~
 - iv) ~~Subject areas;~~

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- v) ~~Didactic requirements, including skills laboratories;~~
 - vi) ~~Clinical requirements; and~~
 - vii) ~~Testing formats.~~
- B) Education, testing and credentialing requirements for ECRN and PHRN. Training program for Pre-arrival Medical Instructions, if applicable, including:
- i) ~~Entrance and completion requirements;~~
 - ii) ~~Description of course materials; and~~
 - iii) ~~Testing formats.~~
- C) Continuing education for EMS Personnel~~EMTs, Pre-Hospital RNs, and ECRNs~~, including:
- i) System requirements (hours, types of content~~programs~~, etc.);
 - ii) A plan for measurement of ongoing competency for all System participants (i.e., quality assurance)~~System program for System participants: types of activities covered (e.g., telemetry review, and morbidity and mortality conferences) and protocols for enrollment and completion;~~
 - iii) Requirements for approval of academic course work;
 - iv) Didactic programs offered by the System;
 - v) Clinical opportunities available within the System; and
 - vi) Recordkeeping~~Record-keeping~~ requirements for participants, which must be maintained at the Resource Hospital.
- D) Renewal Protocols

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- i) System examination requirements for EMS Personnel~~EMTs, Pre-Hospital RNs, ECRNs~~;
 - ii) Procedures for approval and the renewal of EMS Personnel~~Pre-Hospital RN and ECRN approvals~~;
 - iii) Requirements for submission of transaction cards for EMS Personnel~~EMTs~~ meeting renewal requirements; and
 - iv) Department renewal application forms for EMS Personnel~~EMTs~~ who have not met renewal requirements according to System records.
- E) System participant education and information, including:
- i) Distribution of System Manual amendments;
 - ii) In-services for policy and protocol changes;
 - iii) Methods for communicating updates on System and regional~~Regional~~ activities, and other matters of medical, legal and/or professional interest; and
 - iv) Locations of library/resource materials, forms, schedules, etc.
- F) A plan that describes how Emergency Medical dispatch agencies and First Responders/Emergency Medical Responder participate within the EMS System Program Plan (see Sections 515.710 and 515.720~~of this Part~~).
- G) A System may require that up to one-half of the continuing education hours that are required toward relicensure~~re-licensure~~, as determined by the Department, be earned through attendance at system-required~~taught~~ courses.
- H) A didactic continuing education offering/course that has received a State site code or has been approved by other Department

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[approved national accrediting bodies](#) shall be accepted by the System, subject only to the requirements of subsection (1)(1)(C).

- 2) Drugs and Equipment
 - A) A list of all drugs and equipment required for each type of System vehicle; and
 - B) Procedures for obtaining replacements at System hospitals.
- 3) Personnel Requirements for [EMS Personnel](#)~~EMTs~~
 - A) Minimum staffing for each type and level of vehicle; and
 - B) Guidelines for [EMS Personnel](#)~~EMT~~ patient interaction.
- 4) In-Field Protocols, including medical-legal policies, but not limited to:
 - A) The Regional Standing Medical Orders;
 - B) System Standing Medical Orders as listed in Section 515. Appendix D, to include Department-approved protocols for medical treatment, including, but not limited to, burns, hypothermia, respiratory distress, shock, trauma, cardiac arrest, [stroke](#) and toxic exposure (e.g., Department-approved BLS medical treatment protocol, EMSC medical treatment protocol) at a minimum;
 - C) Appropriate interaction with law enforcement on the scene;
 - D) When and how to notify a coroner or medical examiner;
 - E) Appropriate interaction with an independent physician/nurse on the scene;
 - F) The use of restraints;
 - G) Consent for treatment of minors;
 - H) Patient choice and refusal regarding treatment, transport, or destination;

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- I) The duty to perform all services without unlawful discrimination;
 - J) Offering immediate and adequate information regarding services available to victims of abuse, for any person suspected to be a victim of domestic abuse;
 - K) Patient abandonment;
 - L) Emotionally disturbed patients;
 - M) Patient confidentiality and release of information;
 - N) Durable power of attorney for health care;
 - O) Do Not Resuscitate (DNR) orders (see Section 515.380);~~and~~
 - P) A policy concerning the use of latex-free supplies; and-
 - Q) A policy that addresses the treatment, follow-up and transport of patients with suspected or diagnosed infectious diseases.
- 5) Communications standards and protocols, including:
- A) The information contained in the System Program Plan relating to the requirements of Sections 515.410(a)(1), (2), (3) and (4) and 515.390(b) and (g);
 - B) Protocols ensuring that physician direction and voice orders to EMS vehicle personnel and other hospitals participating in the System are provided from the operational control point of the Resource or Associate Hospital;
 - C) Protocols ensuring that the voice orders via radio and using telemetry shall be given by or under the direction of the EMS MD or the EMS MD's designee, who shall be either an ECRN; or physician; and
 - D) Protocols defining when an ECRN should contact a physician.

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- 6) Quality improvement measures for both adult and pediatric patient care shall be performed on a quarterly basis and be available upon Department request; ambulance operation and System training activities, including, but not limited to, monitoring training activities to ensure that the instructions and materials are consistent with United States Department of Transportation training standards for EMTs and Section 3.50 of the Act; unannounced inspections of pre-hospital services; and peer review.
- 7) Data collection and evaluation methods that include:
 - A) The process that will facilitate problem identification, evaluation and monitoring in reference to patient care and/or reporting discrepancies from hospital and pre-hospital providers;
 - B) A copy of the pre-hospital reporting form; and
 - C) A sample of the information and data to be reported to the Department summarizing System activity (see Section 515.350).
- 8) Operational policies that delineate the respective roles and responsibilities of all providers in the System regarding the provision of emergency service, including:
 - A) Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital);
 - B) Infectious disease and disinfection procedures, including the policy on health care worker exposure to an infectious disease; significant exposure;
 - C) Reporting and documenting problems; and
 - D) Protocols for A-EMT/ILS/ALS System personnel to assess the condition of a patient being initially treated in the field by BLS personnel, for the purpose of determining whether a higher level of care is warranted and transfer of care of the patient to the A-EMT, ILS or ALS personnel is therefore appropriate. The protocols shall include a requirement that neither the assessment nor the transfer of care can be initiated if it would appear to jeopardize the patient's condition, and shall require that the activities of the System

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personnel be under the immediate direction of the EMS MD or designee.

- 9) Any procedures regarding disciplinary or suspension decisions and the review of those decisions that the System has elected to follow in addition to those required by the Act.
- 10) Any System policies regarding abuse of controlled substances or conviction of a felony crime by System personnel whether on or off duty.
- 11) The responsibilities of the EMS System Coordinator, as designated by the EMS MD, including, but not limited to, data evaluation, quality management, complaint investigation, supervision of all clinical, didactic and clinical education and field experiences~~experience training~~, and physician and nurse education as required.
- 12) Each EMS System shall develop an administrative policy that provides the IDPH Division of EMS and Highway Safety and its State Regional EMS Coordinator with notification the next business day when an Illinois licensed EMS crew member is killed in the line of duty.
- 13) The responsibilities of the EMS MD;
 - m) *Written protocols for the bypassing of or diversion to any hospital, trauma center or regional trauma center, Comprehensive Stroke Center, Primary Stroke Center, Acute Stroke-Ready Hospital or Emergent Stroke Ready Hospital, which provide that a person shall not be transported to a facility other than the nearest hospital, regional trauma center or trauma center, Comprehensive Stroke Center, Primary Stroke Center, Acute Stroke-Ready Hospital or Emergent Stroke Ready Hospital unless the medical benefits to the patient reasonably expected from the provision of appropriate medical treatment at a more distant facility outweigh the increased risks to the patient from transport to the more distant facility, or the transport is in accordance with the System's protocols for patient choice or refusal.* (Section 3.20(c)(5) of the Act) The bypass status policy shall include criteria to address how the hospital will manage pre-hospital patients with life threatening conditions within the hospital's then-current capabilities while the hospital is on bypass status. In addition, a hospital can declare a resource limitation, which is further outlined in the System Plan, for the following conditions:
 - 1) There are no critical or monitored beds available in the hospital; or

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- 2) An internal disaster occurs in the hospital;
- n) Bypass status may not be honored if three or more hospitals in a geographic area are on bypass status and transport time by an ambulance to the nearest facility exceeds 15 minutes;
- o) Each hospital shall have a policy addressing peak census procedures, such as the model policy developed by the Department.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.445 Pediatric Care

- a) Upon the availability of federal funds for development of an emergency medical services for children (EMSC) program, the Department shall appoint an Advisory Board to advise the Department on all matters concerning emergency medical service for children and to develop and implement a plan to address identified pediatric areas of need. The Advisory Board shall assist in the formulation of policy ~~that reflects to effect~~ the purposes of the Act and this Part. The Advisory Board shall consist of 26 members to be appointed by the Director for a term of three years. Membership of the Advisory Board shall include:
 - 1) One practicing pediatrician, one pediatric critical care physician and one board certified pediatric emergency physician, to be recommended by the Illinois Chapter of the American Academy of Pediatrics;
 - 2) One pediatric surgeon, to be recommended by the Illinois Chapter of the American College of Surgeons, or a trauma nurse manager/coordinator recommended by the Illinois Trauma Coordinators Coalition;
 - 3) Two emergency physicians, one to be recommended by the Illinois Chapter of the American College of Emergency Physicians and one to be recommended by the National Association of EMS Physicians;
 - 4) One family ~~medicinepractice~~ physician, to be recommended by the Illinois Chapter of the American Academy of Family Physicians;
 - 5) Two registered nurses, one to be appointed upon recommendation of the ~~Illinois Nurses~~ American Nurses Association-Illinois (ANA-Illinois)

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~~Association~~ and one to be appointed upon recommendation of the Illinois State Council, ~~Chapter of the~~ Emergency Nurses Association (ENA);

- 6) Two ~~EMS Personnel~~emergency medical technicians of differing levels, to be appointed, one each, upon recommendation of the Illinois EMT Association and Illinois Fire Fighters Association;
 - 7) An EMS Coordinator ~~recommended by the Northern Illinois and Southern Illinois EMS Coordinators Association~~;
 - 8) A representative from each of the following: Division of Specialized Care for Children; Illinois State Police; Illinois Fire Chiefs Association; Illinois State Ambulance Association; Illinois State Medical Society; Illinois Department of Transportation; SAFEKIDS Coalition; Illinois Hospital Association; Metropolitan Chicago Healthcare Council; Illinois Department of Children and Family Services; a pediatric rehabilitation representative; a community organization; a child advocate group; and a parent representative;
 - 9) A non-voting member from the Department's Division of Emergency Medical Systems and Highway Safety and the Department of Human Services' Division of Family Health. EMS Regional representation shall be through board members who serve as representatives of other designated constituencies. ~~The Such~~ members shall have dual representation status in advising the Department, but shall retain one vote. The Department shall consider Regional representation when making advisory board appointments.
- b) The Advisory Board members with medical backgrounds shall have expertise and interest in emergency or critical care medical services for children. Vacancies on the Advisory Board shall be filled for the unexpired term by appointment of the Director in the same manner as originally filled. The members of the Advisory Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, including travel expenses. A majority of the members of the Advisory Board shall constitute a quorum for the conduct of business of the advisory committee. A majority vote of the members present at a meeting at which a quorum is established shall be necessary to validate any action of the committee.

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- c) A majority of the members of the Advisory Board shall constitute a quorum for the conduct of the Board's business. A majority vote of the members present at a meeting at which a quorum is established shall be necessary to validate any action.
- d) The Advisory Board shall act pursuant to bylaws that it adopts, which shall include the annual election of a Chair and Vice-Chair.
- e) The Department, with the advice of the Advisory Board, shall address and establish through the EMSC program at least the following:
 - 1) Initial and continuing education programs for emergency medical services personnel, which shall include training in the emergency care of infants and children;
 - 2) Guidelines for referring children to the appropriate emergency or critical care medical facilities;
 - 3) Guidelines for pre-hospital, hospital and other pediatric emergency or critical care medical service equipment;
 - 4) Guidelines and protocols for pre-hospital and hospital facilities encompassing all levels of pediatric emergency medical services, hospital and pediatric critical care services, including, but not limited to, triage, stabilization, treatment, transfers and referrals;
 - 5) Guidelines for hospital-based emergency departments appropriate for pediatric care to assess, stabilize, and treat critically ill infants and children and if necessary to prepare the child for transfer to a pediatric intensive care unit or pediatric trauma center;
 - 6) Guidelines for pediatric intensive care units, pediatric trauma centers and intermediate care units fully equipped and staffed by appropriately trained critical care pediatric physicians, surgeons, nurses and therapists;
 - 7) An inter-facility transfer system for critically ill or injured children;
 - 8) Guidelines for pediatric rehabilitation units to ensure staffing by rehabilitation specialists and capabilities to provide any service required to

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assure maximum recovery from the physical, emotional and cognitive effects of critical illness and severe trauma;

- 9) Guidelines for the implementation of public education and injury prevention programs throughout the State in conjunction with local fire, public safety and school personnel;
- 10) Guidelines for the collection, analysis and dissemination of pediatric quality improvement information regarding ongoing improvements in the EMSC program;
- 11) Guidelines and protocols for pre-hospital providers and hospital facilities for the treatment, documentation, reporting and professional interactions with family members, and for referrals to social, psychological and rehabilitation services in suspected cases of child maltreatment; and
- 12) Guidelines addressing pediatric disaster/all-hazards preparedness.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.830 Ambulance Licensing Requirements

- a) Vehicle Design
 - 1) Each new vehicle used as an ambulance shall comply with the criteria established by the U.S. General Services Administration's Specification for Ambulance (KKK-A-1822F), with the exception of Section 3.16.2, Color, Paint and Finish.
 - 2) *A licensed vehicle shall be exempt from subsequent vehicle design standards or specifications required by the Department in this Part, as long as the vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until the vehicle's title of ownership is transferred. (Section 3.85(b)(8) of the Act)*

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- 3) The following requirements listed in Specification KKK-A-1822F shall be considered mandatory in Illinois even though they are listed as optional in that publication:
 - A) 3.7.7.1 Each vehicle will be equipped with either a battery charger or battery conditioner (see 3.15.3 item 7).
 - B) 3.8.5.2 Patient compartment checkout lights will be provided (see 3.15.3 item 9).
 - C) 3.12.1 An oxygen outlet will be provided above the secondary patient (see 3.15.4 M9).
 - D) 3.15.4M3 Electric clock with sweep second hand will be provided.
- b) Equipment Requirements – Basic Life Support Vehicles Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:
 - 1) Stretchers, Cots, and Litters
 - A) Primary Patient Cot
Shall meet the requirements of sections 3.11.5, 3.11.8.1 of KKK-A-1822F.
 - B) Secondary Patient Stretcher
Shall meet the requirements of sections 3.11.5, 3.11.5.1, 3.11.8.1 of KKK-A-1822F.
 - 2) Oxygen, portable
Shall meet the operational requirements of section 3.12.2 of KKK-A-1822-F.
 - 3) Suction, portable
 - A) Shall meet the operational requirements of section 3.12.4 of KKK-A-1822F.
 - B) A manually operated suction device is acceptable if approved by the Department.

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- 4) Medical Equipment
 - A) Squeeze bag-valve-mask ventilation unit with adult size transparent mask, and child size bag-valve-mask ventilation unit with child, infant and newborn size transparent masks
 - B) Lower-extremity traction splint, adult and pediatric sizes
 - C) Blood pressure cuff, one each, adult, child and infant sizes and gauge
 - D) Stethoscopes, two per vehicle
 - E) Pneumatic counterpressure trouser kit, adult size, optional
 - F) Long spine board with three sets of torso straps, 72" x 16" minimum
 - G) Short spine board (32" x 16" minimum) with two 9-foot torso straps, one chin and head strap or equivalent vest type (wrap around) per vehicle; extrication device optional
 - H) Airway, oropharyngeal – adult, child, and infant, sizes 000-5
 - I) Airway, nasopharyngeal with lubrication, sizes 1412-34F
 - J) Two adult and two pediatric sized non-rebreather oxygen masks per vehicle
 - K) Two infant partial re-breather oxygen masks per vehicle
 - L) Three nasal cannulas, adult and child size, per vehicle
 - M) Bandage shears, one per vehicle
 - N) Extremity splints, adult, two long and short per vehicle
 - O) Extremity splints, pediatric, two long and short per vehicle

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- P) Rigid cervical collars – one pediatric, small, medium, and large sizes or adjustable size collars per vehicle. Shall be made of rigid material to minimize flexion, extension, and lateral rotation of the head and cervical spine when spine injury is suspected
 - Q) Patient restraints, arm and leg, sets
 - R) Pulse oximeter with pediatric and adult probes
 - S) AED or defibrillator that includes pediatric capability
- 5) Medical Supplies
- A) Trauma dressing – six per vehicle
 - B) Sterile gauze pads – 20 per vehicle, 4 inches by 4 inches
 - C) Bandages, soft roller, self-adhering type, 10 per vehicle, 4 inches by 5 yards
 - D) Vaseline gauze – two per vehicle, 3 inches by 8 inches
 - E) Adhesive tape rolls – two per vehicle
 - F) Triangular bandages or slings – five per vehicle
 - G) Burn sheets – two per vehicle, clean, individually wrapped
 - H) Sterile solution (normal saline) – four per vehicle, 500 cc or two per vehicle, 1,000 cc plastic bottles or bags
 - I) Thermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one
 - J) Obstetrical kit, sterile – minimum one, pre-packaged with instruments and bulb syringe
 - K) Cold packs, three per vehicle
 - L) Hot packs, three per vehicle, optional

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- M) Emesis basin – one per vehicle
- N) Drinking water – one quart, in non-breakable container; sterile water may be substituted
- O) Ambulance emergency run reports – 10 per vehicle, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form as described in Section 515. Appendix E or electronic documentation with paper backup
- P) Pillows – two per vehicle, for ambulance cot
- Q) Pillowcases – two per vehicle, for ambulance cot
- R) Sheets – two per vehicle, for ambulance cot
- S) Blankets – two per vehicle, for ambulance cot
- T) CPR mask – one per vehicle, with safety valve to prevent backflow of expired air and secretions
- U) Urinal
- V) Bedpan
- W) Remains bag, optional
- X) Nonporous disposable gloves
- Y) Impermeable red biohazard-labeled isolation bag
- Z) Face protection through any combination of masks and eye protection and field shields
- AA) Suction catheters – sterile, single use, two each, 6, 8, 10, 12, 14 and 18F, plus three tonsil tip semi-rigid pharyngeal suction tip catheters per vehicle; all shall have a thumb suction control port

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- BB) Child and infant or convertible car seats
 - CC) Current equipment/drug dosage sizing tape or pediatric equipment/drug age/weight chart
 - DD) Flashlight, two per vehicle, for patient assessment
 - EE) Current Illinois Department of Transportation Safety Inspection sticker in accordance with Section 13-101 of the Illinois Vehicle Code
 - FF) Illinois Poison Center telephone number
 - GG) Department of Public Health Central Complaint Registry telephone number posted where visible to the patient
 - HH) Medical Grade Oxygen
 - II) [Ten disaster triage tags](#)
 - JJ) [State-approved Mass Casualty Incident \(MCI\) triage algorithms \(START/JumpSTART\)](#)
- c) Equipment Requirements – Intermediate and Advanced Life Support Vehicles
Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsections (b) and (d) and shall also comply with the equipment and supply requirements as determined by the EMS Medical Director in the System in which the ambulance and its crew participate. Drugs shall include both adult and pediatric dosages. These vehicles shall have a current pediatric equipment/drug dosage sizing tape or pediatric equipment/drug dosage age/weight chart.
- d) Equipment Requirements – Rescue and/or Extrication
The following equipment shall be carried on the ambulance, unless the ambulance is routinely accompanied by a rescue vehicle:
- 1) Wrecking bar, 24"
 - 2) Goggles for eye safety

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- 3) Flashlight – one per vehicle, portable, battery operated
- 4) Fire Extinguisher – two per vehicle, ABC dry chemical, minimum 5-pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment
- e) Equipment Requirements – Communications Capability
Each ambulance shall have reliable ambulance-to-hospital radio communications capability and meet the requirements provided in Section 515.400 ~~of this Part~~.
- f) Equipment Requirements – Epinephrine
A person currently licensed as an EMT-B, EMT-I, or EMT-P who has successfully completed a Department-approved course in the administration of epinephrine shall be required to carry epinephrine (both adult and pediatric doses) with him or her in the ambulance or drug box as part of the EMT medical supplies whenever he or she is performing the duties of an emergency medical technician, within the context of the EMS System plan. (Section 3.55(a-7) of the Act)
- g) Personnel Requirements
 - 1) Each Basic Life Support ambulance shall be staffed by a minimum of one EMT Basic, Intermediate, Paramedic or Pre-Hospital RN and one other EMT Basic, Intermediate, Paramedic, Pre Hospital RN or physician on all responses.
 - 2) Each ambulance used as an Intermediate Life Support vehicle shall be staffed by a minimum of one Intermediate, Paramedic or Pre-Hospital RN and one other EMT Basic, Intermediate, Paramedic, Pre-Hospital RN or physician on all responses.
 - 3) Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one Paramedic or Pre-Hospital RN and one other EMT Basic, Intermediate, Paramedic, Pre-Hospital RN or physician on all responses.
- h) Alternate Rural Staffing Authorization
 - 1) *A Vehicle Service Provider that serves a rural or semi-rural population of 10,000 or fewer inhabitants and exclusively uses volunteers or paid-on-call personnel or a combination to provide patient care may apply for*

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alternate rural staffing authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle to be staffed by one EMT licensed at or above the level at which the vehicle is licensed, plus one First Responder/Emergency Medical Responder when two licensed Emergency Services Personnel are not available to respond. (Section 2.85(b)(3) of the Act)

- 2) The EMT licensed at or above the level at which the ambulance is licensed shall be the primary patient care provider in route to the health care facility.
- 3) The Vehicle Service Provider shall obtain the prior written approval for alternate rural staffing from the EMS MD. The EMS MD shall submit to the Department a request for an amendment to the existing EMS System plan that clearly demonstrates the need for alternate rural staffing in accordance with subsection (h)(4) and that the alternate rural staffing will not reduce the quality of medical care established by the Act and this Part.
- 4) A Vehicle Service Provider requesting alternate rural staffing authorization shall clearly demonstrate all of the following:
 - A) That it has undertaken extensive efforts to recruit and train licensed EMS ~~Personnel~~personnel;
 - B) That, despite its exhaustive efforts, licensed EMS ~~Personnel~~personnel are not available; and
 - C) That, without alternate rural staffing authorization, the rural or semi-rural population of 10,000 or fewer inhabitants served will be unable to meet staffing requirements as specified in subsection (g).
- 5) The alternate rural staffing authorization and subsequent authorizations shall include beginning and termination dates not to exceed 48 months. The EMS MD shall re-evaluate subsequent requests for authorization for compliance with subsections (h)(4)(A) through (C). Subsequent requests for authorization shall be submitted to the Department for approval in accordance with this Section.
- 6) Alternate rural staffing authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation

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of this Part has occurred. Alternate rural staffing authorization may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate rural staffing authorization presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing.

- 7) Vehicle Service Providers that cannot meet the alternate rural staffing authorization requirements of this Section may apply through the EMS MD to the Department for a staffing waiver pursuant to Section 515.150.
 - i) Alternate Response Authorization
 - 1) A Vehicle Service Provider that exclusively uses volunteers or paid-on-call personnel or a combination to provide patient care who are not required to be stationed with the vehicle may apply to the Department for alternate response authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department to travel to the scene of an emergency staffed by at least one licensed Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic or Pre-Hospital RN ("Emergency Services Personnel").
 - 2) A Vehicle Service Provider operating under alternate response authorization shall ensure that a second licensed Emergency Services Personnel is on scene or in route to the emergency response location.
 - 3) The Vehicle Service Provider shall demonstrate to the Department that it has safeguards to ensure that no patient will be transported with fewer than two EMTs, at least one of whom shall be licensed at or above the level of the license for the vehicle, unless the Vehicle Service Provider is approved for alternate rural staffing authorization.
 - 4) Alternate response authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the

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alternate response authorization presents an immediate threat to the health or safety of the public. After summary suspension, the licensee shall have the opportunity for an expedited hearing (see Section 515.180).

- j) Alternate Response Authorization – Secondary Response Vehicles
- 1) A Vehicle Service Provider that uses volunteers or paid-on-call personnel or a combination to provide patient care, and staffs its primary response vehicle with personnel stationed with the vehicle, may apply for alternate response authorization for its secondary response vehicles. The secondary or subsequent ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department at the BLS, ILS or ALS level, when personnel are not stationed with the vehicle, may respond to the scene of an emergency when the primary vehicle is on another response. The vehicle shall be staffed by at least one licensed Emergency Services Personnel.
 - 2) A Vehicle Service Provider operating under the alternate response authorization shall ensure that a second licensed Emergency Services Personnel provider is on the scene or in route to the emergency response location.
 - 3) The Vehicle Service Provider shall demonstrate to the Department that it has written safeguards to ensure that no patient will be transported with fewer than two EMTs, at least one of whom shall be licensed at or above the level of the license for the ambulance, unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h).
 - 4) Alternate response authorization for secondary response vehicles may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization for secondary response vehicles may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate response authorization for secondary vehicles presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing (see Section 515.180).

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- k) Operational Requirements
- 1) An ambulance that is transporting a patient to a hospital shall be operated in accordance with the requirements of the Act and this Part.
 - 2) A licensee shall operate its ambulance service in compliance with this Part, 24 hours a day, every day of the year. Except as required in this subsection (k), each individual vehicle within the ambulance service shall not be required to operate 24 hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS vehicle can be used to provide coverage at either an ALS, ILS or BLS level, and the coverage shall meet the requirements of this Section.
 - A) At the time of application for initial or renewal licensure, and upon annual inspection, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.
 - i) A current roster shall also be submitted that lists the EMS Personnel, Pre-Hospital RNs and physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, license expiration date and daytime telephone number, and shall state whether the person is scheduled to be on site or on call.
 - ii) An actual or proposed four-week staffing schedule shall also be submitted, which covers all vehicles, includes staff names from the submitted roster, and states whether each staff member is scheduled to be on site or on call during each work shift.
 - B) Licensees shall obtain the EMS MD's approval of their vehicles' hours of operation prior to submitting an application to the Department. An EMS MD may require specific hours of operation for individual vehicles to assure appropriate coverage within the System.
 - C) A Vehicle Service Provider that advertises its service as operating a specific number of vehicles or more than one vehicle shall state

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in the advertisement the hours of operation for those vehicles, if individual vehicles are not available 24 hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate 24 hours a day.

- 3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the information required in Section 515. Appendix E.
- 4) A Vehicle Service Provider shall provide emergency service within the service area on a per-need basis without regard to the patient's ability to pay for the service.
- 5) A Vehicle Service Provider shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. (See Section 515.810(h).)
- 6) A Vehicle Service Provider shall not operate its ambulance at a level exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless the vehicle is operated pursuant to an EMS System-approved in-field service level upgrade or ambulance service upgrades – rural population.
- 7) The Department will inspect ambulances each year. If the Vehicle Service Provider has no violations of this Section that threaten the health of safety of patients or the public for the previous five years and has no substantiated complaints against it, the Department will inspect the Vehicle Service Provider's ambulances in alternate years, and the Vehicle Service Provider may, with the Department's prior approval, self-inspect its ambulances in the other years. The Vehicle Service Provider shall use the Department's inspection form for self-inspection. Nothing contained in this subsection (k)(7) shall prevent the Department from conducting unannounced inspections.
- 1) A licensee may use a replacement vehicle for up to 10 days without a Department inspection provided that the Department is notified of the use of the vehicle by the second working day.

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- m) *Patients, individuals who accompany a patient, and emergency services personnel may not smoke while inside an ambulance or SEMSV. The Department of Public Health shall impose a civil penalty on an individual who violates this subsection (m) in the amount of \$100. (Section 3.155(h) of the Act)*
- n) Any provider may request a waiver of any requirements in this Section under the provisions of Section 515.150.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section 515.3090 Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services

- a) Any hospital seeking recognition as a Standby Emergency Department Approved for Pediatrics (SEDP), Emergency Department Approved for Pediatrics (EDAP) or Pediatric Critical Care Center (PCCC) shall submit an application as outlined by the Department in Appendix K and Appendix N ~~of this Part~~.
- b) All EMS Resource Hospitals are required to receive recognition as a SEDP, EDAP or PCCC. All Illinois hospitals are encouraged to obtain and maintain SEDP or EDAP status.
- c) The Department shall recognize applicant hospitals as an SEDP, EDAP or PCCC if they meet all of the requirements established by this Part.
- d) Hospitals applying for PCCC recognition shall also meet all of the EDAP requirements.
- e) Recognition as a SEDP, EDAP or PCCC shall be for ~~four~~three years.
- f) All requests for renewal of SEDP, EDAP or PCCC recognition shall be filed in writing with the Department before the recognition expiration date, along with submission of a Department-approved renewal application.
- g) The Department shall deny an application for recognition or a request for renewal of recognition when its findings show failure to comply with this Part.

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- h) The Department shall provide written notice, via certified mail, of its decision to deny an application for recognition or request for renewal of recognition. Hospitals may appeal the denial by submitting a written request to the Illinois Department of Public Health, Division of EMS & Highway Safety.
- i) Any SEDP, EDAP or PCCC may voluntarily terminate recognition prior to the expiration date by notifying the Department in writing. The hospital shall notify the Illinois Department of Public Health, Division of EMS & Highway Safety at least 60 days prior to termination and shall identify how area pre-hospital provider agencies, area hospitals, and the Illinois EMSC Office will be notified.
- j) The Department shall inspect recognized hospitals to assure compliance with ~~the provisions of~~ this Part.
- k) The Department shall take the following action, as appropriate, after determining that an SEDP, EDAP or PCCC is in violation of this Part.
 - 1) If the Director determines that the violation presents an immediate threat of death or serious physical harm to a patient, and if the SEDP, EDAP or PCCC fails to eliminate the violation immediately or within a fixed period of time, not exceeding 10 days, as determined by the Director, the Director shall immediately revoke the recognition.
 - 2) If the Department determines that the violation does not present an immediate threat of death or serious physical harm to a patient, the Director shall issue a notice of violation and request a plan of correction, which shall be subject to the Department's approval.
- l) No hospital shall use the recognition levels of SEDP, EDAP or PCCC in relation to itself or hold itself out as an SEDP, EDAP or PCCC without first obtaining recognition pursuant to this Part.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)

- a) Professional Staff: Physicians
 - 1) Qualifications

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Twenty-four hour coverage of the emergency department (excluding designated areas utilized to care for minor illnesses or injuries, i.e., fast track, urgent care) shall be provided by ~~at least one or more physicians~~ physician responsible for the care of ~~all critically ill or injured children. Each physician shall hold~~ who holds one of the following qualifications:

- A) Certification in emergency medicine by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) or residency trained/board eligible in emergency medicine and in the first cycle of the board certification process; or
- B) Sub-board Certification in pediatric emergency medicine by the American Board of Pediatrics or the ABEM or residency trained/board eligible in pediatric emergency medicine and in the first cycle of the board certification process; or
- C) Certification by one of the following boards and current American Heart Association – American Academy of Pediatrics (AHA-AAP) Pediatric Advanced Life Support (PALS) recognition or American College of Emergency Physicians – American Academy of Pediatrics (ACEP-AAP) Advanced Pediatric Life Support (APLS) recognition. PALS and APLS courses shall include both cognitive and practical skills evaluation.
 - i) Certification in family ~~medicine practice~~ by the American Board of Family Medicine (ABFM) Practice (ABFP) or American Osteopathic Board of Family Medicine (AOBFM) Practice (AOBFP); or
 - ii) Certification in pediatrics by the ABP or American Osteopathic Board of Pediatrics (AOBP); or
 - iii) Residency trained/board eligible in either family ~~medicine practice~~ or pediatrics and in the first cycle of the board certification process; or
- D) Alternate Criteria: The physician has worked in the emergency department prior to January 1, 2018 and has completed 12 months

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~~of internship followed by at least 7000 hours of hospital-based emergency medicine, including pediatric patients, over the last 60-month period (including at least 2800 hours within one continuous 24-month period), certified in writing by the hospitals at which the internship and subsequent hours were completed. The physician shall have current AHA-AAP PALS or ACEP-AAP APLS recognition and have completed at least 16 hours of pediatric CME within the past two years. A physician who has received a waiver from the Department based on one of the following criteria: Physicians shall reapply for a waiver with each renewal cycle (as applicable) and provide verification of continued compliance with the waiver requirements.~~

- ~~i) An emergency department physician who has already received a waiver in accordance with Section 515.2030(e) or Section 515.2040(f) of this Part and has current AHA-AAP PALS or ACEP-AAP APLS recognition. PALS and APLS courses shall include both cognitive and practical skills evaluation; or~~
- ~~ii) Completion of 12 months of internship followed by at least 7000 hours of hospital-based emergency medicine, including pediatric patients, over the last 60-month period (including 2800 hours within one 24-month period), verified in writing by the hospitals at which the internship and subsequent hours were completed and current AHA-AAP PALS or ACEP-AAP APLS recognition. PALS and APLS courses shall include both cognitive and practical skills evaluation; or~~
- ~~iii) Completion of professional activities spent in the practice of pediatric emergency medicine (PEM), over the last 60-month period and totaling a minimum of 6000 hours, focused on the care of pediatric patients in the emergency department, and current AHA-AAP PALS or ACEP-AAP APLS recognition (PALS and APLS courses shall include both cognitive and practical skills evaluation). Of the 6000 hours, 2800 hours shall have been accrued in a 24-month (maximum) consecutive period of time. A minimum of 4000 of the 6000 hours shall have been spent in the clinical~~

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~~practice of PEM. (If practiced in general ED, only time spent exclusively in pediatric practice can be used for credit.) The remaining 2000 hours may be spent in either clinical care or a mixture of related non-clinical activities clearly focused on PEM, including administration, teaching, pre-hospital care, quality improvement, research or other academic activities.~~

- 2) Continuing Medical Education
~~All full- and part-time emergency physicians~~~~All full- or part-time emergency physicians~~ caring for children in the emergency department or fast track/urgent care area shall have documentation of completion of a minimum of 16 hours of continuing medical education (AMA Category I or II) in pediatric emergency topics every two years. CME hours shall be earned by, but not limited to, verified attendance at or participation in formal CME programs (i.e., Category I) or informal CME programs (i.e., Category II), all of which shall have pediatrics as the majority of their content. The CME may be obtained from a pediatric specific program/course or may be a pediatric lecture/presentation from a workshop/conference. To meet Category II, teaching time needs to have undergone review and received approval by a university/hospital as Category II CME. The Illinois Department of Financial and Professional Regulation can provide guidance related to criteria for acceptable Category I or II credit.
- 3) Physician Coverage
At least one physician meeting the requirements of subsection (a)(1) shall be on duty in the emergency department 24 hours a day.
- 4) Consultation
Telephone consultation with a physician who is board certified or eligible in pediatrics or pediatric emergency medicine shall be available 24 hours a day. Consultation can be with an on-staff physician or in accordance with Appendix M ~~of this Part.~~
- 5) Physician Backup
A backup physician whose qualifications and training are equivalent to subsection (a)(1) shall be available to the EDAP within one hour after notification to assist with critical situations, increased surge capacity or disasters.

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- 6) On-Call Physicians
Guidelines shall be established that address on-site response time for all on-call specialty physicians.
- b) Professional Staff: Nurse Practitioner and Physician Assistant~~Mid-Level Practitioners~~
Nurse practitioners and~~A mid-level practitioner is a nurse practitioner or~~ physician assistants~~assistant~~ working under the supervision of a physician who meets the qualifications of subsection (a)(1)~~of this Section~~.
- 1) Qualifications
- A) Nurse practitioners shall meet the following criteria~~have~~:
- i) Completion of: Completed
- a nurse practitioner program with a focus on the pediatric patient, such as a pediatric nurse practitioner program or emergency nurse practitioner program or family practice nurse practitioner program; ~~or the Department will grant a waiver based on the following criteria: has completed 2000 hours of hospital-based emergency department or acute care as a nurse practitioner over the last 24-month period that includes the care of the pediatric patient (nurse practitioners shall reapply for a waiver with each renewal cycle (as applicable) and provide verification of continued compliance with the waiver requirements; and~~
 - Alternate Criteria: The nurse practitioner worked in the emergency department prior to January 1, 2018 and has completed at least 2000 hours of hospital-based emergency department or acute care as a nurse practitioner over the last 24-month period that includes the care of pediatric patients certified in writing by the hospitals at which the hours were completed.

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- ii) Current Illinois advanced practice nursing license. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.; ~~and~~
 - iii) Credentialing that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient as defined by the hospital credentialing process.
- B) Physician assistants shall meet the following criteria ~~have~~:
- i) Current Illinois licensure. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices; and
 - ii) Credentialing that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient as defined by the hospital credentialing process.
- ~~C) All nurse practitioners and physician assistants shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS, the ACEP-AAP APLS or the Emergency Nurses Association (ENA) Emergency Nursing Pediatric Course (ENPC). PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.~~
- 2) Continuing Education
- A) All full- or part-time nurse practitioners and physician assistants caring for children in the emergency department shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS, the ACEP-AAP APLS or the Emergency Nurses Association (ENA) Emergency Nursing Pediatric Course (ENPC). PALS, APLS and ENPC shall include both cognitive and practical skills evaluation. ~~shall have~~

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~~documentation of a minimum of 16 hours of continuing education units in pediatric emergency topics every two years that are approved by an accrediting agency.~~

- B) ~~All nurse practitioners and full or part time physician assistants caring for children in the emergency department and fast track/urgent care area shall have documentation of a minimum of 16 hours of continuing education in pediatric emergency topics every two years that are approved by an accrediting agency.~~ ~~shall have documentation of a minimum of 16 hours of continuing medical education (AMA Category I) in pediatric emergency topics every two years. Credit for CME shall be approved by an accrediting agency.~~
- c) Professional Staff: Nursing
- 1) Qualifications
- A) At least one registered nurse (RN) on duty each shift who is responsible for the direct care of the child in the emergency department shall successfully complete and maintain current recognition in one of the following courses in pediatric emergency care:
- i) AHA-AAP PALS;
 - ii) ACEP-AAP APLS; or
 - iii) ENA ENPC.
- B) All emergency department nurses shall successfully complete and maintain current recognition in one of the above educational requirements within 24 months after employment. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.
- 2) Continuing Education
All nurses assigned to the emergency department shall have documentation of a minimum of eight hours of pediatric emergency/critical care continuing education every two years. Continuing

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education may include, but is not limited to, PALS, APLS or ENPC; CEU offerings; case presentations; competency testing; teaching courses related to pediatrics; and/or publications. These continuing education hours can be integrated with other existing continuing education requirements, provided that the content is pediatric specific.

- d) Guidelines, Policies and Procedures
- 1) Inter-facility Transfer
 - A) The hospital shall have current transfer agreements that cover pediatric patients. The transfer agreements shall include a provision that addresses communication and quality improvement measures between the referral and receiving hospitals, as related to patient stabilization, treatment prior to and subsequent to transfer, and patient outcome.
 - B) The hospital shall have written pediatric inter-facility transfer guidelines and policies/procedures concerning transfer of critically ill and injured patients, which include a defined process for initiation of transfer, including the roles and responsibilities of the referring hospital and referral center; a process for selecting the appropriate care facility; a process for selecting the appropriately staffed transport service to match the patient's acuity level; a process for patient transfer (including obtaining informed consent); a plan for transfer of patient medical record information, signed transport consent, and belongings; and a plan for provision of referral hospital information to family. Incorporating the components of Appendix M of this Part into the emergency department transfer policy/procedure will meet this requirement.
 - 2) Suspected Child Abuse and Neglect
The hospital shall have policies/procedures addressing child abuse and neglect. These policies/procedures shall include, but not be limited to: the identification (including screening), evaluation, treatment and referral to the Department of Children and Family Services (DCFS) of victims of suspected child abuse and neglect in accordance with State law.
 - 3) [Emergency Department](#) Treatment Guidelines

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The hospital shall have emergency department guidelines, order sets or policies and procedures addressing initial ~~response and~~ assessment and management for its high-volume and high-risk pediatric population (i.e., fever, trauma, respiratory distress, seizures).

- 4) **Latex-Allergy Policy**
The hospital shall have a policy addressing the assessment of latex allergies and the availability of latex-free equipment and supplies.
- 5) **Disaster Preparedness**
The hospital shall integrate pediatric components into its hospital Disaster/Emergency Operations Plan.

e) **Quality Improvement**

- 1) **Multidisciplinary Quality Activities Policy**
 - A) Pediatric emergency medical care shall be included in the EDAP's emergency department or section quality improvement (QI) program and reported to the hospital Quality Committee.
 - B) Multidisciplinary quality improvement (QI) processes/activities shall be established (e.g., committee, ~~task force~~).
 - C) Quality monitors shall be documented that address pediatric care within the emergency department, with identified clinical indicators, monitor tools, defined and/or outcomes for care, feedback loop processes and target timeframes for closure of issues. These activities shall include children from birth up to and including 15 years of age and shall consist of, but are not limited to, all ~~pediatric~~ emergency department: ~~deaths, inter-facility transfers, child abuse and neglect cases, critically ill or injured children in need of stabilization (e.g., respiratory failure, sepsis, shock, altered level of consciousness, cardio/pulmonary failure) and pediatric strategic priorities of the institution.~~
 - i) Pediatric deaths;
 - ii) Pediatric inter-facility transfers;

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- iii) Child abuse and neglect cases;
- iv) Critically ill or injured children in need of stabilization (e.g., respiratory failure, sepsis, shock, altered level of consciousness, cardio/pulmonary failure); and
- v) Pediatric quality and safety priorities of the institution.

D) *All information contained in or relating to any medical audit/quality improvement monitor performed of a PCCC's, EDAP's or SEDP's pediatric services pursuant to this Section shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure. (Section 3-110(a) of the Act)*

2) Pediatric Physician Champion

The emergency department medical director shall appoint a physician to champion pediatric quality improvement activities. The pediatric physician champion shall work with and provide support to the pediatric quality coordinator.

3) Pediatric Quality Coordinator

A member of the professional staff who has ongoing involvement in the care of pediatric patients shall be designated to serve in the role of the pediatric quality coordinator. The pediatric quality coordinator shall have a job description that includes the allocation of appropriate time and resources by the hospital. This individual may be employed in an area other than the emergency department and shall have a minimum of two years of pediatric critical care or emergency department experience. Working with the pediatric physician champion, the responsibilities of the pediatric quality coordinator shall include:~~The responsibilities of the pediatric quality coordinator, working with the pediatric physician champion, shall include:~~

A) Working in conjunction with the ED nurse manager and ED medical director to ensure compliance with and documentation of the pediatric continuing education of all emergency department staff in accordance with subsections (a), (b), and (c) ~~of this Section.~~

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- B) Coordinating data collection for identified clinical indicators and outcomes (see subsection (e)(1)(C) ~~of this Section~~).
 - C) Reviewing selected pediatric cases transported to the hospital by pre-hospital providers and providing feedback to the EMS Coordinator/System.
 - D) Participating in regional QI activities, including preparing a written QI report and attending the Regional QI subcommittee. These activities shall be supported by the hospital. One representative from the Regional QI subcommittee shall report to the EMS Regional Advisory Board.
 - E) Providing QI information to the Department upon request. (See Section 3.110(a) of the Act.)
- f) Equipment, Trays, and Supplies
See Appendix L ~~of this Part~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)

- a) Professional Staff: Physicians
 - 1) Qualifications
 - A) All physicians shall have training in the care of pediatric patients through residency training, clinical training, or practice.
 - B) All physicians shall successfully complete and maintain current recognition in the AHA-AAP PALS or the ACEP-AAP APLS. Physicians who are board certified or eligible in emergency medicine (ABEM or AOBEM) or in pediatric emergency medicine (ABP/ABEM) are excluded from this requirement. PALS and APLS shall include both cognitive and practical skills evaluation.
 - 2) Continuing Medical Education

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All full and part-time emergency physicians caring for children in the emergency department or fast track/urgent care area shall have documentation of a minimum of 16 hours of continuing medical education (AMA Category I or II) in pediatric emergency topics every two years. CME hours shall be earned by, but not limited to, verified attendance at or participation in formal CME programs (i.e., Category I) or informal CME programs (i.e., Category II), all of which shall have pediatrics as the majority of their content. The CME may be obtained from a pediatric specific program/course or may be a pediatric lecture/presentation from a workshop/conference. To meet Category II, teaching time needs to have undergone review and received approval by a university/hospital as Category II CME. The Illinois Department of Financial and Professional Regulation can provide guidance related to criteria for acceptable Category I or II credit.

3) Coverage

At least one physician meeting the requirements of subsection (a)(1), or a ~~physician assistant or~~ nurse practitioner or physician assistant meeting the requirements of subsection (b)(1), shall be on duty in the emergency department 24 hours a day or immediately available. A policy shall define when a physician is to be consulted/called in at times when the emergency department is covered by a mid-level provider.

4) Consultation

Telephone consultation with a physician who is board certified or eligible in pediatrics or pediatric emergency medicine shall be available 24 hours a day. Consultation may be with an on-call physician or in accordance with Appendix M ~~of this Part~~.

5) Physician Backup

A backup physician whose qualifications and training are equivalent to subsection (a)(1) ~~of this Section~~ shall be available to the SEDP within one hour after notification to assist with critical situations, increased surge capacity or disasters.

6) On-Call Physicians

Guidelines shall address response time for on-call physicians.

- b) Professional Staff: Nurse Practitioner and Physician Assistant ~~Mid-level Practitioners~~

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~~Nurse practitioners and~~ ~~A mid-level practitioner is a nurse practitioner or~~ physician ~~assistants~~ ~~assistant~~ working under the supervision of a physician who meets the qualifications of subsection (a)(1) ~~of this Section.~~

1) Qualifications

A) Nurse practitioners shall meet the following criteria ~~have~~:

i) Completion of: ~~Completed~~

- a nurse practitioner program with a focus on the pediatric patient, such as a pediatric nurse practitioner program or emergency nurse practitioner program or family practice nurse practitioner program; or, or the Department will grant a waiver based on the following criteria: completion of 2000 hours of hospital-based emergency department or acute care as a nurse practitioner over the last 24-month period that includes the care of the pediatric patient. Nurse practitioners shall reapply for a waiver with each renewal cycle (as applicable) and provide verification of continued compliance with the waiver requirements; and
- Alternate Criteria: The nurse practitioner worked in the emergency department prior to January 1, 2018 and has completed at least 2000 hours of hospital-based emergency department or acute care as a nurse practitioner over the last 24-month period that includes the care of pediatric patients certified in writing by the hospitals at which the hours were completed.

ii) Current ~~A current~~ Illinois advanced practice nursing license; ~~and~~ For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

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- iii) Credentialing that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient as defined by the hospital credentialing process.
 - B) Physician assistants shall meet the following criteria~~have~~:
 - i) Current Illinois physician assistant licensure; ~~and For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.~~
 - ii) Credentialing that reflects orientation, ongoing training and specific competencies in the care of the pediatric emergency patient as defined by the hospital credentialing process.
 - ~~C) All nurse practitioners and physician assistants shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS, the ACEP-AAP APLS or the ENA ENPC. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.~~
- 2) Continuing Education
- A) ~~All full or part-time nurse practitioners and physician assistants caring for children in the emergency department shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS, the ACEP-AAP APLS or the Emergency Nurses Association (ENA) Emergency Nursing Pediatric Course (ENPC). PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.~~ have documentation of a minimum of 16 hours of continuing education in pediatric emergency topics every two years. Credit for continuing education shall be approved by an accrediting agency.
 - B) All nurse practitioners and full or part time physician assistants shall have documentation of a minimum of 16 hours of continuing education in pediatric emergency topics every two years that are

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~~approved by an accrediting agency shall have documentation of a minimum of 16 hours of continuing medical education (AMA Category I) in pediatric emergency topics every two years. Credit for CME shall be approved by an accrediting agency.~~

- c) Professional Staff: Nursing
- 1) Qualifications
At least one RN on duty each shift who is responsible for the direct care of the child in the emergency department shall successfully complete and maintain current recognition in one of the following courses in pediatric emergency care:
 - A) AHA-AAP PALS;
 - B) ACEP-AAP APLS; or
 - C) ENA ENPC.
 - 2) Continuing Education
At least one ~~Registered Nurse~~^{RN} on duty on each shift who is responsible for the direct care of the child in the emergency department shall have documentation of a minimum of eight hours of pediatric emergency/critical care continuing education every two years. Continuing education may include, but is not limited to, PALS, APLS or ENPC; CEU offerings; case presentations; competency testing; teaching courses related to pediatrics; ~~and/or~~ publications. The continuing education hours may be integrated with other existing continuing education requirements, provided that the content is pediatric specific. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.
- d) Policies and Procedures
- 1) Inter-facility Transfer
 - A) The hospital shall have current transfer agreements that cover pediatric patients. The transfer agreements shall include a provision that addresses~~address~~ communication and quality improvement measures between the referral and receiving

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hospitals, as related to patient stabilization, treatment prior to and subsequent to transfer, and patient outcome.

- B) The hospital shall have written pediatric inter-facility transfer guidelines/ policies/procedures concerning transfer of critically ill and injured patients, which ~~that~~ include a defined process for initiation of transfer, including the roles and responsibilities of the referring hospital and referral center; a process for selecting the appropriate care facility; a process for selecting the appropriately staffed transport service to match the patient's acuity level; a process for patient transfer (including obtaining informed consent); a plan for transfer of patient medical record information, signed transport consent, and belongings; and a plan for provision of referral hospital information to family. Incorporating the components of Appendix M ~~of this Part~~ into the emergency department transfer policy/procedure will meet this requirement.
- 2) Suspected Child Abuse and Neglect
The hospital shall have policies/procedures addressing child abuse and neglect. These policies/procedures shall include, but not be limited to: the identification (including screening), evaluation, treatment and referral to DCFS of victims of suspected child abuse and neglect in accordance with State law.
- 3) Emergency Department Treatment Guidelines
The hospital shall have emergency department guidelines, order sets or policies and procedures addressing initial ~~response and~~ assessment and management for its high-volume and high-risk pediatric population (i.e., fever, trauma, respiratory distress, seizures).
- 4) Latex-Allergy Policy
The hospital shall have a policy addressing the assessment of latex allergies and the availability of latex-free equipment and supplies.
- 5) Disaster Preparedness
The hospital shall integrate pediatric components into its Disaster/Emergency Operations Plan.
- e) Quality Improvement

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- 1) Multidisciplinary Quality Activities Policy
 - A) Pediatric emergency medical care shall be included in the SEDP's emergency department or section QI program and reported to the hospital Quality Committee.
 - B) Multidisciplinary quality improvement processes/ activities shall be established (e.g., committee, ~~task force~~).
 - C) Quality monitors shall be documented that address pediatric care within the emergency department, with identified clinical indicators, monitor tools, and defined outcomes for care, feedback loop processes and target timeframes for closure of issues. These activities shall include children from birth up to and including 15 years of age and shall consist of, but are not limited to, all ~~pediatric~~ emergency department:
 - i) Pediatric deaths;
 - ii) Pediatric inter-facility transfers;
 - iii) Child abuse and neglect cases;
 - iv) Critically ill or injured children in need of stabilization (e.g., respiratory failure, sepsis, shock, altered level of consciousness, cardio/pulmonary failure; and
 - v) Pediatric quality and safety priorities of the institution.

~~deaths, inter facility transfers, child abuse and neglect cases, critically ill or injured children in need of stabilization (e.g., respiratory failure, sepsis, shock, altered level of consciousness, cardio/pulmonary failure) and pediatric strategic priorities of the hospital.~~
 - D) *All information contained in or relating to any medical audit/quality improvement monitor performed of a PCCC's, EDAP's or SEDP's pediatric services pursuant to this Section shall be afforded the same status as is provided information concerning*

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medical studies in Article VIII, Part 21 of the Code of Civil Procedure. (Section 3.110(a) of the Act)

- 2) **Pediatric Physician Champion**
The emergency department medical director shall appoint a physician to champion pediatric quality improvement activities. The pediatric physician champion shall work with and provide support to the pediatric quality coordinator.
- 3) **Pediatric Quality Coordinator**
A member of the professional staff who has ongoing involvement in the care of pediatric patients shall be designated to serve in the role of the pediatric quality coordinator. The pediatric quality coordinator shall have a job description that includes the allocation of appropriate time and resources by the hospital. This individual may be employed in an area other than the emergency department and shall have a minimum of two years of pediatric critical care or emergency department experience. Working with the pediatric physician champion, the responsibilities of the pediatric quality coordinator shall include:
 - A) Working in conjunction with the ED nurse manager and ED medical director to ensure compliance with and documentation of the pediatric continuing education of all emergency department professional staff in accordance with subsections (a), (b), and (c) ~~of this Section.~~
 - B) Coordinating data collection for identified clinical indicators and outcomes (see subsection (e)(1)(C) ~~of this Section.~~).
 - C) Reviewing selected pediatric cases transported to the hospital by pre-hospital providers and providing feedback to the EMS Coordinator/System.
 - D) Participating in regional QI activities, including preparing a written QI report and attending the Regional QI subcommittee meetings. These activities shall be supported by the hospital. One representative from the Regional QI subcommittee shall report to the EMS Regional Advisory Board.

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- E) Providing QI information to the Department upon request. (See Section 3.110(a) of the Act.)
- f) Equipment, Trays, and Supplies
See Appendix L ~~of this Part~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

Any facility seeking PCCC level recognition shall meet requirements for both the EDAP and PCCC levels.

- a) Facility Requirements
A facility recognized as a PCCC Center shall provide the following:
 - 1) An EDAP-recognized emergency department;
 - 2) A distinct Pediatric Intensive Care Unit (PICU);
 - 3) A PICU Committee established as a standing (interdisciplinary) committee within the hospital with membership including, but not limited to, physicians, nurses, respiratory therapists, and others directly involved in PICU activities;
 - 4) Helicopter landing capabilities approved by State and federal authorities;
 - 5) Computerized axial tomography (CAT) scan availability 24 hours a day;
 - 6) Laboratory 24 hours a day in-house, providing:
 - A) Standard analysis of blood, urine and body fluids;
 - B) Blood typing and cross-matching;
 - C) Coagulation studies;
 - D) Comprehensive blood bank or an agreement with a community central blood bank;

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- E) Blood gases and pH determinations;
 - F) Microbiology, including the ability to initiate aerobic and anaerobic cultures on site; and
 - G) Drug and alcohol screening;
 - 7) Hemodialysis capabilities or a transfer agreement;
 - 8) Staff, including a child life specialist, occupational therapy, speech therapy, physical therapy, social work, dietary, psychiatry and child protective services;
 - 9) Hospital support staff to act as a resource and participate in multidisciplinary regional pediatric critical care education;
 - 10) A plan for implementing a program of public information/education concerning emergency care services for pediatrics; and
 - 11) Support for active institutional and collaborative regional research.
- b) PICU Medical Director Requirements
A Medical Director shall be appointed, and a record of appointment and acceptance shall be in writing.
- 1) Qualifications
The PICU shall have a dedicated Medical Director who is:
 - A) Board certified in Pediatrics by the ABP or the AOBP, and Board certified or in the process of certification in Pediatric Critical Care Medicine by ABP, or Pediatric Intensive Care by AOBP; or
 - B) Board certified in Pediatrics by the ABP or the AOBP, and Board certified in a pediatric subspecialty with at least 50% practice in pediatric critical care. In this situation, a physician who meets the criteria in subsection (b)(1)(A) shall be appointed as Co-director; or

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- C) Board certified in Anesthesiology by the American Board of Anesthesiology (ABA), or the American Osteopathic Board of Anesthesiology (AOBA), with practice limited to infants and children and with a subspecialty certification in Critical Care Medicine. In this situation, a physician who meets the criteria in subsection (b)(1)(A) shall be appointed as Co-director; or
 - D) Board-certified in Pediatric Surgery by the American Board of Surgery (ABS) with a subspecialty certification in Surgical Critical Care Medicine by the ABS. In this situation (ABS), a physician who meets the criteria in subsection (b)(1)(A) shall be appointed as Co-director.
- 2) The Medical Director and/or Co-Director shall achieve certification within ~~seven~~five years after his/her initial acceptance into the certification process for pediatric critical care or intensive care medicine, and shall maintain certification.
- c) PICU Medical Staff Requirements
- 1) Qualifications
 - A) The PICU shall have 24-hour in-hospital coverage provided by a Board-certified pediatric intensivist, certified by ABP or AOBP, or Board-eligible pediatric intensivist in the process of certification by ABP or AOBP, who is responsible for the supervision of the physicians listed in subsections (c)(1)(A)(i) and (ii), and who is available within 30 minutes in-house after the determination is made that he or she is needed. If the intensivist is not in-house, then one of the following shall be available in-house:
 - i) Board-certified pediatrician certified by ABP or AOBP, or Board-eligible in pediatrics and in the process of Board certification; or
 - ii) A resident of PGY-2 or greater under the auspices of a Pediatric Training Program, in the unit, with a PGY-3 in-house.

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B) All physicians listed in subsection (c)(1)(A) shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS or ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation.~~either the ACEP-AAP PALS course or the APLS course.~~

2) Physician Specialist Availability

If the applying hospital is a Pediatric Trauma Center, the applicable requirements for physician response times that meet Sections 515.2035 and 515.2045 shall be followed.

- A) Attending level physician specialists shall be on staff and are required to have the following:
- i) Pediatric proficiency as defined by the hospital credentialing process;
 - ii) Board/sub-board certification in their specialty. If residency trained/board prepared in their specialty, physicians shall achieve certification within seven~~five~~ years after initial acceptance into the board/sub-board certification process, and maintain certification; and
 - iii) 10 hours per year of pediatric CME (category I or II) in his/her specialty.
- B) The following on-call surgeons with pediatric proficiency shall be available in-house within 60 minutes after the determination is made that they are needed:
- i) Surgeon; and
 - ii) Neurosurgeon, or transfer agreement with another facility.
- C) On-call attending anesthesiologists with pediatric proficiency shall be available in-house within 60 minutes after the determination is made that they are needed. CRNAs with pediatric proficiency may initiate appropriate procedures as identified in hospital by-laws.

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- D) On-staff subspecialists with the following pediatric proficiency shall be available to the institution or by phone for consultation within 60 minutes after the determination is made that they are needed:
- i) Cardiologist;
 - ii) Neonatologist;
 - iii) Nephrologist;
 - iv) Neurologist;
 - v) Orthopedic surgeon;
 - vi) Otolaryngologist; and
 - vii) Radiologist.
- E) The following physician specialists shall be available in the hospital or by consultation or transfer agreement with another hospital:
- i) Allergist or immunologist;
 - ii) Cardiothoracic surgeon;
 - iii) Craniofacial (plastic) surgeon;
 - iv) Endocrinologist;
 - v) Gastroenterologist;
 - vi) Hand surgeon;
 - vii) Hematologist-oncologist;
 - viii) Infectious disease;
 - ix) Micro-vascular surgeon;

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- x) Obstetrics/gynecology;
 - xi) Ophthalmologist;
 - xii) Oral surgeon;
 - xiii) Physiatrist (physical medicine & rehabilitation);
 - xiv) Psychiatrist/psychologist;
 - xv) Pulmonologist; and
 - xvi) Urologist.
- d) PICU Nurse Practitioner and Physician Assistant~~Mid-level Providers~~
Qualifications
- 1) Nurse practitioner shall have credentialing as evidenced by the following:
 - A) Completion of a Pediatric Nurse Practitioner program or Pediatric Critical Care Nurse Practitioner Program and certification as an Acute Care ~~Nurse~~ Pediatric Nurse Practitioner;~~;~~ ~~and~~
 - B) Current Illinois advanced practice nursing license. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.~~An Illinois Advanced Practice Nurse license within one year after hire.~~
 - 2) Physician assistant shall have credentialing as evidenced by the following:
 - A) Current Illinois Physician Assistant licensure. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.~~;~~ ~~and~~
 - B) Credentialing that reflects orientation, ongoing training and specific demonstrated competencies in the care of the critically ill and injured pediatric patient as defined by the hospital

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~~credentialing process. Completion of a documented, precepted post-graduate clinical experience in the management of critically ill pediatric patients.~~

- 3) All nurse practitioners and physician assistants shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS or ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation.~~of the following courses: PALS, APLS or ENPC.~~
 - 4) All nurse practitioners and physician assistants shall have documentation of a minimum of 50 hours of ~~CME or~~ continuing education ~~units~~ in pediatric critical care topics every two years that are approved by an accrediting agency within a two-year period.
- e) PICU Nursing Staff Requirements
- 1) Nurse manager
The PICU shall have a designated nurse manager who shall:
 - A) Be licensed as a Registered Nurse~~an RN under the Nurse Practice Act;~~
 - B) Have three years of clinical critical care experience, with a minimum of one year in clinical pediatric care; and
 - C) Successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS or ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation.~~the following courses: PALS, APLS or ENPC.~~
 - 2) Advanced practice nurse
Clinical nurse specialist (CNS), nurse practitioner (NP): The PICU shall have a designated pediatric CNS or pediatric NP who is available to provide clinical leadership in the nursing management of patients.
Certified advanced practice nurses shall:
 - A) Have completed a Pediatric Nurse Practitioner program or Pediatric Clinical Nurse Specialist Program and hold certification as a Pediatric Nurse Practitioner or Pediatric Clinical Nurse

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~~Specialist. Have completed a documented, precepted post-graduate clinical experience in the management of critically ill pediatric patients;~~

- B) Have an Illinois Advanced Practice Nurse License. ~~For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric program, the professional shall have an unencumbered license in the state in which he or she practices; within one year after hire;~~
- C) Successfully complete and maintain current recognition in one of the following ~~courses: the AHA-AAP PALS or ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation.~~ ~~courses: PALS, APLS or ENPC;~~ and
- D) Have documentation of a minimum of 50 hours of ~~CME or~~ continuing education ~~units~~ in pediatric critical care topics ~~every two years that are approved by an accrediting agency within a two-year period.~~
- 3) Nursing patient care services
All nurses engaged in direct patient care activities shall:
- A) Successfully complete a documented hospital and unit orientation according to hospital guidelines before assuming full responsibility for patient care;
- B) Complete a yearly competency review of high-risk, low-frequency therapies;
- C) Successfully complete and maintain current recognition in one of the following courses: ~~the AHA-AAP PALS, the ACEP-AAP APLS or the ENA ENPC. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.~~ ~~PALS, APLS or ENPC;~~ and
- D) Complete a minimum of 16 hours of pediatric emergency/critical care continuing education hours ~~every two years within a two-year period.~~ Continuing education may include, but is not limited to,

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CEU offerings, case presentations, competency testing, teaching courses related to pediatrics or publications.

- f) PICU Policies, Procedures, and Treatment Protocols
The PICU will include, but not be limited to, having the following age-specific policies/protocols in place:
- 1) Admission and discharge criteria;
 - 2) A staffing policy that addresses nursing shift staffing patterns based on patient acuity;
 - 3) A policy for managing the psychiatric needs of the PICU patient; and
 - 4) Protocols, order sets, pathways or guidelines for management of high- and low-frequency diagnoses.
- g) Inter-facility Transfer/Transport Requirements
A PCCC shall:
- 1) Provide necessary consultation to those hospitals with which a transfer agreement is established; accept pediatric transfers from those hospitals; provide feedback as well as quality review to those hospitals on the transfer and management process;
 - 2) Have or be affiliated with a transport system and team to assist referral hospitals in arranging safe pediatric patient transport; and
 - 3) Have a transfer/transport policy that addresses the special needs of the pediatric population during transport.
- h) Quality Improvement Requirements
- 1) Each PCCC shall have members from the PICU, including the Medical Director, and from the Pediatric Department who serve on the Multidisciplinary Pediatric Quality Improvement Committee, which will include, but not be limited to: emergency department, pediatric department, respiratory, laboratory, social service and radiology staff.

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- 2) The Multidisciplinary Pediatric Quality Improvement Committee shall perform focused outcome analyses of its PICU and other pediatric inpatient unit services on a quarterly basis that consist of a review of at least the following:
 - A) All pediatric deaths;
 - B) All pediatric inter-facility transfers;
 - C) All pediatric morbidities or negative outcomes that are a result of treatment rendered or omitted;
 - D) Pediatric quality metrics that audit filters. An audit filter is a clinical and internal resource indicator used to examine the process of care and ~~to~~ identify potential patient care and internal resource problems;
 - E) Child abuse and neglect cases unless review is performed by another committee in the hospital;
 - F) All re-admissions within 48 hours after discharge from the emergency department or inpatient care that result in admission to the PICU; and
 - G) Review of all potential and unanticipated adverse outcomes.
- i) PICU Equipment (See Appendix O ~~of this Part~~)
The PCCC shall meet all equipment requirements as outlined in Appendix O ~~of this Part~~. In addition, a specialized pediatric resuscitation cart with measuring device shall be readily available on each pediatric unit, containing the required equipment.
- j) Pediatric Inpatient Care Service Requirements
 - 1) Physician requirements
 - A) The Chair of Pediatrics or the Pediatric Inpatient Director shall have certification in pediatrics by the ABP or the AOBP.

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- B) All hospitalists, credentialed by their hospital to provide pediatric unit care, shall successfully complete and maintain current recognition in one of the following courses: the AHA-AAP PALS or the ACEP-AAP APLS. PALS and APLS shall include both cognitive and practical skills evaluation.~~PALS or APLS.~~
- C) The Medical Director of the PICU, or his/her designee, shall be available on call and for consultation for all pediatric in-house patients who may require critical care.
- 2) Nurse manager requirements
The nurse manager shall:
- A) Be licensed as an Illinois Registered Nurse. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.~~Be licensed as an RN under the Nurse Practice Act;~~
- B) Have three years of pediatric experience; and
- C) Complete and maintain current recognition in one of the following courses: AHA-AAP PALS, the ACEP-AAP APLS or the ENA ENPC. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation.~~PALS, APLS or ENPC.~~
- 3) Nursing patient care services
All nurses engaged in direct patient care activities shall:
- A) Be licensed as an Illinois Registered Nurse. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.
- ~~B)A)~~ Complete a documented hospital and unit orientation according to hospital guidelines before assuming full responsibility for patient care;
- ~~C)B)~~ Complete a yearly competency review of high-risk, low-frequency therapies based on patient population;

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~~D)C)~~ Complete and maintain current recognition in one of the following courses: AHA-AAP PALS, the ACEP-AAP APLS or the ENA ENPC. PALS, APLS and ENPC shall include both cognitive and practical skills evaluation~~PALS, APLS or ENPC~~; and

~~E)D)~~ Complete a minimum of 16 hours of pediatric continuing education hours within a two-year period. Continuing education may include, but is not limited to, CEU offerings, case presentations, competency testing, teaching courses related to pediatrics and/or publications.

k) Hospital General Pediatric Department Policies, Procedures and Treatment Protocols

The pediatric department shall have, but not be limited to:

- 1) A policy or scope of services that outlines the pediatric department services, ages of patients served, and admission guidelines;
- 2) A staffing policy that addresses nursing shift staffing patterns based on patient acuity;
- 3) A safety and security policy for the patient in the unit;
- 4) An inter-facility transport policy that addresses safety and acuity;
- 5) An intra-facility transport policy that addresses safety and acuity;
- 6) A latex allergy policy;
- 7) A pediatric organ procurement/donation policy;
- 8) An isolation precautions policy that incorporates appropriate infection control measures;
- 9) A disaster/terrorism policy that addresses the specific medical and psychosocial needs of the pediatric population;
- 10) Protocols, order sets, pathways or guidelines for management of high-risk and low-frequency diagnoses;

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- 11) A pediatric policy that addresses the resources available to meet the psychosocial needs of patients and family and appropriate social work referral for the following indicators:
 - A) Child death;
 - B) Child has been a victim of or witness to violence;
 - C) Family needs assistance in obtaining resources to take the child home;
 - D) Family needs a payment resource for their child's health needs;
 - E) Family needs to be linked back to their primary health, social service or educational system;
 - F) Family needs support services to adjust to their child's health condition or the increased demands related to changes in their child's health conditions; and
 - G) Family needs additional education related to the child's care needs to care for the child at home.

- 12) A discharge planning policy or protocol that includes the following:
 - A) Documentation of appropriate primary care/specialty follow-up provisions;
 - B) Mechanism to access a primary care resource for children who do not have a provider;
 - C) Discharge summary provision to appropriate medical care provider, parent/guardian, which includes the following:
 - i) Information on the child's hospital course;
 - ii) Discharge instructions and education; and
 - iii) Follow-up arrangements;

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- D) Appropriate referral of patients to rehabilitation or specialty services for children who may have any of the following problems:
- i) Require the assistance of medical technology;
 - ii) Do not exhibit age-appropriate activity in cognitive, communication or motor skills, behavioral, or social/emotional realms;
 - iii) Additional medical or rehabilitation needs that may require specialized care, such as medication, hospice care, physical therapy, home health, or speech/language services;
 - iv) Brain injury – mild, moderate or severe;
 - v) Spinal cord injury;
 - vi) Seizure behavior exhibited during acute care or a history of seizure disorder and is not currently linked with specialty follow up;
 - vii) Submersion injury, such as a near drowning;
 - viii) Burn (other than a superficial burn);
 - ix) Pre-existing condition that experiences a change in health or functional status;
 - x) Neurological, musculoskeletal or developmental disability;
or
 - xi) Sudden onset of behavioral change, for example, in cognition, language or affect.
- l) Quality Improvement Requirements
Representatives from the pediatric unit shall participate in the multidisciplinary Pediatric Quality Improvement Committee (see subsection (h)).
- m) Equipment Requirements (See Appendix O ~~of this Part.~~)

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The PCCC shall meet all equipment requirements as outlined in Appendix O ~~of this Part~~. In addition, a specialized pediatric resuscitation cart with measuring device shall be readily available on each pediatric unit, containing the required equipment.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART K: COMPREHENSIVE STROKE CENTERS, PRIMARY STROKE CENTERS AND ACUTE STROKE-READY HOSPITALS ~~EMERGENT STROKE READY HOSPITALS~~

Section 515.5000 Definitions

For the purposes of this Subpart K:

- a) *"Certification" or "certified" means certification of a Comprehensive Stroke Center (CSC), Primary Stroke Center or Acute Stroke-Ready Hospital using evidence-based standards, from a nationally recognized certifying body approved by the Department. (Section 3.116 of the Act) The State Stroke Advisory Subcommittee shall forward recommendations of certifying bodies to the Department at least annually, ~~or more often as needed~~. The Department will consult the State Stroke Advisory Subcommittee when reviewing and approving certifying bodies. The Department will maintain and post on the Department's website a current list of the names, phone numbers and website information, if available, of the approved certifying bodies. The list will be reviewed at least annually.*
- b) *"Designation" or "designated" means the Department's recognition of a hospital as a CSC, Primary Stroke Center or Acute Stroke-Ready Hospital ~~Emergent Stroke Ready Hospital~~. (Section 3.116 of the Act)*

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.5002 State Stroke Advisory Subcommittee

- a) The State Stroke Advisory Subcommittee shall establish bylaws to ensure equal membership that rotates and clearly delineates committee responsibilities and structure; and
- b) Annually, the State Stroke Advisory Subcommittee and the Department will consider adopting new nationally recognized recommendations.

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(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 515.5004 Regional Stroke Advisory Subcommittee

- a) Of the members first appointed, one-third shall be appointed for a term of one year, one-third shall be appointed for a term of 2 years, and the remaining members shall be appointed for a term of 3 years. The terms of subsequent appointees shall be 3 years. (Section 3.116 of the Act)
- b) The Regional Stroke Advisory Subcommittee shall function as a subcommittee of the Regional EMS Advisory Committee and report biannually at regularly scheduled meetings as identified in Section 515.210(b) and (c). The Regional Stroke Advisory Subcommittee shall make recommendations to the Regional EMS Medical Directors related to the establishment and revision of evidence based protocols for the triage, treatment and transport of possible acute stroke patients to the appropriate CSC, Primary Stroke Center or Acute Stroke-Ready Hospital. The Regional Stroke Advisory Subcommittee shall assist with the development of stroke networks.
- c) The Regional Stroke Advisory Committee shall collect and evaluate de-identified stroke care data from regional stroke network hospitals and EMS Systems to evaluate and make recommendations to the Regional EMS MDs for improvement in regional stroke systems of care.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 515.5010 Stroke Care – Restricted Practices

Sections in the Act pertaining to CSCs, Primary Stroke Centers or Acute Stroke-Ready Hospitals~~Emergent Stroke Ready Hospitals~~ are not medical practice guidelines and shall not be used to restrict the authority of a hospital to provide services for which it has received a license under State law. (Section 3.119 of the Act)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.5015 Comprehensive Stroke Center (CSC) Designation

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- a) Subject to Section 515.5040, Comprehensive Stroke Center designation shall remain valid at all times while the hospital maintains its certification as a CSC, in good standing, with the certifying body.
- b) The duration of a CSC designation shall coincide with the duration of its CSC certification.
- c) Each designated CSC shall have its designation automatically renewed upon the Department's receipt of a copy of the certifying body's certification renewal and an application form available through the Department. (Section 3.117(a-5)(5) of the Act)
- d) A hospital shall submit a copy of its certification renewal from the certifying body as soon as practical, but no later than 30 business days after the hospital receives the certification.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 515.5016 Request for Comprehensive Stroke Center Designation

- a) A hospital that is already certified as a CSC by a nationally recognized certifying body approved by the Department shall send a copy of the certificate and annual fee to the Department along with an application available through the Department. (Section 3.117(a-5)(1) and (2) of the Act)
- b) Within 30 business days after the Department receives the hospital's certificate indicating that the hospital is a certified CSC in good standing with the certifying body and the application available through the Department, the hospital shall be deemed to be a State-designated Comprehensive Stroke Center.
- c) The Department will send designation notices to hospitals that it designates as Comprehensive Stroke Centers. A list of designated Comprehensive Stroke Centers will be maintained on the Department's website at <http://www.dph.illinois.gov/topics-services/emergency-preparedness-response/ems/stroke-program>. Names of designated Comprehensive Stroke Centers will be added upon designation. Names will be removed from the website designation list in accordance with Section 3.118(c) of the Act.

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- d) The application available through the Department shall include a statement that the hospital meets the requirements for CSC designation in Section 3.117 of the Act. The applicant hospital shall provide the following:
- 1) Hospital name and address;
 - 2) Hospital chief executive officer/administrator typed name and signature;
 - 3) Hospital stroke medical director typed name and signature; and
 - 4) Contact person typed name, e-mail address and phone number.
- e) The application available through the Department will instruct the hospital to provide proof of current CSC certification from a nationally recognized certifying body approved by the Department.
- f) A hospital designated as a CSC shall pay an annual fee of \$500.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 515.5017 Suspension and Revocation of Comprehensive Stroke Center Designation

- a) A hospital that no longer meets nationally recognized, evidence-based standards for CSCs, or loses its CSC certification, shall notify the Department, the hospital's EMS MD, and the Regional EMS Advisory Committee, in writing, within 5 business days, upon notification from the certifying body. (Section 3.117(a-5)(6)(A) of the Act)
- b) Suspension of Designation
- 1) The Department shall have the authority and responsibility to suspend or revoke the hospital's CSC designation upon receiving notice that the hospital's CSC certification has lapsed or been revoked by the State recognized certifying body. (Section 3.117(a-5)(4)(A) of the Act)
 - 2) The Department shall have the authority and responsibility to suspend the hospital's CSC designation, in extreme circumstances in which patients may be at risk for immediate harm or death, until such time as the certifying body investigates and makes a final determination regarding certification. (Section 3.117(a-5)(4)(B) of the Act) The Department will

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notify the hospital's certifying body and provide the hospital and EMS MD with written notice of the Department's decision to suspend designation.

- 3) Upon receipt of the Department's written notice to suspend designation, the hospital shall have 15 business days in which to make a written request for an administrative hearing to contest the Department's decision. Administrative hearings will be conducted in accordance with Section 515.180. The Department will notify the hospital, the EMS MD, and the hospital's certifying body of the Department's final administrative decision to revoke designation.
 - 4) The Department will *suspend the hospital's CSC designation at the request of a hospital seeking to suspend its own Department designation.* (Section 3.117(a-5)(4)(D) of the Act)
 - 5) The Department shall have the authority to conduct investigations. All applicants for designation and designees *shall fully cooperate with any Department investigation, including providing patient medical records as requested by the Department.* (Section 3.125(d) of the Act) The failure to fully cooperate shall be grounds for denying, suspending or revoking a designation.
- c) The Department will *restore any previously suspended or revoked Department designation upon notice to the Department that the certifying body has confirmed or restored the CSC certification of that previously designated hospital.* (Section 3.117(a-5)(4)(C) of the Act)

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 515.5020 Primary Stroke Center (PSC) Designation

- a) Subject to Section 515.5040, *Primary Stroke Center ~~designation~~Designation shall remain valid at all times while the hospital maintains its certification as a ~~PSC~~Primary Stroke Center, in good standing with the Department-approved certifying body.* (Section 3.117(a)(4) of the Act)
- b) *The duration of a ~~PSC designation~~Primary Stroke Center Designation shall coincide with the duration of its ~~PSC~~Primary Stroke Center certification.* (Section 3.117(a)(4) of the Act)

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- c) Each designated ~~PSC~~*Primary Stroke Center* shall have its designation automatically renewed upon the Department's receipt of a copy of the certifying body's certification renewal and an application available through the Department~~the Request for IDPH Primary Stroke Center Designation form~~. (Section 3.117(a)(4) of the Act)
- d) The Department shall consult with the State Stroke Advisory Subcommittee in developing designation, *re-designation, and de-designation* processes for ~~PSCs~~*Primary Stroke Centers*. (Section 3.117(c) of the Act)
- e) A hospital shall submit a copy of its certification renewal from the certifying body as soon as practical, but no later than ~~3045~~ business days after the hospital receives the certification. Upon receipt of the certification renewal, the Department will begin the re-designation process.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.5030 Request for Primary Stroke Center Designation

- a) A hospital that is already certified as a Primary Stroke Center by a nationally recognized certifying body approved by the Department shall send a copy of the certificate and annual fee to the Department, along with an application available through the Department~~a Request for Primary Stroke Center Designation form~~. (Section 3.117(a)(2) of the Act)
- b) Within 30 *business* days after the Department receives the hospital's certificate indicating that the hospital is a certified ~~PSC~~*Primary Stroke Center in good standing with the certifying body*, and the completed application available through the Department~~Request for Primary Stroke Center Designation form~~, the hospital shall be deemed to be a State-designated ~~PSC~~*Primary Stroke Center*. (Section 3.117(a)(2) and (4) of the Act)
- c) The Department will send designation notices to hospitals that it designates and will *add the names of designated* ~~PSCs~~*Primary Stroke Centers to the website listing immediately upon designation*. Subject to Section 515.5040, the Department will *remove the name of a hospital from the website listing when a hospital loses its designation after notice* and, if requested by the hospital, *a hearing*. (Section 3.118(c) of the Act)

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- d) The application available through the Department Request for Primary Stroke Center Designation shall include a statement that the hospital meets the requirements for PSC designation Primary Stroke Center Designation in Section 3.117 of the Act. The applicant hospital shall provide the following:
- 1) Hospital name and address;
 - 2) Hospital chief executive officer/administrator typed name and signature;
 - 3) Hospital stroke medical director typed name and signature; and
 - 4) Contact person typed name, e-mail address and phone number.
- e) The application available through the Department Request for Primary Stroke Center Designation will instruct the hospital to provide proof of current PSC Primary Stroke Center certification from a nationally recognized certifying body approved by the Department.
- f) A hospital designated as a PSC shall pay an annual fee of \$350.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.5040 Suspension and Revocation of Primary Stroke Center Designation

- a) *A hospital that no longer meets nationally recognized, evidence-based standards for Primary Stroke Centers, or loses its PSC Primary Stroke Center certification, shall ~~immediately~~ notify the Department, the hospital's EMS MD, and the Regional EMS Advisory Committee, in writing, within 5 business days, upon notification from the certifying body. (Section 3.117(a)(5) of the Act)*
- b) Suspension of Designation
- 1) *The Department shall have the authority and responsibility to suspend a hospital's PSC Primary Stroke Center designation upon receiving notice from the hospital's certifying body that the hospital's PSC Primary Stroke Center certification has lapsed, or been revoked, suspended or cancelled. (Section 3.117(a)(3.5)(A)~~3.117(a)(3)(A)~~ of the Act)*
 - 2) *In extreme circumstances where patients may be at risk for immediate harm or death, as determined by the Director, the Department shall have*

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the authority and responsibility to suspend a hospital's PSC designation~~Primary Stroke Center Designation~~, until such time as the certifying body investigates and makes a final determination regarding certification. (Section ~~3.117 (a)(3.5)(B)~~~~3.117(a)(3)(B)~~ of the Act) The Department will notify the hospital's certifying body and provide the hospital and EMS MD with written notice of its decision to suspend designation.

- 3) Upon receipt of the Department's written notice to suspend designation, the hospital shall have 15 business days in which to make a written request for an administrative hearing to contest the Department's decision. Administrative hearings will be conducted in accordance with Section 515.180. The Department will notify the hospital, the EMS MD, and the hospital's certifying body of the Department's final administrative decision to revoke designation.
 - 4) The Department will *suspend a hospital's PSC~~Primary Stroke Center~~ designation at the request of a hospital seeking to suspend its own Department designation.* (Section ~~3.117(a)(3.5)(D)~~~~3.117(a)(3)(D)~~ of the Act)
 - 5) The Department shall have the authority to conduct investigations. All applicants for designation and designees *shall fully cooperate with any Department investigation, including providing patient medical records as requested by the Department.* (Section 3.125(d)) The failure to fully cooperate shall be grounds for denying, suspending or revoking a designation.
- c) **Revocation of Designation.** The Department *shall have the authority and responsibility to revoke a hospital's designation if the hospital's certification has been revoked by the State-recognized certifying body.* (Section ~~3.117(a)(3.5)(A)~~~~3.117(a)(3)~~ of the Act)
 - d) The Department will *restore any previously suspended or revoked Department designation upon notice to the Department that the certifying body has confirmed or restored the Primary Stroke Center certification of that previously designated hospital.* (Section ~~3.117(a)(3.5)(C)~~~~3.117(a)(3)(C)~~ of the Act)

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- e) *The Department shall consult with the State Stroke Advisory Subcommittee in developing designation and de-designation processes for ~~PSCs~~ Primary Stroke Centers. (Section 3.117(c) of the Act)*

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.5050 Acute Stroke-Ready Hospital (ASRH)~~Emergent Stroke Ready Hospital (ESRH)~~ Designation without National Certification

- a) The Department recognizes that diagnostic capabilities and treatment modalities for the care of stroke patients will change because of rapid advances in science and medicine. Nothing in this Part shall prohibit a hospital, without designation, from providing emergency stroke care. Requirements pertaining to Acute Stroke-Ready Hospitals~~Emergent Stroke Ready Hospitals~~ shall not be used to restrict the authority of a hospital to provide services for which it has received a license under State law.
- b) Upon receipt of hospital applications, *the Department shall attempt to designate hospitals as Acute Stroke-Ready Hospitals~~Emergent Stroke Ready Hospitals~~ capable of providing emergent stroke care in all areas of the State. For any hospital that is designated as an Emergent Stroke Ready Hospital at the time that the Department begins the designation of ASRHs, the Emergent Stroke Ready designation shall remain intact for the duration of the 12 month period until that designation expires, but that designation shall not exceed September 30, 2016. (Section 3.117(b) of the Act)*
- c) *The Department shall attempt to designate hospitals as ASRHs in all areas of the State as long as they meet the criteria in this Section. (Section 3.117(b) of the Act)~~The Department shall designate as many Emergent Stroke Ready Hospitals as apply for that designation as long as they meet the criteria in this Section and Section 3.117 of the Act.~~*
- d) Any hospital seeking designation as an ASRH~~Emergent Stroke Ready Hospital~~ shall *apply for and receive ASRH~~Emergent Stroke Ready Hospital~~ designation from the Department, provided that the hospital attests, on an application available through the Department ~~a Request for Emergent Stroke Ready Hospital Designation form~~ (see Section 515.5060), that it meets, and will continue to meet, the criteria for ASRH designation and pays an annual fee~~Emergent Stroke Ready Hospital Designation~~. (Section 3.117(b)(2) of the Act)* The Department will post

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and maintain ~~ASRH-ESRH~~ designation instructions, including the request form, on its website.

- e) Upon receipt of a completed application available through the Department Request for Emergent Stroke Ready Hospital designation form attesting that the hospital meets the criteria set forth in the Act and this Part, signed by a hospital administrator or designee, the Department will *designate a hospital as an ~~ASRHEmergent Stroke Ready Hospital~~ no more than ~~30-20~~ business days after receipt of an attestation that meets the requirements for attestation in Section 515.5070(a), unless the Department, within 30 days after receipt of the attestation, chooses to conduct an onsite survey prior to designation. If the Department chooses to conduct an onsite survey prior to designation, then the onsite survey shall be conducted within 90 days after receipt of the attestation. (Section 3.117(b)(4)(B) of the Act)* The Department will notify the hospital of the designation in writing. The Department has the authority to conduct on-site visits to assess compliance with this Part.
- f) *The Department shall add the names of designated ~~ASRHsEmergent Stroke Ready Hospitals~~ to the website listing immediately upon designation (Section 3.118(c) of the Act) and shall immediately remove the name of a hospital from the website listing when a hospital loses its designation after notice and, if requested by the hospital, a hearing (Section 3.117(b)(4)(A-5) of the Act).~~and shall immediately remove the name when a hospital loses its designation, after written notice and, if requested by the hospital, a hearing. (Section 3.118(c) of the Act)~~*
- g) The Department will *require annual written attestation by ~~ASRHsEmergent Stroke Ready Hospitals~~ to indicate compliance with ~~ASRHEmergent Stroke Ready Hospital~~ criteria, as described in the Act and this Part, and will automatically renew ~~ASRHEmergent Stroke Ready Hospital~~ designation of the hospital. (Section 3.117(b)(4)(C) of the Act)* The hospital shall provide the attestation, along with any necessary supporting documentation, ~~within 45 business days after receipt of the notification.~~ Supporting documentation shall include any documents supporting the attestation that have changed significantly since the previous annual attestation.
- h) ASRH designation requires annual written attestation, on a Department form, by an ASRH to indicate compliance with ASRH criteria, as described in this Part. The Department, after determining that the ASRH meets the requirements for attestation, will automatically renew the ASRH designation of the hospital. (Section 3.117(b)(4)(C) Within 30 business days, the Department will provide

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~~written acknowledgment of the hospital's designation renewal. (Section 3.117(b)(4)(B) of the Act). Emergent Stroke Ready Hospital Designation shall automatically renew upon the Department's receipt of a completed annual Request for Emergent Stroke Ready Hospital Designation form that meets the requirements for attestation in Section 515.5070(a).~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.5060 Acute Stroke-Ready Hospital Emergent Stroke Ready Hospital Designation Criteria without National Certification

- a) ~~Hospitals~~ ~~Develop Hospitals~~ seeking Acute Stroke-Ready Hospital designation that do not have national certification ~~Emergent Stroke Ready Hospital shall develop policies and procedures; that are consistent with or protocols that consider and reflect nationally recognized, evidence-based protocols for the provision of emergent stroke care. (Section 3.117(b)(3) of the Act)~~
- b) *Hospital policies, procedures or protocols relating to emergent stroke care and stroke patient outcome shall be reviewed at least annually, or more often as needed, by a hospital committee that oversees quality improvement. Adjustments shall be made as necessary to advance the quality of stroke care delivered. (Section 3.117(b)(3) of the Act)*
- c) *Criteria for ASRH designation ~~Emergent Stroke Ready Hospital Designation~~ of hospitals shall be limited to the ability of the hospital to:*
 - 1) *Create written acute care policies, procedures, or protocols related to emergent stroke care, including transfer criteria ~~including transfer criteria~~ (Section 3.117(b)(3)(A) of the Act);*
 - 2) *Participate in the data collection system provided in Section 3.118 of the Act, if available (Section 3.117(b)(3)(A-5) of the Act);*
 - 3) ~~2)~~ *Maintain a written transfer agreement with one or more hospitals that have neurosurgical expertise (Section 3.117(b)(3)(B) of the Act);*
 - 4) ~~3)~~ *Designate a Clinical Director of Stroke Care who shall be a clinical member of the hospital staff with training or experience, as defined by the facility, in the care of patients with cerebrovascular disease. This training or experience may include, but is not limited to, completion of a fellowship*

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or other specialized training in the area of cerebrovascular disease, attendance at national courses, or prior experience in neuroscience intensive care units. The Clinical Director of Stroke Care may be a neurologist, neurosurgeon, emergency medicine physician, internist, radiologist, advanced practice nurse, or physician assistant. (Section 3.117(b)(3)(C) of the Act) ~~director of stroke care, which may be a clinical member of the hospital staff or the designee of the hospital administrator, to oversee the hospital's stroke care policies, protocols, or procedures;~~

- 5) *Provide rapid access to an acute stroke team, as defined by the facility, that considers and reflects nationally recognized, evidenced-based protocols or guidelines (Section 3.117(b)(3)(C-5) of the Act);*
- 6)4) *Administer thrombolytic therapy, or subsequently developed medical therapies that meet nationally recognized, evidence-based stroke protocols or guidelines (Section 3.117(b)(3)(D) of the Act);*
- 7)5) *Conduct brain image tests at all times (Section 3.117(b)(3)(E) of the Act), which shall consider and reflect current nationally recognized evidence-based protocols or guidelines;*
- 8)6) *Conduct blood coagulation studies at all times (Section 3.117(b)(3)(F) of the Act), which shall consider and reflect current nationally recognized evidence-based protocols or guidelines;*
- 9)7) *Maintain a log of ~~acute~~ stroke patients, which shall be available for review upon request by the Department or any hospital that has a written transfer agreement with the ~~ASRHEmergent Stroke Ready Hospital~~. (Section 3.117(b)(3)(G) of the Act) ~~(B)(3)~~ The stroke patient log shall be available to be used for internal hospital quality improvement purposes. Hospitals may alternatively participate in a nationally recognized stroke data registry. Hospitals shall submit data from their stroke patient log or nationally recognized stroke data registry to the Department upon request. The hospital may share unidentified patient data with its EMS Region, EMS System, or other stroke network partners for quality improvement purposes. Hospitals shall review and analyze the data elements listed in this subsection (c)(9) ~~subsections (e)(7)(A) through (K)~~ quarterly, at a minimum, and submit a summary to the Department with the annual written attestation. The stroke patient log shall contain, at a minimum:*

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- A) The patient's medical record number;
 - B) Date of emergency visit;
 - C) Mode of patient arrival;
 - D) Time presented in the emergency department;
 - E) Last time patient was observed to be free of current symptoms (i.e., time of last known well), if known;
 - F) Baseline initial stroke severity score upon arrival at the hospital (i.e., National Institutes of Health (NIH) Stroke Scale);
 - G) Time of blood coagulation results available;
 - H) Time of brain imaging;
 - I) Time of brain imaging results available;
 - J) Time and type of thrombolytic therapy or nationally recognized evidence-based exclusion criteria;
 - K) Time of transfer from the emergency department;
 - L) Time of transfer if from another location in the hospital; and
 - M) Transfer/discharge diagnosis and destination;:-
- 10) *Admit stroke patients to a unit that can provide appropriate care that considers and reflects nationally recognized, evidence-based protocols or guidelines or transfer stroke patients to an ASRH, PSC, or CSC, or another facility that can provide the appropriate care that considers and reflects nationally recognized, evidence-based protocols or guidelines (Section 3.117(b)(3)(H) of the Act);*
- 11) *At a minimum, demonstrate compliance with nationally recognized quality indicators (Section 3.117(b)(3)(I) of the Act) referenced in subsection (c)(9); and*

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- 12) Comply with nationally accepted guidelines regarding stroke awareness community education, hospital education and EMS education provided by the hospital regarding stroke treatment.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.5070 Request for Acute Stroke-Ready Hospital~~Emergent Stroke-Ready Hospital~~ Designation without National Certification

- a) Any hospital seeking designation as an Acute Stroke-Ready Hospital~~Emergent Stroke-ready Hospital~~ shall *apply for, and receive ASRH designation, Emergent Stroke-Ready Hospital Designation* from the Department, provided that the hospital attests, on a form developed by the Department in consultation with *the State Stroke Advisory Subcommittee, that the hospital meets, and will continue to meet, the criteria for ASRH designation*~~Emergent Stroke-Ready Hospital Designation located in~~ (see Section 515.5060) *and pays an annual fee.* (Section 3.117(b)(2) of the Act) The Department will post and maintain ASRH~~ESRH~~ designation instructions, including an application available on the Departmenta Request for Emergent Stroke-Ready Hospital Designation form, on its website.
- b) The application available through the Department~~Request for Emergent Stroke Ready Hospital Designation form~~ shall include a statement that the hospital meets each requirement in Section 3.117 of the Act, including the designation criteria in Section 3.117(b)(3) of the Act and Section 515.5060 of this Part. The hospital shall provide the following:
- 1) Hospital name and address;
 - 2) Hospital chief executive officer/administrator typed name and signature;
 - 3) Chief medical officer (or designee) typed name and signature;
 - 4) Hospital stroke director typed name, clinical credentials and signature; and
 - 5) Contact person typed name, e-mail address and phone number.
- c) The hospital shall indicate on the application~~Request for Emergent Stroke-Ready Designation form~~ whether it is applying for an initial ASRH~~ESRH~~ designation or an ESRH designation renewal.

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- d) The hospital shall provide the Department with supporting documentation indicating compliance with each designation criterion in Section 3.117(b)(3) of the Act and Section 515.5060 of this Part with the initial [ASRHESRH](#) application, as follows:
- 1) A copy of the hospital's stroke policies, procedures or *protocols related to the provision of emergent stroke care*;
 - 2) A copy of the hospital's *transfer agreement with one or more hospitals that have board certified or board eligible neurosurgical expertise*, and policies, procedures or protocols related to the transfer;
 - 3) The hospital stroke director's name, contact information and curriculum vitae or resume to demonstrate that the Director is *a clinical member of the hospital staff or a clinical designee of the hospital administrator*;
 - 4) A copy of the hospital's policies, procedures or protocols related to the administration of *thrombolytic therapy, or subsequently developed medical therapies that meet nationally recognized evidence-based stroke protocols or guidelines*;
 - 5) A letter from the stroke director or hospital administrator indicating how the hospital *conducts and interprets brain image tests at all times* that consider and reflect nationally recognized evidence-based stroke protocols or guidelines;
 - 6) Documentation of laboratory accreditation by a nationally recognized accrediting body;
 - 7) A sample *stroke log* or verification of use of a nationally recognized stroke data registry that meets the minimum requirements (see Section 515.5090) (Section 3.117(b)(3) of the Act)
 - 8) Each [ASRHESRH](#) shall submit a description of its comprehensive ongoing quality improvement plan, including, but not limited to, all of the quality measurements in subsection (e). The description shall include the steps an [ASRHESRH](#) would use to implement performance improvement processes.

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- e) For re-designation, the hospital shall provide the Department with updated supporting documentation, including quality outcomes, indicating compliance with ~~ASRH~~emergent stroke ready designation criteria in Section 515.5060. Hospitals shall submit a full application every three years.
- f) Quality outcomes data shall include a summary of the following quality outcomes, as indicated by the stroke log:
- 1) Results time for door-to-blood coagulation study;
 - 2) Completed time for door-to-brain imaging;
 - 3) Results time for door-to-brain imaging;
 - 4) Time for door-to-thrombolytic therapy, if applicable;
 - 5) Time for door-to-transfer from emergency department, if applicable; and
 - 6) Non-emergency department patients transferred out of the hospital for stroke diagnosis.
- g) Each ~~ASRH~~ESRH shall submit a copy of its comprehensive quality assessment, including, but not limited to, all of the quality measurements in subsection (e) that do not meet nationally recognized evidenced-based stroke guidelines. For each outcome not meeting national guidelines, the ~~ASRH~~ESRH shall implement a written quality improvement plan.
- h) After receipt of a completed ~~application~~Request for Designation form that meets the requirements of this Section, the Department will designate a hospital as an ~~ASRH~~Emergent Stroke Ready Hospital no more than ~~30~~20 business days after receipt of the form. The Department will notify the hospital, in writing, of the designation.
- i) A hospital designated as an ASRH shall pay an annual fee of \$250.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.5080 Suspension and Revocation of Acute Stroke-Ready Hospital~~Emergent Stroke Ready Hospital~~ Designation without National Certification

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- a) Emergency Suspension
- 1) *When the Director or his or her designee has determined that the hospital no longer meets the Acute Stroke-Ready Hospital~~Emergent Stroke Ready Hospital~~ criteria set forth in the Act and this Part, and the potential of an immediate and serious danger to public health, safety, and welfare exists, the Department will issue an emergency written order of suspension of ASRH designation~~Emergent Stroke Ready Hospital Designation~~. (Section 3.117(b)(4)(D) of the Act)*
 - 2) *If the ASRH~~Emergent Stroke Ready Hospital~~ fails to eliminate the violation immediately or within a fixed period of time, not exceeding 10 business days, as determined by the Director, the Director may immediately revoke by written order, the ASRH designation~~Emergent Stroke Ready Hospital Designation~~ (Section 3.117(b)(4)(D) of the Act).*
- b) Suspension and Revocation
- 1) *~~The Director shall have the authority and responsibility to issue an emergency suspension of Emergent Stroke Ready Hospital designation when the Director has determined that the hospital no longer meets the Emergent Stroke Ready hospital criteria, as set forth in the Act and this Part, and an immediate and serious danger to the public health, safety, and welfare exists.~~*
 - 1)2) *If the ASRH~~Emergent Stroke Ready Hospital~~ fails to eliminate the violation immediately or within a fixed period time, not exceeding 10 business days, as determined by the Director, the Director may immediately revoke the ASRH designation~~Emergent Stroke Ready Hospital Designation~~ by written order. The ASRH~~Emergent Stroke Ready Hospital~~ may appeal the revocation, by delivering to the Department a written request for within 15 days after receiving the Director's revocation order requesting an administrative hearing within 15 days after receipt of the written order of revocation. (Section 3.117(b)(4)(D) of the Act)*
 - 2)3) *The Director shall have the authority and responsibility to suspend, revoke, or refuse to issue or renew an ASRH designation~~Emergent Stroke Ready Hospital Designation~~, after notice and an opportunity for an administrative hearing, when the Department finds that the hospital is not in substantial compliance with current ASRH~~Emergent Stroke Ready~~*

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Hospital criteria as set forth in the Act and this Part. (Section 3-117(b)(4)(D) of the Act)

- ~~3)4)~~ *The Department shall consult with the State Stroke Advisory Subcommittee in developing the designation, re-designation, and de-designation processes for ASRHs Emergent Stroke Ready Hospitals.* (Section 3.117(c) of the Act)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.5083 Acute Stroke-Ready Hospital Designation with National Certification

- a) Subject to Section 515.5087, Acute Stroke-Ready Hospital designation shall remain valid at all times while the hospital maintains its certification as an ASRH, in good standing, with the certifying body. (Section 3.117(b)(2.5)(A) of the Act)
- b) The duration of an ASRH designation shall coincide with the duration of its ASRH certification. (Section 3.117(b)(2.5)(B) of the Act)
- c) Each designated ASRH shall have its designation automatically renewed upon the Department's receipt of a copy of the certifying body's certification renewal and an application available through the Department. (Section 3.117(b)(2.5)(C) of the Act)
- d) The Department shall consult with the State Stroke Advisory Subcommittee in developing designation, re-designation and de-designation processes for ASRHs. (Section 3.117(c) of the Act)
- e) A hospital must submit a copy of its certification renewal from the certifying body as soon as practical, but no later than 30 business days after that certification is received by the hospital. Upon the Department's receipt of the renewal certification, the Department shall renew the hospital's ASRH designation. (Section 3.117(b)(2.5)(D) of the Act)

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 515.5085 Request for Acute Stroke-Ready Hospital Designation with National Certification

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- a) *The Department shall require a hospital that is already certified as an Acute Stroke-Ready Hospital, through a Department-approved certifying body, to send a copy of the certificate to the Department. (Section 3.117(b)(4)(A-5) of the Act)*
- b) *Within 30 business days after the Department's receipt of a hospital's ASRH certificate and an application available through the Department that indicates the hospital is a certified ASRH, in good standing, the hospital shall be deemed a State-designated ASRH. (Section 3.117(b)(4)(A-5) of the Act)*
- c) *The Department shall add the names of designated ASRHs to the website listing immediately upon designation (Section 3.118(c) of the Act) and shall immediately remove the name of a hospital from the website listing when a hospital loses its designation after notice and, if requested by the hospital, a hearing. (Section 3.117(b)(4)(A-5) of the Act)*
- d) The application shall include a statement that the hospital meets the requirements for ASRH designation in Section 3.117 of the Act. The applicant hospital shall provide the following:
- 1) Hospital name and address;
 - 2) Hospital chief executive officer/administrator typed name and signature;
 - 3) Hospital stroke medical director typed name and signature; and
 - 4) Contact person typed name, e-mail address and phone number.
- e) *Hospitals applying for ASRH designation via national ASRH certification shall provide to the Department proof of current ASRH certification, in good standing, by a nationally recognized certifying body. (Section 3.117(b)(4)(A-5) of the Act)*
- f) A hospital designated as an ASRH shall pay an annual fee of \$250.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 515.5087 Suspension and Revocation of Acute Stroke-Ready Hospital Designation with National Certification

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- a) The Department shall immediately remove the name of a hospital from the website listing when a hospital loses its designation after notice and, if requested by the hospital, a hearing. (Section 3.117(b)(4)(A-5) of the Act)
- b) The Department will issue an emergency suspension of ASRH designation when the Director has determined that the hospital no longer meets the ASRH criteria and an immediate and serious danger to the public health, safety and welfare exists. (Section 3.117(b)(4)(D) of the Act)
- c) If the ASRH fails to eliminate the violation immediately or within a fixed period of time, not exceeding 10 days, as determined by the Director, the Director may immediately revoke the ASRH designation. (Section 3.117(b)(4)(D) of the Act)
- d) The ASRH may appeal the revocation, within 15 business days after receiving the Director's revocation order, by requesting an administrative hearing. (Section 3.117(b)(4)(D) of the Act)
- e) After notice and an opportunity for an administrative hearing, the Department will suspend, revoke or refuse to renew an ASRH designation when the Department finds that the hospital is not in substantial compliance with current ASRH criteria. (Section 3.117(b)(4)(E) of the Act)

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 515.5090 Data Collection and Submission

- a) The Department may administer a data collection system to collect data that is already reported by designated Comprehensive Stroke Centers, Primary Stroke Centers, and Acute Stroke-Ready Hospitals to their certifying body, to fulfill certification requirements. CSCs, PSCs and ASRHs~~Primary Stroke Centers~~ may provide data used in submission~~complete copies of the same reports that are submitted~~ to their certifying body, to satisfy any Department reporting requirements. The Department may require submission of data elements in a format that is used statewide. If the Department establishes reporting requirements for designated CSCs, PSCs and ASRHs~~Primary Stroke Centers~~, the Department shall permit each designated CSC, PSC and ASRH~~Primary Stroke Center~~ to capture information using existing electronic reporting tools used for certification purposes. Nothing in this Section shall be construed to empower the Department to specify the form of internal recordkeeping. (Section 3.118(e) of the Act)

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- b) *Stroke data collection systems and all stroke-related data collected from hospitals shall comply with the following requirements:*
- 1) *The confidentiality of patient records shall be maintained in accordance with State and federal laws.*
 - 2) *Hospital proprietary information and the names of any hospital administrator, health care professional, or employee shall not be subject to disclosure.*
 - 3) *Information submitted to the Department shall be privileged and strictly confidential and shall be used only for the evaluation and improvement of hospital stroke care. Stroke data collected by the Department shall not be directly available to the public and shall not be subject to civil subpoena, nor discoverable or admissible in any civil, criminal, or administrative proceeding against a health care facility or health care professional.
(Section 3.118(d) of the Act)*

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 515.APPENDIX K Application for Facility Recognition for Emergency Department with Pediatrics CapabilitiesFACILITY RECOGNITION
Emergency Department with Pediatric Capabilities

Application Instructions

Follow these instructions to initiate the process to obtain recognition as an Emergency Department Approved for Pediatrics (EDAP) or Standby Emergency Department for Pediatrics (SEDP):

- 1) Complete the application form and obtain the appropriate signatures.
- 2) Using the Emergency Department Pediatric Plan Guideline and the EDAP or SEDP requirements, complete an Emergency Department Pediatric Plan. Attach all requested supporting documentation (credentialing forms, schedules, policies, procedures, protocols, guidelines, plans, etc.).
- 3) Submit the original signed application form plus three additional copies of the signed application form and four copies of the Emergency Department Pediatric Plan (including supporting documentation) to:

Chief, Division of EMS & Highway Safety
Illinois Department of Public Health
422 S. 5th Street
Springfield IL 62701

- 4) The Emergency Department Pediatric Plan shall follow the format outlined in the Emergency Department Pediatric Plan Guideline in this Appendix K and include all required documentation. The plan shall also address how each of the EDAP/SEDP requirements is currently being or will be met. The Pediatric Plan shall be developed through interaction and collaboration with all other appropriate disciplines.
- 5) Any submitted requests [for equipment waiversto waive any of the requirements](#) shall include the criteria by which compliance is considered to be a hardship and demonstrate that there will be no reduction in the provision of medical care.
- 6) The application should be submitted in a single-sided format and unstapled.

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- 7) Appendix M ~~of this Part~~ provides additional resource information related to pediatric inter-facility transfer and consultation and can be used in the development of the Emergency Department Pediatrics Plan.
- 8) For questions regarding the application process, specific requirements, or supporting documentation, please contact the Division of EMS & Highway Safety at 217-785-2080.

RECOGNITION OF EMERGENCY DEPARTMENT
PEDIATRIC CAPABILITIES
APPLICATION FORM

- 1) Name and address of hospital (typed)

- 2) Specify the recognition level for which your hospital is applying:

- a) Emergency Department Approved for Pediatrics (EDAP) _____
- b) Standby Emergency Department Approved for Pediatrics (SEDP) _____

- 3) The above-named hospital certifies that each requirement in this Request for Recognition is met and will be in operation by the date of recognition.

Typed name – CEO/Administrator

Signature – CEO/Administrator

Date

Typed name – Medical Director of Emergency Services

Signature – Medical Director of Emergency Services

Date

Contact person – Typed name, credentials and title

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Contact person – Phone number, fax number and email

EMERGENCY DEPARTMENT PEDIATRIC PLAN
GUIDELINE

Emergency Department Pediatric Plan (Please follow this guideline carefully. It provides information on the components that must be included in the submitted plan. Please include any applicable supplemental documentation.)

A. Emergency Department Organizational Structure

1. Provide a hospital Organizational Table identifying the administrative relationships among all departments in the hospital, especially as they relate to the emergency department. The table must include, but is not limited to, the following:
 - a. Board of Directors
 - b. Chief Executive Officers
 - c. Emergency Department
 - d. Department of Pediatrics
 - e. Trauma Service (if applicable)
 - f. Department of Radiology
2. In addition, provide a separate table showing the organization structure of the emergency department, including the relationship of the physician, nursing and ancillary services. Include the reporting structure for the ED Medical Director (to whom he/she reports).
 - a. Emergency Department Organizational Structure (Table)

B. Emergency Department Services

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1. Description of the emergency department services
 - Provide a scope of services or policy outlining emergency department services, emergency department level, a description of the population served, types of pediatric patients seen, and annual emergency department visits that involve the pediatric patient.
 - Identify the age range that the hospital uses to define the pediatric patient, i.e., 0-15.
 - Provide information on participation/status in EMS system and trauma system as appropriate.
2. Description of the emergency department patient flow
 - Provide a narrative description or algorithm of patient path/flow from point of entry through disposition.
 - Provide any policies/guidelines that identify triaging/urgency categorization of patients.
 - Identify whether pediatric patients are seen in the general emergency department or in a separate area/bed space allocated for the pediatric patient.
 - If an emergency department fast-track area exists, provide triage criteria for this area and information on physician and nursing staffing/qualifications for assignment to the fast-track area.
3. Description of emergency medical services communication with identification of dedicated phone line, radio, and telemetry capabilities
 - Provide a policy or narrative description of the emergency services dedicated phone/telemetry radio communication capabilities.
 - Provide a policy outlining staffing qualifications to access and use such equipment.
4. Description of social service availability and capabilities
 - Provide a scope of services or policy that defines the services, capabilities and availability of social service department/personnel to the emergency department.
 - Describe typical mechanism and response by social worker to emergency department requests (i.e., handle over the phone, respond directly to the emergency department, follow-up consult/appointment made).

C. Pediatric Department Services

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1. Description of the pediatric department services
 - Identify whether there is a dedicated pediatric inpatient unit, dedicated pediatric inpatient beds and pediatric intensive care unit.
 - Provide a scope of services/policy outlining pediatric department services.
 2. Description of the pediatric staffing and availability
 - Provide policy or scope of services outlining pediatric unit shift nursing staffing patterns based on patient acuity and any pediatric continuing education requirements/competencies verification.
 - If pediatric patients are admitted for care to an adult inpatient unit, provide documentation that identifies unit pediatrician staffing/coverage for such patients and how nurses are assigned to the inpatient pediatric patient, i.e., only nurses who have completed the PALS course.
 3. Description/documentation of pediatric inpatient capabilities with identification of PICU and/or pediatric general floor bed availability and unit resources
 - Provide policy or scope of services that identifies what types of pediatric patients are typically admitted, i.e., types of conditions/diagnoses. Are there guidelines in place that define pediatric patients specifically by age parameters and/or diagnoses?
 - If a PICU is present, then a description of services, unit resources, and capabilities is needed. If a PICU is not present, then a description of where patients requiring such care are transferred, established relationships with pediatric tertiary care center, etc., is needed.
- D. Professional Staff
1. Emergency Department Director
 - a. Copy of curriculum vitae
 - Provide a printed curriculum vitae.
 - Identify any board certification as outlined in the Facility Recognition Criteria (Sections 515.4000 and 515.4010).
 - b. Document Board Certification, as identified in the Facility Recognition Criteria, on the Emergency Department Credentialing Form. ~~Documentation of board certification (as identified in Facility Recognition Criteria)~~
 - ~~Provide a copy of board certification or verification of board certification.~~

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2. Emergency Department Physicians
Documentation of the ability to meet recognition requirements in Section 515.4000 or Section 515.4010 ~~of this Part.~~

Hospital Recognition Requirement – Section 515.4000(a)(1) or 515.4010(a)(1)

- Provide a policy or description of emergency department physician staffing, coverage and availability (including fast track/urgent care area).
- Provide a completed Department approved credentialing form ~~for complete list/roster of~~ emergency department physician staff and a credentialing form for, including fast track/urgent care physicians area ~~(may use the Department approved credentialing form).~~
- Provide a one-month staffing schedule/calendar, including fast track/urgent care area (schedule should be from within the three month time period previous to the application submission).
- ~~Provide copies of physician current board certification or verification of board certification (or copies of CVs for SEDP level applications).~~
- ~~Provide copies of PALS or APLS course completion certificates for physician staff or a documented plan to complete such courses.~~ Provide documentation of a plan to maintain PALS or APLS recognition.
- Provide a policy that incorporates Section 515.4000(a)(1) or 515.4010(a)(1).

Hospital Recognition Requirement – Section 515.4000(a)(2) or 515.4010(a)(2)

- Provide a copy of the emergency department physician continuing education policy.
- Provide a description of how physician continuing education is currently tracked.
- Provide documentation of an implementation plan for attaining and tracking of pediatric specific continuing education hours (these hours can be integrated into the overall CME tracking process).
- Provide a policy that incorporates Section 515.4000(a)(2) or 515.4010(a)(2).

Hospital Recognition Requirement – Section 515.4000(a)(3) or 515.4010(a)(3)

- Provide a staffing policy that incorporates Section 515.4000(a)(3) or 515.4010(a)(3).

Hospital Recognition Requirement – Section 515.4000(a)(4) or 515.4010(a)(4)

- Provide a one-month on-call schedule that identifies availability of a board

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certified/prepared pediatrician or pediatric emergency medicine physician for telephone consultation (schedule should be from within the three month time period previous to the application submission).

Hospital Recognition Requirement – Section 515.4000(a)(5) or 515.4010(a)(5)

- Provide a copy of a policy that identifies physician back-up availability to assist with critical situations, increased surge capacity or disasters.

Hospital Recognition Requirement – Section 515.4000(a)(6) or 515.4010(a)(6)

- Provide a protocol/policy/bylaws that identifies maximum response time for all specialty of on-call physicians.

3. Emergency department nurse practitioner and physician assistant ~~Department Mid-Level Providers (Physician Assistant or Nurse Practitioner)~~

Note – Complete this section only if ~~physician assistants and/or nurse practitioners~~ and/or physician assistants practice in the emergency department and participate in the care of pediatric patients.

Provide documentation of the ability to meet hospital recognition requirements in Section 515.4000(b) or 515.4010(b) ~~of this Part.~~

Requirement – Section 515.4000(b)(1) or 515.4010(b)(1)

- Provide a policy of emergency department ~~physician assistant and/or nurse practitioner~~ and/or physician assistant staffing, coverage, availability, responsibilities and credentialing process.
- Provide a completed Department approved credentialing form for a list/roster of all emergency department, and a credentialing form for fast track ~~physician assistant and nurse practitioner and physician assistant staff (may use Department approved credentialing form).~~
- Provide a copy of a one-month staffing schedule/calendar (schedule should be from within the three month time period previous to the application submission).
- ~~Provide a copy of printed licenses and curriculum vitae.~~
- ~~Provide copies of PALS, APLS or ENPC completion certificates or a documented plan to complete such courses.~~ Provide documentation of a plan to maintain PALS, APLS or ENPC recognition.
- Provide a policy that incorporates Section 515.4000(b)(1) or 515.4010(b)(1) ~~of this Part.~~

Requirement – Section 515.4000(b)(2) or 515.4010(b)(2)

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- Provide a copy of the emergency department and fast track nurse practitioner and physician assistant~~physician assistant/nurse practitioner~~ continuing education policy.
 - Provide a description of how nurse practitioner and physician assistant~~physician assistant/nurse practitioner~~ continuing education is currently tracked.
 - Provide documentation of an implementation plan for attaining and tracking of pediatric specific continuing education hours (these hours can be integrated into overall continuing education tracking process).
 - Provide a policy that incorporates Section 515.4000(b)(2) or 515.4010(b)(2)~~of this Part~~.
4. Emergency Department Registered Nurses
Provide documentation of the ability to meet hospital recognition requirements in Section 515.4000(c) or 515.4010(c)~~of this Part~~.

Requirement – Section 515.4000(c)(1) or 515.4010(c)(1)

- Provide a policy/documentation outlining current nursing shift staffing plan/patterns.
- Provide a Department approved credentialing form for list/roster of all emergency department nursing staff~~_(may use Department approved credentialing form)_~~.
- Provide a copy of a one-month nursing staffing schedule/calendar (schedule should be from within the three month time period previous to the application submission).
- Provide documentation of a plan to maintain PALS, APLS or ENPC recognition~~Provide copies of PALS, APLS or ENPC completion certificates or a documented plan to complete such courses~~.
- Provide a policy that incorporates Section 515.4000(c)(1) or 515.4010(c)(1).

Requirement – Section 515.4000(c)(2) or 515.4010(c)(2)

- Provide a policy identifying continuing education requirements and competency testing for emergency department nursing staff.
- Provide a description of how continuing education is currently tracked.
- Provide documentation of an implementation plan for attaining and tracking of pediatric specific continuing education hours.
- Provide a policy that incorporates Section 515.4000(c)(2) or 515.4010(c)(2)~~of this Part~~.

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E. Policies and Procedures

1. Policy/procedure for inter-facility transfer as identified in Section 515.4000(d)(1) or 515.4010(d)(1) ~~of this Part.~~
 - Provide a transfer agreement with a Pediatric Critical Care Center and identification of facilities to which the hospital typically transfers pediatric patients. The transfer agreements shall include a provision that addresses communication and quality improvement measures between the referral and receiving hospitals, as related to patient stabilization, treatment prior to and subsequent to transfer, and patient outcome.
 - Provide a transfer policy that incorporates the physiologic/other criteria identified in Appendix M: EMSC Inter-facility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline.
2. Policy/procedure for suspected child abuse and neglect as identified in Section 515.4000(d)(2) or 515.4010(d)(2) ~~of this Part.~~
 - Provide a policy that includes age-specific identification, assessment, evaluation and management measures for the suspected child abuse and neglect patient.
3. Treatment guidelines as identified in Section 515.4000(d)(3) or 515.4010(d)(3) ~~of this Part.~~
 - Provide copies of pediatric treatment guidelines as described.
 - The hospital shall have emergency department guidelines, order sets or policies and procedures addressing initial assessment and management for its high-volume and high-risk pediatric population (i.e., fever, trauma, respiratory distress, seizures). It is recommended that guidelines be based on high volume/high risk diagnoses (i.e., fever, trauma, respiratory distress, seizures) and that guidelines include desired outcomes in order to facilitate quality improvement monitoring.
4. Policy for latex allergy as identified in Section 515.4000(d)(4) or 515.4010(d)(4) ~~of this Part.~~
 - Provide a policy that addresses assessment of latex allergies and the availability of latex-free equipment and supplies.

F. Quality Improvement

1. Describe and document the emergency department program for conducting outcome analysis or quality improvement and how pediatrics is integrated into the

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process.

- Provide a policy/guideline that outlines the emergency department quality improvement program, i.e., describe the quality improvement process, required clinical indicators, ~~and/or outcome analysis and follow-up mechanisms, i.e.,~~ "loop closure" and target time frames for closure of issues.
- Provide documentation outlining current and planned pediatric monitoring activities.

2. Document the ability to meet facility recognition requirements in Section 515.4000(e) or 515.4010(e) ~~of this Part.~~

Requirement – Section 515.4000(e)(1) or 515.4010(e)(1)

- Define the composition of the multidisciplinary QI committee (recommend broadening composition of committee beyond physician/nursing to include other essential disciplines such as pediatric, social services, respiratory therapy), frequency of committee meetings and reporting structure.
- Provide a copy of the emergency department quality improvement plan, including QI policy, pediatric indicators, feedback loop and target time frames for closure of issues. If implementation of pediatric monitoring activities is pending, define implementation plan and time frame.

Requirement – Section 515.4000(e)(2) or 515.4010(e)(2)

- Provide a curriculum vitae for the physician who will assume the pediatric physician champion role.
- Provide the name and title of the individual who will assume the pediatric quality coordinator role.
- Provide a job description that addresses allocation of time and resources to the role and includes each of the requirements outlined in Section 515.4000(e)(2) or 515.4010(e)(2) that will be carried out by the pediatric quality coordinator.

G. Equipment

Using the equipment list provided in Appendix L, place an "X" next to each equipment item that is currently available (as appropriate for the level applied for). If equipment/supply items are not available, a plan for securing the items shall be identified, i.e., submission of a purchase order to assure that the item is on order, or equipment waiver shall be submitted for each item.

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Requests for [equipment waivers](#) shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

Site Survey Procedure

- 1) Within four to six weeks following receipt of the Application Form and supporting documents (schedules, policies, procedures, protocols, guidelines, etc.), the hospital will be informed as to the status of the application. If all documentation is in order, a site visit will be scheduled.
- 2) The site visit will include a survey of the emergency department and pediatric unit (including intensive care, if applicable), and a meeting with the following individuals:
 - a) The hospital's chief administrative/executive officer or designee
 - b) The chief nursing executive/director of nursing or designee
 - c) The chief of pediatrics or, if the hospital does not have a pediatric department, the designated pediatric consultant
 - d) The nursing director or nursing manager of the pediatric unit, if applicable
 - e) The emergency department medical director or pediatric emergency department medical director
 - f) The emergency department nursing director or nursing manager
 - g) The administrator of emergency services
 - h) The administrator of pediatric services, if applicable
 - i) The pediatric quality coordinator
 - j) The hospital quality improvement director or designee
 - k) The hospital emergency management/disaster preparedness coordinator

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- l) ~~Nurse practitioner~~~~Mid-level provider, i.e., nurse practitioner~~ or physician assistant, for those hospitals that use these practitioners~~use mid-level providers~~ in their emergency department
 - m) For EMS Resource or Associate Hospitals only: the EMS Medical Director and EMS Coordinator
- 3) In preparation for the site visit, hospital personnel shall prepare evidence to verify adherence to the hospital recognition requirements.

Site Survey Team

The Chief of EMS & Highway Safety, in coordination with the Illinois EMSC Advisory Board, will appoint the survey team. Site survey teams will be composed of a physician/nurse (or nurse/nurse) team along with a representative from the Illinois Department of Public Health. All team members shall have attended formal training in the responsibilities, expectations, process and assessment of facility recognition.

Following the Site Survey

- 1) Within four to six weeks following the site visit, the Department will provide the hospital with the results of the survey. Those hospitals meeting all requirements will receive a formal "recognition" for their emergency department pediatric capabilities.
- 2) Hospitals may appeal the results of the survey by submitting a written request to the Illinois Department of Public Health, Division of EMS & Highway Safety.
- 3) Re-recognition shall occur every ~~four~~~~three~~ years, with site visits scheduled as necessary.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 515.APPENDIX L Pediatric Equipment Recommendations for Emergency Departments

The following list identifies pediatric equipment items that are recommended for the two emergency department facility recognition levels. Equipment items are classified as "essential" (E) and "need to be stocked in the emergency department" (ED).

	EDAP	SEDP
Monitoring Devices		
Blood glucose measurement device (i.e., chemistry strip or glucometer)	E (ED)	E (ED)
Continuous end-tidal PCO ₂ monitor and pediatric CO ₂ colorimetric detector (disposable units may be substituted)	E (ED)	E (ED)
Doppler ultrasound blood pressure device (neonatal-adult thigh cuffs)	E (ED)	E (ED)
ECG monitor-defibrillator/cardioverter with pediatric and adult sized paddles, with pediatric dosage settings and pediatric-adult pacing electrodes	E (ED)	E (ED)
Hypothermia thermometer (Note: with a range of 28-42°C)	E (ED)	E (ED)
Pediatric monitor electrodes	E (ED)	E (ED)
Otoscope/ophthalmoscope/stethoscope	E (ED)	E (ED)
Pulse oximeter with pediatric and adult probes	E (ED)	E (ED)
Sphygmomanometer with cuffs (neonatal-adult thigh)	E (ED)	E (ED)
Vascular Access Supplies and Equipment		
Arm boards (sized infant through adult)	E (ED)	E (ED)
Blood gas kits	E (ED)	E (ED)

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Butterfly-type needles (19-25 g)*	E (ED)	E (ED)
Catheter-over-needle devices (16-24 g)*	E (ED)	E (ED)
Central venous catheters (stock one small and one large size)	E (ED)	E (ED)
Infusion pumps, syringe pumps, or devices drip or volumetric, with microinfusion capability <u>using</u> , appropriate tubing & connectors	E (ED)	E (ED)
Intraosseous needles or bone marrow needles (13-18 g size range; stock one large/one small bore) or IO device (pediatric and adult sizes)	E (ED)	E (ED)
IV extension tubing, stopcocks, and T-connectors	E (ED)	E (ED)
IV fluid/blood warmer	E (ED)	E (ED)
IV solutions: standard crystalloid and colloid solutions (D10W, D5/.2 NS, D5/.45 NS, D5/.9 NS and 0.9 NS)	E (ED)	E (ED)
Syringes (1ml through 20 ml)	E (ED)	E (ED)
Tourniquets	E (ED)	E (ED)
Umbilical vein catheters (3.5 and 5 Fr; the same size feeding tube may be used for 5 Fr)*	E (ED)	E (ED)
 Respiratory Equipment and Supplies		
Bag-valve-mask device, self-inflating infant/child and adult (1000 ml) with O ₂ reservoir and clear masks (neonatal through large adult sizes)*; PEEP valve and manometer	E (ED)	E (ED)
<u>Manometer</u>	<u>E (ED)</u>	<u>E (ED)</u>
Bulb syringe	E (ED)	E (ED)
Endotracheal tubes:*		

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<u>Cuffed or Uncuffed (sizes 2.5, and 3.0, 3.5, 4.0, 4.5, 5.0, 5.5, 6.0, 6.5, 7.0, 7.5 and 8.0)</u>	E (ED)	E (ED)
<u>Cuffed or Uncuffed (3.5, 4.0, 4.5, 5.0, 5.5)</u>	E (ED)	E (ED)
<u>Cuffed (sizes 6.0, 6.5, 7.0, 7.5, 8.0)</u>	E (ED)	E (ED)
Stylets for endotracheal tubes (pediatric and adult)	E (ED)	E (ED)
Laryngoscope handle (pediatric and adult)	E (ED)	E (ED)
Laryngoscope blades (curved 2, 3; straight or Miller 0, 1, 2, 3)*	E (ED)	E (ED)
Magill forceps (pediatric and adult)	E (ED)	E (ED)
Meconium aspirator	E (ED)	E (ED)
Nasopharyngeal airways (sizes 14 12, 16, 20, 24, 28, 30 Fr)*	E (ED)	E (ED)
Nebulized medication, administration set with pediatric and adult masks	E (ED)	E (ED)
Oral airways (sizes 0, 1, 2, 3, 4, 5 or size 50 mm, 60 mm, 70 mm, 80 mm, 90 mm, 100 mm)*	E (ED)	E (ED)
Oxygen delivery device with flow meter and tubing	E (ED)	E (ED)
Oxygen delivery adjuncts:		
Tracheostomy collar	E (ED)	E (ED)
Standard masks, clear (pediatric and adult sizes)	E (ED)	E (ED)
Partial-non-rebreather or non-rebreather masks, clear (pediatric and adult sizes)	E (ED)	E (ED)
Nasal cannula (infant, pediatric and adult)	E (ED)	E (ED)
Peak flow meter	E (ED)	E (ED)
Supplies/kit for patients with difficult air way conditions:	E (ED)	E (ED)
• LMA (sizes 1, 1.5, 2, 2.5, 3, 4 and 5); or		
• Cricothyrotomy kit or cricothyrotomy capabilities (i.e., 10 g needle and 3 mm ET tube adapter or 14 g needle		

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and 3.5 mm ET tube adapter)

Suction capability (wall)	E (ED)	E (ED)
Suction capability (portable)	E (ED)	E (ED)
Suction catheters (sizes 5/6, 8, 10, 12, 14, 16, 18 Fr and Yankauer-tip catheter)*	E (ED)	E (ED)
Tracheostomy tubes (sizes PED* 3.0, 3.5, 4.0, 4.5, 5.0, 5.5)* (correspond to PT 00, 0, 1, 2, 3, 4, in old schematization)	E (ED)	---
Tube thoracostomy tray and water seal drainage capacity with chest tubes (sizes 12-32 Fr)*	E (ED)	---

Medications (unit dose, prepackaged)

Access to the Illinois Poison Center 1-800-222-1222 through posting of phone number in ED	E (ED)	E (ED)
Activated charcoal (consider with and without Sorbitol)	E (ED)	E (ED)
Adenosine	E (ED)	E (ED)
Amiodarone	E (ED)	E (ED)
Antiemetics	E (ED)	E (ED)
Antimicrobial agents (parenteral and oral)	E (ED)	E (ED)
Antipyretics	E (ED)	E (ED)
Atropine	E (ED)	E (ED)
Barbiturates, e.g., Phenobarbital, Pentobarbital, Thiopental	E (ED)	E (ED)
Benzodiazepines, e.g., Lorazepam, Midazolam, Diazepam	E (ED)	E (ED)
Beta agonist for inhalation (Albuterol, Levalbuterol)	E (ED)	E (ED)

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Beta blockers, e.g., Propranolol, Metoprolol	E (ED)	E (ED)
Calcium (chloride or gluconate)	E (ED)	E (ED)
Corticosteroids, e.g., Dexamethasone, Hydrocortisone, Methylprednisolone	E (ED)	E (ED)
Dextrose (25% and 50%)	E (ED)	E (ED)
Diphenhydramine	E (ED)	E (ED)
Dobutamine	E (ED)	---
Dopamine	E (ED)	---
Epinephrine (1:1,000 and 1:10,000)	E (ED)	E (ED)
Epinephrine (Racemic)	E (ED)	E (ED)
Fosphenytoin and/or Phenytoin	E (ED)	E (ED)
Furosemide	E (ED)	E (ED)
Glucagon or Glucose Paste	E (ED)	E (ED)
Insulin, regular	E (ED)	E (ED)
Lidocaine 1%	E (ED)	E (ED)
Magnesium Sulfate	E (ED)	E (ED)
Mannitol	E (ED)	E (ED)
Narcotics	E (ED)	E (ED)
Neuromuscular blocking agents (i.e., succinylcholine, rocuronium, vecuronium)	E (ED)	E (ED)
Ocular anesthetics	E (ED)	E (ED)

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Poison Specific Antidotes		
Acetylcysteine	E (ED)	E (ED)
Cyanide antidote kit	E (ED)	E (ED)
Flumazenil	E (ED)	E (ED)
Naloxone	E (ED)	E (ED)
Procainamide	E (ED)	E (ED)
Sodium bicarbonate – 8.4% and 4.2%	E (ED)	E (ED)
Sedative/Hypnotic (e.g., Ketamine, Etomidate)	E (ED)	E (ED)
Tetanus Immune Globulin (Human)	E (ED)	E (ED)
Tetanus Vaccines (single or in combination with other vaccines)	E (ED)	E (ED)
Topical Anesthetics	E (ED)	E (ED)
Miscellaneous Equipment	E (ED)	E (ED)
Dosing device – length or weight based system for dosing and equipment	E (ED)	E (ED)
Dosing/equipment chart by weight	E (ED)	E (ED)
EMS communication equipment (i.e., telemetry, MERCI, cellular or dedicated phone)	E (ED)	E (ED)
Examination gloves, disposable	E (ED)	E (ED)
Fluorescein (eye strips)	E (ED)	E (ED)
Infant formulas, dextrose in water with various nipple sizes	E (ED)	E (ED)
Lubricant, water soluble	E (ED)	E (ED)
Nasogastric tubes 8 through-18 Fr* (may substitute feeding	E (ED)	E (ED)

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tubes 5F and 8F)

Oral rehydrating solution	E (ED)	E (ED)
Pain scale assessment tools appropriate for age	E (ED)	E (ED)
Pediatric emergency/crash cart or bag with defined list of contents attached to bag/cart	E (ED)	E (ED)
Restraining device, pediatric (papoose)	E (ED)	E (ED)
Resuscitation board	E (ED)	E (ED)
Urinary catheters (8-22 Fr)*	E (ED)	E (ED)
Warming devices, age appropriate	E (ED)	E (ED)
Weighing scales (in kilograms <u>only</u>) for infant and children	E (ED)	E (ED)
Woods lamp (blue light)	E (ED)	E (ED)

Specialized Pediatric Trays

Initial newborn resuscitation equipment (can include warming device, feeding tubes, neonatal mask)	E (ED)	E (ED)
Lumbar puncture tray, including a selection of needle sizes (size 18-22 g, 1½-3 inch needle)	E (ED)	E (ED)
Minor surgical instruments and sutures	E (ED)	E (ED)
Newborn kit/OB kit (including umbilical clamp, bulb syringe, towel)	E (ED)	E (ED)

Fracture Management Devices

Extremity splints	E (ED)	E (ED)
Femur splint (child and adult)	E (ED)	E (ED)

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Semi-rigid neck collars (child through adult) or cervical immobilization equipment suitable for children E (ED) E (ED)

Spinal immobilization board (child and adult) E (ED) E (ED)

* Shall minimally stock a range of each commonly available size noted or comparable sizes.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 515.APPENDIX N Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application

Application Instructions

Follow these instructions to initiate the process to request recognition as a Pediatric Critical Care Center (PCCC) and Emergency Department Approved for Pediatrics (EDAP). The Pediatric Plan shall be developed through interaction and collaboration with all appropriate disciplines:

1. Complete the Request for Recognition of Pediatric Critical Care Center and Emergency Department Approved for Pediatrics Status Application Form and obtain the appropriate signatures.
2. Using the Pediatric Critical Care Center Plan Application Guideline and the PCCC/EDAP requirements, complete a PCCC and EDAP Pediatric Plan. The Pediatric Plan should follow the Pediatric Critical Care Center Plan Application Guideline checklist format provided in this application and include all requested supporting documentation, including, but not limited to, scope of services/care, credentialing forms, policies (both administrative and department specific), procedures, protocols, guidelines, flow charts, rosters, calendars, schedules, etc.
3. Complete and obtain signatures on the Department-approved physician, [nurse practitioner and physician assistant](#)~~mid-level provider~~ and nursing credentialing forms.
4. Complete the EDAP, PICU and Pediatric Unit Equipment Checklists.
5. Submit four copies of the hospital's Pediatric Plan (an original signed copy plus three additional copies) that each contain the following:
 - a. Signed Request for Recognition of Pediatric Critical Care Center and Emergency Department Approved for Pediatrics Status Application Form;
 - b. Completed PCCC Plan and EDAP Plan (including supporting documentation);
 - c. Completed physician, [nurse practitioner and physician assistant](#)~~mid-level provider~~ and nursing credentialing forms;
 - d. Completed EDAP, PICU and Pediatric Inpatient Unit Equipment Checklists.

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6. Submit these documents (including all supporting documentation) in the order listed in this application to: Division of EMS & Highway Safety, Illinois Department of Public Health, 422 S. 5th Street, Springfield IL 62701.
7. The Pediatric Plan shall be submitted in a single-sided format and unstapled.
8. Any submitted requests to waive any of the EDAP or PCCC [equipment](#) requirements shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

Site Survey Procedure

1. Within four to six weeks following the Department's receipt of the PCCC Pediatric Plan and supporting documents, the hospital will be informed as to the status of the application. If all documentation is in order, a site visit will be scheduled.
2. In preparation for the site visit, hospital personnel shall prepare evidence to verify adherence to the facility recognition requirements.
3. The site visit will include a survey of the Emergency Department, Pediatric Intensive Care Unit, Pediatric Units and a meeting with the following individuals:
 - a. chief administrative/executive officer or designee
 - b. chief of pediatrics
 - c. medical director of the pediatric intensive care services
 - d. medical directors of the pediatric units
 - e. medical director of pediatric ambulatory care
 - f. nursing director or nurse manager of the pediatric intensive care services
 - g. nursing director or nurse manager of the pediatric units
 - h. administrator of pediatric services
 - i. administrator of emergency services

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- j. pediatric quality coordinator
- k. hospital quality improvement department director or designee
- l. emergency department medical director and the pediatric emergency department medical director
- m. emergency department nurse manager and the pediatric emergency department nurse manager
- n. hospital emergency management/disaster preparedness coordinator
- o. transport team medical director
- p. transport team nurse coordinator
- q. Clinical nurse specialist, nurse practitioner~~mid-level provider, i.e., nurse practitioner~~ or physician assistant for those facilities that use these practitioners~~use mid-level providers in their emergency department or on their pediatric units~~
- r. For EMS Resource or Associate Hospitals: The EMS MD and EMS coordinator

Site Survey Team

The Director or the Chief, Division of EMS & Highway Safety, in coordination with the Illinois EMSC Advisory Board, will appoint the site survey team. Site survey teams will be composed of a physician/nurse team along with a representative from the Illinois Department of Public Health. All team members will attend formal training in the site survey responsibilities, expectations and process.

Following the Site Survey

1. Within four to six weeks following the site visit, the hospital shall receive the results of the survey from the Department. Those hospitals meeting all requirements will receive a formal recognition of their Pediatric Critical Care capabilities.
2. Hospitals that do not meet the requirements will receive a letter from the Illinois Department of Public Health outlining the areas of non-compliance. The Department shall deny a request for recognition if findings show failure to substantially comply with

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the EDAP and/or PCCC requirements. Hospitals may appeal the denial by submitting a written request to the Illinois Department of Public Health, Division of EMS & Highway Safety.

- 3. Re-recognition shall occur every three years, with site visits scheduled as necessary.

ILLINOIS EMSC FACILITY RECOGNITION

Request for Recognition of Pediatric Critical Care Center (PCCC) and Emergency Department Approved for Pediatrics (EDAP) Status

Application Form

Name of hospital and address (typed)

Three horizontal lines for typing the hospital name and address.

The above-named hospital is requesting PCCC and EDAP recognition. In addition, the above-named hospital certifies that each requirement in this Request for Recognition is met.

Typed name – CEO/Administrator

Signature – CEO/Administrator Date

Typed name – Chairman of the Department of Pediatrics

Signature – Chairman of the Department of Pediatrics Date

Typed name – Medical Director of Emergency Services

Horizontal line for signature of Medical Director of Emergency Services.

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Signature – Medical Director of Emergency Services

Date

Contact Person – Typed name, credentials and title

Contact Person – Phone number, fax number and email

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 515.APPENDIX O Pediatric Critical Care Center Plan

I. PEDIATRIC CRITICAL CARE CENTER PLAN

Application Checklist

Instructions: Please follow and complete this checklist carefully. It outlines the components that must be included in the submitted plan. Please include any applicable supplemental documentation.

A. Organizational Structure

1. Enclosed is an organizational table identifying the administrative relationships among all departments in the hospital, especially as they relate to the pediatrics department. The table shall include, but is not limited to, the following:

- board of directors
- chief executive officers
- emergency department
- department of pediatrics
- pediatric ambulatory care
- trauma service
- department of radiology
- laboratory services
- transport service team
- social services

2. Enclosed is an organizational table showing the organizational structure of the department of pediatrics, including the relationship of the physician, nursing and ancillary services for both the PICU and pediatric units. Include the reporting structure for the pediatric chairman (to whom he/she reports).

- Department of Pediatrics Organizational Structure (Table)

3. Enclosed is an organizational table showing the organizational structure of the emergency department, including the relationship of the physician, nursing and ancillary services. Include the reporting structure for the emergency department director (to whom he/she reports).

- Emergency Department Organizational Structure (Table)

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EDAP Checklist

Review the criteria in Section 515.4000(a)(1) and (2) for the physician staff qualifications and continuing medical education and submit each of the following:

- A policy or medical staff bylaws that incorporate the physician qualifications and CME requirements.
- A completed Credentials of Emergency Department Physicians form
- A completed Credentials of Fast Track Physicians form
- The curriculum vitae for the ED medical director
- A current one-month physician schedule for the ED

Review the criteria in Section 515.4000(a)(3) for the ED physician coverage and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(a)(4) for ED consultation and submit a one-month on-call schedule identifying availability of board certified/board prepared pediatricians or pediatric emergency medicine physicians.

Review the criteria in Section 515.4000(a)(5) for ED physician back-up and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(a)(6) for all on-call specialty physician response time and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(b)(1) and (2) for nurse practitioner and physician assistant~~mid-level provider~~ qualifications and continuing medical education and submit the following (as applicable):

- A policy(s) that incorporates the mid-level provider qualifications and continuing education requirements
- A completed Credentials of Emergency Department and Fast Track Nurse Practitioner and Physician Assistant~~Mid-level Providers~~ form
- A current one-month ~~mid-level provider~~ schedule for the emergency department and fast track area as applicable.

Review the criteria in Section 515.4000(c)(1) and (2) for nursing qualifications and continuing education and submit the following:

- A policy that incorporates the nursing qualifications and CE requirements

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- A completed Credentials of Emergency Department Nursing Staff form
- A one-month nurse staffing schedule for the emergency department

Review the criteria in Section 515.4000(d)(1) for inter-facility transfer and submit the following:

- An inter-facility transfer policy that addresses pediatric transfers
- A copy of current pediatric-specific transfer agreements with hospitals that provide pediatric specialty services, pediatric intensive care and burn care not available at your facility

Review the criteria in Section 515.4000(d)(2) for suspected child abuse and neglect and submit a policy that addresses this requirement.

Review the criteria in Section 515.4000(d)(3) for treatment protocols and submit all pediatric treatment protocols.

Review the criteria in Section 515.4000(d)(4) for latex allergy policy and submit a policy that addresses latex allergies and the availability of latex-free equipment and supplies.

Review the criteria in Section 515.4000(d)(5) for disaster preparedness and submit a completed pediatric disaster preparedness checklist.

Review the criteria in Section 515.4000(e)(1) for quality improvement activities and the multidisciplinary quality improvement committee and submit the following:

- A quality improvement plan, including a QI policy, pediatric indicators, feedback loop and target time frames for closure of issues
- The composition of the multidisciplinary QI committee

Review the criteria in Section 515.4000(e)(2) and (3) for the pediatric physician champion and the pediatric quality coordinator responsibilities and submit the following:

- A curriculum vitae for the pediatric physician champion
- A curriculum vitae and job description for the pediatric quality coordinator
- Documentation detailing the participation of the pediatric quality coordinator in regional QI activities and how that has affected pediatric quality care in the ED

Review the criteria in Section 515.4000(f) for the list of emergency department equipment requirements and submit a completed checklist indicating the availability of all equipment.

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Indicate in the pediatric plan whether each item is currently available. If equipment/supply items are not available, a plan for securing the items shall be identified (e.g., submission of a purchase order to assure that the item is on order) or [an equipmenta](#) waiver request shall be submitted for each item. Requests for waiver shall include the criteria by which compliance is considered to be a hardship and demonstrate that there will be no reduction in the provision of medical care.

If assistance is needed in identifying specific vendors for any of the equipment or supply items in this application, please contact the Marketing Administrator, Group Purchasing Services, Metropolitan Chicago Healthcare Council at 312-906-6122.

B. PCCC Checklist

1. Hospital Requirements

Review the criteria in Section 515.4020(a) of the PCCC requirements as related to hospital resources and submit documentation identifying the ability to meet each of the following:

- A scope of services/policy outlining PICU services, unit resources and capabilities. Include any guidelines that outline pediatric admission criteria based on age parameters and/or diagnoses
- A list of the members of the PICU Committee, as well as their disciplines, to meet subsection (a)(3)
- Documentation to substantiate that Section 515.4020(a)(4) (Helicopter landing) is met
- A statement regarding 24-hour availability to meet Section 515.4020(a)(5) (CAT scan)
- A statement regarding the ability to meet Section 515.4020(a)(6) (Laboratory)
- A statement of availability or transfer agreement to meet Section 515.4020(a)(7) (Hemodialysis capabilities)
- A statement or scope of service from each program identifying the availability of staff as required in Section 515.4020(a)(8) (Other staffing/services)
- A list of professional pediatric critical care educational trainings that staff have provided in the past year to meet Section 515.4020(a)(9) (include information on trainings held within the facility, within the region or surrounding geographic area)
- A list of pediatric emergency care classes that staff have provided in the past year to meet Section 515.4020(a)(10) (i.e., CPR, first aid, health fairs, etc., conducted for the patient population and the community, region or surrounding geographic area)

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- Documentation of any pediatric research the facility has been engaged in during the past year to meet Section 515.4020(a)(11) (include the research project abstract, summary of projects or listing of research activities)

II. PICU SERVICE REQUIREMENTS

A. Professional Staff

1. PICU Medical Director

Review the criteria in Section 515.4020(b) for the Medical Director and Co-Director requirements and submit each of the following:

- A curriculum vitae for the appointed PICU medical director
 A copy of board certification or verification of board certification
 A curriculum vitae and board certification for the co-director (as applicable – see Section 515.4020(b)(1))

2. PICU Medical Staff Requirements

Review the criteria in Section 515.4020(c) and submit each of the following:

PICU Medical Staff

- A policy outlining PICU physician staffing, coverage, availability, and CME requirements that incorporates Section 515.4020(c)(1)(A) and (B)
 A completed Credentials of PICU Physicians form that includes the medical director (and co-director as applicable)
 A one-month staffing schedule/calendar (schedule should be from within the three-month time period previous to the application submission)

Physician Specialist Availability (Section 515.4020(c)(2))

- A policy or by-laws that address the response time and on-call scheduling of pediatric surgeons
 A policy/process outlining board or sub-board certification or board preparedness for all specialist physicians
 A policy/process outlining how pediatric proficiency is defined and assuring that all specialist physicians maintain 10 hours of pediatric CME per year
 A policy/process outlining anesthesiologist on-call staffing and response time, subspecialty training in pediatric anesthesiology or pediatric proficiency as defined by institution, and 10 hours of pediatric CME per year; for Certified

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- Registered Nurse Anesthetists, provide a copy of the by-laws that address their responsibilities and back up
- On-call schedules from the last month that list physician availability to meet Section 515.4020(c)(2)(C) and (D)
3. PICU Nurse Practitioner or Physician Assistant~~Mid-Level Providers (Physician Assistant or Nurse Practitioner)~~ Requirements

NOTE – Complete this section only if physician assistants or nurse practitioners practice in the PICU.

Review the criteria in Section 515.4020(d) and submit each of the following:

Nurse Practitioner (Section 515.4020(d)(1))

- A policy outlining PICU nurse practitioner staffing, coverage, availability, responsibilities and credentialing process
- A copy of a one-month staffing schedule/calendar (schedule should be from within the three-month time period previous to the application submission)
- A completed Credentials of PICU Nurse Practitioner or Physician Assistant~~Mid-Level Providers~~ form

Physician Assistant (Section 515.4020(d)(2))

- A policy outlining PICU physician assistant staffing, coverage, availability, responsibilities and credentialing process
- A copy of a one-month staffing schedule/calendar (schedule should be from within the three-month time period previous to the application submission)
- A completed Credentials of PICU Nurse Practitioner or Physician Assistant~~Mid-Level Providers~~ form

Education (Section 515.4020(d)(3) and (4))

- A policy that incorporates APLS, PALS or ENPC (Section 515.4020(d)(3))
- A copy of the PICU nurse practitioner and physician assistant~~physician assistant/nurse practitioner~~ continuing education policy that incorporates Section 515.4020(d)(4)

4. PICU Nursing Staff Requirements

Review the criteria in Section 515.4020(e) and submit each of the following:

PICU Nurse Manager

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- A curriculum vitae for the PICU manager
- A policy or job description that incorporates Section 515.4020(e)(1)(C)

PICU Advanced Practice Nurse

- A policy or job description of the role and responsibilities of the advanced practice nurse in the PICU
- A resume of the PICU advanced practice nurse
- A policy that incorporates Section 515.4020(e)(2)(C) and (D)

Nursing Patient Care Services

- A policy/documentation outlining current nursing shift staffing plan/patterns
- A completed Credentials of PICU Nursing Staff form that includes the PICU nurse manager and PICU advanced practice nurse
- A policy or job description for the PICU nurse that outlines the orientation process to the unit responsibilities and requirements of the Department (Section 515.4020(e)(3)(C) and (D))
- A copy of a one-month nurse staffing schedule/calendar (schedule shall be from within the three-month time period previous to the application submission)
- A policy reflecting yearly competency review requirements for the PICU staff

D. Policies, Procedures and Treatment Protocols

Review the criteria in Section 515.4020(f) and submit each of the following:

- An admission and discharge criteria policy
- A staffing policy that addresses nursing shift staffing patterns based on patient acuity
- A policy for managing the psychiatric needs of the PICU patient
- Protocols, order sets, pathways or guidelines for management of high- and low-frequency diagnoses

E. Inter-facility Transfer/Transport Requirements

Review the criteria in Section 515.4020(g) and submit each of the following:

- A copy of the last annual report containing the number of annual transfers to the facility from transferring institutions
- A policy outlining the feedback process to transferring hospitals on the status of the referral patient and the methods for quality review of the transfer process

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- Documentation outlining the pediatric inter-facility transport system capabilities and resources
- A transfer policy that addresses pediatric inter-facility transfers

F. Quality Improvement Requirements

Review the criteria in Section 515.4020(h) and submit each of the following:

- A list of the members of the Multidisciplinary Pediatric Quality Improvement Committee and their respective positions/disciplines
- An institutional Quality Improvement Organizational Chart
- The PICU outcome analysis plan and pediatric monitoring activities that meet Section 515.4020(h)(2) (minutes from the past year that reflect the activities of the Multidisciplinary Pediatric Quality Improvement Committee will be requested at the time of site survey)

G. Equipment

Review the criteria in Section 515.4020(i) and submit the following:

Indicate in the Pediatric Plan whether each item is currently available. If equipment/supply items are not available, a plan for securing the items shall be identified (e.g., submission of a purchase order to assure that the item is on order); if the item is not on order, [an equipmenta](#) waiver request shall be submitted for each item. Requests for [an equipment](#) waiver shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

If assistance is needed in identifying specific vendors for any of the equipment/supply items noted in this application, please contact the Marketing Administrator, Group Purchasing Services, Metropolitan Chicago Healthcare Council at 312-906-6122.

III. PEDIATRIC INPATIENT CARE SERVICE REQUIREMENTS

A. Professional Staff

1. Pediatric Unit Physician Requirements

Review the criteria in Section 515.4020(j) and submit each of the following:

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- A curriculum vitae and a copy of board certification for the pediatric inpatient director
- A policy or a scope of services for the pediatric unit that defines responsibility for medical management of care
- If pediatric hospitalists are used, documentation that defines their scope of service, including their responsibilities to other attending physicians
- A completed Credentials of Pediatric Unit Hospitalists form
- A policy that incorporates Section 515.4020(j)(1)(B)
- A policy or scope of services outlining the responsibility of the PICU medical director or his/her designee as being available on call and for consultation on all pediatric in-house patients who may require critical care

2. Pediatric Unit Nurse Manager Requirements

Review the criteria in Section 515.4020(j)(2) and submit each of the following:

- A curriculum vitae for the pediatric unit manager
- A job description or policy incorporating Section 515.4020(j)(2)(C)

3. Pediatric Unit Nursing Care Services

Review the criteria in Section 515.4020(j)(3) and submit each of the following:

- A policy/documentation outlining current nursing shift staffing plan/patterns
- A policy describing annual competency review requirements for the pediatric nursing staff (Section 515.4020(j)(3)(B))
- A policy or job description for the pediatric unit nurse that outlines the orientation process to the unit responsibilities and requirements of the Department that address Section 515.4020(j)(3)(A) through (D)
- A copy of a one-month nursing staffing schedule/calendar (schedule shall be from within the three-month time period previous to the application submission)
- A completed Credentials for the Pediatric Unit Nursing Staff form that includes the Pediatric Unit Nurse Manager

B. Policies, Procedures and Treatment Protocols

Review the criteria in Section 515.4020(k) and submit each of the following:

- A policy or scope of services that outlines the pediatric department services, ages of patients served and admission guidelines

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- A staffing policy that addresses nursing shift staffing patterns based on patient acuity
- A safety and security policy for the patient in the unit
- An inter-facility transport policy that addresses safety and acuity
- An intra-facility transport policy that addresses safety and acuity
- A latex allergy policy
- A pediatric organ procurement/donation policy
- An isolation precautions policy that incorporates appropriate infection control measures
- A disaster/terrorism policy that addresses the specific medical and psychosocial needs of the pediatric population
- Protocols, order sets, pathways or guidelines for management of high- and low-frequency diagnoses
- A pediatric policy that addresses the resources available to meet the psychosocial needs of patients and family, and appropriate social work referral for the following indicators (see Pediatric Bill of Rights in Appendix N):
 - Child death
 - Child has been a victim of or witness to violence
 - Family needs assistance in obtaining resources to take the child home
 - Family needs a payment resource for their child's health needs
 - Family needs to be linked back to their primary health, social service or educational system
 - Family needs support services to adjust to their child's health condition or the increased demands related to changes in their child's health condition
 - Family needs additional education related to the child's care needs to care for the child at home
- A discharge planning policy or protocol that includes the following:
 1. Documentation of appropriate primary care/specialty follow-up provisions
 2. Mechanism to access a primary care resource for children who do not have a provider
 3. Discharge summary provision to appropriate medical care provider, parent/guardian, that includes:
 - Information on the child's hospital course
 - Discharge instructions and education
 - Follow-up arrangements
 4. Appropriate referral of patients to rehabilitation or specialty services for children who may have any of the following problems:
 - Require the assistance of medical technology

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- Do not exhibit age-appropriate activity in cognitive, communication or motor skills, behavioral or social/emotional realms
- Have additional medical or rehabilitation needs that may require specialized care, such as medication, hospice care, physical therapy, home health or speech/language services
- Have a brain injury – mild, moderate or severe
- Have a spinal cord injury
- Exhibit seizure behavior during an acute care episode or have a history of seizure disorder and are not currently linked with specialty follow-up
- Have a submersion injury, such as a near drowning
- Have a burn (other than a superficial burn)
- Have a pre-existing condition that experiences a change in health or functional status
- Have a neurological, musculoskeletal or developmental disability
- Have a sudden onset of behavioral change, for example, in cognition, language or affect

C. Quality Improvement Requirements

Review the criteria in Section 515.4020(l) and submit the following:

- The titles of the pediatric unit representatives that serve on the Multidisciplinary Pediatric Quality Improvement Committee

D. Equipment Requirements

Review the criteria in Section 515.4020(m) and submit the following:

Indicate in the Pediatric Plan whether each item is currently available. If equipment/supply items are not available, a plan for securing the items shall be identified (e.g., submission of a purchase order to assure that the item is on order); if the item is not on order, [an equipment](#) waiver request shall be submitted for each item. Requests for [an equipment](#) waiver shall include the criteria by which compliance is considered to be a hardship and shall demonstrate that there will be no reduction in the provision of medical care.

If assistance is needed in identifying specific vendors for any of the equipment/supply items noted in this application, please contact the Marketing Administrator, Group Purchasing Services, Metropolitan Chicago Healthcare Council at 312-906-6122.

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 515.APPENDIX P Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

All of the following equipment/supplies/medications shall be immediately available within the PICU and pediatric unit:

AIRWAY

Cricothyrotomy capabilities (i.e., 10 g needle and 3 mm ET tube adapter or 14 g needle and 3.5 mm ET tube adapter)

Endotracheal tubes:

Uncuffed or Cuffed (sizes 2.5, 3.0, 3.5, 4.0, 4.5, 5.0, 5.5, 6.0, 6.5, 7.0, 7.5, 8.0, 8.5)

~~Cuffed (sizes 5.0, 5.5, 6.0, 6.5, 7.0, 7.5, 8.0, 8.5)~~

Stylets for endotracheal tubes (pediatric and adult)

Laryngoscope handle (pediatric and adult); bulbs (small and large); extra batteries

Laryngoscope blades (Curved 1, 2, 3; Straight or Miller 00, 0, 1, 2, 3)

Local anesthetic (i.e., lidocaine gel, cetacaine spray)

Magill forceps (pediatric and adult)

Oral airways (sizes ~~000~~, 1, 2, 3, 4, 5)

Stylets (pediatric and adult)

Tongue blades

Tracheostomy collar

Tracheostomy tubes (sizes PED 3.0, 3.5, 4.0, 4.5, 5.0, 5.5 or ET may be substituted); trach ties; surgilube

BREATHING

Bag-valve-mask device, self-inflating infant/child and adult with O₂ reservoir and clear masks (neonatal through large adult sizes), and PEEP ~~and manometer~~

C-PAP

End-tidal PCO₂ monitor and/or pediatric CO₂ detector (disposable units may be substituted)

Flow meter

Masks, clear (neonatal, toddler, infant, child, medium adult)

Nasogastric tubes (sizes 6, 8, 10, 12, 14 Fr). NOTE: Cannot use feeding tubes as a substitute.

Nasopharyngeal airways (sizes ~~14+2~~, 16, 20, 24, 28, 30 Fr)

O₂ Tank

O₂ Blender

O₂ connectors and spare O₂ tubing

Partial non-rebreather O₂ masks (neonatal, pediatric, adult)

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PEEP valves
Pulse oximeter with child, infant and neonatal probes
Stethoscope
Suction supplies (bulb syringe, suction catheters sizes 6, 8, 10, 12, 14 Fr and Yankauer-tip catheter)
Tube thoracostomy tray and water seal drainage capacity with chest tubes (sizes 8-40 Fr)
Ventilator-respirator, pediatric

CIRCULATION

Blood collection tubes, culture bottles, arterial blood gas syringe
Butterfly needles (19, 21, 23, 25 g)
Cardiac resuscitation board
Catheter over needle IV access (sizes 16, 18, 20, 22, 24 g)
CVP and arterial monitors
Doppler device
ECG monitor-defibrillator/cardioverter with pediatric and adult sized paddles (and/or pads), with pediatric dosage settings and pediatric/adult pacing electrodes
Intraosseous needles or bone-marrow aspiration needles (one large and one small bore) or IO device (pediatric and adult sizes)
IV fluid/blood warmer
~~IV pumps~~
IV tubing and extension tubing
~~Minidrip with metered chamber~~
Infusion pumps, syringe pumps, or devices with microinfusion capability utilizing appropriate tubing and connectors
Needles (sizes 16, 18, 20, 22/23, 25; intracardiac needle 21 g, 1½ inch; filter needle)
Non-invasive blood pressure device (neonatal through adult cuffs)
Rapid infusion pumps
Sphygmomanometer with cuffs (newborn, infant, child, small adult, adult)
Stopcocks
Syringes (TB, insulin U100, 1 ml-20 ml and catheter tip)
T-connectors
Tourniquets, arm boards, tape, alcohol wipes, skin prep, razor
Vascular access supplies using the Seldinger technique (3-8 Fr)
Warming devices, age appropriate

MEDICATIONS

Activated Charcoal
Adenosine

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Albumin 5% and 25%
Amiodarone
AquaMEPHYTON
Atropine
Bacteriostatic Water, 30 ml
Beta-agonist for inhalation
[Benzodiazepines, e.g., Lorazepam, Midazolam, Diazepam](#)
Calcium Chloride 10%
Calcium Gluconate 10%
[Dexamethasone](#)
Dextrose 10%, 25% and 50%
[Diazepam](#)
Digitalis antibody
Digoxin
Diphenhydramine
Dobutamine
Dopamine
Dosing device – length or weight based system for dosing and equipment/supplies
Epinephrine (1:1000 and 1:10,000)
Factor VIII, IX concentrate (pharmacy or blood bank)
Flumazenil
Furosemide
Glucagon
Insulin
IV solutions (D5W and 0.9 NS)
IV solutions, standard crystalloid (D10W, D5/0.2 NS, D5/0.45 NS and 0.9 NS)
Kayexalate
Ketamine
Lidocaine 1% and 2%
List of resuscitation drug dosages at patient bedside (based on child's weight)
[Lorazepam \(may be located in unit refrigerator\)](#)
Magnesium sulfate ~~10% and 50%~~
Mannitol ~~25%~~
Methylene blue
N-acetyl cysteine
Naloxone
Narcotics
Norepinephrine
Neuromuscular blocking agents (i.e., succinylcholine, pancuronium, vecuronium) (NOTE:
 May be refrigerated)

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Oral rehydrating solution

Phenobarbital

Phenytoin and/or fosphenytoin

Potassium

[Procainamide](#)

Propranolol

Prostaglandin E1

Sodium Bicarbonate, 8.4% and 4.2%

Sodium Chloride 10 ml (multiple)

Steroids – parenteral, [e.g., Dexamethasone, Hydrocortisone, Methylprednisolone](#)

[Thiopental](#)

Topical anesthetic agent

Vasopressin (DDAVP)

Whole bowel irrigation solution

MISCELLANEOUS

Lumbar puncture tray, including a selection of needles (size 18-22 g, 1½-3 inch needle)

Feeding tubes (8-14)

Foley catheters (sizes 6, 8, 10, 12 Fr)

Hypothermia thermometer with rectal probe (28°-42° C)

Otoscope/ophthalmoscope

Weighing scales (in kilograms [only](#)) for infants and children

(Source: Amended at 40 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.540 Proposed Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-480, effective August 24, 2015, authorizes (but does not require) the administration of opioid antagonist by school nurses (as that term is defined in Section 22-30) or trained personnel to "any person (who) the school nurse or trained personnel in good faith believes is having an opioid overdose". Since many of the requirements for the administration of opioid antagonists are similar to those for use of undesignated epinephrine auto-injectors, Section 1.540 will be updated to reference opioid antagonists and address differences in type of training school nurses or other personnel administering the drug will receive.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
1.420	Amendment	39 Ill. Reg. 12262; September 4, 2015
1.422	New Section	39 Ill. Reg. 12262; September 4, 2015
1.310	Amendment	39 Ill. Reg. 13595; October 16, 2015
1.420	Amendment	39 Ill. Reg. 13595; October 16, 2015
1.425	New Section	39 Ill. Reg. 13595; October 16, 2015
1.530	Amendment	39 Ill. Reg. 13595; October 16, 2015
1.705	Amendment	39 Ill. Reg. 13595; October 16, 2015
1.APPENDIX A	Amendment	39 Ill. Reg. 13595; October 16, 2015
1.APPENDIX D	Amendment	39 Ill. Reg. 13595; October 16, 2015

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- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001

217/782-5270
rules@isbe.net
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: PA 99-480 was signed into law on August 24, 2015, which was after the agency's submission of the July 2015 regulatory agenda.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Licensure Information System (ELIS)
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.97 Survey of Learning Conditions
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards

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- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; [Opioid Antagonists](#)

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SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher

- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B Certification Quick Reference Chart (Repealed)

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- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448,

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effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART E: SUPPORT SERVICES

Section 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

This Section establishes requirements in addition to those set forth at Section 22-30 of the School Code [105 ILCS 5/22-30] for a school nurse or other trained school personnel *to administer an undesignated epinephrine auto-injector or an opioid antagonist to any person whom the school nurse or trained personnel in good faith believes to be having an anaphylactic reaction or an opioid overdose, respectively, while in school, while at a school-sponsored activity, while under the supervision of school personnel, or before or after normal school activities, such as while in before-school or after-school care on school-operated property.*

a) Definitions

For the purposes of this Section:

- 1) "School" shall be understood to mean a school district, public school or nonpublic school, as may be applicable.
- 2) "School nurse" shall have the meaning prescribed in Section 22-30(a) of the School Code.

b) Parental Notification

In addition to the provisions of Section 22-30(c) and (c-5) of the School Code, a school that has a standing protocol, as defined in Section 22-30 of the School Code, to administer undesignated epinephrine auto-injectors and/or opioid antagonists shall notify the parents or guardians of each student that the school has instituted the standing protocol and that a student may be administered

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epinephrine [and/or an opioid antagonist](#) under the circumstances described in Section 22-30(e-5) [or \(e-10\) of the School Code](#).

- 1) The school shall provide the notification of the standing protocol to the parents or guardian at the start of each school year or, for students enrolling for the first time, at the time of enrollment. The parent or guardian shall acknowledge the notification by signing it and returning it to the school.
 - 2) A school also shall accept a written request from a parent or guardian stating that his or her student shall not be administered epinephrine [and/or an opioid antagonist](#) under any circumstances. The school shall provide the name of any student whose parent or guardian submits notification under this subsection (b)(2) to the school nurse and to any trained personnel, as defined under Section 22-30(a) of the School Code.
- c) Standing Protocol
- 1) A standing protocol for administering undesignated epinephrine auto-injectors [or an opioid antagonist, as applicable](#), shall be provided to the school nurse and trained personnel, as well as kept with or near the undesignated epinephrine auto-injectors [or an opioid antagonist, as applicable](#).
 - 2) The standing protocol shall state the hours of the day, days of the week and the school-sponsored activities during which the undesignated epinephrine auto-injectors [or an opioid antagonist, as applicable](#), will be available. A school is not required to have a school nurse or trained personnel available at all times nor at all school-sponsored activities to administer undesignated epinephrine auto-injectors [or an opioid antagonist, as applicable](#).
 - 3) The standing protocol shall provide that the undesignated epinephrine auto-injectors [or an opioid antagonist, as applicable](#), be stored in and available daily at one or more designated, secure locations. For the purposes of this Section, "secure location" means an unlocked location that is inaccessible to students and/or visually monitored by an adult during the normal school day under routine circumstances.

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- 4) The standing protocol shall include a written order for the undesignated epinephrine auto-injectors or an opioid antagonist that meets the requirements of Section 22-30(b) of the School Code. The written order required under this subsection (c)(4) is valid for the school year in which it was provided and must be renewed each school year. (See Section 22-30(d) of the School Code.)
- d) Notification of Administration of an Undesignated Epinephrine Auto-Injector or Opioid Antagonist
Any school whose school nurse or trained personnel administered an undesignated epinephrine auto-injector or an opioid antagonist, as applicable, shall meet the notification requirements of Section 22-30(f-5) and (f-10) of the School Code.
- e) Personnel Training
Only trained personnel or a school nurse shall administer an undesignated epinephrine auto-injector or an opioid antagonist, as applicable.
 - 1) Certification courses required under Section 22-30(g) of the School Code in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) shall be conducted by a trainer who is certified in CPR/AED by the American Heart Association, American Red Cross or similar certifying body. Trained personnel shall renew any certification issued in accordance with the requirements of the certifying body and present the certification to his or her school.
 - 2) A school administrator or a school nurse shall be available to answer questions from training participants if the anaphylaxis or opioid antagonist training is presented via a webinar or online format or through a video supplied by an epinephrine or opioid antagonist manufacturer. Training provided in one of the formats listed in this subsection (e)(2) shall not be considered complete unless an opportunity for questions is provided.
 - 3) In addition to the curricular content listed in Section 22-30(h) of the School Code, anaphylaxis training also shall include information about:
 - A) where the undesignated epinephrine auto-injectors are stored and how to access them;

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- B) the method by which the school nurse or trained personnel will be notified of an incident that could require the administration of an undesignated epinephrine auto-injector;
 - C) the school's written plan to prevent exposure to allergens; and
 - D) the process for administering the specific undesignated epinephrine auto-injector devices identified in the standing order.
- 4) In addition to the curricular content listed in Section 22-30(h-5) of the School Code, opioid antagonist training also shall meet the requirements of Section 5-23 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-23] and training requirements set forth at 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses) and include information about:
- A) where the opioid antagonist is stored and how to access the drug;
 - B) the method by which the school nurse or trained personnel will be notified of an incident that could require the administration of an opioid antagonist; and
 - C) the process for administering the specific opioid antagonist identified in the standing order.
- 5)4) A school nurse or physician with knowledge of allergies and anaphylaxis and CPR and AED certification who possesses skill in administering or demonstrating the use of an epinephrine auto-injector shall certify by written signature that the ~~trained~~ personnel being trained passed the test required under Section 22-30(h)(7) of the School Code.
- 6) A individual familiar with the use of an opioid antagonist who has CPR and AED certification (e.g., healthcare provider, police officer, paramedic) shall certify by written signature that the personnel being trained passed the test required under Section 22-30(h-5)(8) of the School Code.
- 7)5) Each statement of certification issued under subsection (e)(5) or (e)(6)(e)(4) of this Section shall be maintained by the school in accordance with Section 22-30(g) of the School Code.

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~~8)6)~~ The names of trained personnel shall be provided to the school nurse and school administrator, indicating whether the person received training specific to anaphylaxis, opioid antagonists or both.

- f) **Reporting**
Each school shall submit a report regarding the administration of an undesignated epinephrine auto-injector or opioid antagonist electronically in a format prescribed by the State Superintendent of Education within the timeline specified in Section 22-30(i) or (i-5), respectively, of the School Code.
- g) **Allergen Reduction Plan**
Each school shall develop a written plan to reduce the risk of accidental exposure to allergens that addresses, at a minimum, lunchroom safeguards, classroom food policies, and identification of areas of the playground that are known concerns, such as those with insect colonies. A separate plan is not required if the school has addressed reducing the risk of accidental exposure to allergens in the plan adopted pursuant to Section 2-3.149(b) of the School Code [105 ILCS 5/2-3.149(b)].
- h) In accordance with Section 22-30(h) of the School Code, the State Superintendent of Education shall post on the agency's website by January 1, 2016 a list of resource materials about how *to recognize and respond to anaphylaxis*.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Voluntary Registration and Recognition of Nonpublic Schools
- 2) Code Citation: 23 Ill. Adm. Code 425
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
425.20	Amendment
425.30	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6 and 2-3.51.5
- 5) A Complete Description of the Subjects and Issues Involved: PA 98-795, effective August 1, 2014, amended Section 22-30 of the School Code, in part, to authorize (but not require) the administration of an epinephrine auto-injector by school nurses (as that term is defined in Section 22-30) or trained personnel to "any person (who) the school nurse or trained personnel in good faith believes is having an anaphylactic reaction". In such cases, the epinephrine auto-injector is "undesignated", meaning it is not prescribed to a particular individual. PA 99-480, effective September 9, 2015, added administration of opioid antagonist by school nurses and trained personnel in situations when an individual is having an opioid overdose.

The agency has promulgated rules at Section 1.540 (23 Ill. Adm. Code 1.530; Public Schools Evaluation, Recognition and Supervision) that clarify the process for the use of undesignated epinephrine auto-injectors and opioid antagonist by school nurses or trained personnel. The requirements of Section 1.540 apply to public schools; therefore, this cross-reference is needed in Part 425 to make the requirements applicable to nonpublic schools that seek registration with or recognition by the State Board of Education.

Reference is also being made to nonpublic schools' responsibilities under Section 22-80 of the School Code, added by PA 99-245, effective August 3, 2015. The new law addresses concussion policies and practices in schools. Referencing the law in Part 425 will alert nonpublic schools to the requirements that apply.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- 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 2015

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 1: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 425

VOLUNTARY REGISTRATION AND RECOGNITION OF NONPUBLIC SCHOOLS

Section

425.10	Purpose and Applicability
425.20	Requirements for Registration
425.30	Requirements for Recognition
425.40	Process for Initial Recognition
425.50	Renewal of Recognition
425.60	Changes in Recognition Status
425.70	Appeals
425.80	Block Grant Funds
425.90	Textbook Block Grant Program

AUTHORITY: Implementing Sections 2-3.25o, 3.51.5, 2-3.155 and authorized by Sections 2-3.6 and 2-3.51.5 of the School Code [105 ILCS 5/2-3.25o, 2-3.51.5, 2-3.155 and 2-3.6].

SOURCE: Adopted at 33 Ill. Reg. 17123, effective December 7, 2009; amended at 36 Ill. Reg. 2241, effective January 26, 2012; amended at 37 Ill. Reg. 9492, effective June 19, 2013; amended at 39 Ill. Reg. 2219, effective January 22, 2015; amended at 40 Ill. Reg. _____, effective _____.

Section 425.20 Requirements for Registration

- a) The State Superintendent of Education shall make available a form to be used for nonpublic schools' voluntary registration. A school's initial registration may occur at any time from October 1 through June 30 of the relevant school year. Initial registration of a school shall occur by means of a paper submission. Each paper registration form shall bear the signature of the school's chief administrative officer and must be received by the Illinois State Board of Education no later than June 25 for the school to be registered by June 30.
 - 1) Descriptive information that must be submitted shall include:

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- A) the name of the school, its location and telephone number, its affiliation and the name of the chief administrator;
 - B) data on the students enrolled by race, ethnicity, and grade level; and
 - C) data on the staff employed in various capacities.
- 2) The chief administrator of each school shall provide assurances that:
- A) the school offers an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually;
 - B) the school *provides instruction in English*, except as otherwise permitted pursuant to Section 27-2 of the School Code [105 ILCS 5/27-2], *in the branches of education taught to children of corresponding age and grade in the public schools* [105 ILCS 5/26-1], *including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health* [105 ILCS 5/27-1];
 - C) the school requires the students who are enrolled to attend daily during the entire regular school term;
 - D) the physical facilities occupied by the school comply with the applicable local building code and fire safety requirements;
 - E) the school will require evidence that, and will furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and will cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively; ~~and~~

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- F) the school complies with the applicable requirements of Section 22-30 of the School Code [105 ILCS 5/22-30], to the extent that it allows the self-administration and self-carry of asthma medication and/or epinephrine auto-injectors, and the applicable requirements of Section 22-30 of the School Code and 23 Ill. Adm. Code 1.540 (Undesignated Epinephrine Auto-injectors; Opioid Antagonists), to the extent that they allow the administration of undesignated epinephrine auto-injectors or opioid antagonists;
- G) the school complies with the requirements of Section 22-80 of the School Code [105 ILCS 5/22-80]; and
- H) the school complies with applicable federal and State laws prohibiting discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.), the Individuals with Disabilities Education Improvement Act (20 USC 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 USC 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000d et seq., 2000e et seq.), the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law, including Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982).
- 3) The chief administrator of each school shall provide assurances that the school is a not-for-profit entity that is subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or incorporated as a not-for-profit entity in another state and authorized to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5]. The evidence provided shall consist of the file number assigned to the not-for-profit entity by the Illinois Secretary of State, Department of Business Services.
- b) Upon receipt of complete information for initial registration, including the required assurances, the State Superintendent shall assign a unique identifying number to the school. This number shall be evidence of completed registration and shall permit the school's chief administrator to apply for a user account affording access to the Illinois Web Application Security (IWAS) System, which the school may then use to exchange information with the State Superintendent of Education as relevant to its situation.

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- c) The application for renewal of a school's registration in any subsequent year must be submitted no sooner than October 1 and no later than November 15 of that school year. Annual renewal of a school's registration shall be performed electronically and shall be submitted only by the chief administrator.
- d) The chief administrator of each school applying to renew its registration shall submit to the Illinois State Board of Education the same information and assurances required in subsection (a).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 425.30 Requirements for Recognition

No nonpublic school shall apply for recognition unless it was registered for the previous school year, except that a school whose educational program is delivered via correspondence may seek recognition without registration, in acknowledgment of the fact that students participating in a school of this type do not gather in a physical location and thus the school does not provide assurances about its compliance with requirements for health examinations, as required for registration under Section 2-3.25o(b) of the School Code. Recognition shall be granted only to schools that meet the requirements of this Section. A nonpublic school applying for recognition that has not applied for registration renewal by November 15 of the year in which the recognition application is submitted shall not be considered for recognition during the remainder of that school year.

- a) Administrative Requirements
 - 1) Each school's recognition shall be contingent upon evidence of compliance with the administrative requirements that are made applicable to nonpublic schools by relevant statutes.
 - A) The school shall offer an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually.
 - B) The school shall require the students who are enrolled to attend daily during the entire regular school term.
 - C) The school shall comply with applicable federal and State laws prohibiting discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.), the

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Individuals with Disabilities Education Improvement Act (20 USC 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 USC 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000d et seq., 2000e et seq.), the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law, including Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382 (1982).

- D) The school shall comply with the requirements of Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4], Section 5 of the Missing Children Records Act [325 ILCS 50/5], Section 5 of the Missing Children Registration Law [325 ILCS 55/5], and the rules of the State Board of Education promulgated pursuant to Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] (see 23 Ill. Adm. Code 375.75).
 - E) The school shall comply with the requirements of the School Reporting of Drug Violations Act [105 ILCS 127].
 - F) The school shall comply with the requirements of Sections 10-27.1A and 10-27.1B of the School Code [105 ILCS 5/10-27.1A and 10-27.1B] regarding firearms and drug-related incidents in schools.
 - G) The school shall comply with the requirements of Section 10-21.7 of the School Code [105 ILCS 5/10-21.7] regarding the reporting of attacks on school personnel.
- 2) Recognition shall also be contingent upon evidence of compliance with the additional administrative requirements of this subsection (a)(2).
- A) The school shall maintain written descriptions of its governance structure and its policy-making procedure, shall maintain its policies in written form, and shall make its policies routinely available to parents of the students enrolled and to school staff, as well as to other individuals upon request.
 - B) The school shall maintain a written description of its methods for complying with the nondiscrimination requirements identified in subsection (a)(1)(C).

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- b) Educational Program
- Each school's recognition shall be contingent upon evidence of compliance with the programmatic requirements that are made applicable to nonpublic schools by relevant statutes.
- 1) *Instruction shall be provided in English, except as otherwise permitted pursuant to Section 27-2 of the School Code, in the branches of education taught to children of corresponding age and grade in the public schools (Section 26-1 of the School Code), including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health (Section 27-1 of the School Code).*
 - 2) Each school shall provide instruction *in American patriotism, the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag. The Pledge of Allegiance shall be recited daily in nonpublic schools supported or maintained in whole or in part by public funds. (Sections 27-3 and 27-4 of the School Code) Not less than one hour per week shall be devoted to the study of this subject matter in the seventh and eighth grades or their equivalent and in all high school grades. No student shall receive a certificate of graduation from the eighth grade or from high school without passing an examination on these subjects. No student shall be graduated from the eighth grade unless he or she has received instruction in the history of the United States and has given evidence of a comprehensive knowledge of the subject. (Section 27-21 of the School Code [105 ILCS 5/27-21])*
 - 3) The school shall provide health education as required by the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
- c) Personnel Requirements
- 1) Each school's recognition shall be contingent upon evidence of compliance with the requirements of ~~subsection (e-5) of~~ Section 2-3.25o(c-5) of the School Code.

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- 2) Each school shall require of each new employee evidence of freedom from communicable disease. A new or existing employee may be subject to additional health examinations, including screening for tuberculosis, as may be required under rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 696.
 - 3) Each school's personnel policies shall require:
 - A) monitoring the performance of each employee who provides or assists with instruction or has other instructional responsibilities (e.g., teachers, teacher aides, administrators, department chairs); and
 - B) formal evaluation at least every two years in terms of proficiency and competency.
 - 4) Students' needs for support services such as counseling and social work shall be evaluated when school staff believe consideration is needed, such as when there are changes in the student body or stresses within the surrounding community, and the school's staffing configuration shall reflect decision-making about how those needs should be addressed.
 - 5) Each individual first assigned to a full-time teaching or administrative position at or after the beginning of the 2011-12 school year shall hold a bachelor's or higher degree.
 - 6) Each individual first assigned to a full-time teaching or administrative position prior to the beginning of the 2011-12 school year who does not hold a bachelor's or higher degree shall participate annually in professional development that is demonstrably designed to strengthen his or her knowledge and skills in areas directly related to job duties (e.g., content-area knowledge or pedagogy for teaching staff, and administration, supervision, evaluation, or school management for administrators).
 - 7) Each individual employed in a field requiring licensure shall hold and practice within the scope of the relevant license.
- d) Health and Safety

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Each school's recognition shall be contingent upon evidence of compliance with the health and safety requirements that are made applicable to nonpublic schools by the following relevant statutes.

- 1) The physical facilities occupied by the school shall comply with the applicable local building code and fire safety requirements.
- 2) If the school provides food service, the nutrition program and the facilities used shall comply with the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), the Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].
- 3) The school shall have a wellness policy on file that complies with the requirements of the Child Nutrition and WIC Reauthorization Act of 2004 (section 204 of Public Law 108-265; 42 USC 1751 et seq.).
- 4) The school shall require evidence that, and shall furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and shall cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively.
- 5) The school shall comply with the requirements of the School Safety Drill Act [105 ILCS 128], including conducting a review of the plan in accordance with Section 25(f) of that Act.
- 6) The school shall comply with the requirements of the Eye Protection in School Act [105 ILCS 115].
- 7) The school shall comply with the requirements of the Toxic Art Supplies in Schools Act [105 ILCS 135].
- 8) The school shall comply with the applicable requirements of the Asbestos Abatement Act [105 ILCS 105].

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- 9) The school shall comply with the applicable requirements of Section 22-30 of the School Code [105 ILCS 5/22-30], to the extent that it allows the self-administration and self-carry of asthma medication and/or epinephrine auto-injectors, and the applicable requirements of Section 22-30 of the School Code and 23 Ill. Adm. Code 1.540 (Undesignated Epinephrine Auto-injectors; Opioid Antagonists), to the extent that they allow the administration of undesignated epinephrine auto-injectors or opioid antagonists.
- 10) The school shall comply with the requirements of Section 22-80 of the School Code [105 ILCS 5/22-80].

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Regional Offices of Education and Intermediate Services
- 2) Code Citation: 23 Ill. Adm. Code 525
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
525.20	Amendment
525.50	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.62
- 5) A Complete Description of the Subjects and Issues Involved: Part 525 establishes the responsibility of regional offices of education (ROEs) and the intermediate service centers (ISCs) for carrying out the programs and services authorized under Sections 2-3.62 and 2-3.53 of the School Code. Subsection (f) of the law had required that the 10 smallest ROEs work in cooperation with one of the larger ROEs to provide programs and services. The provision was put into the School Code in the 1990s when the number of ROEs was reduced from 57 ROEs to 45 ROEs, with further consolidation to occur several years later when the total number of ROEs was to become 35. No further consolidation occurred in the late 1990s, as originally contemplated, and the number of ROEs remained at 45. More recent consolidation has resulted in 35 ROEs as of July 1, 2015, and the original need to have smaller regions work with larger ones dissipated. For this reason, the agency successfully sought legislation to eliminate the requirement (i.e., PA 99-30, effective July 10, 2015), necessitating a cleanup at Sections 525.20 and 525.50 of the rules.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:
- Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001
- 217/782-5270
email: rules@isbe.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: PA 99-30 was signed into law on July 10, 2015, which was after the Agency's submission of the July 2015 regulatory agenda.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER o: MISCELLANEOUS

PART 525

REGIONAL OFFICES OF EDUCATION AND INTERMEDIATE SERVICES

Section

525.10	Purpose
525.20	Regional Offices of Education
525.30	Cook County Intermediate Service Centers Outside of the City of Chicago
525.40	City of Chicago Intermediate Service Center
525.50	Annual Application
525.60	Program Evaluation Standards and Procedures
525.70	Fiscal Procedures

AUTHORITY: Implementing Sections 2-3.62 and 2-3.53 and authorized by Section 2-3.62 of the School Code [105 ILCS 5/2-3.62 and 2-3.53].

SOURCE: Adopted at 18 Ill. Reg. 17447, effective November 28, 1994; amended at 21 Ill. Reg. 2172, effective January 29, 1997; amended at 28 Ill. Reg. 15487, effective November 22, 2004; old Part repealed at 39 Ill. Reg. 10044, and new Part adopted at 39 Ill. Reg. 10046, effective June 30, 2015; amended at 40 Ill. Reg. _____, effective _____.

Section 525.20 Regional Offices of Education

- a) Each of the 35 Regional Offices of Education established pursuant to Section 3A-4 of the School Code [105 ILCS 5/3A-4] shall provide the services and programs required under Section 525.10 of this Part. The counties comprising each of these offices are as follows:
- 1) Region 1: Adams, Brown, Cass, Morgan, Pike and Scott counties
 - 2) Region 3: Bond, Christian, Effingham, Fayette and Montgomery counties
 - 3) Region 4: Boone and Winnebago counties
 - 4) Region 8: Carroll, JoDaviess and Stephenson counties

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- 5) Region 9: Champaign and Ford counties
- 6) Region 11: Clark, Coles, Cumberland, Douglas, Edgar, Moultrie and Shelby counties
- 7) Region 12: Clay, Crawford, Jasper, Lawrence and Richland counties
- 8) Region 13: Clinton, Jefferson, Marion and Washington counties
- 9) Region 16: DeKalb County
- 10) Region 17: DeWitt, Livingston, Logan and McLean counties
- 11) Region 19: DuPage County
- 12) Region 20: Edwards, Gallatin, Hamilton, Hardin, Pope, Saline, Wabash, Wayne and White counties
- 13) Region 21: Franklin, Johnson, Massac and Williamson counties
- 14) Region 24: Grundy and Kendall counties
- 15) Region 26: Fulton, Hancock, McDonough and Schuyler counties
- 16) Region 28: Bureau, Henry and Stark counties
- 17) Region 30: Alexander, Jackson, Perry, Pulaski and Union counties
- 18) Region 31: Kane County
- 19) Region 32: Iroquois and Kankakee counties
- 20) Region 33: Henderson, Knox, Mercer and Warren counties
- 21) Region 34: Lake County
- 22) Region 35: LaSalle, Marshall and Putnam counties
- 23) Region 39: Macon and Piatt counties

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- 24) Region 40: Calhoun, Greene, Jersey and Macoupin counties
 - 25) Region 41: Madison County
 - 26) Region 44: McHenry County
 - 27) Region 45: Monroe and Randolph counties
 - 28) Region 47: Lee, Ogle and Whiteside counties
 - 29) Region 48: Peoria County
 - 30) Region 49: Rock Island County
 - 31) Region 50: St. Clair County
 - 32) Region 51: Menard and Sangamon counties
 - 33) Region 53: Mason, Tazewell and Woodford counties
 - 34) Region 54: Vermilion County
 - 35) Region 56: Will County
- b) The Regional Superintendent of Schools in each ROE shall serve as the chief administrator for the services and programs specified by Section 525.10. The chief administrator shall have the following responsibilities:
- 1) oversee personnel who are necessary to carry out the services and programs pursuant to Section 525.10;
 - 2) oversee fiscal accounts and the receipt and disbursement of funds; and
 - 3) prepare and submit information as directed by the State Superintendent of Education.
- e) ~~Pursuant to Section 2-3.62(f) of the School Code, the 10 ROEs with the lowest populations shall enter into cooperative agreements with one or more of the larger regions to provide those services and programs required under Section 525.10 of this Part, provided that:~~

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- 1) ~~approval for the agreement is obtained from each Regional Superintendent of Schools involved in the cooperative; and~~
- 2) ~~if one or more of the 10 ROEs cannot enter into a cooperative agreement with one or more of the larger regions, then the State Board of Education shall work with regions so that they enter into a cooperative agreement or, if necessary, assign regions to participate in a cooperative agreement.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 525.50 Annual Application

- a) Each ROE, Cook County ISC, or CPS shall submit an annual application. The application shall include the following components.
 - 1) A cover page that identifies the ROE, ISC or CPS and, in the case of an Intermediate Service Center Governing Board, shows that the Board has formally approved a motion granting authority to submit the application.
 - 2) A description of the services, along with specific activities and timelines, that will be provided by the ROE, ISC or CPS pursuant to Sections 2-3.62 and 2-3.53 of the School Code and this Part, either directly or in cooperation with other ROEs or ISCs.
 - A) The proposed services shall be based upon the identification of the school improvement needs of the school districts to be served and how those will be provided (e.g., on-site consultations, meetings, workshops, conferences, other means).
 - B) Those entities that voluntarily choose to work in cooperation with each other ~~or those that are providing services and programs on behalf of certain ROEs in accordance with the provisions of Section 525.20(e)~~ shall ensure that the school improvement needs of the school districts in each region are considered.
 - 3) A plan for evaluating the usefulness of the services provided and whether they meet the needs of the school districts in the respective service region, service center, or in the case of CPS, its schools. The evaluation shall specify the progress made toward meeting each need identified and

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describe the procedures to be taken to address those needs in which inadequate progress was made and those that continue to be a priority.

- 4) Job descriptions for the professional and nonprofessional staff to be employed to provide the services and programs specified under Section 525.10. If there will be part-time employees, then the approximate percentage of time they will be assigned to activities shall be submitted. Resumes shall not be submitted.
 - 5) A budget summary and payment schedule, as well as a budget breakdown (i.e., a detailed explanation of each line item of expenditure).
 - 6) The certifications, assurances and program-specific terms of the grant as the State Superintendent of Education may require, to be signed by each applicant that is a party to the application and submitted with the proposal.
- b) Applications shall be reviewed by State Board of Education staff. If an application does not meet the criteria set forth in Section 2-3.62 of the School Code and this Part, then State Board staff shall contact the applicant and request the submission of an amended application.
- c) Upon determining that an application is in compliance with Sections 2-3.62 and 2-3.53 of the School Code and this Part, the contents of the approved application shall be incorporated into a grant agreement to be signed by the State Superintendent of Education or designee, and the Regional Superintendent of Education, Chief Administrative Officer for the ISC or Chief Executive Officer or designee for CPS, as applicable.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Bank Branches and Subsidiaries
- 2) Code Citation: 38 Ill. Adm. Code 305
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
305.10	Amendment
305.100	Amendment
- 4) Statutory Authority: Implementing Section 5(12) and (15) as authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(12)]
- 5) Effective Date of Rules: October 22, 2015
- 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 rules, including any material incorporated by reference, is on file in the principal office of the Division of Banking and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 10336; July 24, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There are no substantive differences between the proposed and final versions of this adopted rulemaking.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: IDFPR is seeking to lessen the regulatory burden on these types of subsidiaries by eliminating bureaucratic delay, paperwork, etc. in a process that is very routine in nature. Debt previously contracted (real estate obtained in satisfaction of a debt) is viewed as fairly routine and IDFPR did not feel it necessary to make these subsidiaries subject to the burdens imposed by section 5/5/(12) of the Illinois

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Banking Act. This adopted amendment will allow banks the freedom to set these subsidiaries up with one fewer obstacle and hopefully increase bank efficiency.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 305

BANK BRANCHES AND SUBSIDIARIES

SUBPART A: GENERAL

Section
305.10 Definitions

SUBPART B: BRANCHES

Section
305.20 Procedure to Establish and Maintain a Bank Branch
305.30 Acknowledgment by the Office of Banks and Real Estate (Repealed)
305.40 Date a Branch is Established and Maintained (Repealed)

SUBPART C: SUBSIDIARIES

Section
305.100 Procedure to Establish and Maintain a Subsidiary to Manage Real Estate Obtained
in Satisfaction of Debt Previously Contracted

AUTHORITY: Implementing Section 5(12) and (15) as authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/5(12), 5(15) and 48(6)].

SOURCE: Adopted at 12 Ill. Reg. 11178, effective August 8, 1988; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to P.A. 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 8367, effective June 24, 1997; amended at 36 Ill. Reg. 6814, effective May 4, 2012; amended at 39 Ill. Reg. 14509, effective October 22, 2015.

SUBPART A: GENERAL

Section 305.10 Definitions

"Act" means the Illinois Banking Act [205 ILCS 5].

"Appropriate Federal Banking Agency " means the Federal Deposit Insurance

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Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis.

"Branch Notice" means a copy of the state bank's application to its appropriate federal banking agency for approval to establish a branch.

"Controlling Interest" means at least 50% plus 1 share, or more than 50% membership interest for a limited liability company.

"Debt Previously Contracted" means real estate, including capitalized and operating leases, acquired by a state bank through any means in full or partial satisfaction of a debt.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Banking with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Banking with the authority delegated by the Secretary.

"Eligible Bank" means a state bank as defined in 38 Ill. Adm. Code 380.20.

~~"Notice" means a copy of the state bank's written notice pursuant to Section 5(12) of the Act.~~

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"State Bank" means a bank that has a banking charter issued under the Act.

"Subsidiary Notice" means a copy of the state bank's written notice pursuant to Section 5(12) of the Act.

(Source: Amended at 39 Ill. Reg. 14509, effective October 22, 2015)

SUBPART C: SUBSIDIARIES

Section 305.100 Procedure to Establish and Maintain a Subsidiary to Manage Real Estate Obtained in Satisfaction of Debt Previously Contracted

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A state bank that seeks to establish and maintain a subsidiary in order to manage, market and dispose of real estate obtained in satisfaction of debt previously contracted need not submit notice~~may establish a subsidiary upon mailing of notice of intent to establish a subsidiary to the Division~~ pursuant to Section 5(12) of the Act when the bank has a controlling interest in the subsidiary. ~~Once mailed, the notice is deemed received by the Department.~~

(Source: Amended at 39 Ill. Reg. 14509, effective October 22, 2015)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Administrative Procedures for General Professional Regulation under the Administrative Code
- 2) Code Citation: 68 Ill. Adm. Code 1130
- 3) Section Number: 1130.120 Adopted Action: Amendment
- 4) Statutory Authority: Implementing the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(i)]
- 5) Effective Date of Rule: November 6, 2015
- 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 rule, 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 the *Illinois Register*: August 14, 2015; 39 Ill. Reg. 11161.
- 10) Has JCAR issued a Statement of Objection to this Rulemaking: No
- 11) Differences between Proposal and Final Version: No substantive differences.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This adopted amendment clarifies that the forcible felony convictions referenced in Section 1130.120 include convictions in the courts of other jurisdictions as well as in the courts of the State of Illinois. References to the Criminal Code of 1961 are updated to reflect the Criminal Code of 2012 as a result of the passage of PA 97-1108.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

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

Department of Financial and Professional Regulation

Attention: Craig Cellini

320 West Washington, 3rd Floor

Springfield IL 62786

217/785-0813

fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER a: ADMINISTRATIVE RULES

PART 1130
ADMINISTRATIVE PROCEDURES FOR GENERAL PROFESSIONAL REGULATION
UNDER THE ADMINISTRATIVE CODE

SUBPART A: GENERAL

Section
1130.10 Definitions

SUBPART B: NON-BINDING, ADVISORY OPINIONS ON CRIMINAL CONVICTIONS

Section
1130.20 Request for Non-Binding, Advisory Opinion
1130.30 Board Review
1130.40 Confidentiality of Records

SUBPART C: PERMANENT REVOCATIONS

Section
1130.100 Notice of Intent to Issue Permanent Revocation Order
1130.110 Licensed Health Care Worker
1130.120 Forcible Felony
1130.130 Chaperone Orders

SUBPART D: DISCIPLINARY SANCTIONS

Section
1130.200 Disciplinary Sanctions

1130.APPENDIX A Notice of Order Requiring Chaperone

AUTHORITY: Implementing Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

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SOURCE: Adopted at 35 Ill. Reg. 7956, effective May 20, 2011; amended at 37 Ill. Reg. 1192, effective February 1, 2013; amended at 37 Ill. Reg. 7479, effective May 31, 2013; amended at 39 Ill. Reg. 14514, effective November 6, 2015.

SUBPART C: PERMANENT REVOCATIONS

Section 1130.120 Forcible Felony

A "forcible felony", for the purposes of Section 2105-165 of the Code ~~and this Part~~ is one or more of the following offenses committed in any jurisdiction. The Section (section numbers listed below in parentheses, are from the Criminal Code of 2012+961 [720 ILCS 5], are for guidance only and in no way limit the Department from permanent revocation or denial based upon conviction in jurisdictions other than the State of Illinois):

- a) First Degree Murder (Section 9-1);
- b) Intentional Homicide of an Unborn Child (Section 9-1.2);
- c) Second Degree Murder (Section 9-2);
- d) Voluntary Manslaughter of an Unborn Child (Section 9-2.1);
- e) Drug-induced Homicide (Section 9-3.3);
- f) Kidnapping (Section 10-1);
- g) Aggravated Kidnapping (Section 10-2);
- h) Unlawful Restraint (Section 10-3);
- i) Aggravated Unlawful Restraint (Section 10-3.1);
- j) Forcible Detention (Section 10-4);
- k) Involuntary Servitude (Section 10-9(b));
- l) Involuntary Sexual Servitude of a Minor (Section 10-9(c));
- m) Trafficking in Persons (Section 10-9(d));

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- n) Criminal Sexual Assault (Section 11-1.20);
- o) Aggravated Criminal Sexual Assault (Section 11-1.30);
- p) Predatory Criminal Sexual Assault of a Child (Section 11-1.40);
- q) Criminal Sexual Abuse (Section 11-1.50);
- r) Aggravated Criminal Sexual Abuse (Section 11-1.60);
- s) Aggravated Battery (Section 12-3.05);
- t) Compelling Organization Membership of Persons (Section ~~12-6.5~~[12-6.1](#));
- u) Compelling Confession or Information by Force or Threat (Section 12-7);
- v) Robbery; Aggravated Robbery (Section 18-1);
- w) Armed Robbery (Section 18-2);
- x) Vehicular Hijacking (Section 18-3);
- y) Aggravated Vehicular Hijacking (Section 18-4);
- z) Home Invasion (Section 19-6);
- aa) Terrorism (Section 29D-14.9);
- bb) Causing a Catastrophe (Section 29D-15.1);
- cc) Possession of a Deadly Substance (Section 29D-15.2);
- dd) Making a Terrorist Threat (Section 29D-20);
- ee) Falsely Making a Terrorist Threat (Section 29D-25);
- ff) Material Support for Terrorism (Section 29D-29.9);
- gg) Hindering Prosecution of Terrorism (Section 29D-35);

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- hh) Boarding or Attempting to Board an Aircraft with Weapon (Section 29D-35.1);
- ii) Armed Violence (Section 33A-2); and
- jj) Attempt (Section 8-4) of any of the above specified offenses.

(Source: Amended at 39 Ill. Reg. 14514, effective November 6, 2015)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Occupational Therapy Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1315
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1315.100	Amendment
1315.110	Amendment
1315.145	Amendment
1315.150	Amendment
1315.160	Amendment
1315.162	Amendment
1315.163	Amendment
1315.164	Amendment
1315.165	Amendment
1315.166	New Section
- 4) Statutory Authority: Implementing the Illinois Occupational Therapy Practice Act [225 ILCS 75] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rules: November 6, 2015
- 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 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 the *Illinois Register*: August 14, 2015; 39 Ill. Reg. 11167
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive differences
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 98-264, effective December 31, 2013, was the sunset reauthorization of the Illinois Occupational Therapy Practice Act; this rule implements its provisions. Updates to the Modalities provisions in Section 1315.162 reflect changes in industry standards. Section 1315.160 was amended to clarify standards to restore a license that has been inactive for more than 5 years. Section 1315.166 concerning confidentiality was added to reflect statutory changes. Changes to Section 1315.145 expanded Continuing Education (CE) opportunities as well as CE sponsors. Additional technical and clean up changes were being made to reflect standard Department language and procedures.
- 16) Information and questions regarding these adopted rules shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1315
ILLINOIS OCCUPATIONAL THERAPY PRACTICE ACT

Section

1315.90	Application for Licensure Under Section 14 of the Act (Repealed)
1315.100	Approved Programs
1315.110	Application for Licensure
1315.120	Examination
1315.130	Fees for the Administration of the Act
1315.140	Renewal
1315.145	Continuing Education
1315.150	Endorsement
1315.160	Restoration
1315.162	Modalities in Occupational Therapy
1315.163	Supervision of an Occupational Therapy Assistant
1315.164	Supervision of an Aide in Occupational Therapy
1315.165	Professional Conduct Standards
1315.166	Confidentiality
1315.170	Advertising
1315.180	Conduct of Hearings (Repealed)
1315.200	Granting Variances

AUTHORITY: Implementing the Illinois Occupational Therapy Practice Act [225 ILCS 75] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 676, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16455, effective August 28, 1984; recodified from Chapter I, 68 Ill. Adm. Code 315 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1315 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2940; amended at 18 Ill. Reg. 7373, effective May 2, 1994; amended at 18 Ill. Reg. 16615, effective October 27, 1994; amended at 23 Ill. Reg. 2304, effective January 22, 1999; amended at 26 Ill. Reg. 18330, effective December 13, 2002; amended at 27 Ill. Reg. 10264, effective June 26, 2003; amended at 35 Ill. Reg. 17609, effective November 4, 2011; amended at 39 Ill. Reg. 14520, effective November 6, 2015.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1315.100 Approved Programs

- a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall approve a program of occupational therapy education as reputable and in good standing if it meets the following minimum criteria:
- 1) Is from an institution legally recognized and authorized by the jurisdiction in which it is located to confer either a masters or doctoral~~baccalaureate~~ degree in occupational therapy, or its equivalent, or an associate degree as an occupational therapy assistant, or its equivalent.
 - 2) Has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.
 - 3) Has a curriculum of sufficient content for the achievement of entry level competencies, including liberal and technical education. Documentation shall include instructional objectives, outlines, methods and learning experiences.
 - 4) Accepts only those persons who have graduated from an accredited high school or its equivalent.
 - 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
 - 6) Maintains or is formally affiliated with a field work education center that provides a sufficient number and variety of occupational therapy cases for the student's practical instruction.
 - 7) Publishes the requirements for graduation and degrees in a regularly issued catalog.
- b) In determining whether a program should be approved, the Division shall take into consideration, but not be bound by, accreditation or approval by the Accreditation Counsel for Occupational Therapy (ACOTE).
- c) The Division has determined that all occupational therapy programs accredited or

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approved by the ACOTE as of July 1, 1996, meet the minimum criteria set forth in this Section and are, therefore, approved.

- d) The Division has determined that all occupational therapist (OT) or occupational therapy assistant (OTA) programs approved by the National Board for Certification in Occupational Therapy (NBCOT) as of July 1, 1996 meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 39 Ill. Reg. 14520, effective November 6, 2015)

Section 1315.110 Application for Licensure

- a) Any person seeking licensure as a registered occupational therapist shall file an application with the Division, on forms supplied by the Division, along with the following:
- 1) Certification that the applicant has completed an approved program of occupational therapy as set forth in Section 1315.100;
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapist, which shall be received directly from the designated testing service;
 - 3) Verification of ~~employment and Division~~ approval to sit for the examination if an applicant wishes to practice prior to passing the examination pursuant to Section 3(6) of the Illinois Occupational Therapy Act [225 ILCS 75] (Act);
 - 4) The required fee set forth in Section 1315.130(a) of this Part; and
 - 5) Certification, on forms provided by the Division, from the jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and

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- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Any person seeking licensure as an occupational therapy assistant shall file an application with the Division, on forms supplied by the Division, along with the following:
- 1) Certification that the applicant has completed an approved program as an occupational therapy assistant as set forth in Section 1315.100;
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapy Assistants, which shall be received directly from the designated testing service;
 - 3) Verification of ~~employment and Division~~ approval to sit for the examination if an applicant wishes to practice prior to passing the examination pursuant to Section 3(6) of the Act;
 - 4) The required fee set forth in Section 1315.130(a) of this Part; and
 - 5) Certification, on forms provided by the Division, from the jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Illinois Occupational Therapy Board (the Board) because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or

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- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- d) An applicant for licensure whose examination scores are more than 5 years old and who is not actively practicing as an occupational therapist or occupational therapy assistant shall be required to successfully complete the examination before the Division may issue a license.
- e) If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of authorization which allows him/her to practice under supervision in accordance with Section 3(6) of the Act. Supervision means the presence of the licensed occupational therapist on site at least 75% of the employee's work hours. The applicant shall not begin practice as an occupational therapist or occupational therapist assistant, license pending, until the letter of authorization is received from the Division or until the employer verifies that the application is on file with the Division.

(Source: Amended at 39 Ill. Reg. 14520, effective November 6, 2015)

Section 1315.145 Continuing Education

- a) Continuing Education (CE) Hour Requirements
 - 1) Every occupational therapist and occupational therapy assistant shall complete 24 contact hours of CE relevant to the practice of occupational therapy during each prerenewal period as a condition of renewal. A prerenewal period is the 24 months preceding December 31 in the year of the renewal. 24 contact hours of CE is equivalent to 12 units of Continued Competency Activities (CCA) (2 contact hours = 1 unit).
 - 2) In each renewal period, one contact hour shall include a course in ethics.
 - ~~3)2)~~ A CE contact hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - ~~4)3)~~ Courses that are part of the curriculum of an accredited university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of

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school credit awarded. There is no restriction on the amount of CE hours that can be earned in this manner per renewal period.

- ~~5)4)~~ A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
- ~~6)5)~~ Individuals licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- ~~6)~~ All CE hours must be earned by verified attendance at or participation, regardless of the method of delivery, in a program that is offered by an approved CE sponsor who meets the requirements set forth in subsection (c) or by other CE activities set forth in subsection (b).
- 7) CE credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois if they meet the requirements for CE in Illinois.
- 8) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

b) Approved Continuing Education

- 1) All CE activities shall:
 - A) Be relevant to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of occupational therapy or fulfilling the other professional roles of an occupational therapist or occupational therapy assistant;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program.
- 2) Regardless of delivery method, all CE hours must be earned by verified attendance or participation in a program that is offered by an approved CE sponsor who meets the requirements set forth in subsection (d), or by other CE activities set forth in subsection (c). This includes distance learning CE

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courses. Distance learning courses include, but are not limited to, web-based courses, webinars, moderated teleconferences or audio cassettes, CDs or videos of professional presentations offered by approved sponsors.

~~c)b)~~ CE may also be earned from the following activities:~~Additional CE activities~~

1) Independent Study

- A) Independent ~~study activities~~Study Activities include, but are not limited to, reading books or journal articles, ~~reviewing professional videos, etc.~~
- B) A licensee may earn contact hours spent in an independent study activity with a maximum of 4 contact hours per renewal period.
- C) Documentation shall include title, author, publisher, time spent, and date of completion. A licensee shall include a statement that describes how the activity relates to a licensee's current or anticipated roles and responsibilities.

2) Professional Study Group

- A) A licensee may earn up to 12 contact hours per renewal period participating in a professional study group or online study group designed to advance knowledge through active participation.
- B) Documentation shall include goals and objectives, summary of the discussion, and dates, times and results of the study group.

~~3)2)~~ Mentorship/Participation as a Mentor/Mentee

- A) ~~Participation as Mentee~~ i) Participation in a formalized mentorship agreement with a mentor as defined by a signed contract between the mentor and mentee that outlines specific goals and objectives and designates the plan of activities that are to be met by the mentee.
- B) ~~ii)~~ A mentor/mentee~~licensee~~ may earn contact hours spent in activities directly related to achievement of goals and objectives with a

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maximum of 8 contact hours per renewal period. ~~The Division may accept formalized mentorship programs for the amount of credit recommended by the mentor, not to exceed 8 hours per renewal period.~~

~~C)iii)~~ Documentation shall include name of mentor and mentee, copy of signed contract, dates, hours spent in and focus of mentorship activities, and outcomes of mentorship agreement.

~~B) Participation as Mentor~~

~~i) Participation in a formalized mentorship agreement with a mentee as defined by a signed contract that designates the responsibilities of the mentor and specific goals and objectives that are to be met by the mentee.~~

~~ii) A licensee may earn contact hours spent in mentorship activities as a mentor with a maximum of 8 hours per renewal period.~~

~~iii) Documentation shall include name of mentor and mentee, copy of signed contract, dates, hours spent in and focus of mentorship activities, and outcomes of mentorship agreement.~~

~~4)3)~~ Fieldwork Supervision

~~Participation as the primary clinical fieldwork educator for Level I/Level II OT or OTA fieldwork students.~~

A) ~~A licensee, as the primary clinical fieldwork educator for a Level I/Level II OT or OTA fieldwork student may earn 1 contact hour per week of supervision 2 contact hours for each Level I student supervised. A licensee may earn 6 contact hours for each Level II student supervised.~~ A licensee may earn a maximum of 128 contact hours for student supervision per renewal period.

B) Documentation shall include verification provided by the school to the fieldwork educator with the name of student, school, and dates of fieldwork or the signature page of the completed student

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evaluation form. Evaluation scores and comments should be deleted or blocked out.

- C) If student supervision is provided by more than one OT or OTA, each OT or OTA may claim only the hours actually spent in supervision.

5)4) Professional Writing~~writing~~

- A) First time publication of a professional or non-professional book, chapter, or article. A licensee may earn a maximum per renewal period as follows:
- i) 18 hours as an author of a book;
 - ii) 12 hours as an author of a chapter;
 - iii) 12 hours as an author of an article in a professional publication;
 - iv) 6 hours as an author of an article in a non-professional publication;
 - v) 12 hours as an editor of a book.
- B) Documentation shall consist of full reference for publication including: title, author, editor, and date of publication, or copy of acceptance letter if not yet published.

6)5) Presentation and Instruction

- A) First time or significantly revised presentation of an academic course or workshop, seminar, in-service, electronic or Web-based course. Speeches made at luncheons or banquets or any other presentation not within the guidelines of this Part are not eligible for CE credit.
- B) A licensee who serves as an instructor, speaker or discussion leader of a CE program will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for

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each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.

- C) Documentation shall include a copy of official program/schedule/syllabus, including presentation title, date, hours of presentation, and type of audience, or verification of the presentation signed by the sponsor.

~~7)6)~~ Research

- A) Development of or participation in a research project or development of an evidence based project.
- B) A licensee may earn credit for hours spent working on a research project or evidence based project, for a maximum of 12 hours per renewal period.
- C) Documentation includes verification from the primary investigator indicating the name of the research project or evidence based project, dates of participation, major hypotheses or objectives of the project, and licensee's role in the project.

~~8)7)~~ Grants

- A) Development of a grant proposal.
- B) A licensee may earn credit for hours working on a grant proposal for a maximum of 12 hours per renewal period.
- C) Documentation includes name of grant proposal, name of grant source, purpose and objectives of the project, and verification from the grant author regarding licensee's role in the development of the grant if not the author.

~~9)8)~~ Professional Meetingsmeetings and Activitiesactivities

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- A) Participation in board or committee work with agencies or organizations in professionally related community based programs~~areas~~ to promote and enhance the practice of occupational therapy.
- B) A licensee may earn 2 contact hours per appointment on a committee or board for one year for a maximum of 8 hours per renewal period.
- C) Documentation includes name of committee or board, name of agency or organization, purpose of service, and description of licensee's role. Participation must be validated by an officer or representative of the organization or committee.

10) Volunteer Service

- A) Provide volunteer services that utilize occupational therapy skills and experiences to enhance and/or better the lives of organizations, populations, communities or individuals.
- B) A licensee may earn 2 contact hours per 5 hours of volunteer service, for a maximum of 12 hours per renewal period.
- C) Documentation includes the name of the agency or organization, purpose of the service, and a description of the licensee's role with dates, hours and outcomes of volunteer service. Participation must be validated by an officer or representative of the organization or agency.

11)9) Advanced ~~Competence Recognition~~competence recognition/Specialty Certifications~~specialty certification~~

- A) Advanced recognition and/or specialty certification from a nationally recognized certifying body or approved provider.
- B) A licensee may earn 12 contact hours for each advanced competence recognition or specialty certification credential earned during a renewal period.

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- C) Documentation includes certificate of completion or other documentation that identifies satisfactory completion of requirements for obtaining advanced competence or specialty certification.
- D) American Occupational Therapy Association (AOTA) approved post-professional clinical residency or fellowship. A licensee may earn 1 contact hour for every 2 hours spent in a clinical residency or fellowship, for a maximum of 24 hours per renewal period.

d)e) Continuing Education Sponsors and Programs

- 1) Approved sponsor, as used in this Section, shall mean:
 - A) American Occupational Therapy Association (AOTA) and its affiliates;
 - B) American Physical Therapy Association (APTA) and the Illinois Physical Therapy Association (IPTA);
 - C) AOTA approved sponsors~~Approved Providers~~;
 - D) American Speech and Hearing Association (ASHA) and the Illinois Speech and Hearing Association (ISHA);
 - E) American Medical Association (AMA) and the Illinois State Medical Society (ISMS) and their affiliates;
 - F) Colleges, universities, community colleges or institutions with occupational therapy or occupational therapy assistant education programs accredited by the American Council for Occupational Therapy Education (ACOTE).
 - G)F) Regionally accredited colleges~~Accredited Colleges~~ and universities~~Universities~~;
 - H)G) American Society of Hand Therapists;
 - I) Licensed hospitals;

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J) State agencies;

K) Educational institutions that provide occupational therapy services, including, but not limited to, public or private primary and secondary schools;

L)~~H)~~ Any other person, firm, association, corporation, or group that has been approved and authorized by the Division pursuant to subsection ~~(de)~~(2) upon the recommendation of the Board to coordinate and present CE courses or programs.

- 2) Entities seeking a license as a CE sponsor pursuant to subsection ~~(de)~~(1)~~(GF)~~ shall file a sponsor application, along with the required fee set forth in Section 1315.130. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection ~~(de)~~ and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection ~~(de)~~(7); and
 - C) That, upon request by the Division, the sponsor will submit evidence necessary to establish compliance with this Section. This evidence shall be required when the Division has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) Each sponsor shall submit by December 31 of each odd numbered year a sponsor application along with the renewal fee set forth in Section 1315.130. With the application, the sponsor shall be required to submit to the Division a list of all courses and programs offered in the prerenewal period, which includes a course description and location, date and time the course was offered.

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- 4) Each CE program shall provide a mechanism for written evaluation of the program and instructor by the participants. The evaluation forms shall be kept for 5 years and shall be made available to the Division upon written request.
- 5) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of occupational therapy;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program.
- 6) All programs given by approved sponsors shall be open to all licensees and not be limited to the members of a single organization or group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name and address and license number of the sponsor;
 - ii) The name ~~and address~~ of the participant and his/her license number;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program; and

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vi) Signature of the sponsor.

B) The sponsor shall maintain these records for not less than 5 years.

- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.
- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Division, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until the Division receives reasonably satisfactory assurances of compliance with this Section.

e)⇄ Continuing Education Earned in Other Jurisdictions

- 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or 90 days prior to the expiration date of the license. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
- 2) If a licensee fails to submit an out-of-state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

f)⇄ Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
- 2) The Division may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

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- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

g)† Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Division a renewal application, the renewal fee set forth in Section 1315.130, a statement setting forth the facts concerning the non-compliance, and a request for waiver of the CE requirements on the basis of these facts. If the Division, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Division shall waive enforcement of these requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician;
 - ii) A physical inability to travel to the sites of approved programs; or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for the waiver is filed with the Division, the renewal applicant shall be given at

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least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (g)(1) shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 39 Ill. Reg. 14520, effective November 6, 2015)

Section 1315.150 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Division, along with the following:
 - 1) Certification that the applicant has completed an approved program of occupational therapy [as set forth in Section 1315.100](#);
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapist, Registered or Certification Examination for Occupational Therapy Assistants, which shall be received directly from the designated testing service;
 - 3) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested

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to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 39 Ill. Reg. 14520, effective November 6, 2015)

Section 1315.160 Restoration

- a) A person seeking restoration of a license that has expired or been placed on inactive status for 5 years or more shall file an application with the Division, on forms supplied by the Division, along with the required fees specified in Section 1315.130 and proof of 12 hours of continuing education in accordance with Section 1315.145 for each year the license was lapsed or inactive up to a maximum of 60 hours. At least 24 hours must have occurred~~24 hours of continuing education (e.g., certificate of attendance or completion)~~ within 24 months prior to the restoration application ~~in accordance with Section 1315.145~~. In addition, the applicant shall also submit one of the following:
 - 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 11 of the Act (no fee is required when restoring from a period of military service if application is made within 2 years after termination of the service); or
 - 3) Verification of successful completion of the Certification Examination of the NBCOT for licensure as a registered occupational therapist or certified occupational therapy assistant within the last 5 years prior to applying for restoration; or
 - 4) Evidence of successful completion of a re-entry program through an accredited college or university that provides an approved program for OTs or OTAs. The re-entry program will be clearly labeled as such and may include courses from an accredited entry level OT or OTA program.

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~~The certificate of completion or transcript will be submitted to the Division. After receipt of the license, the applicant shall complete 30 hours of supervised work and keep documentation of the supervised work 48 hours of continuing education in occupational therapy, including attendance at college level courses, professionally oriented continuing education classes, special seminars, or any other similar program completed within 2 years prior to application for restoration.~~

- b) A registrant seeking restoration of a license that has been expired for less than 5 years shall have the license restored upon payment of fees required by Section 1315.130. A licensee seeking restoration of a license shall be required to submit proof of the required 12 hours of continuing education in accordance with Section 1315.145 for each year the license was lapsed or inactive, up to a maximum of 60 hours. At least 24 hours must have occurred within 24 months prior to the restoration application.~~24 hours of CE in accordance with Section 1315.145. These CE hours shall be earned within the 2 years prior to renewal.~~
- c) A registrant seeking restoration of a license that has been on inactive status for less than 5 years shall have the license restored upon payment of the current renewal fee. A licensee seeking restoration of a license shall be required to submit proof of the required 12 hours of continuing education in accordance with Section 1315.145 for each year the license was lapsed or inactive, up to a maximum of 60 hours. At least 24 hours must have occurred within 24 months prior to the restoration application.~~24 hours of CE in accordance with Section 1315.145. These CE hours shall be earned within the 2 years prior to renewal.~~
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 39 Ill. Reg. 14520, effective November 6, 2015)

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Section 1315.162 Modalities in Occupational Therapy

Occupational therapy services include the use of physical agent modalities for occupational therapists and occupational therapy assistants who have the training, skill and competency to apply these modalities.

- a) Physical agent modalities:
 - 1) refer to those modalities that produce a response in soft tissue through the use of light, water, temperature, sound, or electricity;
 - 2) are characterized as adjunctive methods used in conjunction with or in immediate preparation for: patient involvement in purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; or the promotion of health and wellness; and
 - 3) include but are not limited to the following:
 - A) electrical stimulation;
 - B) iontophoresis;
 - C) superficial heating agents;
 - D) cryotherapy; and
 - E) deep heating agents.
- b) Following is the training required for the use of physical agent modalities used by occupational therapists and occupational therapy assistants.
 - 1) Modalities
 - A) Modalities using electricity would cover: pain control, edema reduction, and muscle reeducation. Examples include, but are not limited to: biofeedback, [neuromuscular electrical stimulation/functional electrical stimulation \(NMES/FES\)](#), [transcutaneous electrical nerve stimulation \(TENS\)](#), [high volt galvanic stimulation \(HVGS\)](#), interferential, iontophoresis. The

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training shall include:

- i) a minimum of 12 hours of didactic training in a program defined in this Section that includes demonstration and return demonstration and an examination; and
 - ii) 5 treatments in each modality supervised by a licensed health care professional trained in the use of the modality.
- B) Thermal modalities would include superficial and deep heat and cyrotherapy. Examples include, but are not limited to, hot and cold packs, ice massage, fluidotherapy, warm whirlpool, cool whirlpool, ultrasound, phonophoresis, paraffin ~~and~~, contrast baths.
- i) a minimum of 3 hours of didactic training in a program defined in this Section that includes demonstration and return demonstration and an examination. The training session should include the mechanics and precautions of using the modality safely as well as case studies and problem solving on when to use. The ethics, economics, liability, and insurance issues related to using modalities should also be addressed in the educational process.
 - ii) 5 treatments in each modality supervised by a licensed health care professional trained in the use of the modality.
- 2) The didactic training shall be obtained through educational programs, workshops, or seminars offered or approved by a college or university, Illinois Occupational Therapy Association, the American Occupational Therapy Association and its affiliates, Illinois Physical Therapy Association, the American Physical Therapy Association ~~or its chapters~~, National Board ~~for~~ Certification ~~in~~ Occupational Therapy (NBCOT), or the Hand Therapy Certification Commission.
- 3) The training shall be documented and made available to the Division or Board upon request. Training shall be completed prior to the use of these modalities. Documentation shall include:
- A) a transcript or proof of successful completion of the coursework, including the number of educational hours;

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- B) the name and address of the individual or organization sponsoring the activity;
 - C) the name and address of the facility at which the activity was presented;
 - D) a copy of the course, workshop, or seminar description that includes topics covered, learning objectives, credentials of presenters and standards for meeting the objectives;
 - E) documentation of the 5 clinical treatments that includes date of the treatments, the modality and the name and credentials of the supervisor.
- 4) The clinical treatment demonstration shall include the following:
- A) The ability to evaluate or contribute to the evaluation of the client, and make an appropriate selection of the modality to be utilized;
 - B) A thorough knowledge of the effects of the modality that is to be utilized;
 - C) The ability to explain the precaution, contraindication and rationale of the specific modality utilized;
 - D) The ability to formulate and justify the occupational therapy intervention plan, specifically delineating the adjunctive strategy associated with the use of each modality;
 - E) The capability to safely and appropriately administer the modality;
 - F) The ability to properly document the parameters of intervention, which include the client's response to treatment and the recommendation for the progression of the intervention process.
- 5) The clinical supervisor for the treatment session shall:

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- A) Be licensed or certified and in good standing in this profession or another profession within Illinois that permits the use of the physical agent modalities;
 - B) Be a practitioner at the same or greater professional level;
 - C) Have a minimum of 1 year of clinical experience, within the previous 3 years, in the use of the physical agent modalities.
- c) Occupational therapists and occupational therapy assistants who, prior to January 1, 2002, have attended training programs and have developed competencies in the use of physical agent modalities may demonstrate competency through proof of one or more of the following:
- 1) documentation of previous attendance and completion of the required training as stated in subsection (b);
 - 2) documentation of professional experience at the work place through policy and procedures indicating the use of modalities, inservice training, proof of prior use. The experience shall include at least 20 applications for each modality within the last 3 years;
 - 3) documentation of attendance at educational programs, including post-professional programs, in-service training and specific certifications in the use of modalities; or
 - 4) documentation of certification as a hand therapist from the Hand Therapy Certification Commission.

(Source: Amended at 39 Ill. Reg. 14520, effective November 6, 2015)

Section 1315.163 Supervision of an Occupational Therapy Assistant

- a) A certified occupational therapy assistant shall practice only under the supervision of a registered occupational therapist. Supervision is a process in which 2 or more persons participate in a joint effort to establish, maintain and elevate a level of performance and shall include the following criteria:
- 1) To maintain high standards of practice based on professional principles, supervision shall connote the physical presence of the supervisors and the

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assistant at regularly scheduled supervision sessions.

- 2) Supervision shall be provided in varying patterns as determined by the demands of the areas of patient/client service and the competency of the individual assistant. Such supervision shall be structured according to the assistant's qualifications, position, level of preparation, depth of experience and the environment within which he/she functions.
 - 3) The supervisors shall be responsible for the standard of work performed by the assistant and shall have knowledge of the patients/clients and the problems being discussed. Co-signature does not reflect supervision.
 - 4) A minimum guideline of formal supervision is as follows:
 - A) The occupational therapy assistant who has less than one year of work experience or who is entering new practice environments or developing new skills shall receive a minimum of 5% on-site face-to-face supervision from a registered occupational therapist per month. On-site supervision consists of direct, face-to-face collaboration in which the supervisor must be on the premises. The remaining work hours ~~shall~~must be supervised by a combination of telephone, electronic communication, telecommunication, technology or face-to-face consultation.
 - B) The occupational therapy assistant with more than one year of experience in his/her current practice shall have a minimum of 5% direct supervision from a registered occupational therapist per month. The 5% direct supervision shall consist of 2% direct, face-to-face collaboration. The remaining 3% of supervision shall be a combination of telephone, ~~or~~ electronic communication, telecommunication technology or face-to-face consultation. The remaining work hours will be supervised in accordance with subsection (a)(2).
- b) Record Keeping. It is the responsibility of the occupational therapy assistant to maintain on file at the job site signed documentation reflecting supervision activities. This supervision documentation shall contain the following: date of supervision, means of communication, information discussed and the outcomes of the interaction. Both the supervising occupational therapist and the occupational therapy assistant must sign each entry.

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(Source: Amended at 39 Ill. Reg. 14520, effective November 6, 2015)

Section 1315.164 Supervision of an Aide in Occupational Therapy

- a) An aide in occupational therapy may also be called an occupational therapy technician (tech) or occupational therapy paraprofessional. This is a person who is not licensed by the Board and provides supportive services to occupational therapists and occupational therapy assistants that may include client-related and non-client related duties and that do not require the knowledge, skills or judgment of an occupational therapist or occupational therapy assistant. An aide in occupational therapy works under the direct on-site supervision of an occupational therapist and/or occupational therapy assistant who~~assistants.~~ ~~The occupational therapist~~ is ultimately responsible for the use of aides in occupational therapy.
- b) An occupational therapist and/or occupational therapy assistant may delegate to an aide in occupational therapy only specific tasks, which are neither evaluative, selective nor recommending in nature, only after insuring that the aide has been appropriately trained for the performance of the task.
- c) Any duties assigned to an aide in occupational therapy must be determined and appropriately supervised by an occupational therapist and/or occupational therapy assistant and must not exceed the level of training, knowledge, skill and competence of the individual being supervised.
- d) Duties and/or functions that aides in occupational therapy may perform include, but are not limited to:
 - 1) Under supervision:
 - A) routine department maintenance work;
 - B) transportation of individuals/patients/clients;
 - C) preparation or setting up of treatment equipment and work areas;
 - D) taking care of individuals'/patients'/clients' personal needs during treatment that are not part of occupational therapy treatment;

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- E) clerical, secretarial, administrative activities; and
 - F) assisting in the construction of adaptive equipment.
- 2) On-site supervision and within the visual field of the occupational therapist or occupational therapy assistant:
- A) following up with selected routine activity or exercise; and
 - B) aiding the occupational therapist and/or the occupational therapy assistant during occupational therapy treatment of the individual, patient or client.
- e) Duties or functions that aides in occupational therapy shall not perform include, but are not limited to:
- 1) initiate and/or interpret referrals for occupational therapy services;
 - 2) perform evaluative/assessment procedures;
 - 3) develop, plan, adjust or modify treatment procedures;
 - 4) act on behalf of the occupational therapist and/or occupational therapy assistant in any matter related to direct individual/patient/client care that requires judgment or ~~decision making~~[decision-making](#);
 - 5) document services reported as occupational therapy; or
 - 6) represent himself or herself as an occupational therapist or an occupational therapy assistant.
- f) An aide in occupational therapy may not provide direct individual/patient/client treatment.

(Source: Amended at 39 Ill. Reg. 14520, effective November 6, 2015)

Section 1315.165 Professional Conduct Standards

All licensed occupational therapists or occupational therapy assistants shall comply with the standards of professional conduct set forth in this Section. Any violation of these conduct rules

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may be considered unethical, unauthorized or unprofessional conduct. The Division may suspend or revoke a license, refuse to issue or renew a license, or take other disciplinary action, based upon the finding of "unethical, unauthorized or unprofessional conduct" within the meaning of Section 19 of the Act.

- a) Individuals licensed under the Act shall be required, when signing official patient records, to designate licensure by including the notation OT/L (Occupational Therapist, Licensed) or OTR/L (Occupational Therapist, Registered/Licensed) or COTA/L (Certified Occupational Therapy Assistant/Licensed) after the licensee's signature.
- b) Occupational therapy practitioners shall respect the rights of the recipients of their services.
 - 1) Occupational therapy practitioners should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.
 - 2) Occupational therapy practitioners shall avoid those relationships or activities that interfere with professional judgment and objectivity. Occupational therapy practitioners shall not have relationships that exploit the recipient of services sexually, physically, emotionally, financially, socially or in any other manner.
 - 3) Occupational therapy practitioners shall strive to ensure that fees are fair, reasonable and commensurate with the service performed and are set with due regard for the service recipient's ability to pay.
 - 4) Occupational therapy practitioners shall collaborate with service recipients or their surrogates in determining goals and priorities throughout the intervention process.
 - 5) Occupational therapy practitioners shall fully inform the service recipients of the nature, risks and potential outcomes of any interventions.
 - 6) Occupational therapy practitioners shall obtain informed consent from subjects involved in research activities indicating they have been fully advised of the potential risks and outcomes.

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- 7) Occupational therapy practitioners shall respect the individual's right to refuse professional services or involvement in research or educational activities.
 - 8) Occupational therapy practitioners shall protect the confidential nature of information gained from educational, practice and research activities.
- c) Occupational therapy practitioners shall achieve and continually maintain high standards of competence.
- 1) Occupational therapy practitioners shall take responsibility for maintaining competence by participating in professional development and educational activities.
 - 2) Occupational therapy practitioners shall perform their duties on the basis of accurate and current information.
 - 3) Occupational therapy practitioners shall protect service recipients by ensuring that duties assumed by or assigned to other occupational therapy personnel are commensurate with their qualifications and experience.
 - 4) Occupational therapy practitioners shall provide appropriate supervision to consult with other service providers when additional knowledge and expertise are required.
 - 5) Occupational therapy practitioners shall refer recipients to other service providers or consult with other service providers when additional knowledge and expertise are required.
- d) Occupational therapy practitioners shall comply with laws and rules in relation to the profession of occupational therapy.
- 1) Occupational therapy practitioners shall understand and abide by local, State and federal laws and institutional rules.
 - 2) Occupational therapy practitioners shall require those they supervise in occupational therapy activities to adhere to the professional conduct rules established in this Part.

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- 3) Occupational therapy practitioners shall accurately record and report all information related to professional activities.
- e) Occupational therapy practitioners shall provide accurate information about occupational therapy services.
- 1) Occupational therapy practitioners shall accurately represent their qualifications, education, experience, training and competence.
 - 2) Occupational therapy practitioners shall disclose to recipients any affiliations that may pose a conflict of interest.
 - 3) Occupational therapy practitioners shall refrain from using or participating in the use of any form of communication that contains false, fraudulent, deceptive, or unfair statements or claims.
- f) Occupational therapy practitioners shall treat colleagues and other professionals with fairness, discretion and integrity.
- 1) Occupational therapy practitioners shall safeguard confidential information about colleagues and staff.
 - 2) Occupational therapy practitioners shall accurately represent the qualifications, views, contributions and findings of colleagues.
- g) Pursuant to Section 19(8) of the Act, the Division incorporates by reference the Occupational Therapy Code of Ethics of the American Occupational Therapy Association, 4720 Montgomery Lane, ~~Ste. 200 P.O. Box 31220~~, Bethesda, Maryland ~~20814-3489~~~~20824~~, April ~~2015~~~~2010~~, with no later amendments or editions.

(Source: Amended at 39 Ill. Reg. 14520, effective November 6, 2015)

Section 1315.166 Confidentiality

All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory

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agencies that have an appropriate regulatory interest as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law. (Section 19.2a of the Act)

(Source: Added at 39 Ill. Reg. 14520, effective November 6, 2015)

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- 1) Heading of the Part: Construction and Filing of Life Insurance and Annuity Forms
- 2) Code Citation: 50 Ill. Adm. Code 1405
- 3) Section Number: 1405.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 143 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143 and 401]
- 5) Effective Date of Rule: October 22, 2015
- 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 rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 8677; June 26, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rule was revised to update terminology and procedures. A subsection was added to 1405.20 (b) prohibiting "ICC" at the beginning of the form number to avoid conflict with Interstate Compact form number requirements. Language was added to 50 Ill. Adm. Code 1405.20(c)(6) to expand the list of filing-types carriers will self-identify. The amended rule also requests that carriers identify previously-filed form numbers that relate to the new filing.

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

Cindy Colonius
Consumer Market Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-4572

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCEPART 1405
CONSTRUCTION AND FILING OF LIFE INSURANCE AND ANNUITY FORMS

Section

1405.10	Authority
1405.15	Definitions
1405.20	Illinois Guidelines for Filing and Approval of Life and Annuity Forms
1405.30	Applications
1405.40	Policy Forms
1405.50	Group Insurance
1405.60	Franchise Life Insurance
1405.70	Annuities
1405.80	Alternate and/or Insert Pages
1405.90	Substitution Filings

AUTHORITY: Implementing Section 143 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143 and 401].

SOURCE: Filed July 11, 1972, effective August 1, 1972; codified at 7 Ill. Reg. 3466; amended at 12 Ill. Reg. 22184, effective December 16, 1988; amended at 34 Ill. Reg. 5835, effective April 7, 2010; amended at 37 Ill. Reg. 15340, effective September 4, 2013; amended at 39 Ill. Reg. 14552, effective October 22, 2015.

Section 1405.20 Illinois Guidelines for Filing and Approval of Life and Annuity Forms

Following are some general requirements that should be helpful to industry personnel involved in drafting and filing policy forms.

- a) Policy Forms
 - 1) "Policy Form" Defined. The term "policy form" as used in this Part is defined in the Insurance Code. It means any policy, certificate, endorsement, rider, by-law or other matter incorporated by reference or an application blank. It does not include riders or endorsements issued or made at the request of the individual policyholder relating to the manner of distribution of benefits or to the reservation of rights and benefits under

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a life insurance policy.

- 2) Policy forms exempt from filing are as follows:
 - A) Notice Regarding Replacement (see 50 Ill. Adm. Code 917.70).
 - B) Policy Summaries.
 - C) Buyer's Guides (see 50 Ill. Adm. Code 930.40(a)).
 - 3) Policy forms prohibited pursuant to Sections 143(1) and 224(1)(c) of the Code are as follows:
 - A) Certificates issued in lieu of a duplicate insurance policy.
 - B) Forms containing provisions excluding scuba diving, hang-gliding, motorcycle racing, race car or stock car racing, or hazardous sports.
- b) Form Numbers
- 1) Each "policy form" must be designated by a suitable form number that may be made up of numerical digits or letters, or both, in the lower left-hand corner of the first page. The form number shall be sufficient to distinguish the basic form from all others used by the insurer. Edition date and/or designation of a state where a special edition is required is permitted in this space, and if printed as a continuation of the form number, will be considered a part of the form. The appearance of a company's stock number and/or printing date in proximity to the form number is permitted.
 - A) If a descriptive title is in close proximity to the form number, it will not be considered a part of that number for approval purposes unless inclusion is requested by the company.
 - B) Refer to Section 1405.80 for instructions relating to form numbers when filing a policy on an insert page basis.
 - 2) Since the form number must be sufficient to identify any form that has been issued by a company, each submission must bear a unique number. A

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recently approved but unissued form may be corrected or changed by filing a substitute page or form, which may retain the original form number.

3) [Form numbers may not contain "ICC" at the beginning of the form number due to conflict with Interstate Compact form number requirements.](#)

c) General Form Requirements pursuant to Section 149 of the Code

- 1) The name of the company shall appear on the form.
- 2) Policy shall show location of the home office and principal office, if different.
- 3) Policy shall include the company's consumer assistance telephone number.
- 4) Policy shall indicate the issue or policy date and the effective date, if different.
- 5) Rubber stamp deletions, mechanical overprints or paste-over "stickers" are permitted with the prior approval of the Department (for rubber stamp endorsements, see Section 1405.20(d)(7)).
- 6) The name or title of any policy or class of policies may not misrepresent the nature of the policy. The title shall be specifically descriptive, such as: Universal, Term, Annuity, [Indexed, Equity Indexed, Indexed Linked, Modified Guaranteed Annuity](#), Endowment or Whole Life. Inclusion of words such as "special", "select", "preferred" or "inflation" are not allowed in the title as they imply receiving something not normally offered in a life policy, in violation of Sections 143(1) and 149 of the Code.

d) Preparation of Forms

- 1) "Policy forms" must be submitted pursuant to 50 Ill. Adm. Code 916.
- 2) "Policy forms" submitted for formal approval shall be submitted in the form intended for actual issue. Typewritten forms may be used only for single cases or when their use will be too infrequent to justify other preparation.

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- 3) All blank spaces of each policy form must be filled in (completed in John Doe manner). The purpose and use of the form shall be explained in the [Filing Description or letter of submission](#)~~letter~~.
 - 4) When submitting a "policy form" to which a previously approved application will be attached, reference must be made to [the state/company tracking number or SERFF tracking number and](#) approval date and form number of the previously approved application.
 - 5) On applicable life policy forms, nonforfeiture values, if any, for the age and plan of insurance used in filling in the form must be included.
 - 6) On group forms, variable material may be indicated for language that may vary from case to case. Variable material shall consist of benefit provisions and benefit levels.
 - 7) All rubber stamp endorsements should be submitted for approval under the insurer's letterhead and filed in accordance with 50 Ill. Adm. Code 916.
 - 8) Combination forms (for Life and Accident and Health) shall be submitted to both the Life Unit and the Accident and Health Unit of the Product Evaluation Section.
- e) [Filing Description or Letter](#)~~Letters~~ of Submission
[The letter of submission must be on company letterhead that shows the name of the company for which the forms are being submitted, signed by a representative of the company authorized to submit forms for filing or approval, and submitted under the Supporting Documentation of the filing. The Filing Description or letter of submission](#) must contain the following information:
- ~~1)~~ ~~The letterhead of the company shall show the name of the company for whom the forms are being submitted.~~
 - ~~2)~~ The identifying form number of each form submitted.
 - ~~3)~~ If the form is a new one, not replacing an existing form, a statement to that effect.
 - ~~4)~~ If the form is intended to supersede another approved form, the [company](#)

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tracking number or SERFF tracking number, the form number and the approval date of the superseded form must be stated, together with a statement describing all material changes to the previously approved forms.

- 45) If a company submits a form that has been previously submitted but has not been approved, the company shall advise the Department of the company tracking number or SERFF tracking number, and the date of submission or disapproval of the previously submitted form and any material changes.
- 56) If the form is other than a policy or contract, give the company tracking number or SERFF tracking number and the form number of the policy or contract form or forms with which it will be used, or, if for more general use, describe the type or group of such forms.
- 67) When a form is approved, ~~in the case of a SERFF filing,~~ a final disposition will be issued in the SERFF filing.
- 78) Reference to previously approved forms shall provide date of approval of those forms and company tracking number or SERFF tracking number.

(Source: Amended at 39 Ill. Reg. 14552, effective October 22, 2015)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Variable Contracts
- 2) Code Citation: 50 Ill. Adm. Code 1451
- 3) Section Number: 1451.60 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Article XIV½ of the Illinois Insurance Code [215 ILCS 5/Art. XIV½] and authorized by Sections 401 and 245.24 of the Illinois Insurance Code [215 ILCS 5/401 and 245.24]
- 5) Effective Date of Rule: October 22, 2015
- 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 rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 8684; June 26, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Difference between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: An error was found in the language in Part 1451. In Part 1451.60 (f) it says "reverse", but should say "reserve". This rulemaking will make that correction.
- 16) Information and questions regarding this adopted rule shall be directed to:

Susan Christy, Actuary I

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Life Actuarial Section
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/782-1759

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER t: SEPARATE ACCOUNTSPART 1451
VARIABLE CONTRACTS

Section

1451.10	Authority
1451.20	Definitions
1451.30	Qualification of Insurance Companies to Issue Variable Contracts
1451.40	Separate Accounts
1451.50	Filing of Contracts
1451.60	Contracts Providing for Variable Benefits
1451.70	Required Reports
1451.80	Foreign or Alien Companies
1451.90	Licensing of Producers for Variable Contracts
1451.100	Disclosure

1451.APPENDIX A Variable Annuities Only

AUTHORITY: Implementing Article XIV½ of the Illinois Insurance Code [215 ILCS 5/Art. XIV½] and authorized by Sections 401 and 245.24 of the Illinois Insurance Code [215 ILCS 5/401 and 245.24].

SOURCE: Filed February 18, 1972, effective March 1, 1972; codified at 7 Ill. Reg. 4217; amended at 25 Ill. Reg. 4208, effective March 5, 2001; amended at 38 Ill. Reg. 18664, effective August 27, 2014; amended at 39 Ill. Reg. 9369, effective June 26, 2015; amended at 39 Ill. Reg. 14559, effective October 22, 2015.

Section 1451.60 Contracts Providing for Variable Benefits

- a) Illustrations of benefits payable under any variable contract shall not include projections of past investment experience into the future or attempted predictions of future investment experience; provided, however, that the form of illustration found in Appendix A of this Part may be utilized by companies in the sale of immediate variable annuities only.
- b) No individual variable annuity contract calling for the payment of periodic stipulated payments shall be delivered or issued for delivery in this State unless it

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contains in substance the following provisions or provisions which in the opinion of the Director are more favorable to the holders of such contracts:

- 1) A provision that there shall be a period of grace of 30 days or of one month, within which any stipulated payment to the insurer falling due after the first may be made, during which period of grace the contract shall continue in force. The contract may include a statement of the basis for determining the date as of which any such payment received during the period of grace shall be applied to produce the values under the contract arising therefrom;
 - 2) A provision that, at any time within 1 year from the date of default, in making periodic stipulated payments to the insurer during the life of the annuitant and unless the cash surrender value has been paid, the contract may be reinstated upon payment to the insurer of such overdue payments as required by the contract, and of all indebtedness to the insurer on the contract, including interest. The contract may include a statement of the basis for determining the date as of which the amount to cover such overdue payments and indebtedness shall be applied to produce the values under the contract arising therefrom;
 - 3) A provision specifying the options available in the event of default in a periodic stipulated payment. Such options may include an option to surrender the contract for a cash value as determined by the contract, and shall include an option to receive a paid-up annuity if the contract is not surrendered for cash, the amount of such paid-up annuity being determined by applying the value of the contract at the annuity commencement date in accordance with the terms of the contract.
- c) No individual variable life insurance policy shall be delivered or issued for delivery in this State unless it contains in substance the following provisions or provisions which in the opinion of the Director are more favorable to the holders of such policies:
- 1) A provision that there shall be a period of grace of 30 days or of one month, within which payment of any premium after the first may be made, during which period of grace the policy shall continue in force, but if a claim arises under the policy during such period of grace before the overdue premiums or the deferred premiums of the current policy year, if any, are paid, the amount of such premiums, together with interest not in

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excess of 6% per annum, may be deducted from any amount payable under the policy in settlement. The policy may contain a statement of the basis for determining any variation in benefits that may occur as a result of the payment of premium during the period of grace.

- 2) A provision that the policy will be reinstated at any time within 3 years from the date of default, unless the cash surrender value has been paid or unless the period of extended insurance has expired, upon the application of the insured and the production of evidence of insurability, including good health, satisfactory to the insurer and the payment of an amount not exceeding the greater of:
 - A) all overdue premiums and the payment of any other indebtedness to the insurer upon said policy with interest at a rate not exceeding 6% per annum compounded annually, or
 - B) 110% of the increase in cash surrender value resulting from reinstatement.

- 3) A provision for cash surrender values and paid-up insurance benefits available as non-forfeiture options under the policy in the event of default in a premium payment after premiums have been paid for a specified period.
 - A) If the policy does not include a table of figures for the options so available, the policy shall provide that the company will furnish at least once in each policy year a statement showing the cash value as of a date no earlier than the prior policy anniversary.
 - B) The method of computation of cash values and other non-forfeiture benefits, as described either in the policy or in a statement filed with the Commissioner, Director or Superintendent of the jurisdiction in which the policy is delivered, shall be in accordance with actuarial procedures that recognize the variable nature of the policy. The method of computation must be such that, if the net investment return credited to the contract at all times from the date of issue should be equal to the assumed investment increment factor if the contract provides for such a factor, or 3½% if not, with premiums and benefits determined accordingly under the terms of the policy, the resulting cash values and other non-forfeiture

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benefits would be at least equal to the minimum values required by Section 229.2 of the Illinois Insurance Code [215 ILCS 5/229.2] for a fixed dollar policy with such premiums and benefits. The method of computation may disregard incidental minimum guarantees as to the dollar amounts payable. Incidental minimum guarantees include, for example, but are not to be limited to, a guarantee under a policy which provides for an assumed investment increment factor that the amount payable at death or maturity shall be at least equal to the amount that otherwise would have been payable if the net investment return credited to the contract at all times from the date of issue had been equal to such factor.

- d) Any variable annuity contract delivered or issued for delivery in this State shall stipulate the investment increment factors to be used in computing the dollar amount of variable benefits or other variable contractual payments or values thereunder, and may guarantee that expense and/or mortality results shall not adversely affect such dollar amounts. In the case of an individual variable annuity contract under which the expense and mortality results may adversely affect the dollar amount of benefits, the expense and mortality factors shall be stipulated in the contract.
 - 1) In computing the dollar amount of variable benefits or other contractual payments or values under an individual variable annuity contract:
 - A) The annual net investment increment assumption shall not exceed 5%, except with the approval of the Director;
 - B) To the extent that the level of benefits may be affected by future mortality results, the mortality factor shall be determined from the 1983 Table "a" or any modification of that table not having a lower life-expectancy at any age, or, if approved by the Director, from another table.
 - 2) "Expense," as used in subsection (d) of this Section, may exclude some or all taxes, as stipulated in the contract.
- e) Any individual variable life insurance policy delivered or issued for delivery in this State shall stipulate the investment increment factor to be used in computing the dollar amount of variable benefits or other variable contractual payments or

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values thereunder and shall guarantee that expense and mortality results shall not adversely affect such dollar amounts.

- f) The ~~reserve~~^{reverse} liability for variable contracts shall be established pursuant to the requirements of Section 223 of the Illinois Insurance Code [215 ILCS 5/223] in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees, provided such actuarial procedures meet the approval of the Director.

(Source: Amended at 39 Ill. Reg. 14559, effective October 22, 2015)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Family Group Life Insurance Policy Forms
- 2) Code Citation: 50 Ill. Adm. Code 1603
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1603.10	Repeal
1603.20	Repeal
1603.30	Repeal
1603.40	Repeal
1603.50	Repeal
1603.60	Repeal
1603.70	Repeal
- 4) Statutory Authority: Implementing Sections 143, 149, 154, 224, 225 and 281 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 755, 761, 766, 836, 837, 893 and 1013) [215 ILCS 5/143, 149, 154, 224, 225, 281 and 401]
- 5) Effective Date of Rules: October 22, 2015
- 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 rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 10357; July 24, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Difference between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Rulemaking: The rule is being repealed because it duplicates 50 Ill. Adm. Code 1403.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Cindy Colonius
Consumer Market Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-4572

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3) Section Number: 670.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]
- 5) Effective Date of Rule: October 20, 2015
- 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 rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: July 6, 2015; 39 Ill. Reg. 8873
- 10) Has JCAR issued a Statement of Objection to this rulemaking? 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? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
670.30	Amendment	39 Ill. Reg. 12723; September 18, 2015
- 15) Summary and Purpose of Rulemaking: This Part has been amended to discontinue sale of the nonresident over-the-counter single antlerless-only archery deer permit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10	Statewide Open Seasons and Counties
670.20	Statewide Deer Permit Requirements
670.21	Deer Permit Requirements – Landowner/Tenant Permits
670.30	Statewide Legal Bow and Arrow
670.40	Statewide Deer Hunting Rules
670.50	Rejection of Application/Revocation of Permits
670.55	Reporting Harvest
670.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg. 7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011; amended at 36 Ill. Reg. 13450, effective August 10, 2012; amended at 37 Ill. Reg. 14926, effective August 30, 2013; amended at 38 Ill. Reg. 22752, effective November 18, 2014; amended at 39 Ill. Reg. 10905, effective July 27, 2015; emergency amendment at 39 Ill. Reg. 13125, effective September 3, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 14568, effective October 20, 2015.

Section 670.20 Statewide Deer Permit Requirements

- a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits and nonresident permits issued to clients of outfitters as detailed in Section 670.20(c)) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. Nonresident archery deer permits issued to outfitter clients who received a permit based on the preference given to outfitter clients are valid only on property controlled by the outfitter used to gain preference.
- b) Resident Permits
 - 1) Resident archery deer permits are available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) as combination permits, each consisting of one either-sex permit and one antlerless-only permit, or as a single antlerless-only permit. The fee for a resident archery combination permit shall be \$25; a resident archery single antlerless-only permit shall be \$15. While there is no limit to the number of archery deer permits that an individual resident may purchase, no one may harvest more deer than allowed by the restrictions prescribed in Section 670.40. Lifetime licenses issued after August 15, 2006 shall not qualify a nonresident of Illinois for a resident deer permit.
 - 2) In addition to the permits listed in subsection (b)(1), resident hunters have the option of purchasing a maximum of one resident single either-sex permit for a fee of \$15. Applicants must submit an application to the Permit Office using the official current Resident Single Either-Sex Archery Deer Permit application form by September 1. Applications are

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NOTICE OF ADOPTED AMENDMENT

available from the DNR website at <http://www.dnr.illinois.gov>. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order with his/her individual application.

- c) A limited number of nonresident archery deer permits is available as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for the nonresident combination archery deer permit shall be \$410. Nonresident hunters may apply during the period June 1 through June 30 via telephone using DNR's telephone vendor system (1-888-673-7648). Applicants may apply for and receive a maximum of one nonresident combination archery deer permit during a license year. (Note: Receiving nonresident landowner archery deer permits does not preclude the recipient from also applying for and receiving the regular nonresident combination archery deer permit.) The number of nonresident combination archery deer permits shall be limited to 25,000, with clients of outfitters currently permitted by the Department of Natural Resources given preference in the drawing for the first 7,500. Clients of permitted outfitters should contact the outfitter prior to applying to receive a certification number to be used in the application process to verify their outfitter client status. Permits will be allocated using a computerized, random lottery drawing conducted after June 30. If the number of eligible outfitter clients in the drawing is less than 7,500, all remaining permits will be allocated to the remaining applicants until the quota is reached. If the number of eligible outfitter clients in the drawing exceeds 7,500, those outfitter clients unsuccessful in obtaining one of the first 7,500 permits will compete against non-client applicants for the remaining permits. Up to six individuals may apply for nonresident combination archery permits as a group. Groups must identify a group leader, and all applicants must provide the same group leader information at the time of application. If applying for permits given preferentially to clients of outfitters, all group applicants must also provide the same outfitter certification number. Permits available after the lottery will be sold on a first-come, first-served basis to applicants who have not previously received a permit for the current deer season. ~~Nonresidents may not purchase a combination archery deer permit after September 30 if they have previously purchased any single antlerless-only archery deer permit for the current deer season.~~
- d) ~~An unlimited number of nonresident single antlerless-only archery deer permits is available over the counter (OTC) from agents for a fee of \$25.~~

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- de) Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- ef) Applications for landowner/tenant permits may be obtained by writing to:

Department of Natural Resources
L/T Deer Permit
P.O. Box 19227
Springfield IL 62794-9227

To obtain a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his/her individual application.

- fg) Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit.
- gh) A \$3 service fee will be charged for replacement permits issued by DNR, except that there will be no charge for permits lost in the mail. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.
- hi) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 39 Ill. Reg. 14568, effective October 20, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
685.10	Amendment
685.40	Amendment
685.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Rules: October 20, 2015
- 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 rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: July 24, 2015; 39 Ill. Reg. 10374
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 685.10(a)(3), "Section 685.60" has been corrected to "Section 650.60".
- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to allow unfilled youth deer permits to be used during the first firearm deer season and to clarify which public lands can allow this type of use.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 685
YOUTH HUNTING SEASONS

Section

685.10	Statewide Season for White-Tailed Deer Hunting
685.20	Statewide Deer Permit Requirements
685.30	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40	Statewide Deer Hunting Rules
685.50	Reporting Harvest of Deer
685.60	Rejection of Application/Revocation of Deer Permits
685.70	Regulations at Various Department-Owned or -Managed Sites
685.80	Youth White-Tailed Deer Hunt (Repealed)
685.90	Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)
685.100	Youth Pheasant Hunting (Repealed)
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005; amended at 30 Ill. Reg. 12222, effective June 28, 2006; emergency amendment at 31 Ill. Reg. 12096, effective August 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14829, effective October 18, 2007; amended at 32 Ill. Reg. 10115, effective June 30, 2008; amended at 33 Ill. Reg. 11609, effective July 27, 2009; amended at 34 Ill. Reg. 4863, effective March 19, 2010; amended at 35 Ill. Reg. 13228, effective July 26, 2011; amended at 37 Ill. Reg. 19277, effective November 14, 2013; amended at 38 Ill. Reg. 22772, effective November 18, 2014; amended at 39 Ill. Reg. 10932, effective July 27, 2015; amended at 39 Ill. Reg. 14574, effective October 20, 2015.

Section 685.10 Statewide Season for White-Tailed Deer Hunting

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- a) Season: One-half hour before sunrise on Saturday of the State designated Columbus Day Holiday weekend to ½ hour after sunset on Sunday of that weekend. Shooting hours are ½ hour before sunrise to ½ hour after sunset. A hunter with an unfilled, valid Youth Deer Permit may also hunt during the first firearm deer season (the 3-day weekend (Friday, Saturday and Sunday) immediately before Thanksgiving), subject to the following restrictions:
- 1) Unfilled Youth Deer Permits are not valid for hunting during the first firearm deer season on public land sites that limit the number of hunters during the firearm season via the use of a site permit quota (i.e., only public sites that allow unrestricted access may be hunted);
 - 2) the hunter must use only firearms allowed in Section 685.30; and
 - 3) hunters must abide by Section 650.60 when hunting on Department-owned or -managed sites.
- b) Open Counties: All counties except Cook, DuPage and Lake Counties, and that portion of Kane County east of State Route 47.
- c) Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.24); and hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 39 Ill. Reg. 14574, effective October 20, 2015)

Section 685.40 Statewide Deer Hunting Rules

- a) Bag limits: One deer per legally authorized permit. All either-sex permits are subject to the following restrictions: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the youth, archery, muzzleloader and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1.
- b) Each hunter participating in the Youth Deer ~~Hunt~~ Hunting Season while using an Apprentice Hunter License or a Youth Hunting License must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or grandparent. All other hunters participating in the Youth Deer Hunting

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SeasonHunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession a valid Firearm Owners Identification (FOID) Card. The non-hunting supervisor must wear the orange garments required of gun deer hunters, and must remain with the hunting youth so as to have the youth under immediate control. Youths participating in the first firearm deer season using only an unfilled Youth Deer Permit (i.e., youths without a firearm deer season permit for that county) must be accompanied by a supervisor as described in this subsection, but, during the firearm deer season, that supervisor may also hunt so long as he/she has the appropriate licenses and permits. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.

- c) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed in Section 685.50 and on the permit.
- d) Hunters shall not have in their possession, while in the field during the Youth Deer Season, any deer permit issued to another person (permits are non-transferrable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- e) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 39 Ill. Reg. 14574, effective October 20, 2015)

Section 685.50 Reporting Harvest of Deer

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the temporary harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag, or onto a piece of paper and

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NOTICE OF ADOPTED AMENDMENTS

attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

- 1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.
 - 2) For a doe: head attached to carcass or attached udder (mammary) or vulva.
- b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.
- c) In counties where Chronic Wasting Disease surveillance is occurring during the firearm deer season (see 17 Ill. Adm. Code 650.45(a)), successful hunters using their Youth Deer Permits during the first weekend of the firearm season may, at their option, register their harvest at a designated firearm deer check station by 8:00 p.m. on the day the deer was killed. In this situation, the "head tag" portion of the permit will be retained at the check station and a permanent harvest tag will be attached to the deer upon registration. Tagging requirements for deer delivered to taxidermists, meat processors and tanners are described in 17 Ill. Adm. Code 650.45(a). Youth hunters required to report under this subsection (c), but who are unable to locate a harvested deer in sufficient time to report the harvest by 8:00 p.m., must report the harvest as described in subsection (a).
- d) Site specific reporting requirements must be followed in addition to this Section.

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ed) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 39 Ill. Reg. 14574, effective October 20, 2015)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Commercial Fishing and Musseling in Certain Waters of the State
- 2) Code Citation: 17 Ill. Adm. Code 830
- 3) Section Number: 830.70 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5]
- 5) Effective Date of Rule: October 20, 2015
- 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 rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: August 14, 2015; 39 Ill. Reg. 11215
- 10) Has JCAR issued a Statement of Objection to this rulemaking? 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? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to add restrictions on catfish harvest in the Wabash and Ohio rivers to make our rules consistent with the rules of Indiana and Kentucky, as required by our reciprocal agreement with Indiana and Kentucky.
- 16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Anne Mergen, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section

830.5	Definitions
830.10	Waters Open to Commercial Harvest of Fish
830.11	Special Regulations for the Commercial Harvest of VHS-Susceptible Fish Species
830.12	Special Regulations for the Commercial Harvest of Bighead Carp, Silver Carp, Grass Carp and Black Carp
830.13	Special Regulations for the Commercial Harvest of Roe-Bearing Species
830.14	License Requirements
830.15	Waters Open to Commercial Harvest of Crayfish
830.20	Waters Open to Commercial Harvest of Mussels and Seasons
830.25	Daily Fee Fishing Area
830.30	Special Regulations
830.40	Devices
830.50	Permission
830.60	Species
830.70	Size and Creel Limit
830.80	Commercial Fishing and Musseling in Additional Waters
830.90	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

AUTHORITY: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. 5257, effective March 20, 1992; amended at 17 Ill. Reg. 3177, effective March 2, 1993; emergency amendments at 18 Ill. Reg. 4671, effective March 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 9985, effective June 21, 1994; amended at 19 Ill. Reg. 5250, effective March 27, 1995; recodified by

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changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 4700, effective April 1, 1997; amended at 22 Ill. Reg. 6697, effective March 30, 1998; amended at 24 Ill. Reg. 4945, effective March 13, 2000; amended at 29 Ill. Reg. 6277, effective April 25, 2005; amended at 31 Ill. Reg. 13187, effective August 30, 2007; amended at 34 Ill. Reg. 2938, effective February 19, 2010; emergency amendment at 34 Ill. Reg. 15884, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4187, effective February 22, 2011; amended at 36 Ill. Reg. 11161, effective July 3, 2012; amended at 36 Ill. Reg. 12120, effective July 16, 2012; emergency amendment at 37 Ill. Reg. 19912, effective December 2, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 9043, effective April 14, 2014; amended at 39 Ill. Reg. 11034, effective July 22, 2015; amended at 39 Ill. Reg. 14581, effective October 20, 2015.

Section 830.70 Size and Creel Limit

- a) No channel catfish, blue catfish, flathead catfish or white catfish under 15 inches in length, undressed, or 12 inches in length, dressed, or 10.7 inches when dressed with the first vertebrae (T bone) removed, may be taken except in the [Ohio River and Wabash River](#).
- b) No shovelnose sturgeon under 24 inches or over 32 inches in length may be taken from the Mississippi River or the Ohio River. No shovelnose sturgeon under 25 inches in length may be taken from the Wabash River. All shovelnose sturgeon shall be measured using fork length, defined as: "the length from the most anterior part of the fish to the tip of the median caudal fin rays" (from tip of the snout to the fork of the tail).
- c) No paddlefish less than 28 inches in length may be taken from the Illinois or Mississippi Rivers, no paddlefish less than 32 inches may be taken from the Ohio River. All paddlefish shall be measured using the eye fork length, defined as "the length from the anterior edge of the eye to the fork of the tail" (from the front of the eye to the fork of the tail).
- d) No channel catfish, blue catfish or flathead catfish less than 13 inches in total length may be taken from the Wabash and Ohio Rivers. Only one channel catfish per day equal to or greater than 28 inches may be harvested from the Wabash and Ohio Rivers. Only one blue catfish and one flathead catfish per day equal to or greater than 35 inches may be harvested from the Wabash or Ohio Rivers. ~~There is no size limit on other species listed in Section 830.60(a).~~

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- e) All washboard mussels shall measure not less than 4.0 inches. All relic (dead) Washboards shall measure not less than 4.0 inches.
- f) All mapleleaf mussels shall measure not less than 2.75 inches.
- g) All threeridge mussels shall measure not less than 3.0 inches.

(Source: Amended at 39 Ill. Reg. 14581, effective October 20, 2015)

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- 1) Heading of the Part: Certification and Operation of Environmental Laboratories
- 2) Code Citation: 77 Ill. Adm. Code 465
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
465.120	Amendment
465.125	Amendment
465.200	Amendment
465.310	Amendment
465.360	Amendment
- 4) Statutory Authority: Implementing Section 1401(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (2014)), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5], and authorized by Sections 4(o) and (p) of the Illinois Environmental Protection Act and Sections 2310-575, 2310-580, and 2310-30 of the Civil Administrative Code of Illinois [20 ILCS 2310]
- 5) Effective Date of Rules: October 23, 2015
- 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 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 Proposed published in the *Illinois Register*: 39 Ill. Reg. 10685; August 7, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemakings? No
- 11) Differences between Proposal and Final Version: No changes were made a result of comments received during the first notice or public comment period.

The following changes were made in response to comments and suggestions of JCAR:

In the Authority Section, the citation for subpart C of the federal National Primary Drinking Water Regulations was updated from 1991 to 2014. In addition, various non-substantive typographical, grammatical and form changes were made in response to the comments from JCAR.

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- 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 an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rule provides operating requirements for laboratories testing water samples for bacteria to obtain and maintain certification by the Illinois Department of Public Health. The requirements are those of the federal Safe Drinking Water Act, US Environmental Protection Agency. The rule change allows more vendors to provide quality assurance testing materials to the laboratories and adds an additional method as an option for certified laboratories to use to test for bacteria.
- 16) Information and questions regarding these adopted rules shall be directed to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER d: LABORATORIES AND BLOOD BANKSPART 465
CERTIFICATION AND OPERATION OF ENVIRONMENTAL LABORATORIES

SUBPART A: GENERAL PROVISIONS

Section	
465.100	Authority (Repealed)
465.110	Scope and Applicability
465.120	Definitions
465.125	Incorporated and Referenced Materials
465.130	Certification Procedure
465.140	Conditions Governing the Use of Certificates
465.150	Provisional Certification
465.170	Changes in Ownership or Operations
465.180	Revocation of Certification
465.190	Subcontracting by Certified Laboratories
465.200	Proficiency Testing Samples (PTs)
465.210	Authority of Certification Officers
465.220	Hearing, Decision and Appeal
465.230	Liability
465.240	Reciprocity Agreements

SUBPART B: MICROBIOLOGICAL ANALYSES
OF PUBLIC WATER SUPPLY SAMPLES

Section	
465.300	Scope and Applicability
465.310	Personnel Requirements
465.320	Laboratory Facilities
465.330	Laboratory Equipment
465.340	Laboratory Glassware, Plastic Ware and Metal Utensils
465.350	General Laboratory Practices
465.360	Methodology
465.370	Sample Collection, Handling and Preservation
465.380	Standards for Laboratory Pure Water
465.390	General Quality Control Procedures

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- 465.400 Quality Controls for Media, Equipment and Supplies
465.410 Data Handling
465.420 Record Maintenance
465.430 Action Response to Laboratory Results

465.APPENDIX A Colisure P/A and Colisure Multiple Tube P/A (Repealed)

AUTHORITY: Implementing section 1401(1)(D) of the Safe Drinking Water Act (42 USC 300f(1)(D)), subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (2014)), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5], and authorized by Section 4(o) and (p) of the Illinois Environmental Protection Act and Sections 2310-575, 2310-580, and 2310-30 of the Civil Administrative Code of Illinois [20 ILCS 2310].

SOURCE: Adopted at 22 Ill. Reg. 14294, effective July 15, 1998; amended at 35 Ill. Reg. 14494, effective August 12, 2011; amended at 38 Ill. Reg. 16240, effective July 15, 2014; amended at 39 Ill. Reg. 14586, effective October 23, 2015.

SUBPART A: GENERAL PROVISIONS

Section 465.120 Definitions

For purposes of this Part, unless otherwise specifically defined or the context clearly requires a different meaning:

"Act" means ~~Section~~~~Sections~~ 4(o) and (p) of the Environmental Protection Act [415 ILCS 5/4(o) and (p)].

~~"American Association for Laboratory Accreditation" or "A2LA" means an association that offers accreditation of proficiency testing providers, located at 5301 Buckeystown Pike, Suite 350, Frederick MD 21704, 301-644-3248~~

"Analyst" means any person who performs analyses for certain or all parameters on samples submitted to the environmental laboratory and who meets the qualifications set forth in Section 465.310(b).

"ASTM International" or "ASTM" means a not-for-profit, voluntary standards development system, located at 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA.

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"Certification" means a status of approval granted to an environmental laboratory that meets the criteria established by this Part or in accordance with a reciprocity agreement entered into pursuant to Section 465.240. Certification is not a guarantee of the validity of the data generated.

"Certification Officer" means any person who is designated by the Department to inspect and evaluate environmental laboratories for compliance in meeting the criteria set forth in this Part. Certification officers shall meet the educational and experience qualifications for laboratory supervisors as set forth in Section 465.310(a).

"Department" means the Illinois Department of Public Health.

"Deficiency" means a failure of an environmental laboratory to meet any requirement of this Part.

"Environmental Laboratory" means any facility that performs analyses on environmental samples to determine the quality of food, milk, public water supplies, surface water, ground water, recreational waters, wastewater, air, or land.

~~"General Education Development Tests" or "GED Tests" means a group of five subject tests that, when passed, certify that the test taker has American or Canadian high school level skills.~~

"Laboratory Pure Water" means water meeting the standards set forth in Section 465.380.

"Laboratory Supervisor" means a person who supervises the performance of the analytical procedures within an environmental laboratory and who meets the qualifications set forth in Section 465.310(a).

"Major Remodeling" means any remodeling of the laboratory facility that requires the acquisition of a local building permit.

"P-A Coliform Test" means "Presence-Absence Coliform Test".

"Proficiency Testing Samples" or "PTs" means samples provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the

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sample within acceptance limits specified in 40 CFR 141.2 . The composition of the reference material is unknown to the laboratory at the time of the analysis.

"Provisional Certification" means a certification status granted to an environmental laboratory to allow time for the correction of a deficiency. Failure to correct a deficiency during the provisional certification period allows the Department to revoke certification as specified in Section 465.180. While on provisional certification, an environmental laboratory remains approved for the analyses covered by its certification.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and that serve at least 15 service connections or that regularly serve at least 25 persons at least 60 days per year.

"Quality Assurance" means an integrated system of management activities involving planning, quality control, quality assessment, reporting and quality improvement to ensure that a product or service meets defined standards of quality with a stated level of confidence.

"Quality Assurance Plan" means a comprehensive plan detailing the aspects of quality assurance needed to adequately fulfill the data needs of a program. This document is required before the laboratory is certified.

"Quality Control" means the overall system of technical activities whose purpose is to measure and control the quality of a product or service so that it meets the needs of the users; operational techniques and activities that are used to fulfill requirements for quality.

"Readily Accessible" means that the referenced item is located upon the premises.

"Standard Operating Procedure" means a written document that details the method of an operation, analysis or action, the techniques and procedures of which are thoroughly prescribed and that is officially approved as the method for performing certain routine or repetitive tasks.

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"The NELAC Institute" or "TNI" is an organization that recognizes associations that offer accreditation of microbiology drinking water proficiency testing providers, located at P.O. Box 2439, Weatherford TX 76086, 817-598-1624.

"Too Numerous to Count" or "TNTC" means greater than 200 colonies on the membrane filter in the absence of detectable coliforms when analyzing drinking water for total coliforms.

(Source: Amended at 39 Ill. Reg. 14586, effective October 23, 2015)

Section 465.125 Incorporated and Referenced Materials

- a) The following publications and federal regulations are incorporated by reference:
- 1) "Chromocult Coliform Agar Presence/Absence Membrane Filter Test Method for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," November 2000, Version 1.0; available from EMD Chemicals Inc. (an affiliate of Merck KGaA, Darmstadt, Germany), 480 S. Democrat Road, Gibbstown NJ 08027-1297, 800-222-0342; www.emdchemicals.com.
 - 2) "Readycult Coliforms 100 Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Finished Waters," Version 1.1 2007; available from EMD Chemicals Inc., 480 S. Democrat Road, Gibbstown NJ 08027-1297, 800-222-0342; www.emdchemicals.com.
 - 3) "IDEXX SimPlate™ HPC Test Method for Heterotrophs in Water," November 2000; IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook ~~ME, Maine~~ 04092, 800-321-0207.
 - 4) "Membrane Filtration Method m-ColiBlue24® Broth" (m-ColiBlue24®), Revision 2, August 17, 1999; available from Hach Company, P.O. Box 389, Loveland CO 80539, 800-604-3493.
 - 5) Method 1604: Total Coliforms and Escherichia coli in Water by Membrane Filtration Using a Simultaneous Detection Technique (MI Medium), September 2002, known as EPA 821-R-02-024; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC; 20460, 202-272-0167.

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- 6) Method 1623 Cryptosporidium and Giardia in Water by Filtration/IMS/FA, December 2005, known as EPA 815-R-05-002; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 7) Method 1623.1 Cryptosporidium and Giardia in Water by Filtration/IMS/FA, January 2012, known as EPA 816-R-12-001; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 8) "Charm E*Colite™ Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia coli in Drinking Water" (E*Colite®), January 9, 1998; available from Charm Sciences, Inc., 659 Andover Street, Lawrence MA 01843-1032, 800-343-2170.
- 9) "Modified Colitag™ Product as a Test for Detection and Identification of Coliforms and E. coli Bacteria in Drinking Water and Source Water as Required in the National Primary Drinking Water Regulations" (Modified Colitag®); available from CPI International, 5580 Skylane Boulevard, Santa Rosa CA 95403, 707-525-5788.
- 10) Manual for the Certification of Laboratories Analyzing Drinking Water, USEPA 570/9-90/008A, 5th Edition (January 2005). A copy of this manual can be obtained by contacting the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 11) Supplement 1 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water, June 2008, known as EPA 815-F-08-006; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, ~~Telephone:~~ 202-272-0167.
- 12) Supplement 2 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water, November 2012, known as EPA 815-F-12-006; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, ~~Telephone:~~ 202-272-0167.

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- 13) United States Environmental Protection Agency National Primary Drinking Water Regulations (40 CFR 141), July 2006; available from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington DC 20460, 202-272-0167.
- 14) Occupational Safety and Health Standards (29 CFR 1910), July 2007; available from the U.S. Department of Labor, Occupational Safety & Health Administration, 200 Constitution Avenue, NW, Washington DC 20210.
- 15) 40 CFR 141, 142, National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule (February 13, 2012).
- 16) 40 CFR 9, 141, 142, National Primary Drinking Water Regulations: Ground Water Rule (November 8, 2006).
- 17) 40 CFR 9, 141, 142, National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule (January 5, 2006).
- 18) Good Automated Laboratory Practices, known as EPA 2185, Office of Information Management, Research Triangle Park NC 27711, August 10, 1995.
- 19) Standard Methods for the Examination of Water and Wastewater, [either](#) the 20th Edition, 1998; 21st Edition, 2005; or 22nd Edition, 2012; and online version as cited per method in 40 CFR 141 and 142, February 13, 2013; available from the American Public Health Association, 1015 Fifteenth Street, NW, Washington DC 20001.
- 20) ASTM E617-13, Standard Specification for Laboratory Weights and Precision Mass Standards; available from ASTM International (~~ASTM~~); 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA, 610-832-9500, www.astm.org.
- 21) NIST Handbook 150-2G, National Voluntary Laboratory Accreditation Program, Calibration Laboratories, Technical Guide for Mechanical Measurements, March 2004; available from National Voluntary Laboratory Accreditation Program, National Institute of Standards and

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Technology, 100 Bureau Drive, Stop 2140, Gaithersburg MD 20899-2140, 301-975-4016.

- 22) [TECTA EC/TC Method, May 22, 2014; available from Veolia Water Solutions and Technologies, Suite 4697, Biosciences Complex, 116 Barrie Street, Kingston, Ontario K7L 3N6 Canada, 866-362-0993.](#)
- 23) [40 CFR 141, National Primary Drinking Water Regulations: Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures \(January 19, 2014\).](#)

- b) These incorporations by reference refer to the edition of the document on the date specified and do not include any subsequent amendments or editions.
- c) The following laws and rules are referenced in this Part:
- 1) Safe Drinking Water Act (42 USC 300f(1)(D))
 - 2) Civil Administrative Code of Illinois [20 ILCS 5]
 - 3) Illinois Environmental Protection Act [415 ILCS 5]
 - 4) Illinois Plumbing Code, Illinois Department of Public Health (77 Ill. Adm. Code 890)
 - 5) Primary Drinking Water Standards, Pollution Control Board (35 Ill. Adm. Code 611)
 - 6) Electronic Commerce Security Act [5 ILCS 175]
 - 7) Local Records Act [50 ILCS 205]

(Source: Amended at 39 Ill. Reg. 14586, effective October 23, 2015)

Section 465.200 Proficiency Testing Samples (PTs)

- a) An environmental laboratory is required to participate in proficiency testing samples (PTs) analyses for each analytical parameter or method for which it seeks or wishes to maintain certification in accordance with the certification procedures

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of Section 465.130(c), the certification renewal procedures of Section 465.140(a), and the quality assurance requirements contained in Subpart B of this Part.

- b) Heterotrophic plate count and coliform Microbiological Water Supply (WS) PT samples shall be analyzed annually (every 12 months). Cryptosporidium PT samples shall be analyzed every four to six months. PT samples shall be analyzed in the same manner as routine samples. The laboratory shall document that the analyst analyzing any PT sample is a laboratory employee who routinely analyzes drinking water compliance samples.
- c) Laboratories shall acquire the PT sample from a provider acceptable to TNIAccredited under A2LA.
- d) For methods used to test the presence or absence of an organism in a sample, each set shall contain 10 samples, all shipped at the same time in ~~either~~ a lyophilized, dehydrated, or aqueous state. The set shall include samples, in various combinations, that contain total coliforms, fecal coliforms, E. coli, non-coliforms, and at least one blank. Each set shall be used only with a single analytical method. For a PT result to be acceptable, the laboratory shall have no false negative results and no more than one false positive result for each set.
- e) For quantitative methods, each set shall contain one sample. For a PT to be acceptable, the laboratory result shall be statistically acceptable as determined by the PT provider.
- f) Unless otherwise specified in Subpart B, within 60 days after receipt of a PT sample, the environmental laboratory shall analyze the sample and report the test results to the PT provider. The PT provider shall submit the laboratory's results and acceptable ranges to the Department. No fee shall be charged to the Department for the analyses.

(Source: Amended at 39 Ill. Reg. 14586, effective October 23, 2015)

SUBPART B: MICROBIOLOGICAL ANALYSES
OF PUBLIC WATER SUPPLY SAMPLES

Section 465.310 Personnel Requirements

- a) The microbiology laboratory supervisor shall have a minimum of a bachelor's degree in microbiology, biology, chemistry, or related natural or physical science

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field, shall have completed a training course conducted or approved by the Department, and shall have received Department approval to serve as laboratory supervisor. In addition, the laboratory supervisor shall have had a minimum of 80 hours of on-the-job training in water microbiology at a certified laboratory. The supervisor shall demonstrate the ability to properly perform representative test procedures under his or her supervision while under observation by the certification officer. A laboratory supervisor shall be a full-time employee who is on-site at the certified laboratory. If the laboratory supervisor position becomes vacant, then a replacement supervisor shall be in place within 60 days.

- b) The parasitology principal analyst/supervisor shall have a minimum of a bachelor's degree in microbiology or a closely related field, shall have a minimum of one year of bench experience with *Cryptosporidium* and immunofluorescence assay (FA) microscopy, have a minimum of six months experience using Method 1623 or 1623.1, and have analyzed a minimum of 100 samples using Method 1623 or 1623.1. The principal analyst/supervisor shall participate in a monthly analyst verification, shall supervise and verify the processing and microscopy in the laboratory, and may perform the same duties as an analyst. The principal analyst/supervisor shall ensure that all laboratory personnel are able to perform the analyses to which they are assigned and that all data reported by the laboratory meet the required quality assurance and regulatory criteria.
- c) A microbiology analyst performs microbiological analyses on water, shall have a minimum of a high school diploma and shall have a minimum of 30 days of on-the-job training in drinking water microbiology under an experienced analyst. In addition, an analyst shall be able to perform representative test procedures with which he or she is involved while under the observation of the certification officer. Analysts shall be under the direct supervision of the laboratory supervisor. Before analyzing compliance samples, the analyst shall demonstrate acceptable results on samples spiked with known culture controls.
- d) A parasitology analyst establishes Kohler illumination for the microscope, may perform the same duties as a technician, and is able to examine samples using the microscope. An analyst shall have a minimum of two years of college with courses in microbiology or a closely related field, a minimum of six months of bench experience with *Cryptosporidium* and FA microscopy, and a minimum of three months of experience using Method 1623 or 1623.1. The analyst shall participate in a monthly analyst verification.

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- e) A parasitology technician filters samples, performs centrifugation, elution, concentration, and purification using immunomagnetic separation (IMS), and prepares purified samples on slides for microscopic examination, but does not perform microscopic protozoan identification. A technician shall have a minimum of three months of experience in filter extraction and processing of protozoa samples by Method 1623 or 1623.1 and have analyzed a minimum of 50 samples using Method 1623 or 1623.1 for the specific procedures that he or she will be using.
- f) The Department may waive the need for the academic training required by this Section, on a case-by-case basis, for highly experienced analysts who hold a high school equivalency certificate~~have passed the GED tests~~.
- g) The Department may waive the need for the college education and training required by this Section, on a case-by-case basis, for supervisors of microbiology laboratories that analyze only samples from drinking water systems with which the laboratory is associated. The supervisor shall have a minimum of 10 years experience in water microbiology and shall have demonstrated a working knowledge of Quality Assurance activities as justification for the waiver.
- h) The Department may waive college education in lieu of experience for a parasitology supervisor or analyst who has greater than 10 years experience of protozoan identification duties.
- i) If a waiver is granted, the Department will prepare a written and signed justification for the waiver.

(Source: Amended at 39 Ill. Reg. 14586, effective October 23, 2015)

Section 465.360 Methodology

A laboratory shall be certified for all analytical methods listed in subsection (a) below that it uses for compliance purposes. At a minimum, the laboratory shall be certified for one total coliform method and one fecal coliform or E. coli method. In addition, for laboratories that may enumerate heterotrophic bacteria (as measured by the Heterotrophic Plate Count) for compliance with the Surface Water Treatment Rule (SWTR), the laboratory shall be certified for either the Pour Plate Method or the SimPlate method for heterotrophic bacteria.

- a) The following methodology, as specified in the listed references, shall be followed for individual parameters:

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Method References

Methodology Category	Method	Method Citations				
		RTCR ^{6,7} (Detect)	SWTR ⁶ (Count)	LT2 ESWTR ⁶ (Count)	New Main Construction ^{2,9} (Detect)	GWR ^{2,9} (Detect)
Total Coliforms						
Lactose fermentation methods	Standard Total Coliform Fermentation Technique (LTB→BGLB Broth)	9221B.1,B.2 ^{1,2} 9221B.1.B.2-99 ⁴	9221A,B,C ^{1,2} 9221A,B,C-99 ⁴		9221A,B.1 ^{1,2} 9221A,B.1-99 ⁴	
	Presence-Absence (P-A) Coliform Test (P-A Broth → BGLB Broth)	9221D.1, D.2 ^{1,2} 9221D.1,D.2-99 ⁴				
	Colilert [®] or Colilert-18 [®]	9223B ^{1,2} 9223B-97 ⁴	9223B ³ 9223B-97 ⁴			
Enzyme substrate methods	Colisure [®]	9223B ^{1,2} 9223B-97 ⁴				
	Readycult [®]	9				
	E*Colite [®]	9				
	Modified Colitag [™]	9				
Membrane filtration methods	Standard Total Coliform Membrane Filter Procedure (M-Endo or LES-Endo → LTB, BGLB Broth)	9222B ^{1,2} 9222B-97 ⁴	9222A,B ^{1,2} 9222A,B-97 ⁴			

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	Standard Total Coliform Membrane Filter Procedure (M-Endo)				9222B,.1 9222B.2.a,b,c,d,e ^{1,2}	
	MI Medium	Method 1604	Method 1604			
	m-ColiBlue24 [®]	9				
	TECTA EC/TC	9				
Fecal Coliforms						
Fermentation broth methods	A-1 broth (from mFC → LTB→A-1 broth)		9221E ³ 9221E--99 ⁴			
	EC broth (from mFC → LTB→EC broth)		9221E ³ 9221E-99 ⁴			
Membrane filtration methods	mFC		9222D ³ 9222D-97 ⁴			
Escherichia coli						
Enzyme substrate methods	Colilert [®] or Colilert-18 [®]	9223B ^{1,2} 9223B-97 ⁴		9223B ¹		9223B ^{1,2,3}
	Colisure [®]	9223B ^{1,2} 9223B-97 ⁴				9223B ^{1,2,3}
	E*Colite [®]	9				9
	Readycult [®]	9				9
	Modified Colitag [®]	9				9

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Escherichia coli procedure following lactose fermentation methods	EC-MUG medium	9221F.1 ^{1,2}				9221F ³
Escherichia coli partition method	EC broth with MUG (EC-MUG)	9222G.1c(2) ^{1,2}		9222G.1c(2) ¹		
	NA-MUG medium	9222G.1c(1) ^{1,2}		9222G.1c(1) ¹		9222G.1c(1) ¹
Membrane filtration methods	MI Medium	Method 1604		Method 1604		Method 1604
	m-ColiBlue24 [®]	9		9		9
	Chromocult [®]	9				
Heterotrophic Bacteria						
Heterotrophic Plate Count	Pour plate method		9215B ³			
Multiple enzyme substrate method	SimPlate [®]		9			
Cryptosporidium	Filtration/IMS/FA			Method 1623 ⁸ , Method 1623.1 ⁸		

- ¹ Standard Methods for the Examination of Water and Wastewater, 20th edition.
- ² Standard Methods for the Examination of Water and Wastewater, 21st edition.
- ³ Standard Methods for the Examination of Water and Wastewater, 22nd edition.
- ⁴ Standard Methods for the Examination of Water and Wastewater, online version; the year in which each method was approved by the Standard Methods Committee is designated by the last two digits following the hyphen in the method number. The methods listed are the only online versions that may be used.
- ⁵ "Manual for the Certification of Laboratories Analyzing Drinking Water".
- ⁶ RTCR = Revised Total Coliform Rule (40 CFR 141.852), SWTR=Surface Water Treatment Rule (40 CFR 141.74(a)), New Main Construction (see 35 Ill. Adm. Code 652.203(b)). GWR = Ground Water Rule (40 CFR 141.402),

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LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule (40 CFR 141.704 and 40 CFR 141.705).

⁷ The laboratory shall use the same technique for E. coli analysis that the laboratory is certified to use for drinking water under 40 CFR 141.74 (e.g., membrane filtration, multiple-well, multiple-tube).

⁸ Supplement 2 to the 5th edition of the Manual for the Certification of Laboratories Analyzing Drinking Water, November 2012.

⁹ See Section 465.125.

- b) Laboratories shall perform parallel testing between a newly approved test and another EPA-approved procedure for enumerating total coliforms. The laboratory shall conduct at least 25 parallel tests between methods using waters normally tested. Results between methods shall vary by less than 10%.
- c) Water samples shall be shaken vigorously at least 25 times in a complete up and down or back and forth movement.
- d) Sample volume analyzed for total coliforms in drinking water shall be 100 mL.
- e) Aseptic practices shall be used for all microbiological procedures.
- f) All samples shall be handled as though they are positive and have the potential to contaminate other samples if handled improperly. All spills shall be promptly disinfected.
- g) Fermentation broth methods. The water level of the water bath shall be above the upper level of the medium in the culture tubes.
- h) Multiple tube fermentation technique (for detecting total coliforms in drinking water and enumerating total coliforms in source water):
 - 1) For drinking water samples: Various testing configurations can be used (Standard Methods 9221B), as long as a total sample volume of 100 mL is examined for each test.
 - 2) For source water samples: Laboratories shall use at least three series of five tubes each with appropriate sample dilutions of source water (e.g., 0.1 mL, 0.01 mL, 0.001 mL).
- i) Media

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- 1) Lauryl tryptose broth (LTB) (also known as lauryl sulfate broth) shall be used in the presumptive test and 2% brilliant green lactose bile broth (BGLBB) in the confirmed test. Lactose broth (LB) may be used in lieu of LTB (40 CFR 141.21(O)(3)) if the laboratory conducts at least 25 parallel tests between this medium and LTB using the waters normally tested, and if this comparison demonstrates that the false positive rate and false negative rate for total coliforms, using LB, is less than 10%. This comparison shall be documented and the records retained. The final pH shall be 6.8 ± 0.2 for LTB, and 7.2 ± 0.2 for 2% BGLBB.
 - 2) The test medium concentration shall be adjusted to compensate for the sample volume so that the resulting medium after sample addition is single strength. If a single 100-mL sample volume is used, the inverted vial shall be replaced with an acid indicator (bromocresol purple) to prevent problems associated with gas bubbles in large inverted tubes. The media shall be autoclaved at 121° C for 12 to 15 minutes.
 - 3) Sterile media in tubes shall be examined to ensure that the inverted vials, if used, are free of air bubbles and are at least one-half to two-thirds covered after the water sample is added.
 - 4) After the medium is inoculated, it shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 ± 2 hours. If no gas or acid is detected, it shall be incubated for another 24 hours (total incubation time 48 ± 3 hours).
 - 5) Each 24- and 48-hour tube that contains growth, acid, or gas shall be confirmed using 2% BGLBB. A completed test is not required.
 - 6) For drinking water samples: Each total coliform positive sample shall be tested for the presence of either fecal coliforms or E. coli.
- j) Invalidation of total coliform-negative samples
- 1) For drinking water samples: All samples that produce a turbid culture (i.e., heavy growth) in the absence of gas/acid production, in LTB or LB, shall be invalidated. The laboratory shall collect, or request that the system collect, another sample from the same location as the original invalidated sample within 24 hours. Before invalidation, the laboratory may perform a confirmed test and/or a fecal coliform/E. coli test on the total coliform-

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negative culture to check for coliform suppression. If the confirmed test is coliform positive or fecal coliforms/E. coli are detected, the sample shall be reported as such. A fecal coliform/E. coli-positive result is considered a total coliform positive, fecal coliform/E. coli-positive sample, even if the presumptive or confirmed total coliform test is negative. If the follow-up test or tests are negative, the sample shall be invalidated because high levels of non-coliform bacteria in the presumptive tubes may have injured, killed, or suppressed the growth of any coliforms in the sample.

- 2) For source water samples: All samples that produce a turbid culture (i.e., heavy growth) in the absence of gas/acid production, in LTB or LB, shall be invalidated. The laboratory shall collect, or request that the system collect, another sample from the same location as the original invalidated sample. Before invalidation, the laboratory may perform a confirmed test on the total coliform-negative culture. If the confirmed test is total coliform positive, the most probable number shall be reported. If the test is total coliform negative, the sample shall be invalidated.
- k) Enzyme (chromogenic/fluorogenic) substrate tests
- 1) For detecting total coliforms and E. coli in drinking water samples, a laboratory may use the MMO-MUG test (Colilert), Colisure test, E*Colite test, ReadyCult Coliforms 100 Presence/Absence Test, or Modified Colitag™ test. These tests, known as enzyme substrate tests, may be available in various configurations. For enumerating total coliforms in source water, a laboratory may use the Colilert test. If a laboratory uses a fermentation method to detect total coliforms in drinking water, and the sample is total coliform positive, the laboratory may transfer the positive culture to the EC+MUG test to detect E. coli, but not to any other enzyme substrate test medium in this Section.
 - 2) Media shall not be prepared from basic ingredients, but rather from a commercially available source.
 - 3) Media shall be protected from light.
 - 4) Some lots of enzyme substrate media have been known to fluoresce. Each lot of medium shall be checked before use with a 365-366 nm ultraviolet (UV) light with a 6-watt bulb. For checking Colilert, Colilert-18, Colisure, ReadyCult, and Modified Colitag™ media, a packet of medium

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shall be dissolved in sterile water in a non-fluorescing vessel. If the medium exhibits faint fluorescence, the laboratory shall use another lot that does not fluoresce.

- 5) If the samples plus the medium exhibit an inappropriate color change before incubation, they shall be discarded and another lot of medium used. The laboratory shall notify the medium vendor and request another water sample from the water system. Before incubation, Colilert, Colilert-18, and Modified Colitag™ shall appear colorless to a slight tinge of color, while Colisure and E*Colite are yellow and ReadyCult shall appear slightly yellow.
- 6) Glass and plastic sample bottles and test tubes shall be tested before use with a 365-366 nm UV light source with a 6-watt bulb to ensure that they do not fluoresce. If they fluoresce, another lot of containers that do not fluoresce shall be used.
- 7) Incubators, especially small low-wattage air-type incubators, may not bring a cold 100 mL water sample or samples to the specified incubation temperature for several hours. The problem may cause false negative results with the enzyme substrate tests and possibly other tests as well. Laboratories with air-type incubators shall observe the following instructions for chromogenic/fluorogenic substrate test:

Test	Pre-incubation sample instructions 1,2
Colilert (Presence/Absence)	Specified 24-hour incubation time includes time it takes to bring sample temperature up to $35^{\circ} \pm 0.5^{\circ} \text{ C}$ ¹
Colilert Quanti-Tray	Specified 24-hour incubation time includes time it takes to bring sample temperature up to $35^{\circ} \pm 0.5^{\circ} \text{ C}$
Colilert-18 (Presence/Absence)	Prewarm sample in $35^{\circ} \pm 0.5^{\circ} \text{ C}$ water bath for 20 minutes or 44.5° C for 7-10 minutes
Colilert-18 Quanti-Tray	Allow sample to equilibrate to room temperature ($20\text{-}30^{\circ} \text{ C}$) before beginning 18-hour incubation time

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Colisure	Allow sample to equilibrate to room temperature (20-30° C) before beginning 24-hour incubation time
Readycult Coliforms	Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C or 36° ± 1° C
Modified Colitag™	Specified 24-hour incubation time includes time it takes to bring sample temperature up to 35° ± 0.5° C

- ¹ If the laboratory plans to put a large load into a small incubator, samples shall be brought to room temperature before incubation.
- ² Information based on manufacturer's instructions.
- 8) If a water bath is used, the water level shall be above the upper level of the medium.
- 9) For E. coli testing, the laboratory shall place all total coliform-positive samples under an ultraviolet lamp (365-366 nm, 6-watt) in a darkened area. If E. coli is present, the medium will emit a blue fluorescence.
- 10) The enzyme substrate tests shall not be used to confirm a presumptive total coliform-positive result that was obtained in fermentation broth (e.g., LTB, LB) or on a membrane filter.
- 11) Any sample that produces an atypical color change (e.g., greenish black or black) in the absence of a yellow color shall be invalidated.
- 12) Any reference comparator provided by the manufacturer shall be discarded by the manufacturer's expiration date.
- 13) For the Colilert test, samples shall be incubated at 35° ± 0.5° C for 24 hours. A yellow color in the medium equal to or greater than the reference comparator indicates that the sample is total coliform positive. If the sample is yellow, but lighter than the comparator, it shall be incubated for another four hours (do not incubate more than 28 hours total). If the color is still lighter than the reference comparator at 28 hours, the sample shall be reported as negative. A coliform-positive sample that fluoresces under

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an ultraviolet (UV) light indicates the presence of *E. coli*. Laboratories that use the Colilert-18 test shall incubate samples for 18 hours (up to 22 hours if the sample after 18 hours is yellow, but is lighter than the comparator).

- 14) For enumerating total coliforms in source water with the Colilert test, a 5- or 10-tube configuration, Quanti-Tray, or Quanti-Tray 2000 may be used for each sample dilution tested. Dilution water (if used) may be sterile deionized or sterile distilled water, but not buffered water.
- 15) If the Quanti-Tray or Quanti-Tray 2000 test is used, the sealer shall be checked monthly by adding a dye (e.g., bromcresol purple) to the water. If dye is observed outside the wells, maintenance shall be performed or another sealer shall be used.
- 16) For the Colisure test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 hours. If an examination of the results at 24 hours is not convenient, then results may be examined at any time up to 48 hours. If the medium changes from a yellow color to a red/magenta color, the sample is total coliform positive. A coliform positive sample that fluoresces under a UV light indicates the presence of *E. coli*.
- 17) For the E*Colite test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 28 hours. If total coliforms are present, the medium changes from a yellow color to a blue or blue-green color, or a blue color in the corners of the bag. If *E. coli* is present, the medium will fluoresce under a UV light. If no fluorescence is observed, the sample shall be re-incubated for an additional 20 hours (for a total incubation time of 48 hours) and again checked for fluorescence. If the medium becomes red, it shall be assumed that a faulty seal has allowed the bactericide (in the third compartment of the bag) to leak into the compartment containing the medium. In this case, the sample shall be discarded and another sample shall be requested.
- 18) For the ReadyCult Coliforms 100 Presence/Absence test, the contents of a snap pack shall be added to a 100-mL water sample, followed by incubation at $35^{\circ} \pm 0.5^{\circ}$ C or $36^{\circ} \pm 1^{\circ}$ C for 24 ± 1 hours. If coliforms are present, the medium changes color from a slightly yellow color to blue-green. In addition, if *E. coli* is present, the medium will emit a bright light-blue fluorescence when subjected to a long wave (365-366 nm) UV light. If confirmation of *E. coli* is desired, Kovac's indole reagent shall be added

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to the broth; the immediate formation of a red ring confirms the presence of *E. coli*.

- 19) For the Modified Colitag™ test, samples shall be incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 24 ± 2 hours. During incubation, trimethylamine-N-oxide in the Modified Colitag™ medium causes the pH of the medium to increase from 6.2 to 6.8-7.2. A yellow color in the medium indicates the presence of total coliforms. A coliform-positive sample that fluoresces under a UV light indicates the presence of *E. coli*.

1) Membrane filter (MF) methods

- 1) For source water samples (SWTR): To optimize counting, appropriate sample dilutions shall be used to yield 20 to 80 total coliform colonies or 20 to 60 fecal coliform colonies for at least one dilution or volume.
- 2) At least one membrane filter and filtration unit sterility check shall be conducted at the beginning and the end of each filtration series by filtering 20 to 30 mL of dilution water through the membrane filter and testing for growth. If the control indicates contamination, all data from affected samples shall be rejected and an immediate resampling shall be requested. A filtration series ends when 30 minutes or more elapse between sample filtrations.
- 3) Each filtration funnel shall be rinsed after each sample filtration with two or three 20 to 30 mL portions of sterile rinse water to ensure that the entire sample is rinsed off the funnel before the filter is removed. After the filter is removed, the funnel may be rinsed again with two or three 20 to 30 mL portions of sterile rinse water or exposed to UV light with a 254-nm wavelength for at least two minutes to prevent carryover between samples, especially for surface water samples.
- 4) Absorbent pads shall be saturated with a liquid medium (at least 2 mL of broth) and excess medium removed by decanting the plate.
- 5) Membrane filters shall be handled with sterile forceps that are sterilized before each use by dipping in 95% ethyl or absolute methyl alcohol and flaming. The membrane filters shall be grasped outside the effective filtration area.

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- m) Media used for detecting total coliforms and *E. coli* in drinking water, enumerating total coliforms or fecal coliforms in source water, and detecting *E. coli* in ground water.
- 1) Using M-Endo medium agar or broth (also known as M-Endo broth MF and M-Coliform broth) or LES Endo agar (also known as M-Endo agar LES) for detecting total coliforms in drinking water or enumerating total coliforms in source water: Medium may be used in the single step or enrichment techniques. Ethanol used in the rehydration procedure shall not be denatured. Medium shall be prepared in a sterile flask and brought just to the boiling point with a boiling water bath or, if constantly attended, a hot plate with a stir bar. The medium shall not be boiled. Final pH shall be 7.2 ± 0.2 for M-Endo Agar LES and 7.2 ± 0.1 for M-Endo medium.
 - 2) Using m-ColiBlue24 medium for detecting total coliforms and *E. coli* in drinking water: Ampules of broth shall be inverted two to three times to mix contents before breaking. Then, contents shall be poured evenly over absorbent pad. Unopened refrigerated ampules may be stored in the dark until the expiration date, but shall be discarded earlier if growth is observed. The final pH of the medium shall be 7.0 ± 0.2 .
 - 3) Using MI medium (with or without agar) for detecting total coliforms and *E. coli* in drinking water or enumerating total coliforms in source water: Commercially made pre-sterilized bottled MI agar or broth shall not be autoclaved. Bottled agar shall be melted in a boiling water bath or by other processes recommended by the manufacturer. As soon as complete melting has occurred, the medium shall be cooled slightly and immediately poured into sterile plates. Care shall be taken to prevent overheating the agar, as excessive heat destroys the effectiveness of the antibiotic cefsulodin. If dehydrated culture medium is used, it shall be prepared and autoclaved according to the manufacturer's instructions. The agar shall be cooled, freshly prepared filter-sterilized cefsulodin shall be added, and the mixture shall be immediately poured into sterile plates. The final pH of MI agar shall be 6.95 ± 0.2 ; the final pH of MI broth shall be 7.05 ± 0.2 . The preparation and use of MI agar and MI broth are referenced in Section 465.125(a)(4). EPA Method 1604, which can be found online at www.epa.gov/microbes, is identical.
 - 4) Chromocult[®] Coliform agar for detecting total coliforms and *E. coli* in drinking water shall not be autoclaved or overheated. The final pH shall be

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6.8 ± 0.2 . If a heavy background of heterotrophic bacteria is expected (especially *Pseudomonas* and *Aeromonas* species), cefsulodin solution shall be added to the cooled (45° to 50° C) medium (dissolve 10 mg cefsulodin in 2 mL deionized or distilled water, and solution added to 1 L of medium).

- 5) m-FC broth (with or without agar) for enumerating fecal coliforms in source water shall not be autoclaved. The medium shall be brought just to the boiling point. The final pH shall be 7.4 ± 0.2 .
- 6) When stored, prepared medium shall be refrigerated. Petri dishes containing medium shall be stored in a plastic bag or tightly closed container, and used within two weeks. Before use, refrigerated sterilized medium shall be brought to room temperature. Plates with laboratory-prepared broth medium shall be discarded after 96 hours, poured MF agar plates discarded after two weeks, and ampuled M-Endo broth and other prepared media discarded in accordance with the manufacturer's expiration date. Broth, plates, or ampules shall be discarded earlier if growth or (for M-Endo agar) surface sheen is observed. The date and time prepared shall be recorded.
- 7) Incubation conditions and colony color of inoculated medium

Medium	Incubation	Total coliforms ¹	<i>E. coli</i>
M-Endo medium or M-Endo agar LES	$35^{\circ} \pm 0.5^{\circ}$ C for 22-24 hrs	Metallic (golden) sheen colonies (presumptive)	N/A
m-ColiBlue24	$35^{\circ} \pm 0.5^{\circ}$ C for 24 hrs	Red colonies	Blue to purple colonies
MI	$35^{\circ} \pm 0.5^{\circ}$ C for 24 ± 2 hrs	Fluorescent colonies under UV light	Blue colonies under normal light
Chromocult	$36^{\circ} \pm 1^{\circ}$ C for 24 ± 1 hrs	Salmon to red colonies	Dark-blue to violet colonies ²

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m-FC	44.5° ± 0.2° C for 24 ± 2 hrs	N/A	Blue colonies (fecal coliforms)
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- ¹ Without the presence of E. coli. If an E. coli colony is present, as indicated by the last column, it shall be counted as a total coliform-positive colony.
 - ² If confirmation of E. coli is desired, add one drop of Kovac's reagent shall be added to each dark blue to violet colony; the formation of a cherry-red color within seconds confirms the presence of E. coli.
- n) Invalidation of a total coliform-negative drinking water sample: All samples resulting in confluent or TNTC (too numerous to count) growth shall be invalidated unless total coliforms are detected. If no total coliforms are detected, the sample shall be recorded as "confluent growth" or "TNTC" and an additional sample shall be requested from the same sampling site. Confluent growth is defined as a continuous bacterial growth covering the entire membrane filter without evidence of total coliform type colonies. TNTC is defined as greater than 200 colonies on the membrane filter in the absence of detectable coliforms. Laboratories shall not invalidate samples when the membrane filter contains at least one coliform type colony (i.e., sheen colony for M-Endo medium, red or blue colony for m-ColiBlue24 agar, fluorescent or blue colony for MI agar, salmon to red or dark blue to violet colonies for Chromocult Coliform agar. Before invalidation, the laboratory shall perform a verification test on the total coliform negative culture, i.e., on confluent or TNTC growth, and an E. coli test. If the verification test is total coliform positive, the sample shall be reported as total coliform positive. If the test is total coliform negative, the sample shall be invalidated. An E. coli positive result is considered a total coliform-positive, E. coli positive sample, even if the sample tests negative for total coliform.
- o) Invalidation of source water samples (SWTR): Laboratories shall invalidate any sample that results in confluent growth or TNTC, even when total coliform or fecal coliform colonies are present, because coliform density shall be determined.
- p) For drinking water samples (to verify colonies on Endo-type medium): At least five typical sheen colonies and five nontypical colonies shall be verified using either single strength lactose broth (LB) or lauryl tryptose broth (LTB) and then single strength 2% brilliant green lactose bile broth (BGLBB). Alternatively, sheen colonies may be verified using a cytochrome oxidase and b-galactosidase procedure. Individual colonies can be transferred with a sterile needle or loop, or

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applicator stick. If no sheen colonies are observed, up to five red questionable sheen colonies and up to five red non-sheen colonies representing different morphological types shall be verified. Alternatively, the entire surface of the membrane filter shall be wiped with a sterile cotton swab, and inoculate the verification media (LTB, then BGLBB) shall be inoculated.

- q) For drinking water samples: Total coliform-positive colonies shall be tested for *E. coli*. The membrane filter tests approved by USEPA do not require additional media for such a test, except for those using Endo-type medium (M-Endo medium or M-Endo agar LES). USEPA has approved several options for testing a total coliform-positive colony on Endo-type medium for *E. coli*. When coliforms or EC Medium-MUG is used, the colonies shall be transferred by employing one of the options specified by the Total Coliform Rule at 40 CFR 141.21(f)(5) (see Appendix G of the USEPA Manual for the Certification of Laboratories Analyzing Drinking Water). For the swab technique, a single swab can be used to inoculate a presumptive total coliform-positive culture into three different media, EC-MUG Medium, LTB, and BGLBB, in that order. If Nutrient Agar-MUG is used, the Nutrient Agar-MUG section shall be followed.
- r) For source water samples: Initial total coliform counts shall be adjusted based upon verified data, as in Standard Methods, Section 9222B(5).
- s) Nutrient Agar-MUG Test (for detection of *E. coli* in drinking water or ground water)
- 1) Medium shall be autoclaved at 121° C for 15 minutes. MUG may be added to Nutrient Agar before autoclaving. Nutrient Agar-MUG is also available commercially. The final MUG concentration shall be 100 µg/mL. The final pH shall be 6.8 ± 0.2.
 - 2) Positive and negative controls shall be tested as stated in Section 465.350(d)(9). Control cultures shall be filtered or spot-inoculated onto a membrane filter on M-Endo agar LES or M-Endo broth or agar, and shall be incubated at 35° ± 0.5° C for 24 hours. The filter shall then be transferred to Nutrient Agar-MUG and incubated at 35° C for another four hours. The results shall be read and recorded.
 - 3) The membrane filter containing a coliform colony or colonies shall be transferred from the total coliform medium to the surface of Nutrient Agar-MUG medium. Each sheen colony shall be marked with a permanent

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marker on the lid. Also, the lid and the base shall be marked with a line to realign the lid if it is removed. A portion of the colony may be transferred with a needle to the total coliform verification test before transfer to Nutrient Agar-MUG or after the 4-hour incubation time. Another method is to swab the entire membrane filter surface with a sterile cotton swab after the 4-hour incubation time on Nutrient Agar-MUG medium, and transfer to a total coliform verification test.)

- 4) Inoculated medium shall be incubated at $35^{\circ} \pm 0.5^{\circ} \text{C}$ for 4 hours.
 - 5) The fluorescence shall be checked using an ultraviolet lamp (365-366 nm) with a 6-watt bulb in a darkened area. Any amount of fluorescence in a halo around a sheen colony shall be considered positive for *E. coli*.
- t) Heterotrophic Plate Count (for enumerating heterotrophic bacteria in drinking water)
- 1) The Pour Plate Method (Standard Methods 9215B) or the SimPlate Method shall be used for determining compliance with 40 CFR 141.74(a)(1) and shall also be used for testing reagent grade water.
 - 2) Media

Method	Medium	Final pH
Pour Plate	Plate count agar, also known as tryptone glucose yeast agar	7.0 ± 0.2
SimPlate	Multiple enzyme substrate	7.2 ± 0.2

- 3) (For Pour Plate Method) Melted agar shall be tempered at 44° - 46°C in a water bath before pouring. Agar temperature control accompanies media from tempering through use. Melted agar shall be held no longer than three hours. Sterile agar medium shall not be melted more than once. The center of media in containers shall be no greater than 2.5 cm from some surface.
- 4) Refrigerated medium may be stored in bottles or in screw-capped tubes for up to three months, or in petri dishes for up to two weeks.

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- 5) For most potable water samples, countable plates can be obtained by plating 1.0 mL and/or 0.1 mL volumes of the undiluted sample (dilutions may not be necessary for SimPlate, which has a counting range up to 738/mL). At least duplicate plates per dilution shall be used.
- 6) (For Pour Plate Method) The sample shall be aseptically pipetted onto the bottom of a sterile petri dish. Then at least 10-12 mL of tempered melted (44°-46° C) agar shall be added to each petri dish. The sample and melted agar shall be mixed carefully to avoid spillage. After agar plates have solidified on a level surface, the plates shall be inverted and incubated at $35^{\circ} \pm 0.5^{\circ}$ C for 48 ± 3 hours. Plates shall be stacked no more than four high and shall be arranged in the incubator to allow proper air circulation and to maintain uniform incubation temperature. Excessive humidity in the incubator shall be avoided to reduce the possibility of spreader formation on the agar medium. Excessive drying of the agar medium shall also be avoided; agar medium in plates shall not lose more than 15% by weight during 48 hours of incubation. Agar weight loss shall be determined quarterly.
- 7) (For SimPlate Method) Unit Dose (for a single sample): A 10.0 ~~10~~-mL volume of test sample shall be added to a test tube containing dehydrated SimPlate medium. Then the dissolved medium shall be poured onto the center of a plate containing 84 small wells (provided by the manufacturer, IDEXX Laboratories, Inc.). Alternatively, 9.0 ~~9~~-mL of sterile diluent (D.I. water, distilled water, or buffered water (Standard Methods, 9050C, 1 a)) can be added to the tube, followed by a 1.0 ~~1~~-mL sample. Then the procedure indicated for the 10.0 ~~10~~-mL sample shall be followed. The mixture shall be distributed evenly to the 84 wells on the plate, and the excess liquid shall be drained into an absorbent pad on the plate. The plate shall then be inverted (the fluid in each well is held in place by surface tension), and incubated for 45-72 hours at $35^{\circ} \pm 0.5^{\circ}$ C. Bacterial density is determined by counting the number of wells that fluoresce under a 365-366 nm UV light, and converting this value to a Most Probable Number using the Unit Dose MPN table provided by the manufacturer. If a 10.0 ~~10~~-mL sample is used, the Unit Dose MPN/mL shall be read directly. If a 1.0 ~~1~~-mL sample is used, then the MPN/mL value shall be corrected by multiplying it by 10.
- 8) (For SimPlate Method) Multiple Dose (for 10 samples of 1.0 ~~1~~-mL each): A 100-mL sterile diluent shall be added to the dehydrated SimPlate

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medium to reconstitute, and shaken to dissolve. Then a 1.0 ~~1.0~~-mL test sample shall be pipetted to the center of a plate containing 84 small wells, followed by 9.0 ~~9~~-mL of the reconstituted medium. The plate shall be gently swirled to mix the sample and medium, and the mixture shall be distributed evenly to the 84 wells on the plate. Then the procedure indicated in subsection (t)(7) shall be followed, except that the Multi-Dose table supplied by the manufacturer shall be used to determine the MPN/mL. If a dilution is made during sample preparation, then the MPN/mL value shall be multiplied by the dilution factor.

- 9) (For Pour Plate Methods) Colonies shall be counted manually using a dark-field colony counter. In determining sample count, laboratories shall count only plates having 30 to 300 colonies, except for plates inoculated with 1.0 mL of undiluted sample. Counts less than 30 are acceptable. Fully automatic colony counters are not suitable because of the size and small number of colonies observed when potable water is analyzed for heterotrophic bacteria.
- 10) Each batch or flask of agar shall be checked for sterility by pouring a final control plate. Data shall be rejected if control is contaminated.

(Source: Amended at 39 Ill. Reg. 14586, effective October 23, 2015)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
130.1946	New Section
130.1947	New Section
130.1948	New Section
130.1949	New Section
130.1950	Amendment
130.1951	Amendment
130.1952	Amendment
130.1954	Amendment
130.1956	New Section
- 4) Statutory Authority: 20 ILCS 2505/2505-90
- 5) Effective Date of Rules: October 22, 2015
- 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 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 the *Illinois Register*: 39 Ill. Reg. 9126; July 10, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Notice of Proposed Amendments mistakenly included Sections 130.1953 and 130.1955 to the list of sections numbers that were being amended. No changes have been made to Sections 130.1953 and 130.1955. These Section numbers have been omitted from this Notice of Adopted Amendments. The changes made were the ones agreed upon with JCAR. Various grammatical changes were made.

Substantively, examples of reasonable cause were added.

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
130.410	Amendment	39 Ill. Reg. 11865; August 28, 2015
130.415	Amendment	39 Ill. Reg. 11865; August 28, 2015

- 15) Summary and Purpose of Rulemaking: PA 97-905 makes changes to Section 5k of the Retailers' Occupation Tax Act, the building materials exemption for enterprise zones, and Section 5l, the building materials exemption for High Impact Businesses. PA 98-109 amends Section 2-54, the building materials exemption for River Edge Redevelopment Zones, and further amends Sections 5k and 5l. These changes incorporate a new process for documenting the building materials exemption and require reporting of incentives under the Enterprise Zone program. The new Sections also establish, pursuant to the Department's statutory authority, rules governing the suspension or revocation of licensees who fail to report or who both fail to report and misuse their exemption certificates.

PA 98-109 creates a new exemption for building materials used to construct a South Suburban Airport [35 ILCS 120/1s]. A new Section 130.1949 identifies the requirements for obtaining this exemption. PA 96-913 creates a new exemption for building materials to be incorporated into the Illiana expressway [35 ILCS 120/1q]. A new Section 130.1956 identifies the requirements for obtaining this exemption.

PA 98-583 amends Section 1d of the Retailers' Occupation Tax Act to clarify that the exemption for tangible personal property used or consumed in the process of manufacturing or assembly of tangible personal property for wholesale or retail sale, and repair and replacement parts for that machinery and equipment, does not apply to such property used or consumed in the generation of electricity, the generation or treatment of natural gas, or the treatment of water for wholesale or retail sale. Section 130.1947 reflects this clarification.

The provisions currently contained in Sections 130.1951 and Section 130.1952 relating to tangible personal property used or consumed in the process of manufacturing and assembly and graphics arts production within an enterprise zone have been removed from these Sections and placed in new Sections 130.1946 and 130.1947. The provisions

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contained in Section 130.1951 relating to tangible personal property used or consumed in the operation of pollution control facilities located within an enterprise zone have been removed from this section and placed in a new Section 130.1948. In addition, provisions of Section 130.1951 that describe the building materials exemption requirements from 1985 through August 6, 2002 are deleted. They no longer apply and serve no useful purpose in the rule (audits would not even involve these time periods). These changes will make the rule much shorter and more navigable. In addition, the Section of the rules governing "Dentists" (130.1950) will be moved so that all the rules governing tax incentives are grouped together in Subpart S.

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

Richard S. Wolters
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

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TITLE 86: REVENUE

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PART 130

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AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3,

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1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25

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Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. 12909, effective June 9, 2014; amended at 38 Ill. Reg. 17060, effective July 25, 2014; amended at 38 Ill. Reg. 17421, effective July 31, 2014; amended at 38 Ill. Reg. 17756, effective August 6, 2014; amended at 38 Ill. Reg. 19998, effective October 1, 2014; amended at 39 Ill. Reg. 1793, effective January 12, 2015; amended at 39 Ill. Reg. 12597, effective August 26, 2015; amended at 39 Ill. Reg. 14616, effective October 22, 2015.

SUBPART S: SPECIFIC APPLICATIONS

[Section 130.1946 Tangible Personal Property Used or Consumed in Graphic Arts Production within Enterprise Zones Located in a County of more than 4,000 Persons and less than 45,000 Persons](#)

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- a) Section 1d of the Retailers' Occupation Tax Act provides an exemption for tangible personal property to be used or consumed in the process of graphic arts production if used or consumed at a facility that is certified by the Department of Commerce and Economic Opportunity (DCEO) and located in a county of more than 4,000 persons and fewer than 45,000 persons. [35 ILCS 120/1d]
- b) To qualify for the exemption, a business must meet the following requirements contained in Section 1f of the Retailers' Occupation Tax Act:
- 1) be located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act;
 - 2) use or consume the tangible personal property at a facility located in a county of more than 4,000 but fewer than 45,000 persons;
 - 3) make investments that:
 - A) cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; or
 - B) cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
 - C) total a minimum of \$40,000,000 and retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption; and
 - 4) be certified by DCEO as complying with the requirements specified in this subsection (b). [35 ILCS 120/1f]
- c) Businesses seeking certificates of eligibility must make application to DCEO on application forms provided by DCEO. [35 ILCS 120/1f] The Illinois Department of Revenue does not certify businesses as eligible for this exemption.
- d) To qualify for the exemption, the tangible personal property must be used or consumed within the enterprise zone in the process of graphic arts production. Sales of tangible personal property used or consumed in activities that do not constitute graphic arts production remain subject to the tax. For purposes of this Section, "graphic arts production" means the production of tangible personal property for wholesale or retail sale or lease by means of printing, including ink

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jet printing, by one or more of the processes described in Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511, and Group 512230 of Subsector 512 of the North American Industry Classification System published by the U.S. Office of Management and Budget, 1997 edition. Graphic arts production does not include the transfer of images onto paper or other tangible personal property by means of photocopying or final printed products in electronic or audio form, including the production of software or audiobooks. Persons engaged primarily in the business of printing or publishing newspapers or magazines that qualify as newsprint and ink, by one or more of the processes described in Groups 511110 through 511199 of subsector 511 of the North American Industry Classification System are deemed to be engaged in graphic arts production. [35 ILCS 120/2-30]

- e) The exemption includes repair and replacement parts for machinery and equipment used primarily in the process of graphic arts production. [35 ILCS 120/1d] The exemption also includes equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of such graphic arts machinery or equipment.
- f) Examples of items that qualify for the exemption are:
- 1) machinery and equipment that would otherwise qualify under the graphic arts machinery and equipment exemption because of being used in the activities described in Section 130.325(b)(4) and for repair and replacement parts for the machinery and equipment;
 - 2) printing plates, film, fountain solution, blanket wash, and ink additives used in the activities set out at Section 130.325(b)(4);
 - 3) materials and prep supplies, such as mylar, masking sheets, developer, hardener, fixer, replenishers, and tape used or consumed in the activities set out at Section 130.325(b)(4);
 - 4) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment that qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325;
 - 5) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or

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equipment that qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325;

- 6) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam that would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment that qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325;
- 7) protective clothing and safety equipment, such as ear plugs, safety shoes, gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment that qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325.
- g) The tangible personal property must be used primarily in graphic arts production. Therefore, tangible personal property that is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the exemption.
- h) The exemption does not extend to tangible personal property that is not used or consumed in the graphic arts production process itself. This is true even though the item is used in an activity that is essential to graphic arts production. The exemption does not extend, for example, to:
 - 1) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment that would not qualify for the graphic arts production exemption;
 - 2) tangible personal property used to store, convey, handle or transport materials prior to their entrance into the production cycle;
 - 3) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;
 - 4) tangible personal property used to transport work-in-process or finished articles between production plants;

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- 5) machinery and equipment used to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other data-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier;
 - 6) xerographic or photocopying machines;
 - 7) word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production;
 - 8) computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer that generates an image that may later be reproduced by a graphic arts process would not qualify while a computer-controlled engraving system that produces printing cylinders and computer-controlled digital typesetting equipment would qualify;
 - 9) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities, such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion, or personnel recruitment, selection or training;
 - 10) tangible personal property used or consumed as general production plant safety equipment; or
 - 11) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a graphic arts production process.
- i) This exemption from Retailers' Occupation Tax is available to all retailers registered to collect or remit Illinois tax. It is not restricted to retailers located in jurisdictions that have established enterprise zones.
 - j) If the purchaser of the machinery or equipment leases the machinery and equipment to a certified business that uses it in an exempt manner, the sale to the

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purchaser-lessor will be exempt from tax. A retailer may exclude these sales from taxable gross receipts provided that the purchaser-lessor provides to the retailer a properly completed exemption certificate and the information contained in the certificate would support an exemption if the sale were made directly to the certified business. Should a purchaser-lessor subsequently lease the machinery or equipment to a business who does not use it in an exempt manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he or she was previously exempted.

k) Documentation of Exemption

- 1) When a certified business (or the lessor to a certified business) initially purchases qualifying items from an Illinois registered retailer, the retailer must be provided with:

 - A) a copy of the current certificate of eligibility issued by DCEO; and
 - B) a written statement signed by the certified business (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a graphic arts production process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act.
- 2) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a retailer, the certified business (or its lessor) may claim the exemption on subsequent purchases from that retailer by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by DCEO on the face of the certificate of eligibility.
- 3) If a certified business (or its lessor) purchases tangible personal property that is to be used in the process of graphic arts production, the certified business (or its lessor) must certify that fact to the retailer in writing in order to relieve the retailer of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business will be

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held liable for the tax by the Department if it is found that the item was not so used.

- 1) An item that initially is used primarily in a qualifying manner but that is converted to a nonexempt use or is moved to a nonqualifying location will become subject to tax at the time of its conversion, based on the fair market value of the item at the time of conversion.

(Source: Added at 39 Ill. Reg. 14616, effective October 22, 2015)

Section 130.1947 Tangible Personal Property Used or Consumed in the Process of Manufacturing and Assembly within Enterprise Zones or by High Impact Businesses

- a) Section 1d of the Retailers' Occupation Tax Act provides an exemption for *tangible personal property to be used or consumed by a business entity within an enterprise zone established pursuant to the Illinois Enterprise Zone Act or used or consumed by a High Impact Business, in the process of the manufacturing or assembly of tangible personal property for wholesale or retail sale or lease, if used or consumed by a business certified by the Department of Commerce and Economic Opportunity (DCEO) [35 ILCS 120/1d].*
- b) Tangible Personal Property Used or Consumed in the Process of Manufacturing or Assembling within an Enterprise Zone
To qualify for the exemption, a business located in an enterprise zone must meet the following requirements contained in Section 1f of the Retailers' Occupation Tax Act:
 - 1) *be located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act;*
 - 2) *make investments that:*
 - A) *cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; or*
 - B) *make investments that cause the retention of a minimum of 2,000 full-time jobs in Illinois; or*

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- C) total a minimum of \$40,000,000 and retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption; and
- 3) be certified by DCEO as complying with the requirements specified in this subsection (b) [35 ILCS 120/1f]
- c) Tangible Personal Property Used or Consumed in the Process of Manufacturing or Assembling by a High Impact Business
To qualify for the exemption as a High Impact Business, the business must not be located within an enterprise zone at the time of its designation and must meet the following requirements contained in Section 5.5(a)(3)(A) of the Illinois Enterprise Zone Act [20 ILCS 655]:
- 1) the business intends to make a minimum investment of:
- A) \$12,000,000 that will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois; or
- B) \$30,000,000 that will be placed in service in qualified property and intends to retain 1,500 full-time jobs at a designated location in Illinois;
- 2) the business certifies in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in Section 5.5(b) of the Illinois Enterprise Zone Act. The terms "placed in service" and "qualified property" have the same meanings as described in Section 201(h) of the Illinois Income Tax Act [20 ILCS 655/5.5(a)(3)(A)];
- 3) is certified by DCEO as complying with the requirements specified in this subsection (c);
- 4) for purposes of this subsection (c):
- A) the exemption is not authorized until the minimum investments set forth in subsection (c)(1) or (c)(2) have been placed in service in qualified properties and the minimum full-time equivalent jobs or

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full-time retained jobs set forth in subsection (c)(1) or (c)(2) have been created or retained [20 ILCS 655/5.5(b)];

B) the terms "placed in service" and "qualified property" have the same meaning as described in Section 201 (h) of the Illinois Income Tax Act [20 ILCS 655].

- d) Businesses seeking certificates of eligibility must make application to DCEO on application forms provided by DCEO [35 ILCS 120/1f]. The Illinois Department of Revenue does not certify business enterprises as eligible for this exemption.
- e) Once a business is certified to qualify for the exemption, the tangible personal property must be used or consumed within the enterprise zone or at the certified location of the High Impact Business in the process of manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. Sales of tangible personal property used or consumed in activities that do not constitute manufacturing or assembling remain subject to the tax. For purposes of this Section, "manufacturing" and "assembling" shall have the same meaning ascribed to those terms in Section 130.330(b)(2) through (9).
- f) The exemption includes repair and replacement parts for machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease. [35 ILCS 120/1d] The exemption also includes equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of the manufacturing or assembling machinery or equipment. [35 ILCS 120/1n]
- g) Examples of items that qualify for the exemption are:
- 1) machinery and equipment that would otherwise qualify under the manufacturing machinery and equipment exemption because it is used in the activities set forth in Section 130.330(d)(3), and repair and replacement parts for that machinery and equipment;
 - 2) hand tools used in the activities set forth in Section 130.330(d)(3);
 - 3) materials and supplies, such as abrasives, acids, polishing compounds or lubricants used or consumed in the activities set forth in Section 130.330(d)(3);

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- 4) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment that qualifies for the manufacturing machinery and equipment exemption set forth in Section 130.330;
 - 5) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment that qualifies for the manufacturing machinery and equipment exemption set forth in Section 130.330;
 - 6) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam that would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment that qualifies for the manufacturing machinery and equipment exemption set forth in Section 130.330; and
 - 7) protective clothing and safety equipment such as gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment that qualifies for the manufacturing machinery and equipment exemption set forth in Section 130.330.
- h) The tangible personal property must be used primarily in manufacturing or assembling. Therefore, tangible personal property that is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the exemption.
- i) The exemption provided in this Section for tangible personal property to be used or consumed in the process of manufacturing or assembly of tangible personal property for wholesale or retail sale or lease, and the repair and replacement parts for that machinery and equipment, does not apply to such property used or consumed in the generation of electricity for wholesale or retail sale; the generation or treatment of natural or artificial gas for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains; or the treatment of water for wholesale or retail sale that is delivered to customers through pipes, pipelines, or mains. The provisions set forth in this subsection were implemented by Public Act 98-0583, which stated that the provisions are declaratory of existing law as to the meaning and scope of this exemption. [35 ILCS 120/1d]

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- j) The exemption does not extend to tangible personal property that is not used or consumed in the manufacturing or assembling process itself. This is true even though the item is used in an activity that is essential to manufacturing or assembling. For example, the exemption does not extend to:
- 1) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment that would not qualify for the manufacturing machinery and equipment exemption;
 - 2) tangible personal property used or consumed in research and development of new products, production techniques or production machinery;
 - 3) tangible personal property used to store, convey, handle or transport materials, parts or subassemblies prior to their entrance into the production cycle;
 - 4) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;
 - 5) tangible personal property used to transport work-in-process or finished articles between production plants;
 - 6) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities, such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion, or personnel recruitment, selection or training;
 - 7) tangible personal property used or consumed as general production plant safety equipment;
 - 8) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a manufacturing or assembling process;
 - 9) tangible personal property used or consumed in the preparation of food and beverages by a retailer for retail sale, such as restaurants, vending machines and food service establishments;

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- 10) fuel used or consumed in the operation of any machinery or equipment that would not qualify for exemption under the manufacturing machinery and equipment exemption set out in Section 130.330;
- 11) building materials that become physically incorporated into foundations or housings for machinery and equipment; the building materials may qualify for exemption under the provisions of Section 130.1951 if all requirements set out in that Section are met; and
- 12) building materials dedicated to general construction purposes at a production plant; the building materials may qualify for exemption under the provisions of Section 130.1951 if all the requirements of that Section are met.
- k) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect or remit Illinois tax. It is not restricted to retailers located in jurisdictions that have established enterprise zones.
- l) The tangible personal property resulting from the process of manufacturing or assembling must be for wholesale or retail sale or lease. For purposes of this Section, see Section 130.330(e) for requirements relating to sale or lease of the tangible personal property produced in the process of manufacturing or assembling.
- m) If a certified business (or its lessor) purchases tangible personal property that is to be used in the process of manufacturing and assembly, then the certified business (or its lessor) must certify that fact to the retailer in writing in order to relieve the retailer of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a certified business will be held liable for the tax by the Department if it is found that the item was not so used.
- n) Documentation of Exemption
 - 1) When a certified business (or the lessor to a certified business) initially purchases qualifying items from an Illinois registered retailer, the retailer must be provided with:
 - A) a copy of the current certificate of eligibility issued by DCEO; and

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- B) a written certification signed by the certified business (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a manufacturing or assembling process at a location in an enterprise zone established pursuant to the Illinois Enterprise Zone Act or by a High Impact Business.
- 2) If a copy of a certified business' current certificate of eligibility and certification are maintained by a retailer, the certified business (or its lessor) may claim the exemption on subsequent purchases from that retailer by indicating on the face of purchase orders that the transaction is exempt by making reference to the certificate of eligibility and certification. This procedure on subsequent purchases is authorized as long as the certificate of eligibility remains valid. The exemption can only be claimed for purchases made during the effective period of the certificate of eligibility specified by DCEO on the face of the certificate of eligibility.
- 3) The retailer must receive a certificate of eligibility and the purchaser's written certificate to relieve the retailer of the duty of collecting and remitting tax on a sale.
- 4) An item that initially is used primarily in a qualifying manner at a qualifying location but that is converted to a nonexempt use or is moved to a nonqualified location will become subject to tax at the time of its conversion based on the lesser of the purchase price or fair market value of the item at the time of conversion.

(Source: Added at 39 Ill. Reg. 14616, effective October 22, 2015)

Section 130.1948 Tangible Personal Property Used or Consumed in the Operation of Pollution Control Facilities Located within Enterprise Zones

- a) The Retailers' Occupation Tax Act provides an exemption for *tangible personal property used or consumed in the operation of pollution control facilities, as defined in Section 1a of the Retailers' Occupation Tax Act, located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act [35 ILCS 120/1e]*. The exemption contained in Section 1e of the Retailers' Occupation Tax Act applies to tangible personal property used or consumed in the operation of pollution control facilities located within an enterprise zone; the exemption does

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not apply to pollution control facilities that were exempt under Section 1a of the Retailers' Occupation Tax Act until July 1, 2003.

- b) The exemption only applies to a business that meets the following requirements contained in Section 1f of the Retailers' Occupation Tax Act:
- 1) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act;
 - 2) makes investments that:
 - A) cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; or
 - B) cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
 - C) total a minimum of \$40,000,000 and retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption; and
 - 3) is certified by the Department of Commerce and Economic Opportunity (DCEO) as complying with the requirements specified in this subsection (b). [35 ILCS 120/1f]
- c) The phrase "pollution control facilities" means any system, method, construction, device, or appliance appurtenant thereto, sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term "air pollution" or "water pollution" is defined in the Environmental Protection Act [415 ILCS 5] or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant that, if released without such treatment, pretreatment, modification or disposal, might be harmful, detrimental or offensive to human, plant or animal life, or to property. [35 ILCS 120/1a]
- d) If a business enterprise is certified by DCEO, all tangible personal property used or consumed by that enterprise in the operation of pollution control facilities within an enterprise zone is exempt from tax. In order to qualify, the item must be used exclusively in the enterprise zone and the pollution control facility must be located in the enterprise zone. By way of illustration, this exemption includes:

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- 1) fuel used in operating pollution control facilities;
 - 2) chemicals used in the operation of pollution control facilities;
 - 3) catalysts used in the operation of pollution control facilities;
 - 4) equipment used to test, monitor or otherwise ascertain the suitability of a fuel, chemical or catalyst for use in the operation of pollution control facilities;
 - 5) equipment used to monitor or otherwise ascertain the effectiveness of pollution control facilities;
 - 6) lubricants and coolants used in the operation of pollution control facilities;
 - 7) protective clothing and safety equipment used in the operation of pollution control facilities;
 - 8) equipment used to transport fuel, chemicals, catalysts, lubricants, coolants or other operational supplies from a stock pile located in the enterprise zone to a pollution control facility located in the same enterprise zone;
 - 9) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to another pollution control facility within the same enterprise zone for further filtering, treatment or modification; and
 - 10) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to a disposal site in the same enterprise zone.
- e) No item used primarily in any activity other than the operation of pollution control facilities within an enterprise zone can qualify for this exemption. No item used or consumed outside the enterprise zone can qualify for the exemption. No item used or consumed in the operation of pollution control facilities that are located outside the enterprise zone can qualify for the exemption. By way of illustration, the exemption does not extend to:

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- 1) equipment used to transport fuel, chemicals, catalysts or any other tangible personal property from a point outside the enterprise zone to a pollution control facility inside the enterprise zone;
 - 2) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to any location outside the enterprise zone;
 - 3) testing equipment used at a location outside an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located in an enterprise zone; or
 - 4) testing equipment used at a location in an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located outside the enterprise zone.
- f) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect or remit Illinois sales tax. It is not restricted to retailers located in the enterprise zone.
- g) For this exemption to apply, the purchaser need not itself employ the tangible personal property in the operation of pollution control facilities. If the purchaser leases the items to a certified business that uses the items in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A retailer may deduct the sales from taxable gross receipts provided the purchaser-lessor provides to the retailer a properly completed exemption certificate and the information contained in the certificate would support the exemption if the sale were made directly to the certified business. Should a purchaser-lessor lease the items to a lessee that is not a certified business or to a certified business that does not use those items in the operation of pollution control facilities within an enterprise zone, the purchaser-lessor will become liable for the tax from which it was previously exempted.
- h) Documentation of Exemption
- 1) When a certified business (or the lessor of a certified business) initially purchases qualifying items from an Illinois registered retailer, the retailer must be provided with:
 - A) a copy of the current certificate of eligibility issued by DCEO; and

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- B) a written statement of exemption signed by the certified business (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in the operation of pollution control facilities at a specified location in a named enterprise zone established under the authority of the Illinois Enterprise Zone Act.
- 2) If a copy of a certified business' current certificate of eligibility and statement of exemption are maintained by a retailer, the certified business (or its lessor) may claim the exemption on subsequent purchases from that retailer by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by DCEO on the face of the certificate of eligibility.
- 3) If a certified business (or its lessor) purchases tangible personal property that could reasonably be used in the operation of pollution control facilities, the certified business (or its lessor) should certify to the retailer in writing in order to relieve the retailer of the duty of collecting and remitting tax on the sale. However, the purchaser who certifies that the item is being purchased for a qualifying use in an enterprise zone by a certified business will be held liable for the tax by the Department if it is found that the item was not so used.
- i) An item that is used primarily in a qualifying manner at a qualifying location but that is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion to the nonexempt use.

(Source: Added at 39 Ill. Reg. 14616, effective October 22, 2015)

Section 130.1949 Sales of Building Materials Incorporated into the South Suburban Airport

- a) Section 1s of the Retailers' Occupation Tax Act creates an exemption for the sale of building materials to be incorporated into the South Suburban Airport as defined in the Public Private Agreements for South Suburban Airport Act [620

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ILCS 75]. Each retailer that makes a qualified sale of building materials to be incorporated into the South Suburban Airport, by remodeling, rehabilitating, or new construction, may deduct receipts from those sales when calculating the tax imposed by the Retailers' Occupation Tax Act. As used in this Section, "qualified sale" means a sale of building materials that will be incorporated into the South Suburban Airport for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the Illinois Department of Transportation (IDOT), which has authority over the project. [35 ILCS 120/1s] A purchaser shall not make tax-free purchases unless it has an active Certificate of Eligibility for Sales Tax Exemption issued by IDOT at the time of purchase.

- b) To document the exemption allowed under this Section, the retailer must obtain from the purchaser:
- 1) a copy of the Certificate of Eligibility for Sales Tax Exemption issued by IDOT; and
 - 2) a written certification that contains all of the following:
 - A) a statement that the building materials are being purchased for incorporation into the South Suburban Airport in accordance with the Public-Private Agreements for the South Suburban Airport Act;
 - B) the location or address of the project into which the building materials will be incorporated;
 - C) the name of the project;
 - D) a description of the building materials being purchased;
 - E) the purchaser's signature; and
 - F) the date of purchase. [35 ILCS 120/1s(c) and (d)]
- c) In order to qualify for the exemption, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into the South Suburban Airport location. For example, gross receipts from sales of the following can qualify for the exemption if they are physically incorporated into the South Suburban Airport location:

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- 1) building materials, such as cement and asphalt used to construct roadways, runways and taxiways;
 - 2) common building materials, such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal;
 - 3) plumbing systems and their components, such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes;
 - 4) heating systems and their components, such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators;
 - 5) electrical systems and their components, such as wiring, outlets and light fixtures;
 - 6) central air conditioning systems and ventilation systems and their components;
 - 7) built-in cabinets and other woodwork;
 - 8) built-in appliances, such as refrigerators, stoves, ovens and trash compactors;
 - 9) floor coverings, such as tile, linoleum and carpeting that are glued or otherwise permanently affixed by use of tacks, staples or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips"); and
 - 10) landscape products, such as trees, shrubs, topsoil and sod.
- d) Items that are not physically incorporated into the South Suburban Airport location cannot qualify for the exemption. For example, gross receipts from sales of the following do not qualify for the exemption:
- 1) tools, machinery, equipment, fuel, forms and other items that may be used by a construction contractor at the South Suburban Airport location, but that are not physically incorporated into the South Suburban Airport location;

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- 2) free-standing appliances, such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers that may be connected to and operate from a building's electrical or plumbing system but that do not become a component of those systems;
- 3) floor coverings that are area rugs or that are attached to the structure using only two-sided tape.

(Source: Added at 39 Ill. Reg. 14616, effective October 22, 2015)

Section 130.1950 Sales of Building Materials Incorporated into the Illiana Expressway Dentists

- a) Section 1q of the Retailers' Occupation Tax Act creates an exemption for the sale of qualified building materials to be incorporated into the Illiana Expressway as defined in the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130]. Each retailer that makes a qualified sale of building materials to be incorporated into the Illiana Expressway by remodeling, rehabilitating, or new construction, may deduct receipts from those sales when calculating the tax imposed by this Act. As used in this Section, "qualified sale" means a sale of building materials that will be incorporated into the Illiana Expressway for which a Certificate of Eligibility for Sales Tax Exemption (Exemption Certificate) has been issued by the Illinois Department of Transportation (IDOT), which has authority over the project. [35 ILCS 120/1q] A purchaser shall not make tax-free purchases unless it has an active Exemption Certificate issued by IDOT at the time of purchase.
- b) To document the exemption allowed under this Section, the retailer must obtain from the purchaser:
 - 1) a copy of the Exemption Certificate issued by IDOT, and
 - 2) a written certification that contains all of the following:
 - A) a statement that the building materials are being purchased for incorporation into the Illiana Expressway in accordance with the Public Private Agreements for the Illiana Expressway Act;

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- B) *the location or address of the project into which the building materials will be incorporated;*
- C) *the name of the project;*
- D) *a description of the building materials being purchased; and*
- E) *the purchaser's signature and date of purchase. [35 ILCS 120/1q (c) and (d)]*
- c) In order to qualify for the exemption, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into an Illiana Expressway location. For example, gross receipts from sales of the following can qualify for the exemption:
- 1) building materials, such as cement or asphalt used to construct roadways, on ramps and off ramps;
 - 2) common building materials, such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal;
 - 3) plumbing systems and their components, such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes;
 - 4) heating systems and their components, such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators;
 - 5) electrical systems and their components, such as wiring, outlets and light fixtures that are physically incorporated into an Illiana Expressway location;
 - 6) central air conditioning systems, ventilation systems and their components that are physically incorporated into an Illiana Expressway location;
 - 7) built-in cabinets and other woodwork that is physically incorporated into an Illiana Expressway location;

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- 8) built-in appliances, such as refrigerators, stoves, ovens and trash compactors that are physically incorporated into an Illiana Expressway location;
 - 9) floor coverings, such as tile, linoleum and carpeting that are glued or otherwise permanently affixed to an Illiana Expressway location by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips"); and
 - 10) landscape products, such as trees, shrubs, topsoil and sod that are physically incorporated (i.e., transplanted) into an Illiana Expressway location.
- d) Items that are not physically incorporated into an Illiana Expressway location cannot qualify for the exemption. For example, gross receipts from sales of the following do not qualify for the exemption:
- 1) tools, machinery, equipment, fuel, forms and other items that may be used by a construction contractor at an Illiana Expressway location, but that are not physically incorporated into an Illiana Expressway location;
 - 2) free-standing appliances, such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers that may be connected to and operate from a building's electrical or plumbing system but do not become a component of those systems,
 - 3) floor coverings that are area rugs or that are attached to the structure using only two-sided tape.
- a) When Liable For Tax
When dentists sell items of tangible personal property, such as mouthwash, toothpaste, dental floss, and the like, to purchasers for use or consumption apart from their rendering of service as dentists, they incur Retailers' Occupation Tax liability.
- b) When Not Liable For Tax
Dentists are engaged primarily in a profession or service occupation. To the extent to which they engage in such profession or service occupation, they are not engaged in the business of selling tangible personal property to purchasers for use

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~~or consumption within the meaning of the Act. Consequently, they are not required to remit Retailers' Occupation Tax measured by their receipts from engaging in such profession or service occupation, including receipts from both services and tangible personal property.~~

- e) ~~Liability Under the Service Occupation Tax Act~~
~~For information concerning the application of the Service Occupation Tax to purchases by dentists of tangible personal property which they retransfer as an incident to rendering service, see the Service Occupation Tax, 86 Ill. Adm. Code 140.~~

(Source: Amended at 39 Ill. Reg. 14616, effective October 22, 2015)

Section 130.1951 Sales of Building Materials Incorporated into Real Estate within Enterprise Zones

- a) An exemption from Illinois Retailers' Occupation Tax liability exists for gross receipts from qualified sales of building materials that will be incorporated into real estate located in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction. [35 ILCS 120/5k]Building Materials Purchased for Physical Incorporation into Real Estate Located in an Enterprise Zone In General
- 1) ~~Effective September 1, 1985, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials that will be incorporated into real estate located in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction. (Section 5k of the Act)~~
 - 2) ~~Prior to February 18, 1992, the only limitation on the deduction was that the retailer from whom the building materials were purchased had to be located in a municipality or county that created the enterprise zone into which the materials were incorporated.~~
 - 3) ~~Effective February 18, 1992, the municipalities and counties that created an enterprise zone could place restrictions on the scope of the deduction by ordinance.~~

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- A) ~~Example: The local ordinance could restrict the deduction to building materials purchased for a job for which a building permit had been issued.~~
 - B) ~~Example: The local ordinance could restrict the deduction to building materials purchased for incorporation into commercial property.~~
- 4) ~~Effective January 1, 2002, there is no longer any requirement that the retailer be located in a municipality or county that created the enterprise zone into which the materials will be incorporated. However, any restrictions on the deduction contained in an ordinance in effect at the retailer's location control the sale.~~
- 5) ~~Effective August 6, 2002, there is still no requirement that the retailer be located in a municipality or county that created the enterprise zone into which the materials will be incorporated. However, restrictions on the deduction contained in the ordinance in effect at the retailer's location no longer control the sale. Rather, the purchaser must obtain a Certificate of Eligibility for Sales Tax Exemption from the administrator of the enterprise zone into which the materials will be incorporated. That Certificate of Eligibility for Sales Tax Exemption will certify that the building project identified therein meets all the requirements of the enterprise zone ordinance of the jurisdiction in which the building project is located. In order to purchase building materials for that project tax free, the purchaser must provide a copy of that Certificate to the retailer along with the purchaser's own certification that the materials will be incorporated into the building project identified in the Certificate of Eligibility for Sales Tax Exemption.~~
- b) ~~For purchases made between September 1, 1985 and December 31, 2001:~~
- 1) ~~The retailer of qualifying building materials must be located in the municipality or in the unincorporated area of the county that has established the enterprise zone into which the building materials will be incorporated. In order to establish that the retailer is located in the municipality or unincorporated area of the county that has established the enterprise zone, the retailer must at the time of sale:~~

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- A) ~~have an identifiable physical presence in the municipality or the unincorporated area of the county that has established the enterprise zone;~~
 - B) ~~be registered with the Department as a retailer at a location in the municipality or in the unincorporated area of the county that has established the enterprise zone; and~~
 - C) ~~be able to document the acceptance of purchase orders at a location in the municipality or the unincorporated area of the county that has established the enterprise zone.~~
- 2) ~~In order to establish that the purchaser purchased qualifying building materials from a qualified retailer, the following two separate transactions must exist:~~
- A) ~~a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone (exempt as a sale for resale); and~~
 - B) ~~a sale from the retailer who is located in the jurisdiction that created the enterprise zone to a purchaser who will incorporate those materials into real estate located in the enterprise zone (exempt by reason of the enterprise zone building materials exemption).~~
- ~~AGENCY NOTE: Each of these transactions must exist independent of the other, and the exemption applicable to each transaction must be properly documented. These transactions must be reflected in the books and records of the qualified retailer.~~
- 3) ~~For purposes of the exemption as it existed between September 1, 1985 and December 31, 2001, the following documentation establishes a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone:~~
- A) ~~a purchase order from the retailer to the supplier;~~
 - B) ~~a Certificate of Resale from the retailer to the supplier;~~

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- ~~C) an invoice from the supplier to the retailer; and~~
 - ~~D) payment to the supplier from the retailer.~~
- 4) ~~For purposes of the exemption as it existed between September 1, 1985 and December 31, 2001, the following documentation establishes a sale from the retailer who is located in the jurisdiction that created the enterprise zone to the purchaser:~~
 - ~~A) a purchase order from the purchaser to the retailer;~~
 - ~~B) an enterprise zone building materials certification from the purchaser to the retailer containing all of the information set forth at Section 130.1951(b)(5);~~
 - ~~C) an invoice from the retailer to the purchaser; and~~
 - ~~D) payment to the retailer from the purchaser.~~
- 5) ~~In order to claim the exemption as it existed between September 1, 1985 and December 31, 2001, a retailer must have among its books and records a written statement signed by the purchaser setting out facts that establish the deduction. This purchaser's statement must contain the following information:~~
 - ~~A) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into real estate located in an enterprise zone (and this must be the enterprise zone created by the jurisdiction in which the retailer is located);~~
 - ~~B) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number);~~
 - ~~C) the location of the real estate into which the building materials will be incorporated (this may be done by reference to the street address of the real estate);~~
 - ~~D) the name of the enterprise zone in which that real estate is located (and the retailer must insure that he is located within the municipality or in an unincorporated area of the county that~~

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~~established the enterprise zone named in the purchaser's statement); and~~

~~E) the purchaser's signature and date of signing.~~

~~e) For purchases made on and after January 1, 2002 through August 5, 2002:~~

~~1) On and after January 1, 2002 and through August 5, 2002, the deduction is still available but, effective January 1, 2002, there is no requirement that the retailer from whom the materials are purchased be located in a jurisdiction that created the enterprise zone into which the materials will be incorporated.~~

~~However, if the retailer is located in a jurisdiction that has an enterprise zone ordinance that places restrictions on sales of building materials being purchased for incorporation into its enterprise zone, then those restrictions are applicable to all sales of building materials being purchased for incorporation into any Illinois enterprise zone.~~

~~2) The general rule is to look for an enterprise zone ordinance in effect in the jurisdiction in which the retailer is located. If an enterprise zone ordinance is in effect in the retailer's jurisdiction, the sale can be made tax-free subject to any restrictions in that ordinance. If that ordinance contains no restrictions, then the sale can be made tax free. In either event, when the deduction is claimed, the purchaser must certify, in writing, to the retailer that the materials will be incorporated into real estate located in an Illinois enterprise zone in accordance with Section 130.1951(c)(6) and the retailer must retain that certification in his books and records. Restrictions, or the absence of restrictions, in effect for the enterprise zone into which the building materials will be incorporated do not matter (unless the retailer is also located in the jurisdiction that created that enterprise zone).~~

~~3) If the retailer is located in a jurisdiction that has no enterprise zone ordinance, then there are no restrictions on the sale of building materials by that retailer for incorporation into any Illinois enterprise zone. Anyone purchasing building materials from the retailer can make the purchase tax free so long as the material will be incorporated into an Illinois enterprise zone and the purchaser so certifies in accordance with Section 130.1951(c)(6). This is true even though the enterprise zone into which~~

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~~the materials will be incorporated has restrictions. In this situation, restrictions in the ordinance governing the enterprise zone into which the materials will be incorporated do not matter.~~

- A) ~~Example: The retailer is located in City A and City A has no enterprise zone and no enterprise zone ordinance. In this example, the deduction is available to the retailer without restriction as long as the materials will be incorporated into real estate located in any Illinois enterprise zone. This is true even though the enterprise zone ordinance governing the enterprise zone into which the materials will be incorporated has restrictions.~~

~~Stated conversely, a construction contractor purchasing building materials for incorporation into City B's enterprise zone can purchase those materials without restriction from the retailer in City A and this is true even if City B's enterprise zone ordinance has restrictions.~~

- B) ~~Example: A retailer is located outside Illinois. The deduction has no effect on the sales tax due at the retailer's out-of-state location and cannot be used to avoid any sales tax due at the out-of-state location. However, if an Illinois construction contractor purchases building materials from the out-of-state retailer, the Illinois contractor incurs no Illinois use tax liability on his cost price of those materials if he incorporates them into real estate located in any Illinois enterprise zone. This is true even though the ordinance governing the enterprise zone into which the materials will be incorporated has restrictions.~~

- 4) ~~If the retailer is located in a jurisdiction that has an enterprise zone ordinance and that ordinance contains no restrictions on the sale of enterprise zone building materials, then there are no restrictions on the sale of building materials by that retailer for incorporation into any Illinois enterprise zone. Anyone purchasing building materials from the retailer can make the purchase tax free so long as the material will be incorporated into an Illinois enterprise zone. This is true even though the enterprise zone into which the materials will be incorporated has restrictions. In this situation, restrictions in the ordinance governing the enterprise zone into which the materials will be incorporated do not matter.~~

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5) ~~If the retailer is located in a jurisdiction that has an enterprise zone ordinance and that ordinance contains restrictions on the sale of enterprise zone building materials, then those restrictions control every sale of building materials for incorporation into any Illinois enterprise zone. In this situation, it is imperative that the retailer and the purchaser be familiar with the restrictions in the enterprise zone ordinance in effect in the retailer's jurisdiction. The deduction may or may not be available, depending on those restrictions.~~

A) ~~Example: The retailer is located in City A and City A's enterprise zone ordinance specifies that the deduction is available only to building materials to be incorporated into City A's enterprise zone. In this example, the deduction is available to the retailer only when he sells building materials to be incorporated into City A's enterprise zone. The retailer cannot make tax-free sales of building materials for incorporation into any other enterprise zone.~~

~~Stated conversely, in this example a construction contractor purchasing building materials for incorporation into City B's enterprise zone cannot claim the deduction when purchasing those materials from the retailer located in City A.~~

B) ~~Example: The retailer is located in City A and City A's enterprise zone ordinance does not specify that the materials must be incorporated into City A's enterprise zone. However, it does specify that the materials must be used in an enterprise zone project for which City A has issued a building permit. In this example, the exemption is available to the retailer only when he sells building materials to be incorporated into City A's enterprise zone. The retailer cannot make tax-free sales of building materials to be incorporated into any other enterprise zone. This is so because City A cannot issue a building permit for a project in another city's enterprise zone.~~

~~Stated conversely, in this example, a construction contractor purchasing building materials for incorporation into City B's enterprise zone cannot claim the deduction when purchasing from the retailer located in City A. Again, this is so because City A could not have issued a building permit for the project in City B.~~

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- C) ~~Example: The retailer is located in City A and City A's enterprise zone ordinance does not specify that the materials must be incorporated into City A's enterprise zone and it does not specify that the materials must be used in a project for which City A has issued a building permit. However, it does specify that the materials must be used in a project for which "a building permit" has been issued. In this example, the deduction would be available to the retailer in City A when selling building materials for incorporation into any Illinois enterprise zone so long as a building permit has been issued to the project by the appropriate local authority.~~

~~Stated conversely, in this example, a construction contractor purchasing building materials for incorporation into City B's enterprise zone can claim the deduction when purchasing from the retailer in City A but only if the materials will be used in a project for which a building permit has been issued by the appropriate authority in City B.~~

- D) ~~Example: The retailer is located in City A and the only restriction in City A's enterprise zone ordinance is that the building materials must be used in a commercial project. In this example, the deduction is available to the retailer in City A when selling building materials for incorporation into any Illinois enterprise zone so long as the building materials will be incorporated into commercial real estate.~~

~~Stated conversely, in this example, a construction contractor purchasing building materials for incorporation into City B's enterprise zone can claim the deduction when purchasing from the retailer in City A but only if the materials will be used in a commercial project.~~

- E) ~~Again, the restrictions contained in the enterprise zone ordinance in effect at the retailer's location control. Consequently, it is crucial that retailers and their customers be familiar with the enterprise zone ordinance in effect at the retailer's location and that all restrictions in that ordinance are observed.~~

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- 6) ~~A retailer claiming the deduction as it exists on and after January 1, 2002 through August 5, 2002 must have among its books and records a written statement signed by the purchaser setting out facts that establish the deduction. This purchaser's statement must contain the following information:~~
- ~~A) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into real estate located in an Illinois enterprise zone;~~
 - ~~B) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number);~~
 - ~~C) the location of the real estate into which the building materials will be incorporated (this may be done by reference to the street address of the real estate);~~
 - ~~D) the name of the enterprise zone in which that real estate is located;~~
 - ~~E) purchaser's signature and date of signing.~~
- bd) Documentation for Sales Made For purchases made on and after August 6, 2002 through June 30, 2013:
- 1) "Qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption (Exemption Certificate) has been issued by the administrator of the enterprise zone in which the building project is located. [35 ILCS 120/5k] During this period, On and after August 6, 2002, the deduction is still available and there is no requirement that the retailer from whom the materials are purchased be located in a jurisdiction that created the enterprise zone into which the materials will be incorporated; likewise, In addition, restrictions in the enterprise zone ordinance in effect at the retailer's location do not apply are no longer applicable to purchases of building materials for incorporation into another enterprise zone. The Rather, the municipality or county that created the enterprise zone into which the materials will be incorporated can limit the exemption deduction by ordinance, except that the. However, that ordinance may not require that the materials be purchased from any class of retailers, and it may not prohibit the purchase being made from

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any class of retailers. All "qualified sales" of building materials sold for incorporation into any Illinois enterprise zone are eligible for the ~~exemption~~deduction.

- 2) ~~A "qualified sale" means a sale of building materials:~~
- ~~A) for incorporation into real estate in an Illinois enterprise zone,~~
 - ~~B) as part of a building project,~~
 - ~~C) for which a Certificate of Eligibility for Sales Tax Exemption has been issued,~~
 - ~~D) by the administrator of the enterprise zone in which the project is located.~~
- 23) The Certificate of Eligibility for Sales Tax Exemption must contain:
- A) a statement that the building project identified in the Certificate meets all of the requirements of the enterprise zone ordinance of the jurisdiction in which the building project is located;
 - B) the location or street address of the building project that is the subject of the Certificate;
 - C) the signature of the administrator of the enterprise zone in which the building project is located.
- 34) Certification. A retailer claiming the ~~exemption~~deduction on and after August 6, 2002 ~~through June 30, 2013,~~ must have among its books and records:
- A) a copy of the Certificate of Eligibility for Sales Tax Exemption from the administrator of the enterprise zone into which the materials will be incorporated; and
 - B) a certification from the purchaser of the building materials containing the following:

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- i) a statement that the building materials being purchased are being purchased for incorporation into real estate located in an Illinois enterprise zone,
 - ii) the location or address of that real estate,
 - iii) the name of the enterprise zone in which that real estate is located,
 - iv) a description of the building materials being purchased for incorporation into that real estate,
 - v) the date of the purchase, and
 - vi) the purchaser's signature.
- c) Issuance of Exemption Certificates for Purchases Made on and after July 1, 2013
- 1) *On and after July 1, 2013, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which an Enterprise Zone Building Materials Exemption Certificate (Exemption Certificate) has been issued to the purchaser by the Department. A construction contractor or other entity shall not make tax-free purchases unless it has an active Exemption Certificate issued by the Department at the time of the purchase. [35 ILCS 120/5k(a)] The exemption allowed by this Section for the sale of building materials may be limited to the extent authorized by ordinance by the municipality or county that created the enterprise zone into which the building materials will be incorporated. The ordinance, however, may neither require nor prohibit the purchase of building materials from any retailer or class of retailers in order to qualify for the exemption allowed under Section 5k of the Retailers' Occupation Tax Act. [35 ILCS 120/5k(d)]*
 - 2) *Upon request from an enterprise zone administrator, the Department shall issue an Exemption Certificate for each construction contractor or other entity identified by the enterprise zone administrator. The Department shall make the Exemption Certificates available directly to each enterprise zone administrator, construction contractor or other entity.*

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- A) *The request for an Exemption Certificate from the enterprise zone administrator to the Department must include the following information:*
- i) *the name, address, telephone number and e-mail address of the construction contractor or other entity;*
 - ii) *the name and number of the enterprise zone;*
 - iii) *the name and location or address of the building project in the enterprise zone;*
 - iv) *the estimated amount of the exemption for each construction contractor or other entity for which a request for Exemption Certificate is made, based on a stated estimated average tax rate and the percentage of the contract that consists of materials;*
 - v) *the period of time over which supplies for the project are expected to be purchased; and*
 - vi) *the FEIN of the applicant.*
- B) *The Department shall issue an Exemption Certificate within 3 business days after receipt of a request from the zone administrator, unless the Department, for reasonable cause, is unable to issue an Exemption Certificate within 3 business days. Examples of "reasonable cause" include, but are not limited to, receipt of a request lacking all the information required by subsection (c)(2)(A), the receipt of a large number of requests for Exemption Certificates from a zone administrator, or lack of sufficient staff to process the number of existing requests.*
- C) *The Department may refuse to issue an Exemption Certificate if the owner, any partner, or a corporate officer, and in the case of a limited liability company, any manager or member, of the construction contractor or other entity is or has been the owner, a partner, a corporate officer, and in the case of a limited liability company, a manager or member, of a person that is in default for*

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moneys due to the Department under this Act or any other tax or fee Act administered by the Department.

- D) The request for an Exemption Certificate must be submitted electronically.
- E) An Exemption Certificate shall be effective for no more than 2 years after the date of issuance. At the request of a zone administrator, the Department may renew an Exemption Certificate.
- F) After the Department issues an Exemption Certificate for a given enterprise zone building project, an enterprise zone administrator may notify the Department of additional construction contractors or other entities eligible for Exemption Certificates. Upon notification by an enterprise zone administrator, and subject to the other provisions of this subsection (c), the Department shall issue an Exemption Certificate to each additional construction contractor or other entity identified by the enterprise zone administrator.
- G) An enterprise zone administrator may notify the Department to rescind an Exemption Certificate previously issued by the Department but that has not yet expired. Upon notification by the enterprise zone administrator, and subject to the other provisions of this subsection (c), the Department shall issue the rescission of the Exemption Certificate to the construction contractor or other entity identified by the enterprise zone administrator and provide a copy to the enterprise zone administrator. [35 ILCS 120/5k]
- 3) Notwithstanding anything to the contrary in this subsection (c), for Enterprise Zone building projects already in existence and for which construction contracts are already in place on July 1, 2013, the request for Exemption Certificates from an enterprise zone administrator to the Department for pre-existing construction contractors and other entities must include the information required under subsection (c)(2)(A), but need not include the information listed in subsections (c)(2)(A)(iv) and (v). For any new construction contract entered into on or after July 1, 2013, however, all of the information in subsection (c) of this Section must be provided. [35 ILCS 120/5k(a)]

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- d) Documentation of the Exemption for Purchases made on or after July 1, 2013
- 1) On and after July 1, 2013, to document the exemption allowed under this Section, the retailer must obtain from the purchaser the purchaser's Exemption Certificate number issued by the Department, along with a copy of the certification required by subsection (d)(2). [35 ILCS 120/5k(b)] A construction contractor or other entity shall not make tax-free purchases unless it has an active Exemption Certificate issued by the Department at the time of purchase. [35 ILCS 120/5k(a)]
 - 2) The retailer must obtain a certification from the purchaser that contains:
 - A) a statement that the building materials are being purchased for incorporation into real estate located in an Illinois enterprise zone;
 - B) the location or address of the real estate into which the building materials will be incorporated;
 - C) the name of the enterprise zone in which that real estate is located;
 - D) a description of the building materials being purchased;
 - E) the purchaser's Exemption Certificate number issued by the Department; and
 - F) the purchaser's signature and date of purchase [35 ILCS 120/5k(c)].
 - 3) The retailer may comply with this subsection (d) certification requirement by securing from the purchaser a completed and signed Form EZ-1.
- e) Qualified Sales of Tangible Personal Property. In order to qualify for the building materials exemption under this Section~~the deduction~~, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into real estate. For example, gross receipts from sales of:

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- 1) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal can qualify for the [exemptiondeduction](#);
 - 2) plumbing systems and components thereof such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes can qualify for the [exemptiondeduction](#);
 - 3) heating systems and components thereof such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators can qualify for the [exemptiondeduction](#);
 - 4) electrical systems and components thereof such as wiring, outlets and light fixtures that are physically incorporated into the real estate can qualify for the [exemptiondeduction](#);
 - 5) central air conditioning systems, ventilation systems and components thereof that are physically incorporated into the real estate can qualify for the [exemptiondeduction](#);
 - 6) built-in cabinets and other woodwork that are physically incorporated into the real estate can qualify for the [exemptiondeduction](#);
 - 7) built-in appliances such as refrigerators, stoves, ovens and trash compactors that are physically incorporated into the real estate can qualify for the [exemptiondeduction](#);
 - 8) floor coverings such as tile, linoleum and carpeting that are glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips") can qualify for the [exemptiondeduction](#).
- f) [Sales of Tangible Personal Property that Do Not Qualify for the Exemption.](#) Items that are not physically incorporated into the real estate cannot qualify for the [exemptiondeduction](#). For example, gross receipts from sales of:
- 1) tools, machinery, equipment, fuel, forms and other items that may be used by a construction contractor at an enterprise zone building site, but that are

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not physically incorporated into the real estate, do not qualify for the exemption deduction;

- 2) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers that may be connected to and operate from a building's electrical or plumbing system but which do not become a component of those systems do not qualify for the exemption deduction;
- 3) floor coverings that are area rugs or that are attached to the structure using only two-sided tape do not qualify for the exemption deduction.

g) Penalties – Revocation – Protest Procedures

- 1) *If the Department determines that a construction contractor or other entity that was issued an Exemption Certificate under subsection (c) made a tax-exempt purchase, as described in this Section, that was not eligible for exemption under this Section, or allowed another person to make a tax-exempt purchase, as described in this Section, that was not eligible for exemption under this Section, then, in addition to any tax or other penalty imposed, the construction contractor or other entity is subject to a penalty equal to the tax that would have been paid by the retailer under the Act, including any applicable local retailers' occupation tax on the purchase that was not eligible for the exemption.*
- 2) *Each contractor or other entity that has been issued an Exemption Certificate under Section 5k of the Retailers' Occupation Tax Act shall annually report to the Department the total tax benefits for taxes imposed by the State that are received under Enterprise Zone building materials exemption broken down by Enterprise Zone. Reports are due no later than May 31 of each year and shall cover the previous calendar year. Failure to report data may result in revocation of the Exemption Certificate issued to the contractor or other entity. [20 ILCS 655/8.1(a-5)].*
- 3) *Suspension of Exemption Certificate for Failure to Report Data. A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (g)(2) shall have the Exemption Certificate for which it failed to report suspended.*

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- A) First Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (g)(2) shall have the Exemption Certificate suspended until the contractor or other entity complies with the reporting requirements of subsection (g)(2).
 - B) Second Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (g)(2) for two reporting periods within a five-year period shall have all Exemption Certificates issued to it suspended until 30 days after the contractor or other entity complies with the reporting requirements of subsection (g)(2).
 - C) Subsequent Offenses: A contractor or other entity that fails to comply with the reporting requirements or deadlines of subsection (g)(2) for more than two reporting periods within a five-year period shall have all Exemption Certificates issued to it suspended until 180 days after the contractor or other entity complies with the reporting requirements of subsection (g)(2).
- 4) Suspension or Revocation of Exemption Certificate for Both Failure to Report Data and Unlawful Use of Exemption Certificate. The Department shall suspend or revoke the Exemption Certificate of a contractor or other entity found to have both failed to comply with the reporting requirements of subsection (g)(2) and to have used an Exemption Certificate in violation of subsection (g)(1), as follows:
- A) First Offense: In addition to all other penalties provided by law, a first offense shall result in the suspension of all Exemption Certificates issued to a contractor or other entity for 1 year.
 - B) Second Offense: In addition to all other penalties provided by law, a second offense shall result in permanent revocation of all Exemption Certificates issued to the contractor or other entity.
- 5) Ineligibility. A contractor or other entity is not eligible to receive additional Exemption Certificates during the period that one or more Exemption Certificates issued to it are subject to suspension or revocation.

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- 6) Protest Procedures. Any person aggrieved by any decision of the Department under subsections (g)(3) through (g)(4) may, within 20 days after notice of the decision, protest and request a hearing, whereupon the Department shall give notice to that person of the time and place fixed for a hearing and shall hold a hearing and then issue its final administrative decision in the matter to that person. In the absence of a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.
- g) ~~Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Manufacturing or Assembling by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs~~
- 1) ~~Effective September 25, 1985, the Illinois Retailers' Occupation Tax does not apply to retail sales of tangible personal property to be used or consumed within an enterprise zone or subject to the provisions of Section 5.5 of the Enterprise Zone Act, all tangible personal property to be used or consumed by any high impact business, in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease so long as the use or consumption is made by business enterprises that in the case of a high impact business having been designated pursuant to the terms of Section 5.5(a) of the Enterprise Zone Act [20 ILCS 625/5.5] or:~~
- A) ~~in the case of an enterprise zone:~~
- i) ~~make investments which cause the creation of a minimum of 200 full time equivalent jobs in Illinois; or~~
- ii) ~~make investments which cause the retention of a minimum of 2,000 full time jobs in Illinois; or~~
- iii) ~~make investments of a minimum of \$40,000,000; and~~
- B) ~~are located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and~~

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- ~~C) are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (f)(1)(A) and (B); and~~
- ~~D) retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption. (Sections 1d and 1f of the Act)~~
- 2) ~~Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.~~
- 3) ~~Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in manufacturing or assembling qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities that do not constitute manufacturing or assembling remain subject to the tax. For purposes of this Section, manufacturing and assembling have the same meaning as ascribed at Section 130.330(b)(2) through (9) of this Part.~~
- 4) ~~The tangible personal property must be used in a manufacturing or assembling process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in manufacturing or assembling and includes *repair and replacement parts for machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale, or lease, and equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of such manufacturing or assembling machinery or equipment.* (Section 1d of the Act)~~
- 5) ~~For example, this exemption extends to:~~
- A) ~~machinery and equipment that would otherwise qualify under the manufacturing machinery and equipment exemption because of being used in the activities set out at Section 130.330(d)(3) of this Part, and repair and replacement parts for such machinery and equipment;~~

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- B) ~~hand tools used in the activities set out at Section 130.330(d)(3) of this Part;~~
 - C) ~~materials and supplies, such as abrasives, acids, polishing compounds or lubricants used or consumed in the activities set out at Section 130.330(d)(3) of this Part;~~
 - D) ~~machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment that qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;~~
 - E) ~~materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment that qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;~~
 - F) ~~any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam that would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment that qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part; and~~
 - G) ~~protective clothing and safety equipment such as gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment that qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part.~~
- 6) ~~The law requires that tangible personal property be used primarily in manufacturing or assembling. Therefore, tangible personal property that is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.~~

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- 7) ~~The exemption does not extend to tangible personal property that is not used or consumed in the manufacturing or assembling process itself. This is true even though the item is used in an activity that is essential to manufacturing or assembling. For example, the exemption does not extend to:~~
- A) ~~tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment that would not qualify for the manufacturing machinery and equipment exemption;~~
 - B) ~~tangible personal property used or consumed in research and development of new products, production techniques or production machinery;~~
 - C) ~~tangible personal property used to store, convey, handle or transport materials, parts or subassemblies prior to their entrance into the production cycle;~~
 - D) ~~tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;~~
 - E) ~~tangible personal property used to transport work in process or finished articles between production plants;~~
 - F) ~~tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion or personnel recruitment, selection or training;~~
 - G) ~~tangible personal property used or consumed as general production plant safety equipment;~~
 - H) ~~tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a manufacturing or assembling process;~~

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- I) ~~tangible personal property used or consumed in the preparation of food and beverages by a retailer for retail sale, such as restaurants, vending machines and food service establishments;~~
 - J) ~~fuel used or consumed in the operation of any machinery or equipment that would not qualify for exemption under the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;~~
 - K) ~~building materials that become physically incorporated into foundations or housings for machinery and equipment — although the building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met; and~~
 - L) ~~building materials dedicated to general construction purposes at a production plant — although the building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met.~~
- 8) ~~This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions that have established enterprise zones.~~
- 9) ~~Product Use~~
~~The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. For information concerning this requirement, see Section 130.330(e) of this Part that is incorporated by reference in this Part.~~
- 10) ~~Sales to Lessors of Certified Business Enterprises~~
~~The substance and provisions of Section 130.330(f) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.330(f) to "manufacturers" mean "certified business enterprises".~~
- 11) ~~Exemption Certification~~

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- A) ~~When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:~~
- i) ~~a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and~~
 - ii) ~~a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a manufacturing or assembling process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)~~
- B) ~~So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.~~
- C) ~~If a certified business enterprise (or its lessor) purchases tangible personal property that is to be used in the process of manufacturing or assembling, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.~~
- D) ~~An item that initially is used primarily in a qualifying manner at a qualifying location but that is converted to a nonexempt use or is~~

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~~moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.~~

- h) ~~Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Graphic Arts Production by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs~~
- 1) ~~No State or local Retailers' Occupation Tax applies to retail sales of tangible personal property to be used or consumed within an enterprise zone . . . in the process of graphic arts production if used or consumed at a facility which is a Department of Commerce and Community Affairs certified business and located in a county of more than 4,000 persons and less than 45,000 persons so long as the use or consumption is made by business enterprises:~~
- A) ~~that:~~
- i) ~~make investments that cause the creation of a minimum of 200 full-time jobs in Illinois; or~~
- ii) ~~make investments that cause the retention of a minimum of 2,000 full-time jobs in Illinois; or~~
- iii) ~~make investments of a minimum of \$40,000,000 and retain at least 90% of the jobs in place on the date that the exemption is granted and for the duration of the exemption; and~~
- B) ~~are located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act; and~~
- C) ~~are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (g)(1)(A), (B) and (C). (Sections 1d and 1f of the Act)~~
- 2) ~~Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and~~

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~~Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.~~

- ~~3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in graphic arts production qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities that do not constitute graphic arts production remain subject to the tax. The Department has defined graphic arts production at Section 130.325(b) of this Part.~~
- ~~4) The tangible personal property must be used in a graphic arts production process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in graphic arts production and includes *repair and replacement parts for machinery and equipment used primarily in the process of graphic arts production, and equipment, graphic arts fuels, material and supplies for the maintenance, repair or operation of such graphic arts machinery or equipment.* (Section 1d of the Act)~~
- ~~5) For example, this exemption extends to:
 - A) machinery and equipment that would otherwise qualify under the graphic arts machinery and equipment exemption because of being used in the activities set out at Section 130.325(b)(4) of this Part and for repair and replacement parts for the machinery and equipment;
 - B) printing plates, film, fountain solution, blanket wash, and ink additives used in the activities set out at Section 130.325(b)(4) of this Part;
 - C) materials and prep supplies, such as mylar, masking sheets, developer, hardener, fixer, replenishers, and tape used or consumed in the activities set out at Section 130.325(b)(4) of this Part;
 - D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment that qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;~~

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- ~~E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment that qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;~~
- ~~F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam that would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment that qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;~~
- ~~G) protective clothing and safety equipment such as ear plugs, safety shoes, gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment that qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part.~~
- 6) The law requires that tangible personal property be used primarily in graphic arts production. Therefore, tangible personal property that is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.
- 7) The exemption does not extend to tangible personal property that is not used or consumed in the graphic arts production process itself. This is true even though the item is used in an activity that is essential to graphic arts production. For example, the exemption does not extend to:
 - A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment that would not qualify for the graphic arts production exemption;
 - B) tangible personal property used to store, convey, handle or transport materials prior to their entrance into the production cycle;

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- ~~C) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;~~
- ~~D) tangible personal property used to transport work in process or finished articles between production plants;~~
- ~~E) machinery and equipment used to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other data related functions prior to final composition, typesetting, engraving or other preparation of the image carrier;~~
- ~~F) Xerographic or photocopying machines;~~
- ~~G) word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation such as a computer controlled typesetting machine or equivalent that is used primarily in graphic arts production;~~
- ~~H) computers used to store data and generate text, maps, graphs or other print out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer that generates an image that may later be reproduced by a graphic arts process would not qualify while a computer controlled engraving system that produces printing cylinders and computer controlled digital typesetting equipment would qualify;~~
- ~~I) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion or personnel recruitment, selection or training;~~
- ~~J) tangible personal property used or consumed as general production plant safety equipment; or~~

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- ~~K) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a graphic arts production process.~~
- 8) ~~This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions that have established enterprise zones.~~
- 9) ~~Sales to Lessors of Certified Business Enterprises~~
~~The substance and provisions of Section 130.325(b)(7) of this Part are incorporated by reference in this Part. For the purpose of this incorporation, references in Section 130.325 to "lessee" mean "certified business enterprises".~~
- 10) ~~Exemption Certification~~
- A) ~~When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:~~
- i) ~~a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and~~
- ii) ~~a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a graphic arts production process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)~~
- B) ~~So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective~~

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~~period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.~~

- ~~C) If a certified business enterprise (or its lessor) purchases tangible personal property that is to be used in the process of graphic arts production, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.~~
- ~~D) An item that initially is used primarily in a qualifying manner at a qualifying location but that is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.~~
- i) ~~Tangible Personal Property Purchased for Use or Consumption in the Operation of Pollution Control Facilities within an Enterprise Zone by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs~~
 - 1) ~~Effective September 25, 1985, subject to the provisions of Section 1f of the Act or subject to the provisions of Section 5.5 of the Illinois Enterprise Zone Act [20 ILCS 625/5.5] the Illinois Retailers' Occupation Tax does not apply to gross receipts from retail sales of *tangible personal property to be used or consumed in the operation of pollution control facilities...within an enterprise zone* (Section 1e of the Act) so long as the use or consumption is made by a business enterprise that has complied with the requirements set out at subsection (f)(1)(A), (B) and (C) of this Section.~~
 - 2) ~~The phrase "pollution control facilities" is defined as:~~
 - A) ~~*any system, method, construction, device, or appliance appurtenant thereto, sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term "air pollution" or "water pollution" is defined*~~

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~~in the Environmental Protection Act...or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property. (Section 1a of the Act)~~

- B) ~~The exemption for pollution control facilities described at Section 130.335 of this Part extends only to pollution control facilities and replacement parts therefor.~~
- 3) ~~However, if a business enterprise is certified by the Department of Commerce and Community Affairs, all tangible personal property used or consumed by it in the operation of pollution control facilities within an enterprise zone is exempt from tax. In order to qualify, the item must be used exclusively in the enterprise zone and the pollution control facility must be in the enterprise zone. By way of illustration, this exemption includes:~~
- ~~A) fuel used in operating pollution control facilities;~~
 - ~~B) chemicals used in the operation of pollution control facilities;~~
 - ~~C) catalysts used in the operation of pollution control facilities;~~
 - ~~D) equipment used to test, monitor or otherwise ascertain the suitability of a fuel, chemical or catalyst for use in the operation of pollution control facilities;~~
 - ~~E) equipment used to monitor or otherwise ascertain the effectiveness of pollution control facilities;~~
 - ~~F) lubricants and coolants used in the operation of pollution control facilities;~~
 - ~~G) protective clothing and safety equipment used in the operation of pollution control facilities;~~
 - ~~H) equipment used to transport fuel, chemicals, catalysts, lubricants, coolants or other operational supplies from a stock pile located in~~

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- ~~the enterprise zone to a pollution control facility located in the same enterprise zone;~~
- ~~I) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to another pollution control facility within the same enterprise zone for further filtering, treatment or modification; and~~
 - ~~J) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to a disposal site in the same enterprise zone.~~
- 4) ~~No item used primarily in any activity other than the operation of pollution control facilities within an enterprise zone can qualify for this exemption. No item used or consumed outside the enterprise zone can qualify for the exemption. No item used or consumed in the operation of pollution control facilities that are located outside the enterprise zone can qualify for the exemption. By way of illustration, the exemption does not extend to:~~
- ~~A) equipment used to transport fuel, chemicals, catalysts or any other tangible personal property from a point outside the enterprise zone to a pollution control facility inside the enterprise zone;~~
 - ~~B) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to any location outside the enterprise zone;~~
 - ~~C) testing equipment used at a location outside an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located in an enterprise zone; or~~
 - ~~D) testing equipment used at a location in an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located outside the enterprise zone.~~
- 5) ~~This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions that have established enterprise zones.~~
- 6) ~~Sales to Lessors of Certified Business Enterprises~~

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- A) ~~For this exemption to apply, the purchaser need not himself employ the tangible personal property in the operation of pollution control facilities. If the purchaser leases the items to a lessee-certified business enterprise that uses the items in an exempt manner, the sale to the purchaser lessor will be exempt from tax. A supplier may deduct the sales from his taxable gross receipts provided the purchaser lessor provides to him a properly completed exemption certificate and the information contained thereon would support the exemption if the sale were made directly to the lessee-certified business enterprise.~~
- B) ~~Should a purchaser lessor lease the items to a lessee that is not a certified business enterprise or to a certified business enterprise that does not use those items in the operation of pollution control facilities within an enterprise zone, then the purchaser lessor will become liable for the tax from which he was previously exempted.~~

7) ~~Exemption Certification~~

- A) ~~When a certified business enterprise (or the lessor of a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:~~
- i) ~~a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and~~
- ii) ~~a written statement of exemption signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in the operation of pollution control facilities at a specified location in a named enterprise zone established under the authority of the Illinois Enterprise Zone Act.~~
- B) ~~So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the~~

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~~certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.~~

- ~~C) If a certified business enterprise (or its lessor) purchases tangible personal property that could reasonably be used in the operation of pollution control facilities, then the certified business enterprise (or its lessor) should certify to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax on the sale. However, the purchaser who certifies that the item is being purchased for a qualifying use in an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.~~
- ~~D) An item that is used primarily in a qualifying manner at a qualifying location but that is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion to the nonexempt use.~~

(Source: Amended at 39 Ill. Reg. 14616, effective October 22, 2015)

Section 130.1952 Sales of Building Materials to a High Impact Business

- a) Beginning January 1, 1995, each retailer who makes a sale of building materials that will be incorporated into a High Impact Business (HIB) location as designated by the Department of Commerce and Economic Opportunity (DCEO) under Section 5.5 of the Illinois Enterprise Zone Act may deduct receipts from such sales when calculating the 6.25% State rate of tax imposed by the Retailers' Occupation Tax Act and any local taxes. [35 ILCS 120/51] On and after January 1, 1986, and prior to January 1, 1995, a retailer who makes a sale of building materials to a High Impact Business ("HIB") may file claims for credit or refund to recover the amount of tax paid under the Retailers' Occupation Tax Act. (Section 51 of the Act)
- b) ~~Effective January 1, 1995, a deduction from only the 6.25% rate for the Illinois~~

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~~Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials that will be incorporated into a HIB location as designated by the Department of Commerce and Community Affairs under Section 5.5 of the Illinois Enterprise Zone Act. (Section 5l of the Act) Effective June 30, 1995, a retailer may also deduct receipts from such sales when calculating any applicable local taxes. Until June 30, 1995, a retailer may file claims for credit or refund as discussed in subsection (a) to recover the amount of any applicable local tax paid on such sales.~~

- be) A retailer claiming the ~~exemption deduction~~ must have among its books and records a written statement signed by the purchaser setting out facts which establish the ~~exemption deduction~~. For purchases made through June 30, 2013, this~~This~~ purchaser's statement must contain the following information:
- 1) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into a HIB location;
 - 2) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number);
 - 3) the name of the HIB location into which the building materials will be incorporated and, if applicable, the street address of the real estate; and
 - 4) the purchaser's signature and date of signing.
- c) Issuance of Exemption Certificates for Purchases Made on and after July 1, 2013
- 1) *Each retailer who makes a sale of building materials that will be incorporated into a High Impact Business location as designated by the DCEO under Section 5.5 of the Illinois Enterprise Zone Act may deduct receipts from such sales when calculating the tax imposed by the Act and when calculating any applicable local taxes. No retailer who is eligible for the exemption under Section 5k of the Act for making a sale of building materials to be incorporated into real estate in an enterprise zone by rehabilitation, remodeling or new construction shall be eligible for the exemption authorized under this Section. [35 ILCS 120/5l]*
 - 2) *Upon request from a designated High Impact Business, the Department shall issue a High Impact Business Building Materials Exemption Certificate (Exemption Certificate) for each construction contractor or*

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other entity identified by the designated High Impact Business. The Department shall make an Exemption Certificate available to each construction contractor or other entity and the designated High Impact Business. [35 ILCS 120/5l(b)]

- A) A request for an Exemption Certificate from the designated High Impact Business must include the following information:
- i) the name, address, telephone number and e-mail address of the construction contractor or other entity;
 - ii) the name and location or address of the designated High Impact Business;
 - iii) the estimated amount of the exemption for each construction contractor or other entity for which a request for Exemption Certificate is made, based on a stated estimated average tax rate and the percentage of the contract that consists of materials;
 - iv) the period of time over which supplies for the project are expected to be purchased; and
 - v) the FEIN of the applicant.
- B) The Department shall issue an Exemption Certificates within 3 business days after receipt of a request from the designated High Impact Business, unless the Department, for reasonable cause, is unable to issue the Exemption Certificate within 3 business days. Examples of "reasonable cause" include, but are not limited to, receipt of a request lacking all the information required by subsection (c)(2)(A), the receipt of a large number of requests for Exemption Certificates from a zone administrator, or lack of sufficient staff to process the number of existing requests.
- C) The Department may refuse to issue an Exemption Certificate if the owner, any partner, or a corporate officer, and in the case of a limited liability company, any manager or member, of the construction contractor or other entity is or has been the owner, a partner, a corporate officer, and in the case of a limited liability

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company, a manager or member, of a person that is in default for moneys due to the Department under the Retailers' Occupation Tax Act or any other tax or fee Act administered by the Department.

- D) The request for an Exemption Certificate must be submitted electronically.
- E) An Exemption Certificate shall be effective for no more than 2 years after the date of issuance. At the request of the designated High Impact Business, the Department may renew an Exemption Certificate.
- F) After the Department issues Exemption Certificates for a designated High Impact Business building project, the designated High Impact Business may notify the Department of additional construction contractors or other entities eligible for an Exemption Certificate. Upon notification by the designated High Impact Business, and subject to the other provisions of this subsection (c), the Department shall issue an Exemption Certificate to each additional construction contractor or other entity identified by the designated High Impact Business.
- G) A designated High Impact Business may notify the Department to rescind an Exemption Certificate previously issued by the Department but that has not yet expired. Upon notification by the designated High Impact Business, and subject to the other provisions of this subsection (c), the Department shall issue the rescission of the Exemption Certificate to the construction contractor or other entity identified by the designated High Impact Business and provide a copy to the designated High Impact Business.
- 3) Notwithstanding anything to the contrary in this Section, for High Impact Businesses' building projects already in existence and for which construction contracts are already in place on July 1, 2013, the request for Exemption Certificates from the designated High Impact Business to the Department for these pre-existing construction contractors and other entities must include the information required under subsection (c)(2)(A), but need not include the information listed in subsection (c)(2)(A)(iii) and

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(iv). For any new construction contract entered into on or after July 1, 2013, however, all of the information in subsection (c) must be provided. [35 ILCS 120/5l(c)]

- d) Documentation of Exemption for Purchases Made on or after July 1, 2013
- 1) On and after July 1, 2013, to document the exemption allowed under this Section, the retailer must obtain from the purchaser the purchaser's Exemption Certificate number issued by the Department along with a certification identified in subsection (d)(2). A construction contractor or other entity shall not make tax-free purchases unless it has an active Exemption Certificate issued by the Department at the time of purchase. [35 ILCS 120/5l(b)]
 - 2) The retailer must obtain a certification from the purchaser that contains:
 - A) a statement that the building materials are being purchased for incorporation into a designated High Impact Business location;
 - B) the location or address of the designated High Impact Business into which the building materials will be incorporated;
 - C) The name of the designated High Impact Business;
 - D) a description of the building materials being purchased;
 - E) the purchaser's Exemption Certificate number issued by the Department; and
 - F) the purchaser's signature and date of purchase.
 - 3) The retailer may comply with this subsection (d) certification requirement by securing from the purchaser a completed and signed Form EZ-1.
- e) Qualified Sales of Tangible Personal Property. In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into ana HIB location. For example, gross receipts from sales of the following can qualify for the exemption~~deduction~~:
- 1) common building materials such as lumber, bricks, cement, windows,

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doors, insulation, roofing materials and sheet metal;

- 2) plumbing systems and components thereof such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes;
- 3) heating systems and components thereof such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators;
- 4) electrical systems and components thereof such as wiring, outlets and light fixtures which are physically incorporated into the HIB location;
- 5) central air conditioning systems, ventilation systems and components thereof which are physically incorporated into the HIB location;
- 6) built-in cabinets and other woodwork which is physically incorporated into the HIB location;
- 7) built-in appliances such as refrigerators, stoves, ovens and trash compactors which are physically incorporated into the HIB location;
- 8) floor coverings such as tile, linoleum and carpeting that are glued or otherwise permanently affixed to the HIB location by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips");
- 9) landscape products such as trees, shrubs, topsoil and sod which are physically incorporated (i.e., transplanted) into the HIB location.

fe) Sales of Tangible Personal Property that Do Not Qualify for the Exemption.

Items that are not physically incorporated into ~~an~~ HIB location cannot qualify for the ~~exemption deduction~~. For example, gross receipts from sales of the following do not qualify for the ~~exemption deduction~~:

- 1) tools, machinery, equipment, fuel, forms and other items which may be used by a construction contractor at ~~an~~ HIB location, but which are not physically incorporated into the HIB location;
- 2) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps,

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clothes washers, clothes dryers, trash compactors and dishwashers which may be connected to and operate from a building's electrical or plumbing system but which do not become a component of those systems;

- 3) floor coverings that are area rugs or that are attached to the structure using only two-sided tape.

g) Penalties – Revocation – Protest Procedures

- 1) *If the Department determines that a construction contractor or other entity that was issued an Exemption Certificate under subsection (c) made a tax-exempt purchase, as described in this Section, that was not eligible for exemption under this Section, or allowed another person to make a tax-exempt purchase, as described in this Section, that was not eligible for exemption under this Section, then, in addition to any tax or other penalty imposed, the construction contractor or other entity is subject to a penalty equal to the tax that would have been paid by the retailer under the Retailers' Occupation Tax Act as well as any applicable local retailers' occupation tax on the purchase that was not eligible for the exemption [35 ILCS 120/5l(b)].*
- 2) *Each contractor or other entity that has been issued an Exemption Certificate shall annually report to the Department the total tax benefits for taxes imposed by the State that are received under Exemption Certificates and shall be broken down by designated High Impact Business. Reports are due no later than May 31 of each year and shall cover the previous calendar year. Failure to report the data may result in revocation of the Exemption Certificate issued to the contractor or other entity. [20 ILCS 655/8.1(a-5)]*
- 3) Suspension of Exemption Certificate for Failure to Report Data. A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (g)(2) shall have the Exemption Certificate for which it failed to report suspended.
 - A) First Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (g)(2) shall have the Exemption Certificate suspended until the contractor or other entity complies with the reporting requirements of subsection (g)(2).

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- B) Second Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (g)(2) for two reporting periods within a five-year period shall have all Exemption Certificates issued to it suspended until 30 days after the contractor or other entity complies with the reporting requirements of subsection (g)(2).
- C) Subsequent Offenses: A contractor or other entity that fails to comply with the reporting requirements or deadlines of subsection (g)(2) for more than two reporting periods within a five-year period shall have all Exemption Certificates issued to it suspended until 180 days after the contractor or other entity complies with the reporting requirements of subsection (g)(2).
- 4) Suspension or Revocation of Exemption Certificate for Both Failure to Report Data and Unlawful Use of Exemption Certificate. The Department shall revoke or suspend, as follows, the Exemption Certificate of a contractor or other entity that has, for the same certificate, both failed to comply with the reporting requirements of subsection (g)(2) and has been found to have used the Exemption Certificate in violation of subsection (g)(1):
- A) First Offense: In addition to all other penalties provided by law, a first offense shall result in the suspension of all Exemption Certificates issued to a contractor or other entity for 1 year.
- B) Second Offense: In addition to all other penalties provided by law, a second offense shall result in permanent revocation of all Exemption Certificates issued to the contractor or other entity.
- 5) Ineligibility. A contractor or other entity is not eligible to receive additional Exemption Certificates during the period that one or more Exemption Certificates issued to it are subject to suspension or revocation.
- 6) Protest Procedures. Any person aggrieved by any decision of the Department under subsections (g)(3) through (g)(4) may, within 20 days after notice of the decision, protest and request a hearing, whereupon the Department shall give notice to that person of the time and place fixed for a hearing and shall hold a hearing and then issue its final administrative

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decision in the matter to that person. In the absence of a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.

(Source: Amended at 39 Ill. Reg. 14616, effective October 22, 2015)

Section 130.1954 Sales of Building Materials Incorporated into Real Estate within River Edge Redevelopment Zones

- a) River Edge Redevelopment Zone – In General
 - 1) Effective July 12, 2006, each *retailer that makes a qualified sale of building materials to be incorporated into real estate within a River Edge Redevelopment Zone in accordance with the River Edge Redevelopment Zone Act by remodeling, rehabilitating, or new construction may deduct receipts from those sales when calculating the tax imposed by the Act.* (Section 2-54 of the Retailers' Occupation Tax Act [35 ILCS 120/2-54])
 - 2) A "*qualified sale*" means a sale of building materials that will be incorporated into real estate as part of an industrial or commercial project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the corporate authorities of the municipality in which the building project is located before July 1, 2013, and for which a River Edge Building Materials Exemption Certificate has been issued by the Department on or after July 1, 2013. (Section 2-54 of the Retailers' Occupation Tax Act [35 ILCS 120/2-54])
 - 3) "Industrial project" means:
 - A) a capital project, including one or more buildings and other structures, improvements, machinery and equipment, whether or not on the same site or sites, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise, including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities,

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resource or waste reduction, recovery, treatment and disposal facilities, and:

- i) the sites of any of the facilities listed in this subsection (a)(3)(A) and other rights in land for those facilities, whether improved or unimproved;
 - ii) site preparation and landscaping for facilities listed in this subsection (a)(3)(A); and
 - iii) all appurtenances and facilities incidental to the facilities listed in this subsection (a)(3)(A), such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment, and other necessary or convenient improvements; or
- B) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.
- 4) "Commercial project" means any project, including but not limited to one or more buildings and other structures, improvements, machinery and equipment, whether or not on the same site or sites, suitable for use by any retail or wholesale concern, distributorship or agency, any cultural facilities of a for-profit or not-for-profit type, including but not limited to educational, theatrical, recreational and entertainment, sports facilities, racetracks, stadiums, convention centers, exhibition halls, arenas, opera houses and theaters, waterfront improvements, swimming pools, boat storage, moorage, docking facilities, restaurants, velodromes, coliseums, sports training facilities, parking facilities, terminals, hotels and motels, gymnasiums, medical facilities and port facilities.
- 5) Nothing in the definitions of "industrial project" or "commercial project" is meant to imply that the building materials exemption for an industrial project or commercial project may extend beyond the borders of the River Edge Redevelopment Zone or may extend beyond the exemption of sales of building materials incorporated into an industrial project or commercial project.

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- b) Building Materials Purchased for Physical Incorporation into Real Estate Located in a River Edge Redevelopment Zone
- 1) In order to qualify for the ~~exemption~~deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into real estate. For example, gross receipts from sales of the following items can qualify for the ~~exemption~~deduction:
- A) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal;
 - B) plumbing systems and components such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes;
 - C) heating systems and components such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators;
 - D) electrical systems and components such as wiring, outlets and light fixtures that are physically incorporated into the real estate;
 - E) central air conditioning systems, ventilation systems and components that are physically incorporated into the real estate;
 - F) built-in cabinets and other woodwork that are physically incorporated into the real estate can qualify for the deduction;
 - G) built-in appliances such as refrigerators, stoves, ovens and trash compactors that are physically incorporated into the real estate; and
 - H) floor coverings such as tile, linoleum and carpeting that are glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as tacking strips or tack-down strips).

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- 2) Items that are not physically incorporated into the real estate cannot qualify for the [exemption deduction](#). For example, gross receipts from sales of the following do not qualify:
 - A) tools, machinery, equipment, fuel, forms and other items that may be used by a construction contractor at a River Edge Redevelopment Zone site, but that are not physically incorporated into the real estate;
 - B) free-standing appliances such as stoves, oven, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers that may be connected to and operate from a building's electrical or plumbing system but that do not become a component of those systems; and
 - C) floor coverings that are area rugs or that are attached to the structure using only two-sided tape.
 - 3) Building materials incorporated into stand-alone residential homes, residential apartments, residential condominiums, residential townhouses, residential duplexes, residential buildings or residential structures do not qualify for the [exemption deduction](#). Building materials physically incorporated into a commercial project, a portion of which is dedicated for residential purposes, shall be allocated on a square-footage basis for common building materials (for example, lumber, cement, bricks, insulation, air conditioning and heating equipment serving an entire project and roofing materials) and directly allocated to either the commercial portion or residential portion when direct allocation of the building materials is possible (for example, bathtubs, sinks, lavatories, cabinets, built-in appliances and air conditioning and heating equipment serving individually owned or leased units or space). Only the building materials allocated to the commercial portion of the project can qualify for the [exemption deduction](#).
- c) Certificate of Eligibility for Sales Tax Exemption [for Purchases Made through June 30, 2013](#)
- 1) *To document the exemption, the retailer must obtain from the purchaser a copy of the Certificate of Eligibility for Sales Tax Exemption issued by the*

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corporate authorities of the municipality in which the real estate into which the building materials will be incorporated is located. The Certificate of Eligibility for Sales Tax Exemption must be obtained by the retailer prior to the sale.

- 2) The Certificate of Eligibility for Sales Tax Exemption must contain all of the following:
 - A) *a statement that the commercial or industrial project identified in the Certificate meets all the requirements of the jurisdiction in which the project is located;*
 - B) *the location or address of the building project; and*
 - C) *the signature of the chief executive officer of the municipality in which the building project is located, or the chief executive officer's delegate.*

- 3) In order to properly document this exemption, prior to the sale *the retailer must also obtain a certificate from the purchaser that contains all of the following:*
 - A) *a statement that the building materials are being purchased for incorporation into real estate located in a River Edge Redevelopment Zone included in a redevelopment project area in accordance with the River Edge Redevelopment Zone Act;*
 - B) *the location or address of the real estate into which the building materials will be incorporated;*
 - C) *the name of the River Edge Redevelopment Zone in which the real estate is located;*
 - D) *a description of the building materials being purchased; and*
 - E) *the purchaser's signature and date of purchase. [35 ILCS 120/2-54]*

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- 1) Upon request from the corporate authorities of the municipality in which the building project is located, the Department shall issue a River Edge Building Materials Exemption Certificate (Exemption Certificate) for each construction contractor or other entity identified by the corporate authorities of the municipality in which the building project is located. The Department shall make the Exemption Certificates available to the corporate authorities of the municipality in which the building project is located and each construction contractor or other entity.
 - A) The request for Exemption Certificates from the corporate authorities of the municipality in which the building project is located to the Department must include the following information:
 - i) the name, address, telephone number and e-mail address of the construction contractor or other entity;
 - ii) the name and number of the River Edge Redevelopment Zone in which the building project is located;
 - iii) the name and location or address of the building project in the River Edge Redevelopment Zone;
 - iv) the estimated amount of the exemption for each construction contractor or other entity for which a request for Exemption Certificate is made, based on a stated estimated average tax rate and the percentage of the contract that consists of materials;
 - v) the period of time over which supplies for the project are expected to be purchased; and
 - vi) the FEIN of the construction contractor or other entity.
 - B) The Department shall issue the Exemption Certificates within 3 business days after receipt of request from the corporate authorities of the municipality in which the building project is located unless the Department, for reasonable cause, is unable to issue the Exemption Certificate within 3 business days. Examples of "reasonable cause" include, but are not limited to, receipt of a request lacking all the information required by subsection

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(d)(1)(A), the receipt of a large number of requests for Exemption Certificates from a zone administrator, or lack of sufficient staff to process the number of existing requests.

- C) The Department may refuse to issue an Exemption Certificate if the owner, any partner, or a corporate officer, and in the case of a limited liability company, any manager or member, of the construction contractor or other entity is or has been the owner, a partner, a corporate officer, and in the case of a limited liability company, a manager or member, of a person that is in default for moneys due to the Department under the Retailers' Occupation Tax Act or any other tax or fee Act administered by the Department.
- D) The request for Exemption Certificates must be submitted electronically.
- E) The Exemption Certificate shall be effective for no more than 2 years after the date of issuance. At the request of the corporate authorities of the municipality in which the building project is located, the Department may renew an Exemption Certificate.
- F) After the Department issues Exemption Certificates for a given River Edge building project, the corporate authorities of the municipality in which the building project is located may notify the Department of additional construction contractors or other entities eligible for an Exemption Certificate. Upon notification by the corporate authorities of the municipality in which the building project is located, and subject to the other provisions of this subsection (d), the Department shall issue an Exemption Certificate to each additional construction contractor or other entity identified by the corporate authorities of the municipality in which the building project is located.
- G) The corporate authorities of the municipality in which the building project is located may notify the Department to rescind an Exemption Certificate previously issued by the Department but that has not yet expired. Upon notification by the corporate authorities of the municipality in which the building project is located, and subject to the other provisions of this subsection (d), the

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Department shall issue the rescission of the Exemption Certificate to the construction contractor or other entity identified by the corporate authorities of the municipality in which the building project is located and provide a copy to the corporate authorities of the municipality in which the building project is located.

2) Notwithstanding anything to the contrary in subsection (d), for River Edge building projects already in existence and for which construction contracts are already in place on July 1, 2013, the request for Exemption Certificates from the corporate authorities of the municipality in which the building project is located to the Department for these pre-existing construction contractors and other entities must include the information required under subsection (d)(1)(A), but not including the information listed in subsections (d)(1)(A)(iv) and (v). For any new construction contract entered into on or after July 1, 2013, however, all of the information in subsection (d) must be provided. [35 ILCS 120/2-54(d)]

e) Documentation of the Exemption for Purchases Made on or after July 1, 2013

1) On and after July 1, 2013, to document the exemption allowed under this Section, the retailer must obtain from the purchaser the purchaser's Exemption Certificate number issued by the Department. A construction contractor or other entity shall not make tax-free purchases unless it has an active Exemption Certificate issued by the Department at the time of purchase. [35 ILCS 120/51(b)]

2) The retailer must obtain a certification from the purchaser that contains:

A) a statement that the building materials are being purchased for incorporation into real estate located in a River Edge Redevelopment Zone;

B) the location or address of the real estate into which the building materials will be incorporated;

C) the name of the River Edge Redevelopment Zone in which that real estate is located;

D) a description of the building materials being purchased;

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- E) the purchaser's Exemption Certificate number issued by the Department; and
 - F) the purchaser's signature and date of purchase.
- 3) The retailer may comply with this subsection (e) certification requirement by securing from the purchaser a completed and signed Form EZ-1.
- f) Penalties – Revocation – Protest Procedures
- 1) *If the Department of Revenue determines that a construction contractor or other entity that was issued an Exemption Certificate under subsection (d) made a tax-exempt purchase, as described in this Section, that was not eligible for exemption under subsection (d), or allowed another person to make a tax-exempt purchase, as described in subsection (d), that was not eligible for exemption under subsection (d), then, in addition to any tax or other penalty imposed, the construction contractor or other entity is subject to a penalty equal to the tax that would have been paid by the retailer under the Retailers' Occupation Tax Act as well as any applicable local retailers' occupation tax on the purchase that was not eligible for the exemption. [35 ILCS 120/5l(b)]*
 - 2) *Each contractor or other entity that has been issued an Exemption Certificate under Section 2-54 of the Retailers' Occupation Tax Act shall annually report to the Department the total tax benefits for taxes imposed by the State that are received under River Edge building materials exemption. Reports shall contain information reasonably required by the Department to enable it to verify and calculate the total tax benefits for taxes imposed by the State, and shall be broken down by River Edge Redevelopment Zone. Reports are due no later than May 31 of each year and shall cover the previous calendar year. Failure to report data may result in revocation of the River Edge Building Materials Exemption Certificate issued to the contractor or other entity. [65 ILCS 115/10-10.2(a-5)]*
 - 3) Suspension of Exemption Certificate for Failure to Report Data: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (f)(2) shall have the Exemption Certificate for which it failed to report suspended.

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- A) First Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (f)(2) shall have the Exemption Certificate suspended until the contractor or other entity complies with the reporting requirements of subsection (f)(2).
 - B) Second Offense: A contractor or other entity that fails to comply with the reporting requirements or deadlines provided in subsection (f)(2) for two reporting periods within a five-year period shall have all Exemption Certificates issued to it suspended until 30 days after the contractor or other entity complies with the reporting requirements of subsection (f)(2).
 - C) Subsequent Offenses: A contractor or other entity that fails to comply with the reporting requirements or deadlines of subsection (g)(2) for more than two reporting periods within a five-year period shall have all Exemption Certificates issued to it suspended until 180 days after the contractor or other entity complies with the reporting requirements of subsection (f)(2).
- 4) Suspension or Revocation of Exemption Certificate for Both Failure to Report Data and Unlawful Use of Exemption Certificate. Use by a contractor or other entity of its Exemption Certificate in violation of subsection (f)(1) and failure to comply with the reporting requirements of subsection (f)(2) for the same certificate shall result in the suspension or revocation of the contractor's or other entity's Exemption Certificates.
- A) First Offense: In addition to all other penalties provided by law, a first offense shall result in the suspension of all Exemption Certificates issued to a contractor or other entity for 1 year.
 - B) Second Offense: In addition to all other penalties provided by law, a second offense shall result in permanent revocation of all Exemption Certificates issued to the contractor or other entity.
- 5) Ineligibility. A contractor or other entity is not eligible to receive additional Exemption Certificates during the period that one or more Exemption Certificates issued to it are subject to suspension or revocation.

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- 6) Protest Procedures. Any person aggrieved by any decision of the Department under subsections (f)(3) through (f)(4) may, within 20 days after notice of the decision, protest and request a hearing, whereupon the Department shall give notice to that person of the time and place fixed for a hearing and shall hold a hearing and then issue its final administrative decision in the matter to that person. In the absence of a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.

(Source: Amended at 39 Ill. Reg. 14616, effective October 22, 2015)

Section 130.1956 Dentists

- a) When Liable For Tax
When dentists sell items of tangible personal property, such as mouthwash, toothpaste, dental floss, and the like, to purchasers for use or consumption apart from their rendering of service as dentists, they incur Retailers' Occupation Tax liability.
- b) When Not Liable For Tax
Dentists are engaged primarily in a profession or service occupation. To the extent to which they engage in that profession or service occupation, they are not engaged in the business of selling tangible personal property to purchasers for use or consumption within the meaning of the Act. Consequently, they are not required to remit Retailers' Occupation Tax measured by their receipts from engaging in such profession or service occupation, including receipts from both services and tangible personal property.
- c) Liability Under the Service Occupation Tax Act
For information concerning the application of the Service Occupation Tax to purchases by dentists of tangible personal property that they retransfer as an incident to rendering service, see the Service Occupation Tax Part 86 Ill. Adm. Code 140.

(Source: Added at 39 Ill. Reg. 14616, effective October 22, 2015)

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- 1) Heading of the Part: Liquor Control Act
- 2) Code Citation: 86 Ill. Adm. Code 420
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
420.1	New Section
420.5	New Section
420.10	Amendment
420.80	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-90; 235 ILCS 5/8-13
- 5) Effective Date of Rules: October 22, 2015
- 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 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 the *Illinois Register*: 39 Ill. Reg. 8879; July 6, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Various grammatical changes were made to Sections 420.10 and 420.80.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Most of the statutes administered by the Department are contained in Chapter 35 of the Illinois Compiled Statutes. The Liquor Control Act is contained in Chapter 235 of the Illinois Compiled Statutes. A new Section 420.1 is added to Part 420 to explain that Part 420 contains the rules and regulations for

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the administration of the duties vested in the Department by Article VIII of the Liquor Control Act of 1934.

Article I of the Liquor Control Act contains definitions for words used in the Liquor Control Act. A new Section 420.5 is added to incorporate the definitions that are relevant to Article VIII and may be helpful for understanding the rules contained in Part 420.

PA 95-634 amended Article V of the Liquor Control Act by providing for the licensing of wine shippers. 235 ILCS 5/5-1. A winery shipper's license allows a person who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of Illinois for that resident's personal use and not for resale. An applicant for a winery shipper's license must consent to the jurisdiction of the Department of Revenue concerning the enforcement of the Act and any related laws, rules, and regulations. A winery shipper's licensee must pay to the Department the liquor gallonage tax under Section 8-1 of the Liquor Control Act for all wine that is sold by the licensee and shipped to a person in this State. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit Use Tax to the Department for all gallons of wine that are sold by the licensee and shipped to persons in this State. Section 420.10 of the rules is amended to add the statutory text.

PA 96-34 and PA 96-38 amended Article VIII of the Liquor Control Act by raising the tax rates on cider, wine, beer and alcoholic spirits, effective September 1, 2009. 235 ILCS 5/8-1. Section 420.10 of the rules is amended to reflect the rate changes.

PA 96-1027 amended the Department of Revenue Law. Beginning October 1, 2010, a company who has an annual tax liability of \$20,000 or more is required to make all payments of tax to the Department by electronic funds transfer. Prior to October 1, 2010, the threshold was \$200,000. 20 ILCS 2505/2505-210. Section 420.80 of the rule is amended to reflect this change.

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

Richard S. Wolters
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

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217/782-2844

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 420
LIQUOR CONTROL ACT

Section

420.1	Purpose
420.5	Definitions
420.10	Gallonage Taxes
420.20	Claims to Recover Erroneously Paid Tax
420.30	Shipments of Alcoholic Liquors Out of Illinois
420.40	Non-Beverage Alcoholic Preparations and Compounds
420.50	Non-Beverage Users of Alcoholic Liquors
420.60	Act Does Not Apply
420.70	Tax Provisions of Act Do Not Apply
420.80	Monthly Return
420.90	Books and Records
420.100	Carriers
420.110	Sales to Governmental Bodies
420.120	Warehousing of Liquors
420.130	Non-Beverage User's Books and Records
420.140	Tax-Free Sales of Alcoholic Liquor for Use Aboard Ships Operating in Foreign Commerce Outside the Continental Limits of the United States

AUTHORITY: Implementing and authorized by Article VIII of the Liquor Control Act of 1934 [235 ILCS 5/Art. VIII].

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 17910; amended at 14 Ill. Reg. 18083, effective October 18, 1990; amended at 15 Ill. Reg. 3498, effective February 21, 1991; amended at 24 Ill. Reg. 8096, effective May 26, 2000; amended at 24 Ill. Reg. 14763, effective September 25, 2000; amended at 27 Ill. Reg. 830, effective January 3, 2003; amended at 28 Ill. Reg. 11914, effective July 27, 2004; amended at 39 Ill. Reg. 14701, effective October 22, 2015.

Section 420.1 Purpose

This Part contains rules and regulations for administration of the duties vested in the Department of Revenue by Article VIII of the Liquor Control Act of 1934 [235 ILCS 5].

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(Source: Added at 39 Ill. Reg. 14701, effective October 22, 2015)

Section 420.5 DefinitionsFor purposes of this Part:

"Act" means the Liquor Control Act of 1934 [235 ILCS 5].

"Airplane license" means a license described in Section 5-1(j) of the Act.

"Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol. [235 ILCS 5/1-3.01]

"Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of the Act shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing .5% or less of alcohol by volume. No tax provided for in Article VIII of the Act shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that the sacramental wine shall be purchased from a licensed manufacturer or importing distributor under the Act. [235 ILCS 5/1-3.05]

"Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. [235 ILCS 5/1-3.04]

"Brewer" means a person who is engaged in the manufacture of beer. [235 ILCS 5/1-3.09]

"Brew pub" means a person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and nonlicensees for use and consumption only, who stores beer at the designated premises and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year. [235 ILCS 5/1-3.33]

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"Brew pub license" means a license described in Section 5-1(n) of the Act.

"Department" means the Department of Revenue [235 ILCS 5/1-3.20].

"Distributor" means any person, other than a manufacturer or nonresident dealer licensed under the Act, who is engaged in this State in purchasing, storing, possessing or warehousing any alcoholic liquors for resale or reselling at wholesale, whether within or without this State. [235 ILCS 5/1-3.15]

"Foreign importer" means anyone other than a nonresident dealer licensed under the Act who imports into this State, from any point outside the United States, any alcoholic liquors other than in bulk for sale to a licensed importing distributor [235 ILCS 5/1-3.27].

"Importing distributor" means any person other than a nonresident dealer licensed under the Act who imports into this State, from any point in the United States outside this State, whether for himself or herself or for another, any alcoholic liquors for sale or resale, or for use in the manufacture, preparation or compounding of products other than alcoholic liquors, or who imports into this State, from any point in the United States outside this State, for consumption in any one calendar year, more than one gallon of such liquors [235 ILCS 5/1-3.16].
"Importing distributor" includes an airplane licensee (see Section 1(j) of the Act).

"Liquor Control Commission" means the commission created by Section 3-1 of the Act.

"Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, whether for himself or herself or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors as defined in this Section [235 ILCS 5/1-3.08]. "Manufacturer" includes a manufacturer's licensee and brew pub licensee.

"Nonresident dealer" means any person, firm, partnership, corporation or other legal business entity who or which exports into this State, from any point outside of this State, any alcoholic liquors for sale to Illinois licensed foreign importers or importing distributors. A nonresident dealer's license shall be restricted to the actual manufacturer of such alcoholic liquors or the primary United States importer of such alcoholic liquors, if manufactured outside of the United States, or the duly registered agent of such manufacturer or importer. Registration of the

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agent with the Liquor Control Commission, in such manner and form as it may prescribe, shall be a prerequisite to the issuance of a nonresident dealer's license to an agent. [235 ILCS 5/1-3.29]

"Retailer" means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form. [235 ILCS 5/1-3.17]

"Spirits" means any beverage that contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and those liquors when rectified, blended or otherwise mixed with alcohol or other substances. [235 ILCS 5/1-3.02]

"Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including those beverages when fortified by the addition of alcohol or spirits, as defined in this Section. [235 ILCS 5/1-3.03]

"Winery shipper's license" means a license described in Section 5-1(r) of the Act.

(Source: Added at 39 Ill. Reg. 14701, effective October 22, 2015)

Section 420.10 Gallonage Taxes

a) Measure of Tax:

1) Tax Imposed

A) ~~Until September 1, 2009, a~~ tax is imposed upon the privilege of engaging in business as a manufacturer or as an importing distributor of alcoholic liquor at the rate of 73¢ per gallon for wine containing less than 20% of alcohol by volume other than cider containing less than 7% alcohol by volume; 18.5¢ per gallon on beer; 18.5¢ per gallon for cider containing not less than 0.5% alcohol by volume nor more than 7% alcohol by volume; and \$4.50 per gallon on alcoholic liquor having 20% or more of alcohol by volume, manufactured or imported for sale or use by such manufacturer, or as agent for any other person, or purchased tax-free for sale or use by such manufacturer, or as agent for any other person, or imported for sale or use by such importing distributor, or as agent for any other person, or purchased tax-free

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for sale or use by such importing distributor, or as agent for any other person.

B) Beginning September 1, 2009, a tax is imposed upon the privilege of engaging in business as a manufacturer or as an importing distributor of alcoholic liquor.

i) The tax shall be at the following rates:

- \$1.39 per gallon for wine containing less than 20% of alcohol by volume other than cider containing less than 7% alcohol by volume;
- 23.1¢ per gallon on beer;
- 23.1¢ per gallon for cider containing not less than 0.5% alcohol by volume nor more than 7% alcohol by volume; and
- \$8.55 per gallon on alcoholic liquor containing 20% or more of alcohol by volume.

ii) The tax applies to alcoholic liquor:

- manufactured, imported or purchased tax-free for sale or use by the manufacturer, or as agent for any other person; or
- imported or purchased tax-free for sale or use by the importing distributor, or as agent for any other person. (See 235 ILCS 5/8-1.)

2) *For purposes of this Section, "cider" means any alcoholic beverage obtained by the alcohol fermentation of the juice of apples or pears including, but not limited to, flavored, sparkling, or carbonated cider.*
[235 ILCS 5/8-1]

b) ~~Persons Liable for Tax:~~

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- 1) Sales of alcoholic liquor by an Illinois licensed foreign importer to an Illinois licensed importing distributor of alcoholic liquor are not taxable even if both licenses are held by the same legal entity.
- 2) Where one licensed manufacturer or importing distributor sells alcoholic liquor to another licensed manufacturer or importing distributor, ~~thesueh~~ sale may be made tax-free to the extent to which the sale of alcoholic liquor by one Illinois licensed manufacturer or importing distributor to another Illinois licensed manufacturer or importing distributor is authorized by the licensing provisions of Article V of the Act. When ~~thesueh~~ sale is made tax-free, the purchasing manufacturer or importing distributor is responsible for paying the proper tax unless ~~thesueh~~ purchaser sells the alcoholic liquor that he or she has bought tax-free to another licensed manufacturer or importing distributor under circumstances authorized by the licensing provisions of the Act and elects not to pay the tax. This procedure may be continued until a licensed manufacturer or importing distributor sells the alcoholic liquor to someone not licensed as a manufacturer or importing distributor, in which event, if the tax liability has not been assumed previously, ~~thesueh~~ manufacturer or importing distributor who makes the sale to a purchaser not licensed as a manufacturer or importing distributor must pay the proper tax when filing his or her return for the month in which he or she makes ~~thesueh~~ taxable sale unless there is some other basis for claiming tax exemption, such as the fact that the sale is in interstate commerce (see Section 420.30) or that the sale is made to a ~~non-beverage~~nonbeverage user (see Sections 420.500 and 420.110(b)).
- 3) *The application form for a winery shipper's license filed under the Act includes an acknowledgement consenting to the jurisdiction of the Liquor Control Commission, the Department, and the courts of this State concerning the enforcement of the Act and any related laws, rules and regulations, including authorizing the Department and the Liquor Control Commission to conduct audits for the purpose of ensuring compliance with the Act. A winery shipper licensee must pay to the Department the State liquor gallonage tax under Section 8-1 of the Act for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1 of the Act, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A winery shipper licensee who is not otherwise required to register under the Retailers' Occupation Tax Act [35 ILCS 120] must register under the Use Tax Act [35 ILCS 105] to*

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collect and remit use tax to the Department for all gallons of wine that are sold by the winery shipper licensee and shipped to persons in this State. If a winery shipper licensee fails to remit the tax imposed under the Act in accordance with the provisions of Article VIII of the Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of the Act. If a winery shipper licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper licensee and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of the Act. A winery shipper licensee must collect, maintain and submit to the Liquor Control Commission on a semiannual basis the total number of cases per resident of wine shipped to residents of this State. [235 ILCS 5/5-1(r)]

4) If any person received any alcoholic liquors from a manufacturer or importing distributor, with respect to which alcoholic liquors no tax is imposed under Article VIII of the Act, and that alcoholic liquor is thereafter disposed of in such a manner or under such circumstances as may cause that alcoholic liquor to become the base for the tax imposed by Article VIII of the Act, that person shall make the same reports and returns, pay the same taxes and be subject to all other provisions of that Article relating to manufacturers and importing distributors. [235 ILCS 5/8-1]

c) The tax imposed under Section 8-1 of the Act shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or any political subdivision of the State. [235 ILCS 5/8-1].

(Source: Amended at 39 Ill. Reg. 14701, effective October 22, 2015)

Section 420.80 Monthly Return

- a) Requirement for Filing:
- 1) Each manufacturer and importing distributor of alcoholic liquor must file a return on the form approved and provided by the Department between the 1st and 15th day of each calendar month, covering transactions in alcoholic liquors during the preceding calendar month. Payment of the tax in the amount disclosed by the return shall accompany the return.

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- A) Voluntary Electronic Filing and Payment of Taxes. Beginning January 1, 2003, taxpayers may elect to file returns electronically under ~~the provisions of~~ 86 Ill. Adm. Code 760. A taxpayer that elects to electronically file a return and accompanying schedules must also make payment through Electronic Funds Transfer as provided in 86 Ill. Adm. Code 750. Taxpayers who both timely pay tax by Electronic Funds Transfer and timely file returns and schedules electronically shall be entitled to a discount as follows:
- i) For original returns due on January 1, 2003 through September 30, 2003, the discount shall be 1.75% or \$1,250 per return, whichever is less;
 - ii) For original returns due on October 1, 2003 through September 30, 2004, the discount shall be 2% or \$3,000 per return, whichever is less; and
 - iii) For original returns due on or after October 1, 2004, the discount shall be 2% or \$2,000 per return, whichever is less.
- B) Mandatory Electronic Payment of Taxes. Effective January 1, 2003, taxpayers whose annual liability is \$200,000 or more for the preceding calendar year are required to make payments of tax by Electronic Funds Transfer. *Beginning October 1, 2010, a taxpayer who has an annual tax liability of \$20,000 or more shall make all payments of that tax to the Department by electronic funds transfer. [20 ILCS 2505/2505-210] as provided in 86 Ill. Adm. Code 750.*
- 2) After a first return has been filed by any manufacturer or importing distributor, a return form will be mailed by the Department on or about the first day of each succeeding month to ~~that~~ such manufacturer or importing distributor. However, it is the duty of each manufacturer and importing distributor to obtain forms, and failure to receive forms from the Department will not be an excuse for failing to file returns when and as required by the Act.
- 3) Each manufacturer or importing distributor is required to file a return for each month that his or her license is in full force and effect, irrespective of

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the fact that he or she may not have any tax liability to pay for that month.

- 4) In any case in which~~where~~ business is permanently discontinued, or when~~where~~ a stock of alcoholic liquors has been sold in bulk and the taxpayer has gone out of business, the~~such~~ taxpayer should immediately notify the Department of this fact, and upon a proper showing by the~~such~~ taxpayer that his or her license has been canceled by the Illinois Liquor Control Commission, he or she will be permitted to discontinue filing monthly returns.
 - 5) In completing the Liquor Revenue Return form, the amount of liquor manufactured, rectified, blended or bottled during the month must be included on the return by manufacturers of alcohol and spirits and by first and second class winemakers~~wine-makers~~. In the case of manufacturers of alcohol and spirits, this item shall include bottled alcoholic liquor produced by the~~such~~ manufacturer in Illinois and bulk alcoholic liquor for which a deduction is being claimed on any schedule accompanying the return. In the case of first and second class winemaking~~wine-making~~, this item shall include all wine (whether immediately bottled or not) produced by the winemaker~~wine-maker~~ in Illinois. Wineries that~~which~~ are licensed as manufacturers, but not as first or second class winemakers~~wine-makers~~, do not report anything as manufactured, rectified, blended or bottled.
- b) Schedules Accompanying Return of Manufacturer or Importing Distributor of Alcoholic Liquor:
- 1) As part of the monthly return of a manufacturer or importing distributor of alcoholic liquor, and to be completed and filed supplementary to the~~return thereto~~ in specified instances, the Department requires the completion and filing of the schedules described in subsection (b)(2)~~hereinbelow~~. The totals of the several columns on each of the schedules must be carried to the corresponding columns and entered on proper lines according to the schedule designation on the monthly tax return.
 - 2) In every instance in which~~where~~ a manufacturer or importing distributor is required, by any particular schedule, to make a report of alcoholic liquors manufactured, imported, stored on hand or held in warehouses, purchased or otherwise acquired, sold or otherwise transferred, used, bottled, blended, fortified or rectified by that person~~him~~, the person~~he~~ shall, to

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comply with the provisions of the Act, also include in the appropriate schedule the alcoholic liquors manufactured, imported, stored on hand or held in warehouses, purchased or otherwise acquired, sold or otherwise transferred, used, bottled, blended, fortified or rectified by ~~that person~~ as agent for others.

- A) Schedule "A" – Alcoholic Liquor Transactions. This schedule must be completed and filed monthly by each importing distributor who imports alcoholic liquors into this State. This schedule consists of a detailed itemization of ~~thesuch~~ importations, and the importing distributor must include in it all ~~such~~ importations of alcoholic liquors, regardless of whether the merchandise is imported in bond or out of bond. The mere fact that a warehouse acting as agent for the importing distributor receives the merchandise and issues a warehouse receipt ~~therefor~~ does not relieve the importing distributor from reporting the transaction. All alcoholic liquors imported and stored in public or bonded warehouses, for the account of an importing distributor, must be reported by ~~thesaid~~ importing distributor in this schedule at the time the alcoholic liquors are imported and receipt of the alcoholic liquors for the account of the importing distributor is acknowledged by the warehouse. This information may not be withheld until withdrawals of the alcoholic liquors from the warehouse are made. Items of this nature should be reported as importations into Illinois.
- B) Schedule "F" – Alcoholic Liquor Transactions. In this schedule, manufacturers of alcohol and spirits report only bottled alcoholic liquors purchased tax-free, including transfers in bond covered by the issuance, transfer or negotiation of warehouse receipts. All other manufacturers and importing distributors, however, must report tax-free purchases of both bottled and bulk alcoholic liquors in this schedule, including transfers in bond covered by the issuance, transfer or negotiation of warehouse receipts. Bottled alcoholic liquors purchased tax-free and stored in public or bonded warehouses for the account of a manufacturer of alcohol and spirits and all alcoholic liquors purchased tax-free and stored in public or bonded warehouses for the account of other manufacturers (such as wineries) and importing distributors, must be reported in this schedule at the time of purchase, and ~~thesuch~~ report may not be withheld until ~~thesuch~~ alcoholic liquors are withdrawn from the

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warehouse.

- C) Schedule "G" – Tax-Paid Inventory. This schedule must be completed by manufacturers and importing distributors who purchase tax-paid alcoholic liquors.
- D) Schedule "C" – Tax-Free Alcoholic Liquor Sales in Interstate Commerce and Foreign Trade. This schedule must be filed by manufacturers or importing distributors who claim deductions on the monthly return of gallonage of alcoholic liquors sold by them and shipped tax-free in interstate or foreign commerce, or delivered tax-free to ships for use outside the continental limits of the United States in foreign commerce as provided in Section 420.140. Manufacturers and importing distributors must include in the schedule bulk (as well as all other) alcoholic liquors shipped tax-free in interstate or foreign commerce, or delivered tax-free to ships for use outside the continental limits of the United States in foreign commerce as provided in Section 420.140.
- i) Each manufacturer who includes tax exempt sales of bulk alcoholic liquor in this schedule must verify that the quantity so sold has been included in ~~the~~[this](#) Liquor Revenue Return inventory.
- ii) A separate Schedule "C" – Tax-Free Alcoholic Liquor Sales in Interstate Commerce and Foreign Trade must be filed covering shipments into each state.
- E) Schedule "B" – Tax-Free Sales of Alcoholic Liquors to Other Illinois-Licensed Manufacturers and Importing Distributors. This schedule must be filed by Illinois manufacturers or importing distributors, if the product is manufactured outside of Illinois, who sell alcoholic liquors tax-free to other licensed manufacturers or importing distributors in Illinois. Each manufacturer, who includes in this schedule tax-free sales of bulk alcoholic liquors, must verify that the quantity so sold has been included in ~~the~~[this](#) Liquor Revenue Return inventory. Manufacturers and importing distributors must include in this schedule tax-free sales and transfers of alcoholic liquors in bond, including alcoholic liquors covered by original, transferred or negotiated warehouse receipts.

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- F) Schedule "E" –Tax-Free Alcoholic Liquor Sales for Non-Beverage Purposes. This schedule must be filed by manufacturers and importing distributors who claim deductions on the monthly return for tax-free sales of alcoholic liquors made to holders of non-beverage user's licenses. Original permits or coupons permitting the tax-free purchase of alcoholic liquors for non-beverage purposes must accompany this schedule. This schedule must also be filed by manufacturers and importing distributors who claim deductions on the monthly return for tax-free sales of alcoholic liquors to the United States or to a foreign government, their departments, agencies or instrumentalities, for non-beverage purposes. Each manufacturer, who includes in this schedule sales of bulk alcoholic liquors, must verify that the quantity so sold has been included in [thehis](#) Liquor Revenue Return inventory. Sales of wine for sacramental purposes must be reported as sales for non-beverage purposes. The seller should keep in its books and records certifications covering each delivery, and statements signed by the minister, priest or rabbi, showing the quantity of wine in each delivery together with a statement that the wine will be used only for sacramental purposes (see Section 420.70 of this Part).
- G) Schedule "J" – Report of Alcoholic Liquors Lost, Destroyed, or Damaged During Production and Bottling. Losses incurred during production and bottling alcoholic liquors carried in inventory on the Liquor Revenue Return at the time when [thesueh](#) bottling loss occurs must be listed on this schedule. Bottling losses will not be allowed as tax exempt unless accurate records are maintained and the deduction on the return is supported by this schedule.
- H) Schedule for "Other Illinois Liquor Tax Deductions". This schedule should be used when manufacturers or importing distributors claim deductions on the monthly return for a gallonage of alcoholic liquors that may not be properly addressed by any of the other schedules supplied by the Department. Deductions claimed should be explained in detail and filed with the monthly return. Claimed exemptions from the tax will not be allowed at the time of audit unless supported by competent documentary evidence. For example, if alcoholic liquors are dumped for the purpose of destroying the alcoholic liquors, claimed exemption

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from the tax will not be allowed unless supported by an affidavit of a Department representative who witnessed the destruction of the alcoholic liquors. The licensee should retain a copy of the affidavit. Each manufacturer, who includes in this schedule sales of bulk alcoholic liquors, must verify that the quantity so sold has been included in his Liquor Revenue Return inventory.

- I) Schedule "D" – Tax-Free Bulk Purchases Used in Rectification, Bottling and Blending. This schedule must be filed by manufacturers of alcohol and spirits, and will consist of a detailed itemization of all purchases of alcoholic liquors in bulk only, to be used in rectification, bottling or blending, or for sale in original containers, with respect to which the Illinois Alcoholic Liquor Tax has not been paid. All ~~such~~ purchases of bulk alcoholic liquors must be included in this schedule irrespective of the fact that the alcoholic liquors are purchased in bond or imported in bond. The fact that a warehouse, acting as agent for ~~thesueh~~ manufacturer, may receive the alcoholic liquors and issue a warehouse receipt ~~therefor~~ does not relieve the manufacturer from reporting the transaction. All bulk alcoholic liquors purchased tax-free in Illinois or imported into Illinois by a manufacturer of alcohol and spirits and stored in a public or bonded warehouse for ~~its~~~~his~~ account must be reported in this schedule at the time ~~thesueh~~ alcoholic liquors are purchased by ~~thesueh~~ manufacturer and received by the warehouse, and this information may not be withheld until ~~thesueh~~ alcoholic liquors are withdrawn from the warehouse. This is an information schedule only and is not to be entered on the monthly return.
- J) Returned Merchandise. Alcoholic liquors returned by Illinois licensees to vendors from whom ~~thesueh~~ alcoholic liquors were purchased, and who are located outside of the State of Illinois, must be reported the same as a sale in interstate commerce on Schedule "C" – Tax-Free Sales in Interstate Commerce and Foreign Trade.
- i) Alcoholic liquors returned to Illinois licensees by their customers located outside of the State of Illinois must be reported the same as an importation on Schedule "A" – Alcoholic Liquor Transactions.

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- ii) When untaxed alcoholic liquors are returned to a manufacturer or an importing distributor, both parties being Illinois licensees, the person returning ~~thesueh~~ liquors will report the transaction on Schedule "B"— Tax-Free Alcoholic Liquor Sales to Licensed Manufacturers and Importing Distributors, and the one receiving the returned liquors will report on Schedule "F"— Alcoholic Liquor Transactions.
 - iii) Tax-paid alcoholic liquors returned to an Illinois manufacturer or importing distributor by someone in Illinois need not be scheduled by the person returning ~~thesueh~~ liquors, but the person receiving the returned liquors must report the transaction on Schedule "G"— Tax-Paid Inventory, the same as a purchase of tax-paid alcoholic liquor.
- c) Statement By Out-of-State Sellers Other Than Illinois Licensed Foreign Importers:
Out-of-State sellers, who are not licensed in Illinois as foreign importers, and who sell, to Illinois licensed importing distributors, beer, wine, or alcohol and spirits ~~that, which~~ are located at some place in the United States outside Illinois, and ~~thatwhich~~ are shipped or otherwise delivered into Illinois, are required to file with the Department, within 15 days after the end of each month, on forms prescribed and furnished by the Department, a statement setting forth the names and addresses of the persons in Illinois to whom beer, wine or alcohol and spirits were so sold and shipped or otherwise delivered during the preceding month and the respective quantities so sold and shipped or otherwise delivered.
- d) Information Returns From Illinois Licensed Foreign Importers:
- 1) The Department has determined it to be necessary, for the proper performance of its functions and duties under the Act, to require licensed foreign importers who are not also licensed in Illinois as importing distributors of alcoholic liquor to file a monthly information return with the Department. ~~TheSueh~~ return must be filed by the 15th day of the month following the month for which ~~thesueh~~ return is filed. ~~TheSueh~~ return shall contain such information as the Department may reasonably require.

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- 2) It is not necessary for ~~the~~ special foreign importer information return to be filed by any foreign importer who is also licensed in Illinois as an importing distributor of alcoholic liquor.

(Source: Amended at 39 Ill. Reg. 14701, effective October 22, 2015)

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- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Number: 440.50 Adopted Action:
Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-90
- 5) Effective Date of Rule: October 22, 2015
- 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 rule, 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 the *Illinois Register*: 39 Ill. Reg. 8897; July 6, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Various grammatical changes were made to Section 440.50.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment will eliminate a regulatory requirement for licensed tobacco distributors wishing to become stamping distributors for the purpose of placing tax stamps on original packages of little cigars containing 20 or 25 little cigars. The amendment will have a positive effect on certain licensed tobacco distributors. The Tobacco Products Act of 1995 allows only stamping distributors to possess untaxed little cigars and affix tax stamps to unstamped packages of little cigars containing 20 or 25 little cigars. To qualify as a stamping distributor a person must possess a license under the Cigarette Tax Act or Cigarette Use Tax Act and the Tobacco

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Products Tax Act. To obtain a license under the Cigarette Tax Act, Section 440.50 presently requires an applicant to present to the Department satisfactory proof in writing that the applicant will be able to buy cigarettes directly from at least 3 major cigarette manufacturers. The amendment to Section 440.50 will permit a person licensed as a distributor under the Tobacco Products Tax Act to obtain a license under the Cigarette Tax Act in order to qualify as a stamping distributor for the purpose of acquiring and possessing untaxed little cigars and affixing tax stamps to unstamped packages of little cigars containing 20 or 25 little cigars without having to present to the Department satisfactory proof in writing that the applicant will be able to buy cigarettes directly from at least 3 major cigarette manufacturers. When a licensed tobacco distributor possessing a distributor's license under the Cigarette Tax Act subsequently wishes to possess or affix stamps to unstamped packages of cigarettes, the distributor must present the Department with satisfactory proof in writing that he or she will be able to buy cigarettes directly from at least 3 major cigarette manufacturers.

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

Richard S. Wolters
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 440
CIGARETTE TAX ACT

Section	
440.10	Nature and Rate of Tax
440.20	Tax – How Paid
440.30	Tax – Who Liable For
440.40	Design
440.50	Tax Stamps – When and By Whom Affixed: License or Permit Required
440.60	Tax Stamps – How Affixed
440.70	Tax Stamps – Affixed Out of State
440.80	Transporter Permits
440.90	Tax Stamps – Purchase of: Cost: Discount
440.100	Returns Required: When Filed
440.110	Books and Records: Examination: Preservation
440.120	Unused Stamps and Meter Units: Sale of: Notice to Department
440.130	Mutilated Stamps
440.140	Tax Meters (Repealed)
440.150	Tax Meter Machine Settings (Repealed)
440.160	Vending Machines
440.170	Sales Out of Illinois
440.180	Sales to Governmental Bodies
440.190	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax Payment Affixed
440.200	Credit for Stamps that Are Damaged, Unused, Destroyed or on Packages Returned to the Manufacturer
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund
440.240	Protest Procedures

AUTHORITY: Implementing and authorized by the Cigarette Tax Act [35 ILCS 130].

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16, 1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at 15 Ill. Reg. 117,

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effective December 24, 1990; emergency amendment at 23 Ill. Reg. 9541, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14748, effective December 8, 1999; amended at 24 Ill. Reg. 9903, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10752, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17793, effective November 28, 2000; amended at 25 Ill. Reg. 933, effective January 8, 2001; emergency amendment at 26 Ill. Reg. 9021, effective June 10, 2002, for a maximum of 150 days; emergency expired November 5, 2002; amended at 27 Ill. Reg. 1618, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 10524, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3906, effective February 13, 2004; amended at 32 Ill. Reg. 17575, effective October 27, 2008; amended at 39 Ill. Reg. 14719, effective October 22, 2015.

Section 440.50 Tax Stamps – When and By Whom Affixed: License or Permit Required

- a) The Department, or any person authorized by the Department, will sell tax stamps only to licensed distributors. It shall be unlawful for any person to engage in the business as a distributor of cigarettes in this State without first having obtained a license or permit ~~therefor~~ from the Department. Application for a distributor's license shall be made to the Department in form as furnished and prescribed by the said Department and shall be accompanied by a joint and several bond in the amount of \$2,500. Except when the applicant is the manufacturer or when the applicant is a person licensed as a distributor under the Tobacco Products Tax Act of 1995 [35 ILCS 143] applying for a distributor's license under the Act to qualify as a stamping distributor for the purpose of acquiring and possessing untaxed little cigars and affixing tax stamps to unstamped packages of little cigars containing 20 or 25 little cigars, no distributor's license shall be issued to an applicant unless he presents the Department with satisfactory proof in writing that he or she will be able to buy cigarettes directly from at least 3 major cigarette manufacturers. A person licensed as a distributor under the Tobacco Products Tax Act of 1995 issued a distributor's license under the Act to qualify as a stamping distributor for the purpose of acquiring and possessing untaxed little cigars and affixing tax stamps to unstamped packages of little cigars containing 20 or 25 little cigars is prohibited from acquiring, possessing or affixing stamps to unstamped packages of cigarettes until the distributor presents the Department with satisfactory proof in writing that he or she will be able to buy cigarettes directly from at least 3 major cigarette manufacturers. Each licensed place of business shall be covered by a separate license.
- b) The annual license fee payable to the Department for each distributor's license shall be \$250. The purpose of the annual license fee is to defray the cost, to the

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Department, of serializing cigarette tax stamps. Each applicant for license shall pay the fee to the Department at the time of submitting his application for license to the Department.

- c) All licenses issued by the Department under the Cigarette Tax Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as in the Act provided.
- d) The Department may, in its discretion, upon application, issue permits authorizing the payment of the tax imposed by the Act by out-of-State cigarette manufacturers who are not required to be licensed as distributors of cigarettes in this State, but who elect to qualify under the Act as distributors of cigarettes in this State, and who, to the satisfaction of the Department, furnish adequate security to insure payment of the tax, provided that any permit shall extend only to cigarettes ~~that~~which the permittee- manufacturer places in original packages that are contained inside a sealed transparent wrapper.
- e) All permits issued by the Department under the Cigarette Tax Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as in the Act provided.
- f) *The following are ineligible to receive a distributor's license or permit under ~~the~~this Act:*
 - 1) *A person who is not of good character and reputation in the community in which he resides;*
 - 2) *A person who has been convicted of a felony under any ~~federal~~Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that ~~such~~ person has not been sufficiently rehabilitated to warrant the public trust;*
 - 3) *A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% ~~(in the case of distributors)~~ or 1% ~~(in the case of out of State cigarette manufacturer permittees)~~ of the stock of ~~that~~such corporation, would not be eligible to receive a license under ~~the~~this Act for any reason. [35 ILCS 130/4 and 4b(a)]*
- g) The first distributor who delivers cigarettes or causes them to be delivered in this

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State to a purchaser must affix proper stamp or stamps to each original package of cigarettes before delivering the cigarettes (or causing them to be delivered) in this State to the purchaser, or (in the case of manufacturers of cigarettes in original packages ~~that~~ which are contained inside a sealed transparent wrapper) to imprint the required language on the original package of cigarettes beneath ~~the~~ such outside wrapper, as provided in Section 440.20(b) ~~of this Part~~.

- h) On and after July 22, 1999, *no stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, (15 USC 1331 et seq.) and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6 of the Cigarette Tax Act [35 ILCS 130], the Department shall revoke the license of any distributor that is determined to have violated this subsection (h). A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with 27 CFR Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this subsection that the label or notice has been removed, mutilated, obliterated, or altered in any manner. (Section 3 of the Cigarette Tax Act)*
- i) On and after August 15, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (h) ~~of this Section~~ and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted in violation of the Cigarette Tax Act.
- j) On and after September 1, 1999, packages of cigarettes, cigarette papers, wrappers or tubes stamped or imprinted in a manner not in accordance with subsection (h) ~~of this Section~~ and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Tax Act.
- k) *On and after June 13, 2000, no stamp or imprint may be affixed to, or made upon, any package of cigarettes that:*
- 1) *bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed, or used*

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in the United States, including but not limited to labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording;

- 2) *does not comply with:*
 - A) *all requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged, or imported for sale, distribution, or use in the United States, including but not limited to the precise warning labels specified in the federal Cigarette Labeling and Advertising Act, (15 USC 1333); and*
 - B) *all federal trademark and copyright laws;*
- 3) *is imported into the United States in violation of 26 USC 5754 or any other federal law or implementing federal regulations;*
- 4) *the person affixing the stamp or imprint otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed, or used in the United States;*
- 5) *for which there has not been submitted to the Secretary of the U.S. Department of Health and Human Services the list or lists of the ingredients added to tobacco in the manufacture of the cigarettes required by the federal Cigarettes Labeling and Advertising Act, (15 USC 1335a); or*
- 6) *has been altered, prior to sale or distribution to the ultimate consumer, so as to remove, conceal, or obscure:*
 - A) *any statement, label, stamp, sticker, or notice described in subsection (k)(1) of this Section; or*
 - B) *any health warning that is not specified in, or does not conform with the requirements of, the federal Cigarette Labeling and Advertising Act, (15 USC 1333). (Section 3-10 of the Act)*
- 1) On and after July 15, 2000, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (k)-~~of~~

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~~this Section~~ and found in the possession of a distributor create a rebuttable presumption that the package of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted in violation of the Cigarette Tax Act.

- m) On and after July 31, 2000, packages of cigarettes, cigarette papers, wrappers or tubes stamped or imprinted in a manner not in accordance with subsection (k) ~~of this Section~~ and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrapper or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Tax Act.
- n) *On and after June 13, 2000, on the first business day of each month, each person licensed to affix the State tax stamp to cigarettes shall file with the Department, for all cigarettes imported into the United States to which the person has affixed the tax stamp in the preceding month:*
- 1) *a copy of:*
 - A) *the permit issued pursuant to the Internal Revenue Code, (26 USC 5713), to the person importing the cigarettes into the United States allowing the person to import the cigarettes; and*
 - B) *the customs form containing, with respect to the cigarettes, the internal revenue tax information required by the U.S. Bureau of Alcohol, Tobacco and Firearms;*
 - 2) *a statement, signed by the person under penalty of perjury, which shall be treated as confidential by the Department and exempt from disclosure under the Freedom of Information Act [5 ILCS 140], identifying the brand and brand styles of all ~~thesueh~~ cigarettes, the quantity of each brand style of ~~thesueh~~ cigarettes, the supplier of ~~thesueh~~ cigarettes, and the person or persons, if any, to whom ~~thesueh~~ cigarettes have been conveyed for resale;*
 - 3) *in addition to the statement required in subsection (n)(2) ~~of this Section~~, a separate statement, signed by the individual under penalty of perjury, which shall not be treated as confidential or exempt from disclosure, separately identifying the brands and brand styles of ~~thesueh~~ cigarettes;*
 - 4) *in addition to the statement required in subsections (n)(2) and (n)(3) ~~of this Section~~, a separate statement, signed by an officer of the manufacturer or*

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importer under penalty of perjury, certifying that the manufacturer or importer has complied with:

- A) *the package health warning and ingredient reporting requirements of the federal Cigarette Labeling and Advertising Act, (15 USC 1333 and 1335a), with respect to ~~these~~ cigarettes; and*
 - B) *the provisions of Exhibit T of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96-L13146), including a statement indicating whether the manufacturer is, or is not, a participating tobacco manufacturer within the meaning of Exhibit T.*
- o) *The Department may revoke or suspend the license or licenses of any distributor, in the manner provided in Section 6 of the Cigarette Tax Act, if the Department determines that the distributor knew or had reason to know that the distributor was committing any the acts prohibited in subsection (k) ~~of this Section~~ or had failed to comply with any of the requirements of subsection (l) ~~of this Section~~. In addition, the Department may impose on the distributor a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes involved or \$5000. Cigarettes acquired, held, owned, possessed, transported in, imported into, or sold or distributed in this State in violation of subsection (k) ~~of this Section~~ shall be subject to seizure and forfeiture whether the violation is knowing or otherwise. (Section 3-10 of the Act)*

(Source: Amended at 39 Ill. Reg. 14719, effective October 22, 2015)

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- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
500.203	Amendment
500.235	Amendment
500.265	Amendment
500.270	Amendment
500.305	Amendment
500.310	Amendment
500.315	Amendment
500.335	Amendment
500.350	Amendment
500.405	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-20; 35 ILCS 505/14
- 5) Effective Date of Rules: October 23, 2015
- 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 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 the *Illinois Register*: 39 Ill. Reg. 8742; June 26, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemakings? No
- 11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. Various grammatical changes were made to Sections 500.203, 500.315, and 500.350.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemakings: These amendments implement a mandatory electronic filing and payment program for receivers, suppliers, and most distributors, effective January 1, 2016. The rules provide that returns that are not filed electronically as required shall be considered nonfiled, and the retailer's discount shall consequently be disallowed. Claims filed by persons other than distributors, suppliers and receivers are authorized, but are not mandated, to be filed electronically. Claims filed by distributors, suppliers and receivers, as well as claims for refund of overpayment of IFTA decal fees, are required to be filed electronically. The rules provide that studies used to support a claim for undyed diesel fuel used by power take-off equipment may be extended upon petition of a taxpayer for no more than 2 years and that no study can be relied upon for a total of more than 4 years. Pursuant to PA 98-964, Section 500.335 is amended to implement the new formula used to calculate interest under the International Fuel Tax Agreement (IFTA). The rules provide that IFTA licensees that are revoked may (rather than shall) be required to post a bond, in accordance with provisions in Section 500.305. The rules provide that IFTA licenses expire on December 31 and must be renewed timely. The rules clarify the purpose and use of the 2 month grace period allowed to IFTA licensees. In conjunction with these changes, the rules are amended to provide that beginning October 1, 2016, IFTA accounts that have not been renewed by December 31 will be designated as suspended, and licensees found operating on the roads with such designation will be subject to all applicable civil and criminal penalties under the Motor Fuel Tax Law.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jerilynn Troxell Gorden
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 500
MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section	
500.100	Definitions
500.101	Definition of Receiver (Repealed)
500.102	Definition of Loss (Repealed)
500.103	Basis and Rate of Tax Payable by Receivers (Recodified)
500.105	Monthly Returns (Recodified)
500.110	Report of Loss of Motor Fuel (Recodified)
500.115	Daily Gallonage Record (Recodified)
500.120	Licenses Are Not Transferable (Recodified)
500.125	Changes of Corporate Officers (Recodified)
500.130	Blenders' Permits Are Not Transferable (Recodified)
500.135	Vehicles of Distributors Transporting Petroleum Products (Recodified)
500.140	Other Vehicles (Recodified)
500.145	Cost of Collection – Determination (Recodified)
500.150	Cost of Collection – Books and Records (Repealed)
500.155	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers (Recodified)
500.160	Claims for Refund – Original Invoices (Recodified)
500.165	Definition of Loss (Recodified)
500.170	Sales of Special Fuel – Variation in Usage (Recodified)
500.175	Special Motor Fuel Permits and Decals (Recodified)
500.180	Estimated Claims Not Acceptable (Recodified)
500.185	Claimants Owning Motor Vehicles (Recodified)
500.190	Detailed Answers (Recodified)
500.195	Revocation of License, Etc. – Notice – Hearing (Recodified)

SUBPART B: MOTOR FUEL TAX

Section	
500.200	Basis and Rate of the Motor Fuel Tax
500.201	Licensure
500.202	Basis and Rate of Tax Payable by Receivers

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500.203	Monthly Returns
500.204	Report of Loss of Motor Fuel
500.205	Daily Gallonage Record
500.206	Special Fuel Sold or Used for Non-Highway Purposes
500.210	Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers
500.215	Documentation of Tax-free Sales of Fuel Made by Licensed Receivers
500.220	Vehicles of Distributors Transporting Petroleum Products (Repealed)
500.225	Other Vehicles (Repealed)
500.230	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.235	Claims for Refund of Taxes and Motor Fuel Use Tax Decal Fees – Invoices
500.240	Sales of Special Fuel – Variation in Usage (Repealed)
500.245	Estimated Claims
500.250	Claimants Owning Motor Vehicles (Repealed)
500.255	Detailed Answers
500.260	Revocation of License, Etc. – Notice – Hearing
500.265	Distributors' and Suppliers' Claims for Credit or Refund
500.270	Receivers' Claims for Credit
500.275	Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.280	Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.285	Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.290	When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
500.295	Cost of Collection – Determination (Repealed)
500.297	Protest Procedures for Certain Penalties
500.298	Civil Penalties for Dyed Diesel Fuel Violations

SUBPART C: MOTOR FUEL USE TAX

Section	
500.300	Licensure – Temporary Waiver upon Determination of Disaster
500.301	Special Motor Fuel Permits and Decals (Repealed)
500.302	Motor Carrier's Quarterly Report (Repealed)
500.305	Licenses and Decals
500.310	Display of License and Decals
500.315	Renewal of Decals and Licenses
500.320	Single Trip Permits

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500.325	Licensure of Lessors and Lessees
500.330	Cancellation of License
500.335	Quarterly Payment and Reporting
500.340	Credits and Refunds
500.345	Records Requirements
500.350	Revocation
500.355	IFTA Protest Procedures
500.360	Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section	
500.400	General Information
500.405	Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section	
500.500	Licenses and Permits Are Not Transferable
500.501	Blenders' Permits Are Not Transferable (Repealed)
500.505	Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section	
500.600	Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 2505-20 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-20].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990; amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20

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Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective August 3, 1998; amended at 22 Ill. Reg. 16322, effective August 25, 1998; amended at 22 Ill. Reg. 20299, effective December 1, 1998; emergency amendment at 24 Ill. Reg. 880, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6918, effective April 21, 2000; amended at 24 Ill. Reg. 17826, effective November 28, 2000; amended at 26 Ill. Reg. 9912, effective June 24, 2002; amended at 27 Ill. Reg. 7870, effective April 21, 2003; emergency amendment at 27 Ill. Reg. 10547, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3921, effective February 13, 2004; amended at 32 Ill. Reg. 7134, effective April 21, 2008; amended at 36 Ill. Reg. 6677, effective April 12, 2012; amended at 38 Ill. Reg. 18586, effective August 21, 2014; amended at 39 Ill. Reg. 14728, effective October 23, 2015.

SUBPART B: MOTOR FUEL TAX

Section 500.203 Monthly Returns

- a) Distributor, supplier and receiver monthly returns. Monthly Motor Fuel Tax returns of licensed distributors and suppliers must be compiled correctly on forms furnished by the Department and must be filed, accompanied by a remittance for the correct amount of tax due, by the 20th day of the month following the month for which the return is made. Receipt schedules showing monthly receipts of motor fuel must always accompany the monthly return, as well as all other applicable schedules. Receivers subject to the tax imposed by Section 2a of the Law must file returns by the 20th of each calendar month for fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month. On and after January 1, 2016, original returns and payment of tax shall be made electronically in accordance with rules established at 86 Ill. Adm. Code 750 and 760. Amended returns, however, are required to be filed electronically only for those periods, as provided in this subsection, for which original returns are electronically required. All other amended returns must be filed on a paper return.

- b) *If a distributor's only activities with respect to motor fuel are either: 1) production of alcohol in quantities of less than 10,000 proof gallons per year or 2) blending alcohol in quantities of less than 10,000 proof gallons per year that the distributor has produced, the distributor; He shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Original returns and payment of tax made under this subsection (b) may be made electronically beginning January 1, 2016. Amended returns, however, may only*

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be filed electronically for those periods, as provided in this subsection, for which original returns may be filed electronically. All other amended returns must be filed on a paper return. ~~When~~Where the distributor has not established one calendar year's record of production, annual production will be projected on the basis of actual production and estimates submitted by the distributor. (Section 5 of the Law)

- c) Reporting and payment requirements for persons who produce biodiesel fuel or biodiesel blends for self-use.
- 1) *Beginning July 1, 2007, notwithstanding any other reporting provisions of the Law, if a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law is less than 5,000 gallons per year, then he or she must file returns and make payment of the tax imposed by Sections 2 and 2a of the Law and the fee imposed under Section 310 of the Environmental Impact Fee Law on an annual basis. The returns and payment of tax for a given year are due by January 20 of the following year. Original returns and payment of tax made under this subsection (c)(1) may be made electronically beginning January 1, 2016. Amended returns, however, may only be filed electronically for those periods, as provided in subsection (c)(1), for which original returns may be filed electronically. All other amended returns must be filed on a paper return.*
 - 2) *If a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law is 5,000 or more gallons per year, then he or she must file returns and make payment of the tax imposed by Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law on a monthly basis. The returns and payment of tax are due between the 1st and 20th days of each calendar month for the preceding calendar month. Original returns and payment of tax made under this subsection (c)(2) shall be made electronically beginning January 1, 2016. Amended returns, however, are required to be filed electronically for only those periods, as provided in this subsection (c)(2), for which original returns are electronically required. All other amended returns must be filed on a paper return. However, upon petition by a taxpayer, the Department may waive the electronic filing and payment requirement if the taxpayer demonstrates that it does not have the ability to file electronically.*

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- 3) *Except for persons required to be licensed under Section 13a.4 of the Law, a person who is subject to the provisions of this subsection (c) is exempt from all bonding and licensure requirements otherwise imposed by the Law. Each person who is subject to the provisions of this Section must keep records as required by Section 12 of the Law.*

- 4) For purposes of this subsection (c):

"Biodiesel blend" has the meaning set forth under Section 3-42 of the Use Tax Act [35 ILCS 105/3-42].

"Biodiesel fuel" has the meaning set forth under Section 3-41 of the Use Tax Act [35 ILCS 105/3-41].

"Biomass materials" has the meaning set forth under Section 3-43 of the Use Tax Act [35 ILCS 105/3-43].

"Private biodiesel fuel producer" means a person whose only activities with respect to motor fuel are:

the conversion of any biomass materials into biodiesel fuel that is produced exclusively for personal use and not for sale; or

the blending of biodiesel fuel, resulting in biodiesel blends that is produced exclusively for personal use and not for sale (Section 2d of the Law).

- d) Magnetic Schedule Support Data. Beginning October 1, 1994 [through December 31, 2015](#), data required by all support schedules for licensed distributors, suppliers, and receivers who are required to file a return must be filed using magnetic media. Schedule support data must be submitted on either 3½" diskette, 5¼" floppy disk, or 9" magnetic tape which is IBM or IBM compatible. For returns due on and after July 1, 2008, schedule support data must be submitted on either 3½" diskette, CDs in the Joliet format, or mainframe cartridges that are IBM or IBM compatible. Schedules that must be filed on magnetic media include Schedules A, SA, LA, E, SE, LE, GA-1, B, SB, LB, C, SC, LC, D, SD, DA, DB, DC, DD, DD-1, and LD. For returns due on and after July 1, 2008, Schedule M must also be filed on magnetic media. Schedules not required to be filed in this manner are Schedules F and J and, until returns due on and after July 1, 2008, Schedule M. Amended schedules must still be filed on Department forms or

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approved computer-generated forms. On and after January 1, 2016, all support schedules for original returns shall be filed electronically as required by 86 Ill. Adm. Code 760. Support schedules for amended returns are required to be filed electronically for only those periods, as provided in this subsection, for which support schedules are electronically required. Support schedules for all other amended returns must be filed on paper form.

- e) When returns are timely filed in the manner required by this Section~~and paid in full~~, a supplier, distributor or receiver may take a discount of 2% through June 30, 2003 and 1.75% thereafter of the tax collected to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. This discount is not permitted for motor fuels which are used or consumed by a supplier or distributor in his or her own vehicles or for any other purpose. The discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with Sections 2b, 5, or 5a of the Law and the provisions of this Section. Returns that are required to be filed electronically pursuant to this Section but are not filed electronically shall be considered nonfiled and the discount shall be disallowed.
- f) A person whose license to act as a supplier, distributor, or receiver of motor fuel has been revoked or cancelled shall make a return and payment to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license. The return and payment of tax must be made electronically as provided in this Section. Any tax-free inventory remaining at the close of the reporting period must be paid in full.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

Section 500.235 Claims for Refund of Taxes and Motor Fuel Use Tax Decal Fees – Invoices

- a) Claims for the refund of Motor Fuel Tax imposed by Section 2 of the Law, by persons other than a distributor or supplier, shall be made to the Department of Revenue, duly verified by the claimant, upon forms prescribed by the Department. On and after January 1, 2016, claims may be filed electronically in accordance with 86 Ill. Adm. Code 760. The Department of Revenue will not approve claims for refund of Motor Fuel Tax unless the claims can be directly supported by invoices, sales slips, statements of account, or monthly statements (herein referred to as "purchase documentation"). Reproductions may be submitted in lieu of

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originals, provided they are legible. However, the Department may require original purchase documentation to verify purchases. Purchase documentation may be electronically generated by the claimant's fuel supplier. Electronically generated purchase documentation shall meet all applicable electronic storage requirements of Sections 130.805 and 130.825 of the Retailers' Occupation Tax regulations (86 Ill. Adm. Code 130). Manifests will not be treated as purchase documentation.

- b) All purchase documentation must contain the following information:
- 1) Date of delivery;
 - 2) name and address of purchaser (which must be the name of the claimant);
 - 3) name and address of seller;
 - 4) number of gallons purchased and price per gallon;
 - 5) Illinois Motor Fuel Tax as separate item if the purchase documentation is from other than a retail outlet;
 - 6) receipt of payment. (Only paid purchase documentation is acceptable in connection with claims for refund.) Refunds will only be issued when payment of tax is exactly correlated to the purchase documentation for which the claim is being filed; and
 - 7) *persons making claims based upon the loss of motor fuel due to fire or theft must include fire department or police department reports with their claim.* (Section 13 of the Law) Failure to include these reports will result in automatic denial of the claim.
- c) Claimants must retain purchase documentation in conjunction with claims based upon motor fuel used for a nontaxable purpose. In making a claim, claimants must show total purchases, deducting the gallonage used upon public highways or waters, the difference being the net amount upon which the claim is based. Claimants must retain among their books and records documentation of all purchases, payments, bulk storage withdrawals and proof of usage for a period equivalent to that during which an assessment can be issued under the Law, from the date of issuance of the claim or refund. This information must be made available to Department employees upon request. Failure to keep or provide the

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records will result in denial of claims and recovery of any claims paid. In addition, the Department may recover any claims erroneously paid.

- d) When the claimant has lost purchase documentation through inadvertence or an act of God, the Department will permit the claimant to submit an affidavit in lieu of purchase documentation in support of the claim, if the affidavit contains the same information that the purchase documentation was required to contain, plus a statement of facts explaining the loss of the purchase documentation and justifying the substitution of an affidavit for the purchase documentation.
- e) Claims for reimbursement for taxes paid must be filed not later than 2 years after the date on which the tax was paid by the claimant.
- f) Claims accompanied by purchase documentation that demonstrates evidence of change of name, date or gallonage or other evidence of fraud, or that is illegible, will be disallowed in their entirety.
- g) *Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes directly paid to another state and the amount of motor fuel used in that state. Evidence supporting the claim must include both a certified copy of the tax return filed with such other state by the claimant and a copy of either the cancelled check paying the tax due on such return, or a receipt acknowledging payment of the tax due on such tax return. The provisions of this subsection (g) shall not apply to taxes paid on returns under Section 13a.3 of the Law. (Section 13 of the Law)*
- h) *Claims for refunds for the motor fuel tax imposed by Section 2 of the Law approved by the Department shall be paid within 90 days after receipt of a complete and correct application for such a refund. If refunds are paid after the expiration of the 90 day period, the Department shall also pay from the Motor Fuel Tax Fund to the taxpayer interest at the rate and in the manner set by the Uniform Penalty and Interest Act [35 ILCS 753]. (Section 15.1 of the Law)* Refunds paid after the expiration of the 90 day period shall bear interest from the date that a properly completed claim for refund was filed with the Department.
- i) The Department will approve claims for refund only when the claims are based upon a showing that the motor fuel was used for a nontaxable purpose, and that

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the part for which refund is claimed can, as a practical matter, be calculated and itemized. When the claims are estimated or calculated, they must be supported by verifiable documentation retained in the claimant's books and records. Only claims that can be supported by proof of the amount of motor fuel not used for a taxable purpose will be approved.

- j) *No claim based upon the use of undyed diesel fuel shall be allowed except for claims for the following:*
- 1) *Undyed diesel fuel used: in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the undyed diesel fuel becomes a component part of a product or byproduct, other than fuel or motor fuel, when the use of dyed diesel fuel in that manufacturing process results in a product that is unsuitable for its intended use; or for testing machinery and equipment in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the testing takes place on private property.*
 - 2) *Undyed diesel fuel used by a manufacturer on private property in the research and development, as defined in Section 1.29 of the Law, of machinery or equipment intended for manufacture.*
 - 3) *Undyed diesel fuel used by a single unit self-propelled agricultural fertilizer implement, designed for on and off road use, equipped with flotation tires and specially adapted for the application of plant food materials or agricultural chemicals.*
 - 4) *Undyed diesel fuel used by a commercial motor vehicle, as defined in Section 500.100 of this Part, for any purpose other than operating the commercial motor vehicle upon the public highways. Claims shall be limited to commercial motor vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways and shall be limited to the nonhighway portion of the fuel used. For instance, the claims include, but are not limited to, commercial motor vehicles such as 3-axle dump trucks operated both on public highways and also on landfills in landfill operations. This subsection (j)(4) does not include claims filed for undyed diesel fuel used by power take-off equipment. This type of claim is described in subsection (j)(7).*
 - 5) *Undyed diesel fuel used by a unit of local government in its operation of*

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an airport if the undyed diesel fuel is used directly in airport operations on airport property.

- 6) *Undyed diesel fuel used by refrigeration units that are permanently mounted to a semitrailer, as defined in Section 1.28 of the Law, wherein the refrigeration units have a fuel supply system dedicated solely for the operation of the refrigeration units.*
- 7) *Undyed diesel fuel used by power take-off equipment as defined in Section 1.27 of the Law. Claims shall be based upon actual consumption of undyed diesel fuel. The maximum amount of undyed diesel fuel that may be claimed for refund under this Section, however, is 25% of the fuel consumed, unless prior to submission of the claim the claimant submits a specific study conducted by the claimant and approved by the Department for claims in excess of this amount. Approved studies shall be valid for 2 years after the date of approval. However, upon petition of a taxpayer, the Department may approve an extension of a previously approved study for no more than 2 years. No study may be relied upon for a total of more than 4 years.*
- 8) *Claims for taxes paid on and after January 1, 2001 are not authorized for commercial vehicles unless the commercial vehicle falls within the definition of a "commercial motor vehicle", as provided in Section 500.100 of this Part and the claim is eligible for refund under subsection (j)(4), or the claim is eligible for refund under any of the other provisions of this subsection (j).*
- 9) *Beginning on August 22, 2005, undyed diesel fuel used by tugs and spotter equipment to shift vehicles or parcels on both private and airport property. Any claim under this subsection (j)(9)(9) may be made only by a claimant that owns tugs and spotter equipment and operates that equipment on both private and airport property. The aggregate of all credits or refunds resulting from claims filed under this subsection (j)(9)(9) by a claimant in any calendar year may not exceed \$100,000. A claim may not be made under this subsection (j)(9)(9) by the same claimant more often than once each quarter. For purposes of this subsection (j)(9)(9), "tug" means a vehicle designed for use on airport property that shifts custom-designed containers of parcels from loading docks to aircraft, and "spotter equipment" means a vehicle designed for use on both private and airport property that shifts trailers containing*

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parcels between staging areas and loading docks. (Section 13 of the Law)

- k) *Effective July 1, 2001, any person who has paid the tax imposed by Section 2 of the Law upon undyed diesel fuel that is unintentionally mixed with dyed diesel fuel and who owns or controls the mixture of undyed diesel fuel and dyed diesel fuel may file a claim for refund to recover the amount paid. The amount of undyed diesel fuel unintentionally mixed must equal 500 gallons or more. Any claim for refund of unintentionally mixed undyed diesel fuel and dyed diesel fuel shall be supported by documentation showing the date and location of the unintentional mixing, the number of gallons involved, the disposition of the mixed diesel fuel, and any other information that the Department may reasonably require. Any unintentional mixture of undyed diesel fuel and dyed diesel fuel shall be sold or used only for nonhighway purposes. (Section 13 of the Law)*
- l) *Any person who purchases motor fuel use tax decals as required by Section 13a.4 of the Law and pays an amount of fees for such decals that exceeds the amount due shall be reimbursed and repaid the amount of the decal fees that are deemed by the Department to be in excess of the amount due. Claims for reimbursement of decal fees are subject to the following procedures and restrictions:*
- 1) *Claims for reimbursement shall be made ~~electronically upon forms prescribed by the Department~~ and be duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability);*
 - 2) *Claims shall state facts relating to the overpayment of decal fees;*
 - 3) *Claims for reimbursement of overpayment of decal fees paid on or after January 1, 2011 must be filed not later than one year after the date on which the fees were paid by the claimant;*
 - 4) *If it is determined that the Department should reimburse a claimant for overpayment of decal fees, the Department shall first apply the amount of such refund against any tax or penalty or interest due by the claimant under Section 13a of the Law. (Section 13 of the Law)*

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

Section 500.265 Distributors' and Suppliers' Claims for Credit or Refund

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- a) Filing of Claims. Any distributor or supplier who shall have paid Motor Fuel Tax upon motor fuel used by the distributor or supplier for any purpose other than operating a motor vehicle upon the public highways or waters, may file a claim for credit or refund to recover the amount so paid. The claims shall be filed on forms prescribed by the Department. On and after January 1, 2016, claims are required to be filed electronically in accordance with 86 Ill. Adm. Code 760 only for periods for which an original return is required to be filed electronically. All other claims must be filed on paper forms. The claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant shall have died or become a person under legal disability). The claim shall state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary and shall state when the nontaxable use occurred and shall specify the purpose for which the motor fuel was used by the claimant, together with such other information as the Department may reasonably require. Claims for credit or refund for tax paid on motor fuel purchased on or after July 1, 1965, must be filed not later than one year after the date on which tax was paid by the claimant. In case the distributor or supplier requests and the Department determines that the claimant is entitled to a refund, the refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by the appropriation to elect to receive a cash refund, the Department shall provide for the payment of refunds in hardship cases as provided in 86 Ill. Adm. Code 130.1510.
- b) The Department will approve claims for refund only when the claims are based upon a showing that the motor fuel was used for a nontaxable purpose, and that the part for which refund is claimed can, as a practical matter, be calculated and itemized. When the claims are estimated or calculated, they must be supported by verifiable documentation retained in the claimant's books and records. Only claims that can be supported by proof of the amount of motor fuel not used for a taxable purpose will be approved.
- c) *For claims based upon taxes paid on or after January 1, 2001, no claim based upon the use of undyed diesel fuel shall be allowed except for claims for the following:*
- 1) *Undyed diesel fuel used: in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the undyed diesel fuel becomes a component part of a product or byproduct, other than fuel or*

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motor fuel, when the use of dyed diesel fuel in that manufacturing process results in a product that is unsuitable for its intended use; or for testing machinery and equipment in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the testing takes place on private property.

- 2) *Undyed diesel fuel used by a manufacturer on private property in the research and development, as defined in Section 1.29 of the Law, of machinery or equipment intended for manufacture.*
- 3) *Undyed diesel fuel used by a single unit self-propelled agricultural fertilizer implement, designed for on and off road use, equipped with flotation tires and specially adapted for the application of plant food materials or agricultural chemicals.*
- 4) *Undyed diesel fuel used by a commercial motor vehicle for any purpose other than operating the commercial motor vehicle upon the public highways. Claims shall be limited to commercial motor vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways and shall be limited to the nonhighway portion of the fuel used. For instance, such claims include, but are not limited to, commercial motor vehicles such as 3-axle dump trucks operated both on public highways and on landfills in landfill operations. This subsection (c)(4) does not include claims filed for undyed diesel fuel used by power take-off equipment. This type of claim is described in subsection (c)(7).*
- 5) *Undyed diesel fuel used by a unit of local government in its operation of an airport if the undyed diesel fuel is used directly in airport operations on airport property.*
- 6) *Undyed diesel fuel used by refrigeration units that are permanently mounted to a semitrailer, as defined in Section 1.28 of the Law, wherein the refrigeration units have a fuel supply system dedicated solely for the operation of the refrigeration units. Claims may be made for 100% of the fuel consumed by the refrigeration units.*
- 7) *Undyed diesel fuel used by power take-off equipment as defined in Section 1.27 of the Law. (Section 13 of the Law) Claims shall be based upon actual consumption of undyed diesel fuel. The maximum amounts of*

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undyed diesel fuel that may be claimed for refund under this Section, however, is 25% of the fuel consumed, unless prior to submission of the claim the claimant submits a specific study conducted by the claimant and approved by the Department for claims in excess of this amount.

Approved studies shall be valid for 2 years after the date of approval.

However, upon petition of a taxpayer, the Department may approve an extension of a previously approved study for no more than 2 years. No study may be relied upon for a total of more than 4 years.

- 8) *Beginning on August 22, 2005, undyed diesel fuel used by tugs and spotter equipment to shift vehicles or parcels on both private and airport property. Any claim under this subsection (c)(8) may be made only by a claimant that owns tugs and spotter equipment and operates that equipment on both private and airport property. The aggregate of all credits or refunds resulting from claims filed under this subsection (c)(8) by a claimant in any calendar year may not exceed \$100,000. A claim may not be made under this subsection (c)(8) by the same claimant more often than once each quarter. For purposes of this subsection (c)(8), "tug" means a vehicle designed for use on airport property that shifts custom-designed containers of parcels from loading docks to aircraft, and "spotter equipment" means a vehicle designed for use on both private and airport property that shifts trailers containing parcels between staging areas and loading docks. (Section 13 of the Law)*
- 9) Claims for taxes paid on and after January 1, 2001 are not authorized for commercial vehicles unless the commercial vehicle falls within the definition of a "commercial motor vehicle" as provided in Section 500.100 of this Part and the claim is eligible for refund under subsection (c)(4), or the claim is eligible for refund under any of the other provisions of this subsection (c).
- 10) Claims for taxes paid on and after January 1, 2001 are not authorized for undyed diesel fuel used by unlicensed commercial vehicles operating exclusively on private property, unless the vehicles are eligible for refund under any of the provisions of this subsection (c).
- d) *Effective July 1, 2001, any person who has paid the tax imposed by Section 2 of the Law upon undyed diesel fuel that is unintentionally mixed with dyed diesel fuel and who owns or controls the mixture of undyed diesel fuel and dyed diesel fuel may file a claim for refund to recover the amount paid. The amount of undyed*

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diesel fuel unintentionally mixed must equal 500 gallons or more. Any claim for refund of unintentionally mixed undyed diesel fuel and dyed diesel fuel shall be supported by documentation showing the date and location of the unintentional mixing, the number of gallons involved, the disposition of the mixed diesel fuel, and any other information that the Department may reasonably require. Any unintentional mixture of undyed diesel fuel and dyed diesel fuel shall be sold or used only for nonhighway purposes. (Section 13 of the Law)

- e) Issuance of Credit Memoranda – Use Thereof to Satisfy Prior Rights of Department. The Department may make such investigation of the correctness of the facts stated in the claims for credit or refund as it deems necessary. When the Department approves a claim for credit or refund the Department shall issue a refund or credit memorandum to the distributor or supplier who made the payment for which the refund or credit is being given or, in the event that the distributors or suppliers shall have died or become incompetent, to the distributor's or supplier's legal representative, as such. The amount of the refund or credit memorandum shall first be credited against any tax due or to become due under the Law from the distributor or supplier who made the payment for which credit has been given. This means that if there is an established or admitted unpaid Motor Fuel Tax liability on the part of the claimant, the amount of the credit or refund will be credited against the tax that is due. If the credit or refund is in an amount less than that of the unpaid liability, the credit or refund shall be applied against the liability. If the amount of the credit or refund exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out the unpaid liability, the Department will issue a new credit memorandum or refund representing the difference between that of the original credit or refund found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum or refund will be delivered to the person entitled to receive the delivery, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Law. If a proceeding to establish such an unpaid liability is pending, the credit memorandum or refund will be held by the Department until the proceeding is concluded; and if the proceeding results in a determination that Motor Fuel Tax is due from the claimant, the credit memorandum or refund will be applied by the Department, to the extent that may be necessary, in liquidation of the liability, and the balance of the credit memorandum or refund, if any (after cancellation of the credit memorandum or refund applied in liquidation of said liability), will be issued in the form of a new credit memorandum or refund and delivered to the person entitled to receive the delivery.

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- f) Disposition of Credit Memoranda by Holder Thereof
- 1) Assignment of Credit Memoranda. Credit memoranda may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:
 - A) That the assignment is made to a person who is licensed as a distributor of motor fuel or a supplier of special fuel under the Law;
 - B) that there is no proceeding pending to establish an unpaid Motor Fuel Tax liability against the assignor; and
 - C) that there is no established or admitted unpaid Motor Fuel Tax liability against the assignor; provided, that if the amount of the credit memorandum must first be applied, in whole or in part, against an unpaid liability of the claimant-assignor, notice to this effect will be given the claimant-assignor by the Department. If any balance is due the claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, the balance may be assigned upon receipt by the Department of instructions to that effect. If there is no unpaid liability and no proceedings pending to determine a liability as aforesaid, and if the assignee is a licensed distributor of motor fuel, the request for leave to assign will be approved. The original credit memorandum will be cancelled, and a new credit memorandum will be issued to the assignee in the amount shown on the cancelled memorandum. However, before a credit memorandum is issued to the assignee, the amount of the credit will be applied, to the extent that may be necessary, in liquidation of any unpaid Motor Fuel Tax liability of the assignee, and a credit memorandum for the balance, if any, will be issued to the assignee, provided that there is no proceeding pending against the assignee to establish an unpaid Motor Fuel Tax liability against him or her. If a proceeding to establish such an unpaid liability is pending, the credit memorandum will be held by the Department until the proceeding is concluded; and if the proceeding results in a determination that Motor Fuel Tax is due from the assignee, the credit will be applied by the Department, to the extent that may be necessary in liquidation of the liability, and

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the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of said liability), will be issued in the form of a new credit memorandum and delivered to the person entitled to receive the delivery.

- 2) **Submission of Credit Memoranda With Monthly Returns.** Credit memoranda, in the hands either of the original claimant or of his or her assignee, may be submitted to the Department, along with monthly tax returns, in payment of Motor Fuel Tax due from the holder of the credit memoranda. If, after applying any such credit memorandum against the amount of tax shown to be due by the tax return with which the credit memorandum is submitted, the Department finds that there is a balance of the credit memorandum in favor of the distributor or supplier submitting the credit memorandum, the Department will cancel the credit memorandum that has been submitted and will issue and deliver to the distributor or supplier a new credit memorandum for the balance. This process will be followed until the credit, to which the distributor or supplier is entitled, is exhausted. However, any new credit memorandum, which is issued as provided in this subsection (f)(2) for a balance of credit due the distributor or supplier after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is first issued (see subsection (e) of this Section) or when leave to assign a credit memorandum is requested (see subsection (f)(1) of this Section).
- g) **Refunds to Distributors and Suppliers.** If any distributor or supplier ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum, the distributor or supplier may, at his or her election (instead of assigning the credit memorandum to another licensed distributor or supplier under the Law), surrender the unused credit memorandum to the Department and receive a refund in lieu of the credit.
- h) *Claims filed under this Section for overpayment of the Motor Fuel Tax imposed by Section 2 of the Law shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act. Claims made under this Section that are based upon motor fuel used for any purpose other than operating a motor vehicle upon the public highways or waters shall be paid within 90 days after receipt of a complete and correct application for credit. If credits based upon motor fuel used for any purpose other than operating a motor vehicle upon the public highways or*

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waters are issued after expiration of the 90 day period, the Department shall include interest at the rate and in the manner set by the Uniform Penalty and Interest Act [35 ILCS 735]. (Section 13 of the Law) Refunds paid after the expiration of the 90 day period shall bear interest from the date that a properly completed claim for refund was filed with the Department.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

Section 500.270 Receivers' Claims for Credit

Any receiver who has paid the tax imposed by Section 2a of the Motor Fuel Tax Law (either directly to the Department or to another licensed receiver) upon fuel exported or sold under the exemptions provided in Section 2a may file a claim for credit to recover the amount so paid. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture, production, export, or sale of the fuel by the claimant as the Department may deem necessary together with such other information as the Department may reasonably require. The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a credit memorandum to the receiver who made the payment for which the credit is being given or, if the receiver has died or become incompetent, to such receiver's legal representative. The amount of such credit memorandum shall be credited against any tax due or to become due under this Act from the receiver who made the payment for which credit has been given. (Section 13a.8 of the Law) Claims filed under this Section for overpayment of the tax imposed by Section 2a of the Law approved by the Department shall bear interest at the rate and in the manner set by the Uniform Penalty and Interest Act. On and after January 1, 2016, claims are required to be filed electronically in accordance with 86 Ill. Adm. Code 760 only for periods for which an original return is required to be filed electronically. All other claims must be filed on paper forms.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

SUBPART C: MOTOR FUEL USE TAX

Section 500.305 Licenses and Decals

- a) Applications for motor fuel use tax licenses and decals shall be made under oath and on forms provided by the Department. On and after October 1, 2012, all applications shall be filed electronically. Information provided to the Department

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shall include:

- 1) a carrier's Federal Employer Identification Number (in the case of a sole proprietorship, the Social Security number of the owner), and the United States Department of Transportation (USDOT) numbers issued to the applicant;
- 2) owner, partnership or corporate name;
- 3) name, title and social security number of all officers, partners or owners;
- 4) legal business name (if different from subsection (a)(2));
- 5) physical location of the business;
- 6) mailing address of the business;
- 7) signature of the applicant. All applications must be signed by an officer, partner, or owner of the entity seeking licensure who has the control, supervision or responsibility of filing returns and making payment of the tax. Applications filed electronically must contain electronic signatures and meet all requirements and procedures outlined in the Department's regulation governing electronic signatures (see 86 Ill. Adm. Code 760.230);
- 8) type of fuel used by applicant;
- 9) number of decals required by the licensee;
- 10) decal fee. On and after October 1, 2012, decal fees must be paid electronically by ACH debit in accordance with regulations at 86 Ill. Adm. Code 750 (for claims for reimbursement of overpayment of decal fees, see Section 500.235);
- 11) for IFTA applicants, a statement of the existence of bulk storage facilities in any member jurisdictions;
- 12) a statement that the applicant agrees to comply with reporting, payment, recordkeeping, and license display requirements, and all applicable regulations. IFTA applicants must agree that the base jurisdiction may

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withhold any refunds due if the applicant is delinquent on payment of motor fuel use taxes due any member jurisdiction or taxes owed to the Department; and

- 13) Such other information as the Department deems necessary.
- b) Bonds are not required for first-time applicants. However, bond may be required for just cause, as determined by the Department. Bonds may be required when a licensee fails to file timely reports, when he or she fails to remit the proper tax, when the Department has twice received a Non-Sufficient Funds [Electronic Payment](#)~~check as payment~~, or when an audit indicates problems severe enough that, in the Director's discretion, a bond is required to protect the interests of the Department. If a bond is required, it shall be equal to at least twice the estimated average quarterly tax liability. The average tax liability upon which the bond is based shall be determined by taking into consideration the amount of motor fuel expected to be used in all jurisdictions by the applicant. *The penalty fixed by the Department shall be such as, in its opinion, will protect the State of Illinois against failure to pay the amount hereinafter provided on motor fuel used (Section 13a.4 of the Law).*
- c) *Neither a license or decals shall be issued to any person who fails to file a return, or to pay the tax, penalty or interest for a filed return, or to pay any final assessment of tax, penalty or interest, as required by the Law, or as required by any other tax Act administered by the Department [20 ILCS 2505/39b47].*
- ~~d) Persons required to file bonds with the Department must make payments by certified check.~~
- de) Upon receipt of a complete application for a license and decals, including payment for decals, any required reinstatement fees and provision of an approved bond, if applicable, the Department will issue each applicant one license. In addition to the license, a minimum of two decals per commercial motor vehicle will also be issued. A license and decals will only be sent to the licensee. A license and decals are valid for a period of one calendar year.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

Section 500.310 Display of License and Decals

- a) Motor fuel use tax licenses, or copies of the licenses, shall be carried in the cab of

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each commercial motor vehicle operating in Illinois. Failure to carry a copy of the license in the commercial motor vehicle may subject the operator to the purchase of a single trip permit and/or a citation.

- b) The Department will not issue multiple licenses to an applicant. If the applicant requires multiple licenses, he or she may make legible copies of his or her license and carry them in his or her vehicles.
- c) One decal must be placed on the exterior portion of each side of the cab of the commercial motor vehicle. In the case of transporters, manufacturers, dealers, or driveaway operations, the decals need not be permanently affixed, but may be temporarily displayed in a visible manner on both sides of the cab. Failure to display decals in the required manner may subject the vehicle operator to the purchase of a single trip permit and/or a citation.
- d) Decals are not vehicle specific. Licensees may purchase additional decals at a cost of \$3.75 per set throughout the license year. If decals are destroyed, lost or stolen, replacements may be obtained from the Department at a cost of \$2 per set. Licensees shall provide the Department with the serial number of the decals being replaced under this subsection (d).
- e) Decals are valid only for the vehicle of the person to whom they are issued. The transfer of decals between commercial motor vehicles or from one motor carrier to another is prohibited.
- f) Provided that a renewal application for a license and decals has been submitted to the Department or to another base jurisdiction on or before December 31 of each year, all~~ALL~~ IFTA carriers shall be allowed a two-month grace period to display the current year IFTA license and decals. They may display a decal and license from the previous year issued by any member jurisdiction until March 1. IFTA carriers that have not submitted timely renewal applications are not eligible for the grace period and will be subject to all civil and criminal penalties applicable to persons operating in Illinois without a valid license and decals. Carriers from new member jurisdictions shall be allowed a two-month grace period from the date of the new member's IFTA program implementation to display the IFTA license and decals. However, to operate in Illinois, these carriers must either display a decal and license issued by Illinois for the previous year, a single trip permit, or the current year IFTA license issued by their base state.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

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Section 500.315 Renewal of Decals and Licenses

- a) Motor fuel use tax licenses and decals expire December 31 and must be renewed annually ~~on forms provided by the Department~~. On and after October 1, 2012, all licenses and decals must be renewed electronically.
- b) The Department may deny a renewal application if the applicant's decal or license is currently revoked or the applicant has failed to file a return or pay any outstanding motor fuel use tax liabilities or other liabilities owed to the Department, or has failed to comply with a request for bond.
- c) On and after October 1, 2016, failure of a licensee to either cancel his or her license or submit a renewal application on or before December 31 will result in designation of the licensee's account as "suspended". Accounts that have not been renewed shall be designated as suspended. A licensee with a suspended license may renew his or her license, provided that he or she meets all other provisions of the Law. A person found operating on the roads with a license that carries a "suspended" designation shall be considered to be operating without proper credentials and is subject to all applicable civil and criminal penalties.
- de) The Department shall provide renewal reminders as a courtesy to all currently registered licensees in good standing. The Department may provide this notice by posting a general renewal reminder on its internet website or by other electronic notification methods.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

Section 500.335 Quarterly Payment and Reporting

- a) Every person holding a valid unrevoked motor fuel use tax license issued by the Department under the provisions of the IFTA shall file a quarterly motor fuel use tax return, along with full payment of taxes, with the Department. Returns are due, even if no operations were conducted during the reporting period. The due date for the return and full payment of taxes is the last day of the month immediately following the close of the quarter for which the return is being filed. Returns and full payment of taxes are due on or before the following dates:

Reporting Quarter

Due Date

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January - March	April 30
April - June	July 31
July - September	October 31
October - December	January 31

If the due date is a Saturday, Sunday, or legal holiday, the next business day is considered the due date. Each motor fuel use tax return should be mailed in a separate envelope. On and after January 1, 2013, returns and payment of tax, including amended returns, must be made electronically. Electronic returns shall be made in accordance with 86 Ill. Adm. Code 760. Electronic payments shall be made by ACH debit in accordance with 86 Ill. Adm. Code 750.

- b) The taxable event is the consumption of motor fuel, as defined in Section 500.100 of this Part, used to operate commercial motor vehicles. For tax payment and reporting purposes, all motor fuels placed in supply tanks of commercial motor vehicles, and all miles travelled, are taxable. Carriers must utilize the procedures in Section 500.235 for refunds for off-road or non-highway use.
- c) For IFTA licensees: The IFTA provides that member jurisdictions may determine what type of motor fuels and miles travelled are exempt from tax, and are therefore not reportable. Carriers should contact member jurisdictions to determine what types of fuel and miles travelled are exempt from taxation. For IFTA carriers, claims for refunds for fuel used for any purpose other than propelling a commercial motor vehicle upon public highways must be made directly to the respective jurisdiction.
- d) The quarterly return shall include a statement of the total number of miles travelled, as well as total miles travelled in each jurisdiction and in Illinois during the previous calendar quarter; the total number of gallons and type of reportable motor fuel consumed on the highways of all jurisdictions, as well as in each jurisdiction and in Illinois, and the total number of gallons and types of tax paid fuel purchased within each jurisdiction during the previous calendar quarter; and the total (net) of tax due the base jurisdiction on behalf of all jurisdictions. Licensees shall report all required information, and may not include miles operated and gallons of fuel purchased that were unavailable during any prior quarters. If a licensee does not include all required information, and that information is subsequently available, he or she must file an amended return, which will include penalty and interest.
- e) Fuel and distance must be reported in gallons and miles. The conversion rates are:

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One liter	=	0.2642 gallons
One gallon	=	3.785 liters
One mile	=	1.6093 kilometers
One kilometer	=	0.62137 mile

- f) For carriers registered under the IFTA that consume compressed natural gas and other fuels that cannot be measured in gallons, the fuels must be converted to gallons using the conversion factor used by the jurisdiction in which the fuel was consumed. See Section 500.200(c) for the conversion factor used for compressed natural gas.
- g) In order for a licensee to obtain credit for tax-paid retail purchases, a receipt or invoice, a credit card receipt, or microfilm/microfiche of the receipt or invoice must be retained by the licensee showing evidence of the purchases and tax having been paid by the licensee directly to the applicable jurisdiction or at the pump. The receipt must contain the following information:
- 1) date of purchase;
 - 2) seller's name and address;
 - 3) number of gallons purchased;
 - 4) fuel type;
 - 5) price per gallon or total amount of sale;
 - 6) unit numbers; and
 - 7) purchaser's name (in the case of a lessee/lessor agreement, receipts will be accepted in either name, provided a legal connection can be made to reporting party).
- h) In the case of withdrawals from licensee-owned, tax-paid bulk storage, credit may be obtained only if the following records are maintained:
- 1) date of withdrawal;
 - 2) number of gallons;

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- 3) fuel type;
 - 4) unit number (upon application by a licensee, the Department may waive the requirement of unit numbers for fuel withdrawn from the licensee's own bulk storage and placed in its commercial motor vehicles. The licensee must show that adequate records are maintained to distinguish fuel placed in commercial vs. non-commercial motor vehicles for all member jurisdictions); and
 - 5) purchase and inventory records to substantiate that tax was paid on all bulk purchases.
- i) Carriers registered under the IFTA must pay all taxes due to all member jurisdictions with one payment made~~check, to be made payable~~ to the Department. ~~Payment by certified check is required of licensees who are required to post a bond.~~ On and after January 1, 2013, payment shall be made electronically by ACH debit in accordance with 86 Ill. Adm. Code 750.
 - j) Through December 31, 2012, returns shall be filed on forms provided by the Department. ~~However, with written approval from the Department, a licensee may submit a computer-generated tax return instead of the Department-supplied return. Computer-generated tax returns will be approved only if they contain all the same information, are in the same format and are on the same size paper, as the Department's return.~~ On and after January 1, 2013, returns shall be filed electronically in accordance with 86 Ill. Adm. Code 760.
 - k) If a licensee uses a reporting service for his or her motor fuel use taxes, the licensee must maintain a power of attorney in its books and records. Use of a power of attorney does not relieve the licensee of the legal obligations associated with the license. The licensee is responsible for the payment of taxes as well as all acts and omissions of the reporting service. ~~Decals~~~~Deeal~~ and ~~licenses~~~~renewal~~ ~~applications~~ will always be delivered~~mailed~~ directly to the licensee.
 - l) Reports not filed or full payment of taxes not made by the due date shall be considered late and any taxes due considered delinquent. The licensee shall be assessed a penalty of \$50 or 10 percent of the delinquent taxes, whichever is greater, for failure to file a report, for filing a late report, or for underpayment of taxes due. For reasonable cause shown, the Department may waive a penalty. For a fleet based in a U.S. jurisdiction, interest shall be set at an annual rate of 2

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~~percentage points above the underpayment rate established under section 6621 (a)(2) of the Internal Revenue Code, adjusted on an annual basis on January 1 of each year. Interest shall accrue at 1/12 of this annual rate per month until liability is paid. The Department shall publish the interest rate by January 1 of each year on its website. Tax shall bear interest at the rate of 1 percent per month or fraction of month until paid. For reasonable cause shown, the Department may waive a penalty.~~ For IFTA licensees, the Department may waive interest for another jurisdiction only with that jurisdiction's approval.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

Section 500.350 Revocation

- a) *The Department may revoke the motor fuel use tax license of a carrier registered under the IFTA program or that is required to be registered under the terms of the International Fuel Tax Agreement that violatesfor violation of any provision of the Law or any rules promulgated thereunder. (Section 16 of the Law) Causes for revocation include, but are not limited to, failure to file a quarterly tax return or to remit all taxes due, or improper use of decals.*
- b) The Department shall send the licensee a written notice of its decision to revoke a license. Unless the licensee timely protests the Department's determination as provided for in Section 500.355, the revocation is final.
- c) A licensee whose license has been revoked may have that license reinstated if the condition which caused revocation is remedied. The carrier must pay a \$100 reinstatement fee and file a new application for a license and decals. A carrierCarriers whose license has been revoked and then reinstated maywill be required to post a bond in accordance with ~~the provisions of~~ Section 500.305.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section 500.405 Due Date That Falls on Saturday, Sunday or a Holiday

If the due date for any return, report, payment, statement or other document required or authorized to be filed with the Department falls on Saturday, Sunday or a holiday as defined or fixed in any statute now or hereafter in force in this State, such due date shall be considered to be the next business day either for the purpose of submitting such return or other report or payment

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by U.S. Mail~~United States mail~~ or for the purpose of submitting such return or other report by any means other than the U.S. Mail~~United States mail~~. For rules governing due dates of returns, reports, payments, statements or other documents required or authorized to be filed electronically, see 86 Ill. Adm. Code 760.240.

(Source: Amended at 39 Ill. Reg. 14728, effective October 23, 2015)

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- 1) Heading of the Part: Special Education Facilities under Section 14-7.02 of the School Code
- 2) Code Citation: 23 Ill. Adm. Code 401
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
401.10	Amendment
401.145	Amendment
401.240	Amendment
- 4) Statutory Authority: 105 ILCS 5/14-7.02 and 14-8.01
- 5) Effective Date of Rules: October 22, 2015
- 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 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 the *Illinois Register*: July 6, 2015; 39 Ill. Reg. 8973
- 10) Has JCAR issued a Statement of Objection to this rulemaking? 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? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Part 401 sets forth the requirements for providers that wish to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 [105 ILCS 5] of the School Code. As part of the application process and for renewal of approval, providers currently are required to include a copy of the most recent inspection report of the Office of State Fire Marshal (OSFM), which may not be more than 24 months old at the time the application

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or renewal request is approved. The rules also provide other alternatives for out-of-state facilities and facilities subject to the Agency's rules governing the Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180).

It came to staff's attention in 2014 that the OSFM is short-staffed at a time when the number of requests for fire inspections has been increasing. Consequently, it may take upwards of 36 months to complete an inspection and report for lower priority facilities, particularly in the five-county area near Chicago, according to a representative of the OSFM. Two remedies in response to this situation have been placed in Section 401.10(a)(4).

The current requirement for an inspection and report from the OSFM will be increased from 24 months to 36 months. This relaxation in the requirement will help to ensure that the facility can schedule and receive an inspection within the required timeframe.

In instances when an inspection from the OSFM cannot be scheduled within the 36-month timeframe, a provider may choose to produce evidence of an inspection and a report from a local government agency. Such a report will be accepted provided it was done within 12 months of the application's or renewal's approval and the report provides evidence of no violations being noted.

Other changes in Part 401 result from recently enacted legislation. PA 98-972, effective August 15, 2014, revamped the State assessment system, repealing Section 2-3.64 of the School Code and replacing the requirements found there with new Section 2-3.64a-5, necessitating changes in Section 401.145. PA 97-607, effective August 26, 2011, changed the current system of teacher, administrator and school service personnel certification set forth in Article 21 of the School Code to a licensure system (Article 21B of the School Code). References to certification and related terms have been updated to align to the licensure system, which became effective July 1, 2013.

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

David Andel, Division Administrator
Division of Special Education Services
Illinois State Board of Education
100 North First Street
Springfield IL 62777

217/782-4870

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 1: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401

SPECIAL EDUCATION FACILITIES UNDER

SECTION 14-7.02 OF THE SCHOOL CODE

SUBPART A: APPROVAL OF PROGRAMS

Section

- 401.5 Definitions
- 401.10 Application for Eligibility
- 401.20 Notification Requirements
- 401.30 Changes in Approval Status

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section

- 401.110 Use by School Districts
- 401.120 Placement Procedures
- 401.130 Operating Schedule
- 401.140 Provision of Educational Program
- 401.145 Administration of State Assessment
- 401.150 Classroom Records

SUBPART C: OPERATIONAL REQUIREMENTS

Section

- 401.210 General Requirements
- 401.220 Health and Safety Requirements
- 401.230 Student Progress Reports and Reviews
- 401.240 Staffing Requirements
- 401.250 Staff Training
- 401.260 Staff Records
- 401.270 Student Records
- 401.280 Fiscal Provisions

AUTHORITY: Implementing and authorized by Sections 14-7.02 and 14-8.01 of the School

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Code [105 ILCS 5/14-7.02 and 14-8.01].

SOURCE: Adopted July 25, 1973; emergency amendment at 4 Ill. Reg. 39, p. 323, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 4576, effective April 9, 1981; codified at 7 Ill. Reg. 14966; Part repealed, new Part adopted at 19 Ill. Reg. 7185, effective May 10, 1995; amended at 30 Ill. Reg. 8818, effective April 25, 2006; amended at 31 Ill. Reg. 14050, effective September 24, 2007; emergency amendment at 32 Ill. Reg. 4843, effective March 21, 2008, for a maximum of 150 days; emergency amendment suspended at 32 Ill. Reg. 9764, effective June 17, 2008; suspension withdrawn at 32 Ill. Reg. 13093, effective July 16, 2008; emergency amendments repealed by emergency rulemaking at 32 Ill. Reg. 13079, effective July 16, 2008, for the remainder of the 150 days; amended at 33 Ill. Reg. 15285, effective October 20, 2009; amended at 39 Ill. Reg. 14758, effective October 22, 2015.

SUBPART A: APPROVAL OF PROGRAMS

Section 401.10 Application for Eligibility

Each provider seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] shall be subject to the program approval process described in this Section. Approval shall be specific to individual programs offered by a provider, and the same type of program conducted at two separate facilities shall be treated as two separate programs for purposes of approval. A program not approved in accordance with the requirements of this Part shall not be used by school districts to serve students with disabilities under Section 14-7.02 of the School Code.

- a) An application for initial approval of educational programs and/or residential programs, presented on forms supplied by the State Superintendent of Education and containing all the items enumerated in this subsection (a), shall be submitted to the State Superintendent. Each application shall include:
 - 1) An accurate, written description of each program for which approval is requested, which shall indicate the categories and ages of students with disabilities for whom it is specifically intended, the data that will be collected on the outcomes achieved by those students, which must reflect the students' learning goals as described in their respective IEPs, and the maximum number of students the program is intended to accommodate.
 - 2) A written plan for the administration and organization of the programs, including but not limited to:

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- A) The stated purpose and scope of the facility and its programs;
 - B) A plan for the allocation of space solely for program purposes; and
 - C) An organizational chart that reflects the provider's governance, administrative, and educational structures.
- 3) The provider's proposed calendar for the program for which approval is sought, setting forth an operating schedule reflecting at least 176 days of operation, for at least five hours per school day during the regular school year and, with respect to a summer session, if any is to be offered, at least 120 hours of operation if the facility is located in Illinois or, if the facility is located in another state, the number of hours approved by the responsible authority in that state.
- 4) A copy of the State Fire Marshal's most recent inspection report for the facility, which shall be no more than ~~36~~24 months old at the time ~~the~~of application is approved, or, if the State Fire Marshal's report is unavailable, an inspection report for the facility from a local governmental agency that is no more than 12 months old, neither of which ~~and~~ shall indicate ~~no~~ violations, or, as applicable:
- A) for an Illinois facility that is subject to the provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools), the report of the regional superintendent's most recent inspection conducted pursuant to Section 3-14.21 of the School Code [105 ILCS 5/3-14.21]; or
 - B) for an out-of-state facility, equivalent, current documentation of compliance with applicable state fire codes, or if there is no state fire code, the applicable local fire code, clearly identifying the issuing authority.
- 5) Assurances, signed by the facility's chief administrator, conveying such information as the State Superintendent of Education may require regarding the facility's compliance with other applicable federal, state, and local laws, ordinances, and regulations (such as public health and safety codes, building codes, and licensure requirements).
- 6) If the facility is located in Illinois and offers a residential component,

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evidence of the facility's current licensure or approval by the responsible agency of Illinois government, if applicable.

- 7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification, or approval to operate its educational and/or residential programs in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state.
 - 8) For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions, which demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 ~~of this Part~~ in order to operate the program.
 - 9) For instructional programs, summaries of related services provided by the facility's professional staff or available to the provider under contract, demonstrating that the provider has sufficient related services available to operate the program.
 - 10) For programs serving students for whom behavioral interventions may be appropriate, a description of the provider's formalized approach to the use of these interventions, subject to the limitation stated in Section 401.140(a) ~~of this Part~~.
- b) If the application is complete and the facility is located in Illinois or within 50 miles of Illinois, State Board staff shall conduct an on-site review and evaluate the facility and the programs offered for the purpose of verifying the accuracy of the application, evaluating their conformance with the other requirements of this Part, and recommending approval or disapproval of the programs.
- 1) An out-of-state program conducted more than 50 miles outside of Illinois shall be approved without a site visit from an Illinois representative if:
 - A) the educational program is an approved special education program in the state where the facility is located and this approval was granted in light of the information gathered during a site visit by a representative of the responsible agency;
 - B) the residential component, if any, is licensed by the responsible agency in the state where the facility is located; and

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- C) the application provides evidence that the requirements of Section 410.140 ~~of this Part~~ will be met.
- 2) An out-of-state program conducted more than 50 miles outside of Illinois that was approved in the state where the facility is located without a site visit by the responsible agency shall be visited by a representative of the Illinois State Board of Education in order to verify the accuracy of the application and determine whether the requirements of this Part have been met so that Illinois approval can be granted.
- c) A program determined to comply with the requirements of this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved, provided that the other requirements of Section 401.110 ~~of this Part~~ have also been met. The provider operating the facility shall be notified in writing of the date of program approval.
- 1) Initial approval shall end on the last day of the program's approved calendar for the school year in question, unless approval is changed pursuant to Section 401.30 ~~of this Part~~.
- 2) A program shall serve only the specific student populations described in the approved application.
- d) The nonapproval of an initial application shall include a notice of the specific deficiencies that caused the nonapproval and the opportunity for the provider to request a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).
- e) An application for renewal of approval, consisting of all the components set forth in subsection (a) of this Section, must be submitted for any subsequent period in which a provider seeks to contract with Illinois public school districts to serve students with disabilities in the facility under Section 14-7.02 of the School Code. The submission deadline shall be the April 15 prior to the beginning of the school year in question. If April 15 is not a business day, the deadline shall fall on the next business day. The approval process for any ~~such~~ subsequent period may also involve on-site reviews, at the sole discretion of the State Superintendent of Education.

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- 1) The denial of an application for renewal of approval shall cause the program approval status to change to "nonapproved" subject to the procedures set forth in Section 401.30(c) ~~of this Part~~.
- 2) Renewed approval granted for the 2006-2007 school year or later shall generally be valid for two school years, ending on the last day of the program's approved calendar for the second school year, unless approval is changed pursuant to Section 401.30 ~~of this Part~~. However, the State Superintendent of Education shall approve approximately half the renewal applicants for the 2006-2007 school year for one year only, in order to stagger the two-year renewal process for subsequent periods.
 - A) Applications shall be selected at random, provided that, once one program offered by a particular provider has been selected, all that provider's programs will be placed on the same renewal schedule.
 - B) The first renewal of approval for a new program offered by a provider that already operates other approved programs shall be granted for the number of years that will place it on the cycle already established for that provider.
- 3) A program shall not be eligible for two-year renewed approval if it was not approved for the immediately preceding year, or if it was approved "pending further review" at any time during the immediately preceding period of approval. Applications for approval of ~~thesesuch~~ programs shall be treated as for initial approval.

(Source: Amended at 39 Ill. Reg. 14758, effective October 22, 2015)

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section 401.145 Administration of State Assessment

A facility approved under this Part and located in Illinois may serve as a testing site for the State assessments required pursuant to Section ~~2-3.64a-52-3.64~~ of the School Code [105 ILCS ~~5/2-3.64a-52-3.64~~] in accordance with the provisions of this Section. For purposes of this Section, a "testing site" is a facility at which responsible staff is permitted to order and receive test materials directly from the testing contractor according to the contractor's arrangement with the State Board of Education. A provider seeking designation of a facility as a testing site under

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this Section shall follow the specific communication procedures established by the State Superintendent of Education for making the request, supplying the necessary information, and receiving the designation, as applicable to the examinations to be administered. The provider and responsible staff shall abide by all technical specifications established by the State Superintendent of Education and test contractors to implement the requirements set forth at 23 Ill. Adm. Code 1.30 (State Assessment).

a) Required Conditions

If a provider operating an Illinois facility under this Part wishes to have the facility serve as a testing site for one or more State assessments, certain required conditions must exist at the facility that will ensure the security and confidentiality of test materials and the validity of the resulting scores. The specifics of these requirements will vary according to which of the State assessments will be involved ~~(the Illinois Standards Achievement Tests (ISAT), the Prairie State Achievement Examination (PSAE), the Illinois Alternate Assessment (IAA), or the accommodated State assessment for students of limited English proficiency).~~

- 1) Locked facilities and storage for secure test materials must exist, and access to these must be limited to authorized individuals.
- 2) There must be an adequate amount of space for the number of examinees, and each must have an appropriate space in which to work. The facility must provide an environment that will meet technical requirements for particular types of test administration, including accommodations for students with disabilities or limited English proficiency.
- 3) The facility must afford lighting, temperature, and quiet such that the test environment will be free from interruptions and distractions.

b) Required Personnel Assignments and Qualifications

- 1) Each individual appointed to a role under this subsection (b) shall be an employee of the provider or facility. No volunteers or parents may serve in these positions.
- 2A) ~~ISAT, IAA, and Accommodated Assessment~~The provider or chief administrator shall designate a testing coordinator for each assessment to be administered at a facility. An individual may serve as coordinator for

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more than one of the assessments. The responsibilities of the testing coordinator shall include:

- Ai) ordering, distributing, collecting, and returning test materials;
- Bii) training test administrators and proctors regarding their responsibilities;
- Ciii) arranging for the accommodations called for in individual students' IEPs;
- Div) ensuring that neither test security nor the purpose of testing is compromised by any accommodations afforded to students; and
- Ev) overall monitoring of testing activities to ensure that required procedures are followed.

B) PSAE
~~The provider or chief administrator shall appoint a test supervisor, a back-up test supervisor, and a test accommodations coordinator. Each of these three individuals, when initially appointed, shall be required to participate in specific training made available by the State Superintendent of Education.~~

- i) ~~The responsibilities of the test supervisor (or back-up test supervisor, if the test supervisor becomes unavailable) shall include those delineated in subsections (b)(1)(A)(i), (ii), and (v) of this Section with respect to "standard time testing" only.~~
- ii) ~~The responsibilities of the test accommodations coordinator shall be all those delineated in subsection (b)(1)(A) of this Section with respect to testing that is administered with accommodations.~~

32) ~~The ISAT, IAA, and accommodated~~ assessment may be administered only by:

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- A) administrators holding ~~educator licensure certification~~ appropriate to their positions (e.g., assistant principals, principals, chief administrators);
- B) teachers holding ~~educator licensure with endorsement certification~~ appropriate to their positions (including holders of substitute ~~teaching licenses~~ and ~~educator licenses with stipulations for provisional educator provisional certificates~~) and employed by the provider as teachers at the facility;
- C) school psychologists, school social workers, and school counselors holding ~~educator licensure certification~~ appropriate to their positions and employed by the provider at the facility in their respective professional capacities; and
- D) ~~paraprofessional educators paraprofessionals~~, provided that constant, line-of-sight supervision by ~~an educator licensed a certificated~~ teacher employed by the provider as a teacher at the facility shall be required (including supervision for individuals employed as ~~paraprofessional educators paraprofessionals~~ who are also ~~educator licensed ecertified~~ teachers).
- c) Required Procedures
Following procedures announced annually by the State Superintendent of Education and using the materials provided, the responsible individual at each testing site shall communicate with the testing contractors for the examinations to be administered at that site. The State Superintendent shall furnish to staff at each testing site the same technical guidance as is provided to the public schools regarding details of the test administration, and responsible staff at each testing site shall ensure that these technical specifications are followed, including, but not limited to:
- 1) the dates established as the testing window;
 - 2) the handling of test documents and other secure materials;
 - 3) permissible and impermissible objects in the testing environment;
 - 4) permissible and impermissible behavior on the part of test-takers;

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- 5) required, permissible, and impermissible actions on the part of staff at the testing site.
- d) The school district that has placed a student with a disability into a program approved under this Part remains responsible for determining, in accordance with the student's IEP, where the student will take the appropriate State assessment and whether the test materials for that student are to be ordered and handled by district or facility personnel, even if the facility where the student is placed serves as a testing site for that assessment.
- e) No State assessment shall be administered to any student who is not required to participate in the State assessment pursuant to Section ~~2-3.64a-52-3.64~~ of the School Code and 23 Ill. Adm. Code 1 (see Sections 1.30 (State Assessment) and 1.50 (Calculation of Participation Rate)).
- f) Any breach of test security or other testing irregularity shall be reported to the State Superintendent of Education or designee in accordance with instructions applicable to particular types of problems, using one of the methods identified by the State Superintendent. Responsible staff at the affected facility shall then follow the instructions provided by the State Superintendent or the relevant test contractor regarding the next steps to be taken in investigating the source of the problem, its implications, and its potential resolution.

(Source: Amended at 39 Ill. Reg. 14758, effective October 22, 2015)

SUBPART C: OPERATIONAL REQUIREMENTS

Section 401.240 Staffing Requirements

- a) The composition and qualifications of each facility's professional and paraprofessional staff shall be in accordance with the needs and requirements of the students with disabilities placed under Section 14-7.02 of the School Code. Each provider subject to this Part shall employ sufficient professional staff, including staff having professional expertise and training in the disability-related educational needs of the students served, to meet the applicable requirements of 23 Ill. Adm. Code 226, Subpart I (Personnel), as those requirements are affected by Section 10-21.4a of the School Code [105 ILCS 5/10-21.4a], if applicable, and ~~23 Ill. Adm. Code 25 (Educator Licensure), by the policies of the State Board of Education regarding the certification of personnel in special education that took effect on July 1, 2001, pursuant to a federal court order in the matter of Corey H.,~~

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~~et al., v. Board of Education of the City of Chicago, et al.~~ A head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code shall be required to hold a supervisory endorsement. ~~Paraprofessional educators~~Paraprofessionals employed by facilities under this Part shall be subject to the requirements of 23 Ill. Adm. Code 25.510 (Endorsement for Paraprofessional Educators~~Paraprofessionals; Teacher Aides~~).

- b) ~~A substitute teacher~~Substitute teachers holding a valid professional educator license endorsed for early childhood, elementary, secondary, special K-12, special preschool-age 21, or holding a substitute teaching license~~certificates~~ shall be employed to replace absent teachers. Only teachers holding educator licensure~~certification~~ or teaching approval in special education, as applicable to the students to be taught, shall be used to open new classrooms, begin a school year, or meet the staffing requirements set forth in this Section for purposes of approval of an application for eligibility.
- c) Facilities located outside Illinois shall employ personnel who possess the specific qualifications comparable to those issued in Illinois in connection with the positions in question.
- d) If the State Superintendent determines that a program has been operated for more than 60 consecutive calendar days in noncompliance with the requirements of this Section, the State Superintendent shall change the provider's approval status accordingly, pursuant to the provisions of Section 401.30~~of this Part~~.

(Source: Amended at 39 Ill. Reg. 14758, effective October 22, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Intercountry Adoption Services
- 2) Code Citation: 89 Ill. Adm. Code 333
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
333.20	Amendment
333.30	Amendment
333.40	Amendment
333.70	Amendment
333.80	Amendment
333.100	New Section
333.Appendix A	Amendment
- 4) Date Notice of Proposed Amendments published in the *Illinois Register*: May 8, 2015;
39 Ill. Reg. 6073
- 5) Reason for the Withdrawal: PA 99-49 Amends the Adoption Act eliminating the Inter-Country Adoption Coordinator position and oversight from the Inter-Country adoption process for Illinois residents. Without the underlying statute, there is no longer a need for this Rule. Illinois was the only state in the union that still functioned with an Inter-Country Adoption Coordinator position.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 20, 2015 through October 26, 2015. The rulemakings are scheduled for review at the Committee's November 17, 2015 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
12/3/15	<u>Illinois Emergency Management Agency</u> , Standards for Protection Against Radiation (32 Ill. Adm. Code 340)	9/4/15 39 Ill. Reg. 12068	11/17/15
12/3/15	<u>Illinois Emergency Management Agency</u> , Licensing Requirements of Source Material Milling Facilities (32 Ill. Adm. Code 332)	9/4/15 39 Ill. Reg. 12059	11/17/15
12/3/15	<u>Illinois Emergency Management Agency</u> , Licensing of Radioactive Material (32 Ill. Adm. Code 330)	9/4/15 39 Ill. Reg. 12046	11/17/15
12/3/15	<u>Illinois Emergency Management Agency</u> , Financial Assurance Requirements (32 Ill. Adm. Code 326)	9/4/15 39 Ill. Reg. 12037	11/17/15
12/3/15	<u>Illinois Labor Relations Board</u> , General Procedures (80 Ill. Adm. Code 1200)	7/31/15 39 Ill. Reg. 10617	11/17/15
12/4/15	<u>Department of Human Services</u> , Child Care (89 Ill. Adm. Code 50)	7/17/15 39 Ill. Reg. 9731	11/17/15
12/4/15	<u>State Board of Education</u> , Special Education (23 Ill. Adm. Code 226)	7/6/15 39 Ill. Reg. 8906	11/17/15

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

12/5/15	<u>Department of Financial and Professional Regulation</u> , Nurse Practice Act (68 Ill. Adm. Code 1300)	12/5/15 38 Ill. Reg. 22373	11/17/15
12/5/15	<u>Pollution Control Board</u> , Sound Emission Standards and Limitations for Property Line Noise-Sources (35 Ill. Adm. Code 901)	5/8/15 39 Ill. Reg. 6179	11/17/15

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 45 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.

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