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December 11, 2015 Volume 39, Issue 50

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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 preemptory 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

ILLINOIS COURT OF CLAIMS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Court of Claims Regulations
- 2) Code Citation: 74 Ill. Adm. Code 790
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
790.30	Amendment
790.40	Amendment
790.50	Amendment
790.55	Amendment
790.110	Amendment
790.120	Amendment
790.140	Amendment
790.155	Amendment
790.170	Amendment
790.200	Amendment
790.210	Amendment
790.220	Amendment
790.230	Repealed
790.250	Amendment
790.270	Amendment
- 4) Statutory Authority: Authorized by the Court of Claims Act [705 ILCS 505/9]
- 5) A Complete Description of the Subjects and Issues Involved: The rule changes would reduce the number of copies to be filed with the Clerk, clarify out-of-state attorney appearance requirements, allow attorneys to verify pleadings, reiterate Court precedent regarding the confidentiality of Commissioner communications, clarify oral argument procedure, clarify rehearing procedure, remove the procedural calendaring requirement of the Clerk, and clarify filing fees and fee waiver procedure.
- 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

ILLINOIS COURT OF CLAIMS

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:
- Bradley R. Bucher
Illinois Court of Claims
630 S. College
Springfield IL 62756
- 217/782-0111
- 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: None

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

ILLINOIS COURT OF CLAIMS

NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER VI: COURT OF CLAIMSPART 790
COURT OF CLAIMS REGULATIONS

SUBPART A: COURT OF CLAIMS RULES

Section	
790.10	Terms of Court
790.20	Pleadings and Practice
790.25	Rule References
790.30	Pleadings – Forms
790.40	Procedure
790.50	Complaint-Required Provisions
790.55	Discovery
790.60	Exhaustion of Remedies
790.70	General Continuance – Status Report
790.80	Death of Claimant
790.90	Dismissal
790.100	Answer by Respondent
790.110	Hearings – Assignments and Continuances
790.120	Transcript of Evidence
790.130	Costs of Evidence
790.140	Departmental Records and Reports – Prima Facie Evidence
790.150	Medical Examination of Claimant
790.155	Subpoenas
790.160	Excerpts from the Record
790.170	Briefs
790.180	Excerpts and Briefs – Time for Filing
790.190	Extension of Time
790.200	Motions
790.210	Oral Argument of Case
790.220	Rehearing or New Trial— Time to File
790.230	Rehearing – Procedure (Repealed)
790.240	New Trial (Repealed)
790.250	Records – Calendar
790.260	Dismissal for want of Prosecution
790.270	Fees and Costs

ILLINOIS COURT OF CLAIMS

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: ADOPTION AND EFFECTIVE DATES

Section
790.280 Adoption and Effective Dates

AUTHORITY: Authorized by Section 9A and implementing the Court of Claims Act [705 ILCS 505].

SOURCE: Rules of the Court of Claims, filed and effective July 1, 1975; codified at 6 Ill. Reg. 2111; recodified at 6 Ill. Reg. 2594; amended at 24 Ill. Reg. 8228, effective July 1, 2000; amended at 32 Ill. Reg. 12315, effective July 18, 2008; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: COURT OF CLAIMS RULES

Section 790.30 Pleadings – Forms

~~Four~~Six copies of all pleadings shall be filed with the office of the Clerk. The pleadings shall be produced on good white paper by a typing, printing, duplicating or copying process that provides a clear image. If ~~photocopies~~carbon copies are used, the original must also be filed. In order that the files of the Clerk's office may be kept under the system commonly known as "flat filing", all papers presented to the Clerk shall be flat and unfolded. Such papers need not have a cover.

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

Section 790.40 Procedure

- a) Filing. Cases shall be commenced by the filing of a verified complaint with the Clerk of the Court. A party filing a case shall be designated as the claimant, and either the State of Illinois or the appropriate State agency (Section 8(d), Court of Claims Act [705 ILCS 505/8(d)]) shall be designated as the respondent. The Clerk will note on the complaint, and each copy, the date of filing, and deliver one of the copies to the Attorney General or to the legal counsel of the appropriate State agency. Joinder of claimants in one case is permitted, as provided by the Code of Civil Procedure [735 ILCS 5].
- b) Attorney of Record. In all cases filed in this Court, all claimants not appearing pro se must be represented of record by a member of the Illinois bar. [Permission for](#)

ILLINOIS COURT OF CLAIMS

NOTICE OF PROPOSED AMENDMENTS

- 3) Fact Allegations. All allegations of fact required to set forth the claimant's cause of action;
- 4) History of Claim. Whether the claim has been presented to any State department or officer, or has been the subject of administrative proceedings, and if so:
 - A) when and to whom or which administrative body the claim was presented;
 - B) the action taken on behalf of the claim by the State or the appropriate State agency or officer and by each administrative body that has considered the claim;
- 5) Ownership. What persons are owners of the claim or interested therein, and when and upon what consideration such persons became interested;
- 6) Assignments. That no assignment or transfer of the claim, or any part thereof or interest therein, has been made except as stated in the complaint;
- 7) Entitlement. That claimant is justly entitled to the amount claimed from the State of Illinois or the appropriate State agency after allowing all just credits;
- 8) Verification. That the facts stated in the complaint are true;
- 9) Whether this claim or any other claim arising out of the same occurrence (against any person, firm or governmental agency other than the State of Illinois or any of its officers or agencies) has been previously presented to any person, firm, court or administrative tribunal other than the State of Illinois, and, if so:
 - A) when, to whom, and what action was taken by each person, firm, court or administrative tribunal; and
 - B) what payments or other considerations, if any, have been received. Claimant must file with the Clerk of the Court copies of all

ILLINOIS COURT OF CLAIMS

NOTICE OF PROPOSED AMENDMENTS

instruments evidencing such payment or consideration;

- 10) Status of Respondent. If a State officer or agency or department of the State is sued in a capacity as holder, administrator or trustee of a fund, or as executor or administrator of a trust or estate, or as a guardian, conservator or any similar capacity, the complaint shall identify:
 - A) the fund, estate, trust or other entity involved;
 - B) the statute or principle of law governing the creation of the fund or other entity; and
 - C) any instrument or order of court or administrative or governmental agency creating such capacity or fund or entity;
 - 11) Damages. A bill of particulars, stating in detail each item of damages, and the amount claimed;
 - 12) If the claimant is an executor, administrator, guardian or other representative appointed by a judicial tribunal, a duly certified copy of the record of appointment must be filed with the complaint.
- b) Personal injuries. Where a complaint alleges damages as a result of personal injuries, claimant shall:
- 1) Attach to the complaint, as a separate item, copies of the notices served as required by Sec. 22-1 of the Court of Claims Act [705 ILCS 505/22-1], showing how and when the notices were served.
 - 2) Include with the bill of particulars, as required by subsection(a)(11) ~~of this Section~~, the names and addresses of all persons providing medical services; if hospitalized, name of hospital and dates of hospitalization; name of claimant's employer, place of employment, and dates of time lost, if any.
- c) Contracts. If the claimant bases the complaint upon a contract, or other instrument in writing, a copy shall be attached for reference.
- d) Lapsed appropriations. All claims for services or materials furnished to the State

ILLINOIS COURT OF CLAIMS

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of Illinois, payment of which has been denied solely because of a lapsed appropriation, shall be filed with the Clerk of the Court of Claims in the following manner:

- 1) Claims shall be initiated by filing with the Clerk of the Court of Claims 46 copies of a verified lapsed appropriation claim form (available upon request from the Clerk's office) or a facsimile.
- 2) Respondent shall confirm or deny that such sum of money or any sum of money is due the claimant.
- 3) Claims against no more than one department or State agency shall be included in each complaint.
- 4) Claimant's name and address, or that of his or her attorney, shall appear at the bottom of the complaint.

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

Section 790.55 Discovery

Discovery shall be conducted in accordance with the Civil Practice Law [735 ILCS 5/Art. II] and the Rules of the Supreme Court of Illinois, except as follows:

- a) Discovery requests and responses to discovery requests, including interrogatories and requests for production of documents, shall not be filed with the Clerk of the Court unless ordered by the Court, a Judge thereof, or a Commissioner. Requests for admission and the responses thereto shall be filed with the Clerk of the Court.
- b) For claims involving property of inmates incarcerated in Illinois Department of Corrections facilities:
 - 1) The~~the~~ respondent shall forward to the claimant, or, if claimant is represented, claimant's attorney, copies of the following documents in the possession or control of the Department of Corrections within 120 days after the filing of the complaint. The complaint is not deemed filed during the pendency of a petition for leave to proceed in forma pauperis.
 - A4) Grievances and appeals of grievances pertaining to the property in

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question filed by the claimant, and all responses thereto.

B2) Any personal property inventory sheets and property permits or contracts that tend to prove or disprove ownership of the property in question.

C3) Incident reports, disciplinary reports, and "shakedown" receipts relevant to the subject of the claim.

2) The deadline for forwarding these documents to claimant is tolled during the consideration of a motion to dismiss or any other motion the granting of which would dispose of the case. ~~The deadline for forwarding these documents to claimant is tolled during the consideration of a motion to dismiss filed by respondent.~~ No other discovery is permitted in these claims except by order of the Court, a Judge thereof, or a Commissioner.

c) For claims involving personal injury of inmates while incarcerated in Illinois Department of Corrections facilities:

1) The respondent shall forward to claimant or, if claimant is represented, claimant's attorney, copies of the following documents in the possession or control of the Department of Corrections within 120 days after the filing of the complaint:

A1) Grievances and appeals of grievances pertaining to the injuries in question filed by the claimant, and all responses thereto.

B2) All medical records relevant to the subject of the claim.

C3) Incident reports relevant to the subject of the claim.

2) The deadline for forwarding these documents to claimant is tolled during the consideration of a motion to dismiss or any other motion the granting of which would dispose of the case. No other discovery is permitted in these claims except by order of the Court, a Judge thereof, or a Commissioner.

d) When complying with the provisions of this Section, the respondent may redact any information including, but not limited to, confidential information such as

ILLINOIS COURT OF CLAIMS

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social security numbers, home telephone numbers, home addresses, and information the disclosure of which would be violative of federal or State law. In the event any information is redacted by the respondent, the respondent shall, in writing, state the reason for the redaction, and forward the statement to the claimant or his attorney within the time allowed in this Section, or any extension authorized under subsection (f).

- e) In the event that the claimant disputes the propriety of redaction of any information, the Court, a Judge thereof, or a Commissioner shall be empowered to examine the material in camera and to enter an order requiring the respondent to forward the redacted material to the claimant or his attorney.
- f) The Court, a Judge thereof, or a Commissioner may extend the time for compliance with the provisions of this Section.

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

Section 790.110 Hearings – Assignments and Continuances

The Court shall assign the case to a Commissioner who, within a reasonable time, shall set the time and place for hearing, and notify opposing counsel in writing. No continuances shall be granted by the Commissioner except upon good cause shown, supported by affidavit. Any communications between the Commissioner and the Court are deemed preliminary and confidential.

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

Section 790.120 Transcript of Evidence

- a) Filing. All evidence shall be taken in writing in the manner in which depositions in civil actions are usually taken. When the evidence is taken, and the proofs in a case are closed, the evidence shall be transcribed, and the transcript~~3 copies~~ thereof shall be filed by the court reporter with the clerk within 30 days after~~of~~ the completion of the hearing.
- b) Form. The format of the transcript of evidence shall conform to that of court reporters as nearly as practicable. Double spacing shall be used for each question and answer. Letter or legal size paper shall be used, and margins shall be of suitable size.

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- c) Index – witnesses. An index identifying the names of the witnesses shall be included in the transcript of evidence. The index shall further disclose the pages on which the testimony of each witness appears.
- d) Index – exhibits. An index identifying exhibits and reflecting the pages on which the exhibits are marked for identification shall be included in the transcript of evidence. The index shall further disclose the pages on which the exhibits are admitted into evidence or whereon admission thereof is denied.

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

Section 790.140 Departmental Records and Reports – Prima Facie Evidence

All records and files maintained in the regular course of business by any department, commission, board, agency or authority of the State of Illinois, and all departmental reports made by any officer thereof relating to any matter or case pending before the Court shall be prima facie evidence of the facts set forth therein; provided, a copy thereof shall have been first duly mailed or delivered by the Attorney General or the legal counsel of the appropriate State agency to the claimant, or his attorney of record, and 25 copies filed with the Clerk.

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

Section 790.155 Subpoenas

- a) The Court may issue subpoenas through the Chief Justice or one of its Judges or Commissioners to require attendance of witnesses for the purpose of testifying before it, any Judge of the Court, any notary public, or any of its Commissioners, and to require the production of any books, records, papers or documents that may be material or relevant as evidence in any matter pending before it. ~~If in case~~ any person refuses to comply with any subpoenas issued in the name of the Chief Justice, or one of the Judges or Commissioners, attested to by the Clerk, with the seal of the Court attached, and served upon the person named in the subpoena, as a summons in a civil action is served, the circuit court of the proper county, on application of the party at whose instance the subpoena was issued, shall compel obedience by attachment proceedings, as for contempt, as in a case of a disobedience of the requirements of a subpoena from the circuit court on a refusal to testify.

ILLINOIS COURT OF CLAIMS

NOTICE OF PROPOSED AMENDMENTS

- b) The Clerk of the Court of Claims, when an action is pending, shall, from time to time, issue subpoenas on behalf of the Chief Justice, the Judges or Commissioners, for those witnesses and to those counties in the States as may be required by the attorneys or either party.
- c) Every subpoena shall:
 - 1) state that it is issued by the Court of Claims; and
 - 2) state the title of the action and its civil action number; and
 - 3) command each person to whom it is directed to attend and give testimony or to produce or permit inspection and copying of designated books, documents or tangible things in the possession, custody or control of that person. A command to produce evidence shall be joined with a command to appear at trial or hearing or at deposition.
- d) The Clerk may issue subpoenas on behalf of a party requesting issuance provided that there is a valid request to the Clerk indicating the information to be subpoenaed. An attorney of record may also issue and sign a subpoena on a form provided by the Clerk.
- e) Prior notice of any subpoena for production of documents and things before trial shall be served on each party by mailing or delivering written notice to the other parties to the action, or their attorneys, at the last known address of the attorney or party, with proof of service filed with the Clerk.
- f) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to a subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, including being held in default, debarred from filing any other pleading or maintaining any claim or defense.

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

Section 790.170 Briefs

The Court, a Judge thereof, or a Commissioner may order the filing of briefs in a case where the

ILLINOIS COURT OF CLAIMS

NOTICE OF PROPOSED AMENDMENTS

filing of briefs may enlighten the Court. If so ordered, each party shall file with the Clerk ~~26~~ copies of a typewritten or printed brief setting forth the points of law upon which reliance is had, with reference made to the authorities sustaining their contentions. Citation of numerous authorities in support of the same point is not favored. Accompanying the briefs, there shall be a statement of the facts and an argument in support of the briefs. Wherever facts from the record are restated, there shall be a reference to the pages of the record and not to the pages of the excerpts.

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

Section 790.200 Motions

- a) General. All motions and objections shall comply with Section 790.30 of this Part.
- b) Motions. All motions shall be in writing. ~~FourSix~~ copies of all motions, and suggestions in support of the motion, shall be filed with the Clerk of the Court and the assigned Commissioner, together with proof of service upon counsel for the other party. When the motion is based upon matter that does not appear of record, it shall be supported by an affidavit. A copy of the motion, suggestions in support of the motion, and affidavit, if any, shall be served upon counsel for the opposing party at the time the motion is filed with the Clerk.
- c) Objections. Objections to motions, and suggestions in support of the objection, must be in writing and filed within 21 days after the filing of the original motion. Upon the filing, within 21 days after the filing of the motion, of a request for an extension of time supported by an affidavit that an objection will be filed within the extended time, the time shall be automatically extended for an additional 21 days. No other extensions will be allowed except in compelling circumstances. ~~FourSix~~ copies of all objections to motions shall be filed with the Clerk of the Court, together with proof of service upon counsel for the other party. When motions are filed by either the claimant or the respondent, the moving party shall also submit ~~3 copies of~~ a proposed order.
- d) Rulings by Commissioners. After a cause has been assigned to a Commissioner, all motions during the course of the hearings, except motions to dismiss, motions for summary judgment, or other dispositive motions, may be determined by the Commissioner. The Commissioner shall cause to be filed with the Clerk of the Court any order so issued.

ILLINOIS COURT OF CLAIMS

NOTICE OF PROPOSED AMENDMENTS

- e) Oral argument on motions. There shall be no oral argument on motions or objections to motions, except on motions where, in the Court's discretion, oral arguments thereon would be of value to the Court.

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

Section 790.210 Oral Argument of Case

~~Either party desiring to make oral argument shall indicate on the cover of his/her brief. Oral argument on a matter before the Court, including a petition for rehearing, will be permitted only when ordered by the Court. Oral argument may be granted in the discretion of the Court upon request of a party or by Court order.~~

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

Section 790.220 Rehearing or New Trial—~~Time to File~~

A party desiring a rehearing or new trial in any case shall, within 30 days after the filing of the opinion or order, file with the Clerk ~~46~~ copies of the petition for rehearing. The petition shall state briefly the points supposed to have been overlooked or misapprehended by the Court, with authorities and suggestions concisely stated in support of the points. A copy of the petition shall be served on counsel for the other party and proof of service shall be shown in the petition. Any petition violating this Section will be stricken. The opposite party shall have 20 days from the date of filing of the petition for rehearing to answer the petition, and the petitioner shall have 10 days thereafter within which to file a reply. The granting of a petition for rehearing can result in such relief as the Court deems appropriate. Neither the claimant, nor the respondent, shall be permitted to file more than one application or petition for rehearing.

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

Section 790.230 Rehearing – Procedure (Repealed)

~~When a rehearing is granted, the original briefs of the parties, the petition for rehearing, the answer and the reply thereto shall constitute the file in the case on rehearing. The opposite party shall have 20 days from the date of filing of the petition for rehearing to answer the petition; and the petitioner shall have 10 days thereafter within which to file a reply. Neither the claimant, nor the respondent, shall be permitted to file more than one application or petition for a rehearing.~~

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

Section 790.250 Records – Calendar

a) Records. The Clerk shall record all orders of the Court, including the final disposition of cases. ~~The Clerk~~He shall keep all required dockets in which shall be entered all claims filed, together with their number, dates of filing, the name of claimants, their attorneys of record and respective addresses. As papers are received, ~~the Clerk by the Clerk, he~~ shall stamp the filing date thereon, and forthwith mail to opposing counsel a copy of all orders entered, pleadings, motions, notices and briefs as filed. Such mailing shall constitute due notice and service thereof.

b) ~~Calendar. Within 10 days prior to the first day of each session of the Court, the Clerk shall prepare a calendar of the cases set for hearing, and of the cases to be disposed of at such session, and deliver a copy thereof to each of the Judges, the Attorney General, and the legal counsel of the appropriate State Agency.~~

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

Section 790.270 Fees and Costs

a) In claims based upon lapsed appropriations or lost warrant no filing fee shall be required. In all other claims the following fees shall apply:

Filing of complaint in which amount of claim is ~~more~~
~~than \$50 and~~ less than \$1,000 \$15

Filing of complaint in which amount of claim is
\$1,000 or more \$35

b) Filing fees may be waived for a poor person, ~~pursuant to Supreme Court Rule 298~~, upon application provided and approved by the Court of Claims.

c) Certified copies of documents filed in the Court of Claims may be obtained upon application to the Secretary of State and payment of the prescribed costs.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Conservation Reserve Enhancement Program (CREP)
- 2) Code Citation: 17 Ill. Adm. Code 1515
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1515.5	New Section
1515.10	Amendment
1515.20	Amendment
1515.30	Amendment
1515.40	Amendment
1515.50	Amendment
1515.60	Amendment
1515.70	New Section
1515.80	New Section
1515.90	New Section
1515.EXHIBIT B	New Section
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois [20 ILCS 805/Part 13.5]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update this Part to be consistent with how the program needs to be administered in conjunction with federal mandates and state laws.
- 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 proposed rulemakings pending on this Part? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Virginia I. Yang, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809
- 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: January 2015

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1515
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

[1515.5](#) [Definitions](#)

1515.10 General Provisions

1515.20 Eligibility Requirements

1515.30 Enrollment Process

1515.40 Exceptions to Enrollment Process

1515.50 Payments

1515.60 Violation

[1515.70](#) [Compliance and Easement Stewardship](#)[1515.80](#) [Modifications to Grant of Conservation Right and Easement](#)[1515.90](#) [Transfer of a Grant of Conservation Right and Easement](#)

1515.EXHIBIT A Map of Eligible Area in Illinois and Kaskaskia River Watersheds

[1515.EXHIBIT B](#) [List of CREP Eligible Illinois Soil and Water Conservation Districts](#)

AUTHORITY: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois [20 ILCS 805/Part 13.5].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired on February 19, 1999; adopted at 23 Ill. Reg. 3396, effective March 8, 1999; emergency amendment at 25 Ill. Reg. 7329, effective May 22, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 13600, effective October 9, 2001; amended at 27 Ill. Reg. 12677, effective July 21, 2003; amended at 29 Ill. Reg. 20507, effective December 2, 2005; amended at 35 Ill. Reg. 1636, effective January 14, 2011; amended at 40 Ill. Reg. _____, effective _____.

[Section 1515.5 Definitions](#)

["100-year Floodplain" means an area adjacent to a body of water that has a 1% chance of being flooded in a given year.](#)

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"CRP Soil Rental Rates" means the price values that are associated with each soil type and that are used to calculate payments to CRP contract holders.

"Commodity Credit Corporation" or "CCC" means the federal government-owned and -operated entity that was created to stabilize, support and protect farm income and prices under the federal Food and Security Act of 1985, as amended (16 USC 3830 et seq.) and its regulations.

"Conservation Plan" means a detailed prescription for managing and/or restoring land for ecological benefit.

"Conservation Practices" or "CP" means commonly used conservation methods developed and described by the USDA-NRCS in its National Handbook of Conservation Practices. Individual states can adopt the CP, with or without modifications as needed for state variations in soils, climate and topography. The CP are designed to improve natural resources with respect to soil, water, air, plants and animals plus humans (SWAPA+H) and include:

CP9 (Shallow Water Areas for Wildlife) – intended to develop or restore shallow water areas, to an average depth of 6 to 18 inches, for wildlife;

CP11 (Vegetative Cover – Trees Already Established) – used to identify land established to trees that is under CRP contract at the time the acreage is offered for enrollment in CRP and the producer elects to reoffer the acreage to be devoted to trees;

CP12 (Wildlife Food Plot) – intended to establish annual or perennial wildlife food plots that will enhance wildlife or wildlife habitat;

CP2 (Establishment of Permanent Native Grasses) – intended to establish a vegetative cover of native grasses on eligible cropland that will enhance environmental benefits;

CP21 (Filter Strip) – intended to remove nutrients, sediment, organic matter, pesticides and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification and other processes, and thereby reduce pollution and protect surface water and

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subsurface water quality while enhancing the ecosystem of the water body;

CP22 (Riparian Buffer) – intended to:

remove nutrients, sediment, organic matter, pesticides and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body;
and

create shade to lower water temperature to improve habitat for aquatic organisms and to provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife.

CP23 (Wetland Restoration) – intended to restore the functions and values of wetland ecosystems that have been devoted to agriculture use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or a qualified Technical Service Provider;

CP25 (Rare and Declining Habitat) – intended to restore the functions and values of critically endangered, endangered and threatened habitats. The extent of the restoration is determined by the specifications developed at the state level;

CP3 (Tree Planting) – intended to establish a stand of trees in a timber planting that will enhance environmental benefits;

CP39 (Constructed Wetland) – intended to improve water quality by increasing nutrient and sediment trapping efficiencies as well as increase wildlife habitat in row cropped agricultural drained land;

CP3A (Hardwood Tree Planting) – intended to establish a stand of predominantly hardwood trees in a timber planting that will enhance environmental benefits;

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CP4D (Permanent Wildlife Habitat, Noneasement) – intended to establish a permanent wildlife habitat cover to enhance environmental benefits for the wildlife habitat of the designated or surrounding areas.

"Conservation Reserve Enhancement Program" or "CREP" means the State of Illinois land conservation program administered by the Department of Natural Resources to enhance:

water quality by reduction of sediment and nutrients; and

wildlife habitats for rare and declining species as well as for State and federally listed threatened and endangered species in the Illinois River and Kaskaskia River watersheds, as identified in Exhibit A.

"Conservation Reserve Program" or "CRP" means the federal land conservation program administered by the USDA Farm Service Agency. In exchange for a yearly rental payment, farmers enrolled in the federal CRP agree to remove environmentally sensitive land from agricultural production and plant species that will improve environmental health and quality.

"Continuous CRP Signup" means a subset of federal CRP that allows landowners to enroll land into conservation practices year-round. Conservation practices eligible for continuous signup may have limits on size or width and may be linear in shape (e.g., along field edges or bodies of water).

"Cost-Share Payments" means payments made to CRP/CREP participants to pay for a set percentage of the cost of conservation practice installation.

"Department" or "IDNR" means the Illinois Department of Natural Resources.

"Erodibility Index" or "EI" means the technical value calculated by dividing all potential erosion sources by the maximum average soil loss (in tons) that will still allow the current level of crop production in the future. This index is used to determine highly erodible land.

"Farm Service Agency" or "FSA" means the division of USDA that administers many farm commodity, crop insurance, credit, environmental, conservation and emergency assistance programs for farmers and ranchers.

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"Farmed Wetlands" means the wetland areas that were partially drained or altered to improve crop production prior to the enactment of the Food and Security Act of 1985 (1985 Farm Bill), effective December 23, 1985. Farmed wetlands may be farmed in a manner consistent with farming practices prior to the effective date of the 1985 Farm Bill, and the drainage may be maintained to the same wetland conditions that were in place before December 23, 1985.

"General CRP Signup" means a subset of the federal CRP with a specific timeframe designated by USDA that may include the full spectrum of conservation practices that are typically eligible during general signups and allowing for large CRP enrollment acreages.

"Grant of Conservation Right and Easement" means a legally binding document that specifies the rights that a landowner has relinquished or retains by the granting of a conservation right and easement.

"Highly Erodible Land" or "HEL" means land or riparian areas within the 100 year floodplain that is susceptible to erosion as determined by USDA-NRCS and has an EI of at least 8.

"Illinois Wildlife Action Plan" means a comprehensive plan that describes the particular needs of wildlife that are declining in Illinois so that populations can be stabilized and increased and that outlines specific geographic areas where efforts can be focused to achieve the greatest benefit.

"Maximum CRP Rental Rates" means the overall rental payment per acre that is calculated using the three predominant soil types that make up an area to be enrolled in CRP. A weighted average of the individual rates associated with each soil type determines the overall rental payment per acre.

"National CRP Directives" means the federal amendments to the FSA Handbook (2-CRP; revision 5), available on the FSA website (www.fsa.usda.gov/il) and the IDNR website (www.dnr.state.il.us).

"Natural Resources Conservation Service" or "NRCS" means the division of USDA that serves as the primary federal agency working with private landowners to assist with conserving, maintaining and improving their natural resources.

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"Non-cropped Acres" means acreage where an approved agricultural commodity is not produced, but that may be eligible to be included as additional acres in a permanent CREP easement when enrolled in conjunction with other cropland acres.

"Practice Incentive Payment" or "PIP" means a one-time payment made to CRP participants when the first conservation practice is installed on land enrolled in CRP.

"Prior Converted Wetlands" means wetland areas that were fully altered or improved for agriculture before the enactment of the 1985 Farm Bill (effective December 23, 1985) and have no restrictions on either drainage maintenance or additional drainage on these areas.

"Riparian Areas" or "Riparian Buffer Areas" means land along a river or stream.

"Signup Incentive Payment" or "SIP" means a one-time payment made to federal CRP participants when they sign up for the federal CRP program.

"Soil and Water Conservation District" or "SWCD" means the local county government entity in Illinois that provides technical assistance and tools to manage and protect land and water resources in its respective county or counties and that works cooperatively with IDNR to manage the State CREP. (See list of SWCDs in Exhibit B.)

"Technical Service Provider" or "TSP" means an individual certified to provide technical assistance on behalf of USDA for purposes of conservation planning and design, layout, installation and checkout of approved conservation practices.

"U.S. Department of Agriculture" or "USDA" means the federal government entity that is authorized to promote public policy regarding agriculture, natural resources and conservation of the nation's natural resources through restored forests, improved watersheds and healthy private working lands and to promote cooperative efforts between state and local government entities and the private sector.

"USDA Form AD-245" means the document issued by USDA-FSA that is reviewed and signed by the landowner, represents the landowner's official request for cost-share through CRP, and details the amounts to be paid to the landowner.

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"USDA Form AD-862" means the document issued by USDA-FSA that is completed by a designated and qualified official to evaluate the condition and success of conservation practices associated with a CRP contract.

"Watershed" means an area of land where surface water from precipitation converges at a lower elevation and where the water joins another waterbody, such as a river, lake or wetland.

"Wetlands Farmed under Natural Conditions" means an area that meets wetland criteria, but has not been drained or otherwise altered to eliminate normal wetland function.

"Wetlands" means land that:

has a predominance of hydric soils that were formed under conditions of saturation, flooding, ponding long enough during a growing season to develop anaerobic conditions in the upper part of the soils;

is inundated or saturated by surface of groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated solid conditions; and

supports a prevalence of such vegetation under normal conditions. (See USDA-NRCS Wetland Reserve Program Manual – Section 514.70, Definitions "SS".)

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

Section 1515.10 General Provisions

The Conservation Reserve Enhancement Program ~~(CREP)~~ is a voluntary State incentive program ~~Incentive Program~~ designed to address water quality and wildlife habitat concerns within the Illinois River and Kaskaskia River Watersheds (see Exhibit A). As described in the Agreement between USDA-Commodity Credit Corporation and State of Illinois (effective October 25, 2010), the Illinois CREP is a state partner with ~~combined with the federal~~ Federal Conservation Reserve Program (CRP). The Illinois CREP is designed to provide additional incentives and opportunities for landowners to restore, enhance and protect environmentally sensitive lands within both watersheds. Eligible lands may be retired and protected for ~~to~~

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~~provide long term environmental benefits by allowing 232,000 acres of certain environmentally sensitive lands in the Illinois and Kaskaskia River Watersheds to be restored, enhanced or protected over a period of time from 15 or 35 years or in-to perpetuity. The Illinois CREP will be managed locally by the SWCDs, with support from local non-governmental organizations (NGOs), and in cooperation with IDNR, driven by locally led conservation efforts which show landowner support. This program will be the vehicle for a partnership between landowners, governmental entities, and non-governmental organizations in addressing watershed quality problems.~~

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

Section 1515.20 Eligibility Requirements

Lands that meet the ~~CREP~~ eligibility criteria for federal CRP contracts, as determined by FSA and Section 1515.40(c), the USDA Farm Service Agency (FSA) are eligible for enrollment in the State CREP Incentive Program, unless specifically excepted by Section 1515.40(a).

- a) The acres to be enrolled under CREP must consist of eligible land located within the Illinois and/or Kaskaskia River Watersheds (see Exhibit A). Eligible acres include the following as described in the Agreement between the U.S. Department of Agriculture, Commodity Credit Corporation, and State of Illinois, as amended, for CREP, as shown in Exhibit A. These acres are eligible if they are:
- 1) Flooded and/or wetland riparian areas, which, for this purpose, shall be defined to be cropland or marginal pastureland that is either:
 - A) within the 100-year floodplain of the Illinois or Kaskaskia River and its~~their~~ tributary stream systems ~~depicted in Exhibit A~~; or
 - B) for wetland restoration purposes only, located within the watersheds ~~depicted in Exhibit A~~ and is determined by ~~the USDA Natural Resources Conservation Service (NRCS)~~ to be either a "farmed wetland" ~~or~~ a "prior converted wetland", as defined in Section 1515.5 ~~or a wetland farmed under natural conditions.~~
 - 2) Highly erodible riparian areas, which are croplands, for this purpose, shall be defined to be cropland that have~~has~~ a weighted average Erodibility Index (EI) of 8 or greater as determined by FSA and are located~~is~~ immediately adjacent to a riparian area within the 100-year floodplain.

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The ~~eligible landowner must enroll any eligible~~ adjacent riparian area must be enrolled in CREP or ~~another~~ CRP enrollment opportunity.

- 3) Eligible lands~~Land~~ may also be ~~enrolled that is~~ adjacent to lands enrolled ~~under~~in subsections (a)(1) and (2), if determined to be infeasible to farm according to National CRP Directives.
- b) CRP conservation practices eligible for ~~the~~ CREP enrollments and cost-share assistance are listed in ~~subsection~~subsection (b)(1) ~~through (4) and (2)~~. ~~Practices that enhance or create habitat or desired environment as part of an Illinois Department of Natural Resources (IDNR) approved conservation plan may be eligible for use on the enrolled property. Exceptions can be made to eligible practices or to standards within a practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.~~
 - 1) For lands qualifying as riparian buffers or wetlands:
 - A) CRP Conservation~~Cropland~~ Practice CP 3A (Hardwood Tree Planting)
 - B) CRP Conservation~~Cropland~~ Practice CP 4D (Permanent Wildlife Habitat, Noneasement)
 - C) CRP Conservation~~Cropland~~ Practice CP 9 (Shallow Water Areas for Wildlife)
 - D) CRP Conservation~~Cropland~~ Practice CP 11 (Vegetative Cover – Trees = Already Established)
 - E) CRP Conservation~~Cropland~~ Practice CP 12 (Wildlife Food Plot)
 - F) CRP Conservation~~Cropland~~ Practice CP 21 (Filter Strip)
 - G) CRP Conservation Practice for Cropland and Marginal Pastureland ~~Practice~~ CP 22 (Riparian Buffer)
 - H) CRP Conservation~~Cropland~~ Practice CP 23 (Wetland Restoration)

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- I) CRP ~~Conservation~~~~Cropland~~ Practice CP 25 (Rare and Declining Habitat)-
- 2) For lands qualifying on the basis of erodibility (lands with an EI \geq 8):
- A) CRP ~~Conservation~~~~Cropland~~ Practice CP 2 (Establishment of Permanent Native Grasses)
- B) CRP ~~Conservation~~~~Cropland~~ Practice CP 3 (Tree Planting)
- C) CRP ~~Conservation~~~~Cropland~~ Practice CP 3A (Hardwood Tree Planting)
- D) CRP ~~Conservation~~~~Cropland~~ Practice CP 4D (Permanent Wildlife Habitat, Noneasement)
- E) CRP ~~Conservation~~~~Cropland~~ Practice CP 12 (Wildlife Food Plot)
- F) CRP ~~Conservation~~~~Cropland~~ Practice CP 25 (Rare and Declining Habitat)-
- 3) For lands qualifying on a wetland basis within the 100-year floodplain:
- CRP Conservation Practice CP 39 (Farmable Wetland Program – Constructed Wetland)
- 4) Additional practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for use on the enrolled property. Exception can be made to eligible practices or to standards within a conservation practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.

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

Section 1515.30 Enrollment Process

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- a) An applicant for ~~CREP~~the program must be enrolled in CRP or comply with the Federal portion of the Conservation Reserve Enhancement Program or meet the criteria in Section 1515.40~~(d) or (e)~~.
- b) An applicant for CREP shall initiate the enrollment process through the appropriate For the State incentive program, the enrollment process is initiated at the county Soil and Water Conservation District (SWCD) office (see Exhibit B). If an SWCD decides not to hold the 15-year, 35-year or permanent easements for that county, IDNR will work with the landowner to complete the enrollment process. The applicant shall complete a landowner, who must be enrolled in the Federal portion of CREP or meet the criteria in Section 1515.40(d) or (e), completes the State CREP enrollment form that specifies the desired option: a 15-year easement, a 35-year easement or a permanent easement.
- c) The SWCD shall assist the CREP applicant and State enrollment form (Form) and the FSA approved CRP contract of the land to be enrolled shall use IDNR prescribed CREP enrollment forms that are available be submitted online at www.dnr.illinois.gov/CREP enrollment. A complete CREP enrollment application shall include the following: to IDNR to document the date and time received. The Form is assigned an enrollment number and an approval date that obligates the State funding for that enrollment. Enrollments are accepted and numbers assigned on a first come first served basis. If the appropriation for that fiscal year has been fully obligated, then the Form is assigned a number and a date and placed on the waiting list for subsequent appropriations.
- 1) A CREP application form with the specific easement option;
 - 2) Landowner identification information;
 - 3) Landowner signature form;
 - 4) Approved FSA CRP Contract (CRP-1);
 - 5) Approved FSA Conservation Reserve Program Worksheet (CRP-2C);
 - 6) Property identification information, including aerial photo depicting federal CRP acres; CREP additional acres; and site access routes;
 - 7) IDNR Soil Rental Rate (SRR) calculation form;

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- 8) Deed;
 - 9) Tax bills;
 - 10) Letter of commitment for grant of ingress/egress, if applicable;
 - 11) Power of Attorney, if applicable;
 - 12) Approved NRCS Conservation Plan – Schedule of Operation; and
 - 13) Any additional information that may be requested by IDNR.
- d) The SWCD shall submit the CREP enrollment application and the FSA approved CRP contract to IDNR at DNR.CREP@illinois.gov on behalf of the applicant. An enrollment number and receipt date will be assigned to the enrollment application. The enrollment number, ~~and~~ approval date or waiting list status information ~~date~~ shall be e-mailed ~~back to the county SWCD office to confirm funding allocation or the appropriation status for the approved enrollment application.~~ ~~The county SWCD shall work with the landowner to execute either a 15-year, 35-year or permanent easement document and record the appropriate document at the County Courthouse.~~
- e) The State CREP enrollment application will be reviewed by the IDNR CREP Technical Review Team to determine if all necessary documents have been submitted by the SWCD.
- 1) If the enrollment application is complete, IDNR will conduct the following review:
 - A) An initial technical review that may result in:
 - i) approval of the application for further evaluation;
 - ii) suggested changes in the application; or
 - iii) nonapproval of the application;

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- B) A field review for each offered easement site to document field conditions of the property, such as absence of permanent structures, waste dumps and other uses or conditions;
- C) A final technical review of the offered easement with any new information obtained by the field review or other sources; and
- D) A finding that may:
- i) approve the enrollment application for further processing to authorize the offered easements, as identified;
 - ii) offer changes for the enrollment application; or
 - iii) deny the enrollment application with findings for suggested changes.
- 2) The applicant may withdraw from the process, accept the changes, or propose other options to modify the enrollment application.
- f) If the CREP enrollment application is approved by IDNR, the applicant shall acknowledge receipt of the IDNR approval in writing. Upon receipt of applicant's written acknowledgement, the proposed easement project will be eligible for CREP funding. If sufficient funding under the CREP appropriation is not available for that fiscal year, the enrollment application will be assigned an enrollment number and date and placed on an enrollment waiting list pending future CREP appropriations.
- g) When the CREP enrollment application is accepted for funding, the applicant shall work with the SWCD to execute a 15-year, 35-year or permanent easement document, as approved by IDNR and to record the appropriate documents with the County Recorder in accordance with the prescribed CREP procedures further detailed in the IDNR CREP manual (Part V-State CREP Title, Legal, Survey and Closing).
- h) If the applicant cancels his/her CREP enrollment or withdraws from the CREP enrollment process after the application has been accepted for funding, but prior to the recording or granting of any conservation easements, IDNR will seek Upon the voluntary cancellation of enrollment in the program by the landowner, prior to

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~~execution of the 15-year, 35-year or permanent easement, the landowner shall be liable for repayment from the applicant of the costs incurred by the SWCD and IDNR during the CREP enrollment process. These costs may will include: administrative costs for meetings and field visits meeting landowners, costs associated with completing CREP documents and executing the easement, paid to the SWCD by IDNR; attorney fees, paid by the SWCD; costs for surveys, title work, cost-share payments, recording fees and other SWCD costs. IDNR will send a written notice to the applicant requesting repayment, with a summary of the enrollment costs incurred from for the acceptance date of the enrollment process through the date of cancellation or withdrawal.~~

- i) If IDNR determines that any condition of the property or its title is incompatible with the proposed CREP conservation easement, IDNR will notify the SWCD and applicant, suspending the CREP enrollment process until the incompatible condition in the property title is resolved. If that incompatible condition cannot be resolved on a timely basis, IDNR may terminate the enrollment process with notice to the applicant.

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

Section 1515.40 Exceptions to Enrollment Process

- a) Landowners with acres that are subject to a pre-existing restrictive covenant that ~~gives to has already given~~ the State the rights provided ~~by a for in the~~ CREP 15-year, 35-year or permanent easement, or landowners who are restoring the acres for wetland mitigation from a State or ~~federal~~Federal action, are ineligible for ~~State~~-CREP bonus payments and ~~State~~-CREP cost-share payments.
- b) ~~If a county SWCD decides not to hold the 15-year, 35-year or permanent easements for that county, IDNR will work with the landowner to complete the enrollment forms and execute and record the 15-year, 35-year or permanent easement documents.~~
- be) As provided for in the Real Property Conservation Rights Act [765 ILCS 120], any agency of the State, unit of local government, or not-for-profit corporation or trust whose primary purposes include the conservation of land and natural areas, may hold the CREP 15-year, 35-year or permanent easements for willing CREP landowners. The holding~~Such~~ entity must contact IDNR with a signed list of willing landowners, including binding commitments from those landowners.

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IDNR will assist the entity with the enrollment process. Upon completion of the enrollment process, the entity ~~shall~~must execute the 15-year, 35-year or permanent easements, administer all required easement obligations~~them~~, and provide annual monitoring summary~~compliance~~ reports to IDNR by September 30 of each year.

- d) ~~Landowners with acres enrolled in continuous CRP sign-ups in the CREP eligible area prior to that area being eligible for CREP are eligible to enroll the CRP acres and additional non-cropped acres for permanent easements if the CRP acres and non-cropped acres meet all other eligibility requirements and if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a permanent easement.~~
- ce) Landowners with acres enrolled in federal CRP sign-ups ~~within the floodplain in Illinois~~ the CREP eligible areas~~area~~ are eligible to enroll the CRP acres into CREP 15-year, 35-year or permanent easements and additional non-cropped acres into CREP~~for~~ permanent easements if:
- 1) the landowner is required to enroll and obtain a CREP permanent easement for a federal~~Federal~~ and/or State watershed project; and/or, if
 - 2) the CRP acres and non-cropped acres meet all other Illinois CREP eligibility requirements; and
 - 3) if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a CREP permanent easement.

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

Section 1515.50 Payments

Payments will be provided to the landowner upon execution of the contract supplement or permanent easement at closing of the CREP enrollment process based upon the following formulas:

- a) Bonus Payments
- 1) Payment for Permanent Easements

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- A) The payment to a landowner for a voluntary permanent CREP easement will be a lump sum payment equal to the CRP maximum annual soil rental rate as determined by FSA (based on soil types, ~~(exclusive of any federal Federal incentive payments)~~) times 15 years times ~~30% percent~~ times number of acres enrolled. A minimum of 20 acres is required for CRP sign-up. If, however, unless the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the CRP sign-up ~~if, and~~ the acres have been approved by IDNR on the basis of~~due to~~ location and relationship with adjacent enrollments.
- B) If the landowner elects a permanent CREP easement option, additional cropped or non-cropped acres adjacent to acres that satisfy Section 1515.20 criteria, or acres in another CRP sign-up ~~(additional acres)~~ may be eligible for payment for ~~a offered for the~~ permanent CREP easement. (See Section 1515.20.) The landowner will receive a lump sum payment based on the formula set forth for the CREP State bonus payment (see subsection (c)(1)) for permanent easements, using the soil types on the additional acres. A conservation plan will be written and approved by IDNR based on the CREP program and the landowners' conservation goals~~The landowner must agree to a conservation plan written and approved by the SWCD and IDNR and established at the time of enrollment~~ for the total acreage in the permanent easement. However, the landowner will not~~but will~~ receive any~~no~~ CREP State-cost-share payment for any conservation practice previously established on the additional non-cropped acres or other CRP acres. If applicable, the landowner may use another federal~~Federal~~ and/or State cost-share program to implement acceptable conservation practices on additional acres. CPs~~Practices~~ that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property through IDNR. (See subsection (b).) The ~~criteria~~ eligibility criteria for a permanent easement on additional acres are:
- i) the acres are in riparian areas within the 100-year floodplain of the Illinois or Kaskaskia River and their tributary stream systems ~~depicted in~~ (see Exhibit A); or the

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acres have an $EI \geq 8$ and need to be enrolled to meet the 20 acre minimum for permanent easements, or have been approved by IDNR because their location contributes significantly to addressing watershed and water quality issues;

- ii) the acres are adjacent to cropped acres enrolled in a CREP permanent easement or are adjacent to the stream but on the opposite stream bank (same landowner); and
- iii) the acres are already in acceptable conservation practices based on soil types and wildlife benefits or the landowner is willing to put the acres in an acceptable practice at landowner's expense. If applicable, the landowner may use another ~~federal~~Federal and/or State cost-share program to implement the practices. A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acres (non-cropped acres or acres in another CRP sign-up) offered for permanent easement.

2) Payment for 15-Year Easement

The payment to a landowner for a 15-year easement will be a lump sum payment that will equal ~~50% percent~~ of the payment for a voluntary, permanent easement, which is determined as follows: (CRP maximum annual soil rental rate, exclusive of any ~~federal~~Federal incentive payments, times 15 years, times ~~30% percent~~ times number of acres enrolled).

3) Payment for 35-Year Easement

The payment to a landowner for a 35-year easement will be a lump sum payment that will equal ~~75% percent~~ of the payment for a voluntary, permanent easement, which is determined as follows: (CRP maximum annual soil rental rate, exclusive of any ~~federal~~Federal incentive payments, times 15 years, times ~~30% percent~~ times number of acres enrolled).

4) For those landowners who amend an existing CREP conservation easement from a 15-year easement or a 35-year easement to a permanent easement, the payment to the landowner will be as follows:

A) Payment for 15-year Easement Amended to a Permanent Easement

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The payment to a landowner for a 15-year easement amended to a permanent easement will be the formulas found in subsections (a)(1)(A) and (B) minus the lump sum payment that will equal 50% of the payment for a voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 15-year easement).

B) Payment for a 35-year Easement Amended to a Permanent Easement

The payment to a landowner for a 35-year easement amended to a permanent easement will be the formulas found in subsections (a)(1)(A) and (B) minus the lump sum payment that will equal 75% of the payment for a voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 35-year easement).

- 5) For those landowners who amend their existing CREP conservation easement from a 15-year easement to a 35-year easement, the payment to the landowner will be the formulas found in subsection (a)(3) minus the lump sum payment that will equal 50% of the payment for the voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 15-year easement.

b) Landowner Cost-Share Payments

Landowners who enter the State ~~CREP incentive program~~ will also receive cost-share payments for the installation of CREP approved ~~CP practices~~ based on the following formulas:

- 1) Landowners who enter into a voluntary CREP permanent easement will receive reimbursement at a ~~50% percent~~ cost-share rate from the State based upon FSA guidelines for the installation of CREP approved ~~CP practices~~. The amount of reimbursement to a landowner from all sources may not exceed ~~100% percent~~ of the cost-share rate of the practice established by FSA. ~~For practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100 percent of paid receipts for the~~

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~~approved practice.~~

- 2) Landowners who enter into a 15-year or 35-year easement on acres defined as riparian areas, farmed wetlands, prior converted wetlands, wetlands farmed under natural conditions, or acres enrolled on the basis of erodibility ($EI \geq 8$), will receive reimbursement at a ~~40% percent~~ cost-share rate from the State based upon FSA guidelines for the installation of CREP approved ~~CPs practices~~. The amount of reimbursement to a landowner from all sources may not exceed ~~100% percent~~ of the cost-share rate of the ~~CP practice~~ established by FSA.
 - 3) Landowners enrolling acres that meet all eligibility requirements in Section 1515.40~~(c)(d) or (e)~~ are not eligible for State CREP cost-share payment for any ~~conservation~~ practice previously established on these acres. ~~CPs Practices~~ that enhance or create habitat or desired environment as part of an IDNR approved ~~CREP~~ conservation plan may be eligible for cost-share on the enrolled property. If applicable, the landowner may use another ~~federal~~ and/or State cost-share program to implement acceptable ~~CPs practices~~ on these acres.
 - 4) Landowners who have a recorded permanent CREP conservation easement and approved conservation plan may be eligible to receive financial and technical assistance for long-term improvements of conservation practices to enhance or restore declining habitats to benefit wildlife species in greatest need of conservation, as defined in the IDNR Illinois Wildlife Action Plan, with the overall goal of improving water quality within the CREP watersheds. For CPs that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100% of paid receipts for the approved practice.
- c) Mechanics of Payment
- 1) For executed 15-year, 35-year and permanent easements, the ~~county~~ SWCD shall complete an invoice voucher and submit to IDNR a request for a lump sum bonus payment to the landowner.
 - 2) The ~~county~~ SWCD will submit an invoice voucher to IDNR for the landowner's cost-share payment with completed USDA ~~forms~~ form AD-

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~~862 and completed USDA form AD-245.~~

- ~~3) The county SWCD is responsible for providing surveyors with written directions that include all necessary information to conduct an appropriate survey (exclusionary or full boundary) for an enrollment. If proper information is not provided, the county SWCD may not receive full reimbursement for costs.~~
- 34) No individual, or ~~consortium~~~~the combined maximum~~ of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment, shall receive payments greater than \$500,000 or ~~5% percent~~, whichever is less, of available CREP State funds for any given State fiscal year.
- ~~45)~~ Total available funds for conservation practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan shall not exceed \$500,000 or ~~5% percent~~, whichever is less, of available CREP State funds for any given State fiscal year.

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

Section 1515.60 Violation

- a) Landowners who have been determined to violate the terms of their 15-year, 35-year or permanent easement ~~shall; must either~~
- 1) restore the conservation practices in full, according to the terms of the 15-year, 35-year or permanent easement, at their own expense within a reasonable time frame agreed to by IDNR, the SWCD and the landowner~~(1 year or less)~~; or
- 2) refund to IDNR the total of all money from the State lump sum payment, the State cost-share payment, the amount paid to the ~~county~~ SWCD by IDNR for administrative costs to enroll the land and hold the easement;
- 3) refund attorney fees paid by the SWCD;
- 4) pay survey costs, title work, cost-share payments and; recording fees; and

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- 5) pay a 15% ~~percent~~ per annum penalty fee (15% ~~percent~~ of the total of all State payments made to the county SWCD for ~~the 15 year, 35 year or permanent~~ easement times the number of years the ~~15 year, 35 year or permanent~~ easement has been in effect).
- b) Except upon a recommendation for enforcement by IDNR that seeks a revocation of a conservation right and easement, any payment for violation or refund payment by the landowner shall not be construed as a buy-out of a conservation easement by either IDNR or the SWCD, and shall not release the landowner or the grantor from the terms of the Grant of Conservation Right and Easement.
- c) Any payment for violation or refund that is collected from a landowner who has been determined to violate the terms of the Grant of Conservation Right and Easement may be deposited into the Illinois Habitat Fund (see 520 ILCS 25).

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

Section 1515.70 Compliance and Easement Stewardship

- a) The landowner shall allow access to IDNR and the SWCD for monitoring site visits and to take site photographs at least once every three years for each CREP conservation easement held by the SWCD.
- b) Monitoring reports and site photographs shall be submitted to IDNR on a triennial basis. The landowner may request a copy of the monitoring reports. The reports may include the CREP Easement Monitoring Inspection Report, the CREP monitoring checklist, and the conservation plan, including any site operation schedules, with a baseline data report and other data related to the condition observed at the CREP conservation easement property.
- c) The landowner shall allow access to the site for an annual verification of ownership by IDNR and/or the SWCD.
- d) The landowner shall meet with the SWCD or IDNR, as requested, to discuss any provision of the Grant of Conservation Right and Easement in order to resolve all issues of noncompliance and violations.

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

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Section 1515.80 Modifications to Grant of Conservation Right and Easementa) Storage Buildings

- 1) Landowners may apply for approval from IDNR to amend Section 3 Restrictions and Covenants of their CREP Grant of Conservation Right and Easement and to build a storage building to aid solely in the implementation of approved conservation practices as described in the conservation plan or in an IDNR approved management plan of the easement. A storage building may be permitted on properties encumbered by a CREP easement if the landowner can demonstrate hardship in implementing the approved conservation practices as follows:
 - A) the landowner does not own any adjacent property or properties in close proximity that could serve as an adequate site for equipment storage; and
 - B) other facts supporting the petition of hardship.
- 2) If IDNR determines that the landowner has successfully demonstrated hardship, as provided in subsection (a)(1), the landowner shall agree that:
 - A) the storage building will not allow for or accommodate human habitation;
 - B) any stored equipment will be used only for on-site maintenance of the CREP easement property;
 - C) the storage building will not be used for bulk storage of flammable or ignitable materials in commercial tanks or containers; and
 - D) the storage building will not be used for any agriculture, livestock, infrastructure, hunting or residential purposes.
- 3) Any storage building permitted and constructed on the CREP easement property shall conform to, or be modified in accordance with, the storage building specifications approved by IDNR.

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- 4) The storage building shall be made available for inspection by the SWCD and/or IDNR. If the building is utilized for any purpose other than equipment storage intended for on-site maintenance, IDNR may initiate enforcement proceedings against the landowner for eviction and/or removal of the storage building at the landowner's expense. (See Section 1515.70.)
- b) Public Benefit
 - 1) IDNR and/or the SWCD may subordinate the Grant of Conservation Right and Easement and provide a partial release or full release of portions of the CREP easement land for public benefit purposes such as improvements in transportation or public utilities, or mitigation of eminent public danger.
 - 2) IDNR may work with the SWCD and the landowner to negotiate reasonable alternatives to the terms of the Grant of Conservation Right and Easement. If no reasonable alternative can be identified, IDNR will work with the SWCD and the landowner to facilitate a release and to recoup transaction costs and current market value of the area of the CREP easement released or subordinated for the public works project.

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

Section 1515.90 Transfer of a Grant of Conservation Right and Easement

At the request and/or approval of IDNR, the SWCD (or other CREP easement holding entity) may transfer or assign the Grant of Conservation Right and Easement to an agency of the State, a unit of local government, or a not-for-profit corporation or trust pursuant to the Real Property Conservation Rights Act [765 ILCS 120].

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

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Section 1515.EXHIBIT B List of CREP Eligible Illinois Soil and Water Conservation DistrictsADAMS COUNTY SWCD338 S. 36th St., Quincy IL 62301Phone: 217/224-9305 (Ext. 3)BOND COUNTY SWCD1111 E. Harris Ave., Greenville IL 62246Phone: 618/664-0555 (Ext. 3)BROWN COUNTY SWCD511 E. Main, Mt. Sterling IL 62353Phone: 217/773-3993 (Ext. 101)BUREAU COUNTY SWCD312 E. Backbone Rd., Princeton IL 61356Phone: 815/875-8732 (Ext. 3)CALHOUN COUNTY SWCDP.O. Box 516, Hardin IL 62047(UPS Address: RR 2, Box 80)Phone: 618/576-2717 (Ext. 3)CASS COUNTY SWCD652 S. Main St., Virginia IL 62691Phone: 217/452-3535 (Ext. 3)CHAMPAIGN COUNTY SWCD2110 W. Park Court, Suite C, Champaign IL 61821Phone: 217/352-3536 (Ext. 3)CHRISTIAN COUNTY SWCD620 N. Webster St., Taylorville IL 62568Phone: 217/287-1315 (Ext. 3)CLINTON COUNTY SWCD1780 N. 4th St., Breese IL 62230

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Phone: 618/526-7919 (Ext. 3)

COLES COUNTY SWCD

6021 Development Dr., Suite 2, Charleston IL 61920

Phone: 217/345-3901 (Ext. 3)

DEKALB COUNTY SWCD

1350 W. Prairie Dr., Sycamore IL 60178

Phone: 815/756-3237 (Ext. 3)

Web Address: www.dekalbilswcd.org

DEWITT COUNTY SWCD

5920 Revere Rd., Clinton IL 61727

Phone: 217/935-6504 (Ext. 3)

DOUGLAS COUNTY SWCD

900 S. Washington St., Tuscola IL 61953

Phone: 217/253-2022 (Ext. 3)

EFFINGHAM COUNTY SWCD

2701 S. Banker St., Suite 101A, Effingham IL 62401

Phone: 217/347-7107 (Ext. 3)

FAYETTE COUNTY SWCD

301 S. Third St., Vandalia IL 62471

Phone: 618/283-1095 (Ext. 3)

E-mail Address: fayettecountyswcd@att.net

FORD COUNTY SWCD

1380 W. Ottawa Rd., Paxton IL 60957

Phone: 217/379-2372 (Ext. 3)

FULTON COUNTY SWCD

15381 N. State Hwy. 100, Lewistown IL 61542

Phone: 309/547-2215 (Ext. 3)

GREENE COUNTY SWCD

RR 3, Box 129, Carrollton IL 62016

Phone: 217/942-5464 (Ext. 101)

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GRUNDY COUNTY SWCD3605 N. IL Rt. 47, Suite B, Morris IL 60450Phone: 815/942-0359 (Ext. 3)E-Mail Address: grundycountyswcd@yahoo.comHANCOCK COUNTY SWCD110 Buchanan St., Carthage IL 62321Phone: 217/357-2180 (Ext. 3)HENDERSON COUNTY SWCD323 E. Main St., Stronghurst IL 61480Phone: 309/924-1167 (Ext. 3)HENRY COUNTY SWCDP.O. Box 162, Cambridge IL 61238(UPS Address: 301 E. North St.)Phone: 309/937-5263 (Ext. 3)IROQUOIS COUNTY SWCD1001 E. Grant St., Suite A, Watseka IL 60970Phone: 815/432-6055 (Ext. 3)JEFFERSON COUNTY SWCD221 Withers Dr., Mt. Vernon IL 62864Phone: 618/244-0773 (Ext. 3)JERSEY COUNTY SWCD604 E. Franklin, Jerseyville IL 62052Phone: 618/498-3712 (Ext. 3)E-Mail Address: jerseyswcd@yahoo.comKANE-DUPAGE COUNTY SWCD2315 Dean St., Suite 100, St. Charles IL 60175Phone: 630/584-7961 (Ext. 3)KANKAKEE COUNTY SWCD685 Larry Power Rd., Bourbonnais IL 60914Phone: 815/937-8940 (Ext. 3)

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KENDALL COUNTY SWCD7775A Rt. 47, Yorkville IL 60560Phone: 630/553-5821 (Ext. 3)KNOX COUNTY SWCD233 S. Soangetaha Rd., Galesburg IL 61401Phone: 309/342-5714 (Ext. 3)Web Address: <http://knoxcountyswcd.tripod.com>LASALLE COUNTY SWCD1691 N. 31st Rd., Ottawa IL 61350Phone: 815/433-0551 (Ext. 3)LEE COUNTY SWCD319 S. Mason Ave., Amboy IL 61310Phone: 815/857-3621 (Ext. 3)LIVINGSTON COUNTY SWCDP.O. Box 80, Pontiac IL 61764(UPS Address: 1510 W. Reynolds)Phone: 815/844-6127 (Ext. 3)E-mail Address: livingstoncountyswcd@gmail.comLOGAN COUNTY SWCD1650 5th St. Rd., Lincoln IL 62656Phone: 217/735-5508 (Ext. 3)MACON COUNTY SWCD4004 College Park Rd., Decatur IL 62521Phone: 217/877-5670 (Ext. 3)MACOUPIN COUNTY SWCD300 Carlinville Plaza, Carlinville IL 62626Phone: 217/854-2628 (Ext. 3)MADISON COUNTY SWCD7205 Marine Rd., Edwardsville IL 62025Phone: 618/656-7300 (Ext. 3)

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MARION COUNTY SWCD1550 E. Main St., Salem IL 62881Phone: 618/548-2230 (Ext. 3)MARSHALL-PUTNAM COUNTY SWCD1511 University Ct., Henry IL 61537Phone: 309/364-3913 (Ext. 3)E-mail Address: mpswcd4@yahoo.comMASON COUNTY SWCD930 E. Laurel, Suite B, Havana IL 62644Phone: 309/543-6075 (Ext. 3)McDONOUGH COUNTY SWCD1607 W. Jackson St., Macomb IL 61455Phone: 309/833-1711 (Ext. 3)McHENRY-LAKE COUNTY SWCD1648 S. Eastwood Dr., Woodstock IL 60098Phone: 815/338-0099 (Ext. 3)McLEAN COUNTY SWCD402 N. Kays Dr., Normal IL 61761Phone: 309/452-0830 (Ext. 3)MENARD COUNTY SWCD17781 Village Green Rd., Petersburg IL 62675Phone: 217/632-7590 (Ext. 3)MONROE COUNTY SWCD140 Williamsburg Ln., Waterloo IL 62298Phone: 618/939-6181 (Ext. 3)MONTGOMERY COUNTY SWCD1621 Vandalia Rd., Hillsboro IL 62049Phone: 217/532-3610 (Ext. 3)MORGAN COUNTY SWCD

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1904 W. Lafayette, Jacksonville IL 62650

Phone: 217/243-1535 (Ext. 3)

MOULTRIE COUNTY SWCD

1412A S. Hamilton St., Sullivan IL 61951

Phone: 217/728-7921 (Ext. 3)

NORTH COOK COUNTY SWCD

2358 Hassell Rd., Suite B, Hoffman Estates IL 60169

Phone: 847/885-8830

PEORIA COUNTY SWCD

6715 N. Smith Rd., Edwards IL 61528

Phone: 309/671-7040 (Ext. 3)

PERRY COUNTY SWCD

617 N. Main St., Pinckneyville IL 62274

Phone: 618/357-6016 (Ext. 3)

PIKE COUNTY SWCD

1319 W. Washington, Pittsfield IL 62363

Phone: 217/285-5448 (Ext. 3)

RANDOLPH COUNTY SWCD

313 W. Belmont St., Sparta IL 62286

Phone: 618/443-4381 (Ext. 3)

ST. CLAIR COUNTY SWCD

2031 Mascoutah Dr., Belleville IL 62220

Phone: 618/233-5583 (Ext. 102)

SANGAMON COUNTY SWCD

2623 Sunrise Dr., Suite 1, Springfield IL 62703-7302

Phone: 217/241-6635 (Ext. 3)

SCHUYLER COUNTY SWCD

715 Macomb Rd., Rushville IL 62681

Phone: 217/322-3359 (Ext. 3)

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SCOTT COUNTY SWCD656 N. Main St., Winchester IL 62694Phone: 217/742-9561 (Ext. 3)SHELBY COUNTY SWCD111 N. Cedar St., Suite 3, Shelbyville IL 62565Phone: 217/774-5564 (Ext. 116)STARK COUNTY SWCD7419B State Rt. 17, Toulon IL 61483Phone: 309/286-2261 (Ext. 3)TAZEWELL COUNTY SWCD1440 Valle Vista Blvd., Suite B, Pekin IL 61554-6224Phone: 309/346-4462 (Ext. 3)VERMILION COUNTY SWCD1905-A U.S. Rt. 150, Danville IL 61832Phone: 217/442-8511 (Ext. 101)WARREN COUNTY SWCD701 N. Main St., Monmouth IL 61462Phone: 309/734-8569 (Ext. 3)E-mail Address: warrencountyswcd@frontiernet.netWASHINGTON COUNTY SWCD424 E. Holzhauer Dr., Nashville IL 62263Phone: 618/327-3078 (Ext. 101)WILL-SOUTH COOK COUNTY SWCD1201 S. Gougar Rd., New Lenox IL 60451Phone: 815/462-3106 (Ext. 3)E-mail Address: info@will-scookswcd.orgWINNEBAGO COUNTY SWCD4833 Owen Center Rd., Rockford IL 61101Phone: 815/965-2392 (Ext. 3)WOODFORD COUNTY SWCD

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937 W. Center St., Eureka IL 61530

Phone: 309/467-2308 (Ext. 3)

(Source: IL Department of Agriculture, 2014 Illinois Soil and Water Conservation District Directory)

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Financial Assurance Requirements
- 2) Code Citation: 32 Ill. Adm. Code 326
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
326.80	Amendment
326.90	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Radiation Protection Act of 1990 [420 ILCS 40/9]
- 5) Effective Date of Rules: November 24, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 12037; September 4, 2015
- 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 agreement letter issued by JCAR? No changes were made.
- 13) Will these rulemakings 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 Agency is amending Section 326.80 and 326.90 to incorporate, for compatibility, the United States Nuclear Regulatory Commission's (USNRC) changes to 10 CFR Part 30 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011). The State must have these amendments in place by

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December 17, 2015. The USNRC has reviewed these amendments and provided comments, which have been incorporated. The amendments include requiring further information for the licensee's or applicant's reclamation plan and cost estimate and requiring the licensee to submit a signed original financial surety instrument instead of a copy.

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

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 326

FINANCIAL ASSURANCE REQUIREMENTS

Section

326.10	Purpose and Scope
326.20	Incorporations by Reference
326.30	General Provisions
326.40	Definitions
326.50	Exemptions
326.60	Low-Level Radioactive Waste Licensees
326.70	Financial Assurance Amounts
326.80	Cost Estimates and Reclamation Plans
326.90	Financial Assurance Arrangements
326.100	Surety Bond as a Financial Assurance Arrangement
326.110	Letter of Credit as a Financial Assurance Arrangement
326.120	Certificate of Deposit as a Financial Assurance Arrangement
326.130	Self-Guarantee as a Financial Assurance Arrangement
326.140	Financial Tests for Self-Guarantee
326.150	Parent Company Guarantee as a Financial Assurance Arrangement
326.160	Financial Tests for Parent Company Guarantee
326.170	Modification or Replacement of Financial Assurance Arrangements
326.180	Drawing on Financial Assurance Arrangements
326.190	Implementation
326.APPENDIX A	Quantities of Material for Major Possessor Determination
326.APPENDIX B	Wording for Surety Bonds
326.APPENDIX C	Wording for Letters of Credit
326.APPENDIX D	Wording for Certificates of Deposit
326.APPENDIX E	Wording for Self-Guarantee Documents
326.APPENDIX F	Wording for Parent Company Guarantee Documents

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

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SOURCE: Adopted at 24 Ill. Reg. 7989, effective June 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20781, effective December 16, 2005; amended at 39 Ill. Reg. 11900, effective August 17, 2015; amended at 39 Ill. Reg. 15697, effective November 24, 2015.

Section 326.80 Cost Estimates and Reclamation Plans

- a) Licensees required to perform cost estimates, as described in Sections 326.60 and 326.70(b) ~~of this Part~~, shall submit reclamation plans and cost estimates to the Agency for approval prior to securing financial assurance arrangements. The Agency shall allow material described in Section 326.50(b) ~~of this Part~~ as exempt to be excluded from all financial assurance estimates. For licensees described in Section 326.70(b) ~~of this Part~~, the material described in Section 326.50(c) ~~of this Part~~ shall also be excluded from financial assurance estimates. The plan shall describe reclamation actions to be taken in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330. ~~The Agency shall consider, but is not limited to, the following in approving the reclamation plan and cost estimates, and determining the financial assurance requirements for each individual licensee:~~
- b) The reclamation plan and cost estimate shall include the following:
- 1a) The probable extent of contamination resulting from the use or possession of radioactive material as authorized by a radioactive material license at the facility or site, and the probable cost of removal of ~~thesuch~~ contamination in order to terminate the license in accordance with the requirements of 32 Ill. Adm. Code 330. This consideration shall encompass probable contaminating events associated with the licensee's methods or modes of operation and shall be based on factors such as quantities, half-lives, radiation hazards and toxicities, and chemical and physical forms;
- 2b) The extent of possible offsite property damage caused by operation of the facility or site that is to be reclaimed;
- 3e) The ~~costseost~~ and ~~methods;method~~ of ~~the following: removal and disposal of radioactive material and sources of radiation that are or would be generated, stored, processed, or otherwise present at the facility or site;~~ ~~and~~

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- A) Removal and disposal of radioactive material and sources of radiation that are or would be generated, stored, processed or otherwise present at the facility or site, including the volume of onsite subsurface material containing residual radioactivity in order to meet 32 Ill. Adm. Code 330.325 requirements for unrestricted use; and
- B) Reclamation of the site or the property where the facility is located and all other properties contaminated by radioactive material authorized by the license in order to meet 32 Ill. Adm. Code 330.325 requirements for unrestricted use;
- 4) The cost of an independent contractor to perform all decommissioning and decontamination activities;
- 5) A contingency factor of 25 percent of the total cost estimate;
- 6) Identification of and justification for using key assumptions contained in the reclamation plan;
- 7) A description of the method of assuring funds for decommissioning from the financial assurance arrangements authorized by Sections 326.100 through 326.160, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility; and
- 8) A certification by the licensee that the financial assurance for decommissioning has been provided in the amount of the cost for decommissioning.
- c) The Agency shall consider, but is not limited to, the requirements of subsection (b) in approving the reclamation plan and cost estimates and determining the financial assurance requirements for each individual licensee.
- d) At the time of license renewal and at intervals not to exceed 3 years, the reclamation funding plan shall be resubmitted to the Agency for approval, with adjustments as necessary to account for changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this cannot be done until the updated reclamation funding plan is approved. The

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reclamation funding plan shall update the information submitted with the original or prior approved plan and shall specifically consider the effect of the following events on decommissioning costs:

- 1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material;
 - 2) Waste inventory increasing above the amount previously estimated;
 - 3) Waste disposal costs increasing above the amount previously estimated;
 - 4) Facility modifications;
 - 5) Changes in authorized possession limits;
 - 6) Actual remediation costs that exceed the previous cost estimate;
 - 7) Onsite disposal; and
 - 8) Use of a settling pond.
- d) ~~The costs and methods involved in reclamation of the site or the property on which the facility is located and all other properties contaminated by radioactive material authorized by the license.~~

(Source: Amended at 39 Ill. Reg. 15697, effective November 24, 2015)

Section 326.90 Financial Assurance Arrangements

This Section shall apply to applicants for specific licenses and general and specific licensees required to secure and file financial assurance arrangements with the Agency.÷

- a) The licensee or applicant shall choose from the financial assurance arrangements specified in Sections 326.100 through 326.160 ~~of this Part.~~
- b) The wording of the financial assurance arrangement shall contain the provisions described in this Part, and may use wording identical to the wording of the corresponding arrangement in Appendices B through F ~~of this Part.~~ No additional restrictions may be placed on any financial assurance arrangement filed with the

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Agency.

- c) A signed original of theThe financial assurance arrangement~~arrangements~~ shall be provided to and filed with the Agency in a dollar amount greater than or equal to either the amount specified in Section 326.70(a) ~~of this Part~~ or the amount specified in a cost estimate approved by the Agency in order to continuously cover the cost estimate for decommissioning.
- 1) The cost estimate and reclamation plan shall be reviewed annually by the licensee or when required by the Agency. The Agency may require the licensee to adjust the value of the cost estimate and reclamation plan to recognize any increases or decreases resulting from inflation or deflation, changes in engineering plans, activities performed and any other condition affecting costs for reclamation. These changes will be required to ensure that sufficient financial assurance amounts are provided and retained to cover cost of reclamation.
 - 2) When a change in activities not requiring a license amendment would raise the cost estimate for reclamation to an amount greater than the amount of the financial assurance arrangements currently filed with the Agency, the licensee shall notify the Agency within 60 days after the increase. This notification shall include submission of revised cost estimates and reclamation plans for Agency review and approval. Upon approval of the revised cost estimates, the licensee may be required to file additional financial assurance arrangements at least equal to this increase.
 - 3) When a license amendment would raise the cost estimate for reclamation to an amount greater than the amount of the financial assurance arrangements currently filed with the Agency, the amendment shall be held until the required financial assurance arrangements are established.
 - 4) When the current reclamation cost estimate decreases, upon the written request of the licensee, and provided that the decrease is verified by the Agency, the Agency shall authorize the reduction in the amount of financial assurance required for the facility to the amount of the approved amended reclamation cost estimate.

AGENCY NOTE: If the license is amended and the licensee no longer meets the criteria for needing a reclamation plan (specified in Section

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326.60 or 326.70(b) ~~of this Part~~, but still must secure financial assurance in accordance with Section 326.70(a) ~~of this Part~~, the licensee may substitute new arrangements to meet the requirements of Section 326.70(a) ~~of this Part~~.

- 5) For specific licensees, the term of the financial assurance arrangement shall be for the period from issuance of the license until termination of the license by the Agency in accordance with 32 Ill. Adm. Code 330.
 - 6) For general licensees, the term of the financial assurance arrangement shall be for the period from approval of the financial assurance arrangement until all devices covered by the instrument have been properly transferred or disposed of.
 - 7) The Agency will release all financial assurance arrangements not drawn upon pursuant to Section 326.180 ~~of this Part~~, upon termination of the license, or if the license is amended so that the license is no longer subject to financial assurance requirements of Section 326.60 or 326.70 ~~of this Part~~.
- d) Use of Multiple Financial Assurance Arrangements. The licensee or applicant may utilize more than one financial assurance arrangement per facility to satisfy the requirement specified in this Section. Unless agreed otherwise by the Agency and the licensee, financial assurance arrangements may be drawn upon in any order determined by the Agency. The arrangements shall be as specified in Appendices B-F ~~of this Part~~, and the sum value of all arrangements shall be in an amount greater than or equal to either the amount specified in Section 326.70(a) ~~of this Part~~, or the amount specified in a cost estimate approved by the Agency.
- e) Use of a Financial Assurance Arrangement for Multiple Facilities or Multiple Licensees at a Facility. The licensee or applicant may use a financial assurance arrangement specified in Appendices B-F ~~of this Part~~ to meet the requirements of this Section for more than one license, or more than one facility owned or operated in Illinois. The arrangement submitted to the Agency shall include a list indicating, for each facility, the registration numbers, license numbers, names, addresses and amounts of funds for reclamation assured by the arrangement. The amount of funds available through the financial assurance arrangement shall not be less than the aggregate total of the funds that would be available if separate arrangement had been filed and maintained for each license or facility. If more

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than one license exists for a facility, the amount of funds for each license shall be specified.

- f) Any applicant or licensee who fulfills the requirements of this Section by obtaining a surety bond or letter of credit will be deemed to be without the required financial assurance arrangement in the event of commencement of bankruptcy proceedings involving the issuing institution, or a suspension, termination, or revocation of the authority of the institution issuing the surety bond or letter of credit to issue ~~those such~~ instruments. The applicant or licensee shall establish other Agency-approved financial assurance arrangements within 30 days after such an event.

(Source: Amended at 39 Ill. Reg. 15697, effective November 24, 2015)

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- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
330.240	Amendment
330.310	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9, 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/9, 10 and 11] and the Freedom of Information Act [5 ILCS 140]
- 5) Effective Date of Rules: November 24, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield IL and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 12046; September 4, 2015
- 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 agreement letter 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 Agency is amending Section 330.310 to incorporate, for compatibility, the United States Nuclear Regulatory Commission's (USNRC) changes to 10 CFR Parts 20, 30 and 40 pursuant to RATS ID #2011-1 (76 FR

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35512, published June 17, 2011). The State must have these amendments in place by December 17, 2015. The USNRC has reviewed these amendments and has provided comments, which have been incorporated. The amendments include requiring a person accepting transfer of licensed radioactive material to have the appropriate financial surety in order to possess such material and requiring a licensee to minimize contamination, including subsurface, from operations. The Agency is also amending Section 330.240 to update an old reference for public requests for information.

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

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use

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330.330	Renewal of Licenses (Repealed)
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

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SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013; amended at 37 Ill. Reg. 7960, effective May 31, 2013; amended at 38 Ill. Reg. 21451, effective October 31, 2014; amended at 39 Ill. Reg. 11905, effective August 17, 2015; amended at 39 Ill. Reg. 15706, effective November 24, 2015.

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.240 Filing Applications for Specific Licenses

- a) Application requirements:
 - 1) Applications for the issuance, renewal or amendment of specific licenses shall be filed in duplicate and in English.

AGENCY NOTE: Applications involving Agency evaluation of a sealed source or device containing radioactive material shall be in accordance with the requirements of this Section.

- 2) Applications for initial issuance, amendment and renewal of specific licenses shall be in the format prescribed by the Agency. Each application filed shall be complete with all requested information submitted, including all applicable attachments. The Agency may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements from the applicant or licensee to enable the Agency to determine whether the application should be granted or

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denied or whether an existing license should be modified or revoked in accordance with Section 330.500.

- 3) Each application shall include all information required by this Part and any other Parts of 32 Ill. Adm. Code: Chapter II, Subchapters b and d, applicable to the requested authorizations.
- 4) An application may incorporate by reference information contained in previous applications, statements or reports filed with the Agency, provided ~~thesueh~~ references are clear and specific.
- 5) Each application and each request for amendment shall be signed by the applicant, licensee, or a person duly authorized in writing to act for and on the licensee or applicant's behalf.
- 6) Each application shall identify the radiation safety officer. The proposed activities shall be under the same administrative control for radiation safety purposes and the same radiation protection program.
- 7) An application may request authority to receive, possess, utilize, manufacture, distribute, transfer, own or acquire radioactive material or devices or equipment utilizing or producing radioactive materials. The request can include one or more of these activities.
- 8) An application for a specific license to authorize receipt, possession or use of radioactive material in the form of a sealed source or in a device that contains a sealed source:
 - A) Shall identify the sealed source or device that contains a sealed source by manufacturer and model as registered with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210, or with an Agreement State or, for a source or device containing naturally occurring or accelerator-produced material, with a state under provisions comparable to 10 CFR 32.210; or
 - B) Shall contain the information identified in Section 330.280(m); or
 - C) Shall describe, for a sealed source or device containing radioactive material manufactured prior to October 23, 2015, that is not

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registered with NRC in accordance with 10 CFR 32.210 or with an Agreement State and for which the applicant is unable to provide the information described in Section 330.280(m)(3):

- i) The information required by Section 330.280(m)(3) concerning the source and, if applicable, the device; and
 - ii) Sufficient additional information to demonstrate that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. The information shall include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test; or
- D) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with Section 330.280(m)(7), may ~~describe~~^{supply} only the manufacturer, model number, radionuclide and quantity; or
- E) If it is not feasible to identify each sealed source and device individually, may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.
- 9) For each location to be listed on the license as an authorized use location, the applicant shall submit:
- A) A statement that the applicant owns the facility where radioactive material is used or stored; or
 - B) A copy of a certified letter sent to the facility owner or authorized representative of the owner informing the owner that radioactive material is being or will be used or stored at the facility; or
 - C) A copy of a letter or statement from the facility owner or authorized representative of the owner indicating that the owner is

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aware that radioactive material is being used or will be used or stored at the facility.

AGENCY NOTE: The Radiation Protection Act requires the Agency to provide written notice to a municipality of an application for a new license for a fixed location facility or a license amendment for a new location for a facility.

- 10) The applicant shall ensure that all applicable fees specified in 32 Ill. Adm. Code 331 are paid in full when due.
 - 11) The applicant shall address the Emergency Plan requirements of Section 330.250(e), when applicable.
- b) Review of application. When evaluating an application or request for amendment, the Agency shall consider:
- 1) The completeness of the application;
 - 2) The complexity, similarity and proximity of the proposed activities;
 - 3) The radiation protection program proposed by the applicant to ensure the protection of the licensee's personnel, the public and the environment;
 - 4) The qualifications and experience of the applicant's proposed Radiation Safety Officer and authorized users;
 - 5) The applicant's history of compliance; and
- c) Public access to information. Public inspection of applications and other documents submitted to the Agency pursuant to this Section shall be in accordance with 2 Ill. Adm. Code [1800+076](#) and the requirements of the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 39 Ill. Reg. 15706, effective November 24, 2015)

Section 330.310 Terms and Conditions of Specific and General Licenses

- a) Each specific or general license issued pursuant to this Part shall be subject to all

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applicable license conditions, provisions of the Act, and all applicable rules, regulations and orders of the Agency.

- b) Each person granted a general license by this Part shall provide information required by the Agency to track the location and use of generally-licensed radioactive material. The information shall be in the format prescribed by the Agency, shall be complete and accurate, and shall be due within the time frame indicated on the notification. In accordance with 32 Ill. Adm. Code 310.50, the Agency may inspect and investigate premises, operations or personnel and have access to or copy records:
- 1) Of a person who fails to provide information as required by this subsection (b); or
 - 2) For the purpose of evaluating past, current or potential hazards to the public health, workers or the environment resulting from radiation.
- c) No specific license issued or granted to any person pursuant to this Part and no right to possess or use radioactive material granted to any person by any specific license issued pursuant to this Part shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the specific license to any other person unless the Agency, after securing full information, including the identity and technical qualifications of the proposed transferee, first:
- 1) Finds that the proposed transfer, assignment or disposal is in accordance with the provisions of the Act; ~~and~~
 - 2) Consents in writing to the proposed transfer, assignment or disposal; and;
 - 3) Finds the transferee, when applicable, to be compliant with the requirements of 32 Ill. Adm. Code 326.

AGENCY NOTE: Agency consent is required prior to any transfer or assignment of a specific license. A purported transfer or assignment without prior written consent may subject the purported transferor or assignor to penalties for violating this Section. Likewise, a purported transferee or assignee may also be subject to penalties if it does not have a valid specific license and possesses radioactive material or performs activities requiring a valid specific license.

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- d) Upon approval from the Agency under subsection (c)(2) for transfer, assignment or disposal of a specific license, the transferor shall ensure the following information is provided to the transferee:
- 1) The radioactive material license and all documents referenced in the license;
 - 2) Records maintained in accordance with 32 Ill. Adm. Code 340, Subpart L, inventory records, and any other records required by subsections (k) and (l); and
 - 3) Any other information required by the Agency pursuant to the approval granted.
- e) Each person licensed by the Agency pursuant to this Part shall confine use and possession of the material licensed to the locations and purposes authorized in the license and, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site and/or facility of operation, including the subsurface.
- f) Each person issued a specific license pursuant to this Part shall maintain the license in accordance with the requirements of Section 330.320.
- g) When temporary jobsites are authorized on a specific license, radioactive material may be used at temporary jobsites, in areas not under exclusive federal jurisdiction, throughout the State of Illinois.

AGENCY NOTE: Authorization for use of byproduct radioactive materials at jobsites under exclusive federal jurisdiction must be obtained from NRC, either by filing an NRC Form-241 in accordance with 10 CFR 150.20(b), "Recognition of Agreement State Licenses", or by applying for a specific license from NRC. Also, specific licenses issued by the Agency do not authorize activities in other states. Before radioactive materials can be used at a temporary jobsite in another state, a license must be obtained from the appropriate state or federal regulatory agency.

- h) Each person issued a specific license pursuant to this Part shall apply for an appropriate license amendment not later than 30 days after a Radiation Safety

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Officer permanently discontinues performance of duties under the license.

i) Notification

- 1) Each specific licensee shall notify the Agency in writing not later than 60 days after principal activities involving the use of radioactive materials, other than sealed sources, at the site or in a separate building or outdoor area have not occurred for a period of 2 years, and the licensee has not decontaminated the site or area.

AGENCY NOTE: Principal activities are those originally authorized on the license for that site or location. For example, licensees could not store radioactive material in an otherwise unused building to avoid end-of-use decommissioning, unless storage was a principal activity for that building.

- 2) This notification shall include a description of the location of the site, building or outdoor area and a plan for reclaiming or decommissioning these facilities (including a proposed schedule) for release in accordance with applicable regulations. The notification shall include an evaluation of any changes, if required, to financial assurance arrangements submitted in accordance with 32 Ill. Adm. Code 326. Upon approval of the plan by the Agency, implementation shall begin within 6 months and be completed within 24 months after approval (unless the Agency approves a different schedule).

AGENCY NOTE: 32 Ill. Adm. Code 340.1310 requires licensees to notify the Agency no less than 30 days before vacating or relinquishing possession or control of premises that may have been contaminated with radioactive material.

j) Notification of Bankruptcy

- 1) Each specific or general licensee shall notify the Agency, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code by or against:

A) The licensee;

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- B) An entity (as the term is defined in 11 USC 101(15)) controlling the licensee or listing the license or licensee as property of the estate; or
 - C) An affiliate (as the term is defined in 11 USC 101(2)) of the licensee.
- 2) This notification shall indicate:
- A) The bankruptcy court in which the petition for bankruptcy was filed;
 - B) The date of the filing of the petition;
 - C) The chapter under which the bankruptcy petition has been filed;
 - D) The name, address and phone number of the bankruptcy trustee (if a trustee has been named at the time of the notification);
 - E) Whether the licensed radiation source remains in the possession and control of the licensee and whether any change in possession or control is expected or contemplated;
 - F) The name of the person in possession and control of the licensed radiation source if the licensee no longer maintains possession or control; and
 - G) Whether the Agency has been named in the bankruptcy petition either as a creditor or in some other capacity.
- k) Recordkeeping Requirements for Potentially Contaminated Areas. Except for areas containing only sealed sources, provided the sources have not leaked, or no contamination remains after any leakage, and except for areas where only radioactive materials with half-lives less than 90 days were used or stored, each specific licensee shall keep:
- 1) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment or site, when contamination remains after any cleanup procedures or when there is

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reasonable likelihood the contaminants may have spread to inaccessible areas (as in the case of possible seepage into porous materials such as concrete). These records must include the location and any known information on identification of involved radionuclides, quantities, chemical and physical forms, and concentrations.

- 2) Drawings and subsequent modifications of structures and equipment in restricted areas where radioactive materials are used or stored, and of locations of possible inaccessible contamination, such as buried or enclosed pipes, that may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.
- 1) Each licensee shall maintain the following records, if applicable:
 - 1) Records of all areas where low-level radioactive wastes were buried, including areas previously authorized by and documented pursuant to 10 CFR 20.2108.
 - 2) Records of the Agency-approved cost estimate for the amount certified for reclaiming and the associated reclamation plan, for licensees required by 32 Ill. Adm. Code 326 to secure financial assurance arrangements.
 - 3) All records required to be maintained pursuant to 32 Ill. Adm. Code Chapter II, Subchapters b and d.
 - m) To lawfully obtain termination for a specific license, each licensee shall meet the termination requirements of this Part.

(Source: Amended at 39 Ill. Reg. 15706, effective November 24, 2015)

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- 1) Heading of the Part: Licensing Requirements for Source Material Milling Facilities
- 2) Code Citation: 32 Ill. Adm. Code 332
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
332.40	Amendment
332.150	Amendment
332.260	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9 and 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10] and Section 30 of the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42/30]
- 5) Effective Date of Rules: November 24, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield IL and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 12059; September 4, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 332.260(e) change "after" to "based on".

Section 332.260(f) after "submit" add "to the Agency".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rulemakings 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: The Agency is amending Sections 332.150 and 332.260 to incorporate, for compatibility, the United States Nuclear Regulatory Commission's (USNRC) changes to 10 CFR Part 40 pursuant to RATS ID #2011-1 (76 FR 35512, published June 17, 2011). The State must have these amendments in place by December 17, 2015. The USNRC has reviewed these amendments and has provided comments to the Agency, which have been incorporated. The amendments include an increase in the amount of information the licensee must provide in their financial surety cost estimate and adds circumstances to when a cost estimate needs to be reviewed and revised. In addition, the Agency is amending Section 332.40 to update an old reference for public information requests and to amend the number of copies of a license application needed.
- 16) Information and questions regarding these adopted rules shall be directed to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 332

LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

Section	
332.10	Purpose and Scope
332.20	Definitions
332.30	License Required
332.40	Application Content and Procedure
332.50	General Information
332.60	Technical Information
332.70	Technical Analyses
332.80	Institutional Information
332.90	Financial Information
332.100	Evaluation of License Application and Issuance of a License
332.110	General Conditions of Licenses
332.120	Application for Renewal or Closure
332.130	Contents of Application for Site Closure and Stabilization
332.140	Postclosure Observation and Maintenance
332.150	Termination of Source Material Milling Facility License
332.160	General Requirements
332.170	Protection of the General Population from Radiation
332.180	Protection of Individuals from Inadvertent Access
332.190	Protection of Individuals During Operations
332.200	Stability of the Byproduct Material Disposal Site After Closure
332.210	Technical Criteria for Byproduct Material Disposal Sites – Siting Criteria
332.220	Technical Criteria for Byproduct Material Disposal Sites – Design Criteria
332.230	Technical Criteria for Byproduct Material Licensed Sites – Groundwater Protection
332.240	Technical Criteria for Byproduct Material Disposal Sites – Control of Radiation Hazards
332.250	Technical Criteria – Source Material Milling Operations
332.260	Financial Surety Requirements
332.270	Long-Term Care Payment
332.280	Land Ownership
332.290	Maintenance of Records, Reports, and Transfers

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AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990; amended at 18 Ill. Reg. 3128, effective February 22, 1994; emergency amendment adopted at 18 Ill. Reg. 17933, effective December 1, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6601, effective April 28, 1995; amended at 21 Ill. Reg. 3897, effective March 13, 1997; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. 16765, effective October 6, 2008; amended at 38 Ill. Reg. 21459, effective October 31, 2014; amended at 39 Ill. Reg. 15719, effective November 24, 2015.

Section 332.40 Application Content and Procedure

- a) In addition to the requirements set forth in 32 Ill. Adm. Code 330.250, an application filed pursuant to this Part shall contain the required information as set forth in Sections 332.50 through 332.90 ~~of this Part~~.
- b) The Agency will review the application for completeness within 60 days after receipt of the application and will notify the applicant whether the application is acceptable for filing. This review of the application shall not constitute the Agency's approval of the adequacy of the information and data contained in the application.
- c) The Agency may, at any time after the filing of the original application and before the expiration of the license, require further statements or data to enable the Agency to determine whether the application should be denied or whether a license should be granted, modified or revoked.
- d) A license application may include a request for a licensee to engage in one or more activities, provided that the application specifies the additional activities for which licenses are requested and complies with regulations of the Agency as to application for those licenses.
- e) In any application, the applicant may incorporate by reference information contained in previous applications, statements or reports filed by the applicant with the Agency. The reference shall identify the document being referenced by subject, date and page number.

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- f) All materials considered by the applicant to be proprietary or confidential in nature shall be separated and marked proprietary or confidential by the applicant before submission to the Agency. Public inspection of applications and other documents submitted to the Agency pursuant to this Section shall be in accordance with 2 Ill. Adm. ~~Code 1800-1076~~ and the requirements of the Freedom of Information Act [5 ILCS 140].
- g) ~~An~~Thirty copies of an application for a specific license, or an amendment to a license, shall be filed with the Agency both in hard copy and electronic form. The number of hard copies to be provided will be determined by the Agency depending on the scope of activities to be conducted under the license and the cost effectiveness of providing the copies (e.g., number of consultants or other parties involved and number of documents being submitted).
- h) Each application for a specific license, or amendment to a license, shall be accompanied by the fee prescribed in 32 Ill. Adm. Code 331.
- i) Each application shall be signed by the applicant or a person duly authorized to act on behalf of the applicant.

(Source: Amended at 39 Ill. Reg. 15719, effective November 24, 2015)

Section 332.150 Termination of Source Material Milling Facility License

- a) Following closure and the period of postclosure observation and maintenance, the licensee may apply for termination of the license. The license shall be terminated when the Agency finds:
- 1) That the closure of the licensed site has been made in conformance with the licensee's closure plan, as amended and approved as part of the license;
 - 2) That the licensee has established that the technical criteria ~~of this Part~~ have been met;
 - 3) That any long-term care funds and records are transferred to the federal or State agency that will assume institutional control of the disposal site;
 - 4) That the federal or State agency that will assume responsibility for long-term care, observation and maintenance of the disposal site is prepared to

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assume such responsibilities;

- 5) That permanent monuments or markers warning against intrusion have been installed;
 - 6) That the U.S. Nuclear Regulatory Commission has made a determination of compliance with the decontamination, decommissioning, reclamation and stabilization standards; ~~and~~
 - 7) That title to the byproduct material and to the disposal site has been transferred to the United States of America or the State; ~~and-~~
 - 8) That any buildings and material have been decontaminated to criteria specified in 32 Ill. Adm. Code 330.325.
- b) In addition to satisfying requirements in subsection (a) ~~of this Section~~, the licensed site, other than the buildings and disposal area, shall be decontaminated to the following limits prior to termination of the license:
- 1) Concentration of radionuclides in soil above background concentrations for total radium, averaged over areas of 100 square meters, shall not exceed:
 - A) 5 picocuries per gram of dry soil, averaged over the first 15 centimeters below the surface; and
 - B) 15 picocuries per gram of dry soil, averaged over layers of 15 centimeters thickness more than 15 centimeters below the surface.
 - 2) The level of gamma radiation measured at a distance of 100 centimeters from the surface shall not exceed background.
 - 3) Soil contamination levels with nonradioactive hazardous substances shall not exceed the levels specified as contamination limits in other applicable State or federal regulations.

(Source: Amended at 39 Ill. Reg. 15719, effective November 24, 2015)

Section 332.260 Financial Surety Requirements

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- a) The license applicant shall establish financial surety arrangements, prior to the Agency authorization of commencement of operations, to assure the availability of sufficient funds for decontaminating, decommissioning and reclaiming the source material milling facility, including reclamation of any tailings or waste disposal areas, and licensed site, as well as the stabilization and closure of the byproduct material disposal site and the long-term care payment.
- b) An acceptable surety arrangement may consist of cash or negotiable securities deposited with the Agency, irrevocable assignments of savings or certificates of deposit, or the deposit of an instrument executed by the applicant or licensee and a corporate surety or financial institution with the Agency designated as the beneficiary. However, self insurance, or any arrangement that essentially constitutes self insurance (e.g., a contract with a State or federal agency) will not satisfy the surety requirement since this provides no additional assurance other than that which already exists through license requirements. The value of the deposit shall be equal to or greater than the amount of the surety required by subsection (c). Any surety arrangement must be available in Illinois subject to judicial process and execution in the event required for the purposes set forth in this Part.
- c) The amount of funds to be ensured by ~~thesuch~~ surety arrangements shall be greater than or equal to the Agency approved decommissioning cost estimates. Each decommissioning cost estimate shall be submitted for review and Agency approval and shall contain for:
- 1) A detailed cost estimate for the decontamination, decommissioning, restoration and reclamation of buildings and the licensed site, stabilization and closure of the disposal area and the requirements of Section 332.270 for the long-term care payment in the amount reflecting:
 - A) The cost of an independent contractor to perform all decommissioning activities;
 - B) The cost of meeting Section 332.150 for unrestricted use;
 - C) The volume of onsite subsurface material containing residual radioactivity that will require remediation; and

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- D) A contingency factor of 25 percent of the total decommissioning cost estimate.
- 2) Identification of and justification for using the key assumptions contained in the decommissioning cost estimate; stabilization and closure of the disposal area; and
- 3) A description of the method outlined in subsection (b) that will be used to assure funds for decommissioning, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility; the requirements of Section 332.270 for the long-term care payment.
- 4) A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and
- 5) A signed original of the financial surety instrument obtained to satisfy the requirements of subsection (b), unless a previously submitted and accepted financial surety instrument continues to cover the cost estimate for decommissioning.
- d) ~~In establishing specific surety arrangements, the applicant's or licensee's cost estimates shall take into account the total costs that would be incurred if an independent contractor were hired to perform the work identified in subsections (c)(1) and (2).~~
- de) To avoid duplication and expense, the Agency will accept surety arrangements that have been consolidated with surety arrangements established to meet requirements of other agencies in Illinois for decontamination, reclamation, restoration and disposal, if the applicant demonstrates, in writing, that the surety provides the same or a greater degree of protection for the licensed site, provided that the arrangements are adequate to satisfy these requirements and that the portion of the surety that covers the decommissioning, decontamination, reclamation and stabilization of the site and the long-term site surveillance and control~~care payment~~ is specifically identified and committed for use in accomplishing these activities.
- ef) The applicant's or licensee's surety arrangements and decommissioning cost

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estimate will be reviewed annually and at the time of license renewal by the Agency to assure that sufficient funds will be available for completion of the closure plan if the work was to be performed by an independent contractor. The amount of surety shall be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, spills, leakage or migration of radioactive material producing additional contamination in onsite subsurface material that must be remediated to meet applicable remediation criteria, waste inventory increasing above the amount previously estimated, waste disposal cost increasing above the amount previously estimated, facility modifications, changes in authorized possession limits, actual remediation costs that exceed the previous cost estimate, onsite disposal, use of settling ponds, and any other conditions affecting costs. Financial surety shall be sufficient at all times to cover the cost of decommissioning and reclamation of the areas that are expected to be disturbed before the next license renewal. Regardless of whether closure is phased through the life of the operation or takes place at the end of operations, an appropriatea portion of the surety shall be retained until final compliance with the closure plan is determined by the Agency. The appropriate portion of the surety to be retained shall be determined by the Agency based on review and analysis of the decommissioning cost estimate.

- f.g) The term of the surety mechanism shall be open-ended, unless the licensee proposes another arrangement that provides an equivalent or greater level of assurance. The surety instrument shall provide that the surety mechanism will be automatically renewed and will not be cancelled unless the surety notifies both the Agency and the licensee at least 90 days prior to cancellation. Upon notice by the surety, the licensee shall submit to the Agency an acceptable replacement surety within 30 days after the notice. Proof of forfeiture shall not be necessary to collect the surety so that, in the event the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration or cancellation.

(Source: Amended at 39 Ill. Reg. 15719, effective November 24, 2015)

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- 1) Heading of the Part: Standards for Protection Against Radiation
- 2) Code Citation: 32 Ill. Adm. Code 340
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
340.510	Amendment
340.1130	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 11]
- 5) Effective Date of Rules: November 24, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield IL and is available for public inspection
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 12068; September 4, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: All changes were agreed upon between JCAR and IEMA.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were made.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemakings: The Agency is amending Sections 340.510 and 340.1130 to incorporate, for compatibility, the United States Nuclear Regulatory Commission's (USNRC) changes to 10 CFR Part 20 pursuant to RATS ID #2011-1 (76

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FR 35512, published June 17, 2011). The State must have this amendment in place by December 17, 2015. The USNRC has reviewed this amendment and has provided comments to the Agency, which have been incorporated. The amendment includes additional surveys for radioactive contamination of subsurface areas that are potentially contaminated as a result of facility operations. The results of the surveys will be kept until license termination in order to facilitate site decommissioning.

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

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860

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

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TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 340

STANDARDS FOR PROTECTION AGAINST RADIATION

SUBPART A: GENERAL PROVISIONS

Section	
340.10	Purpose
340.20	Scope
340.25	Incorporations by Reference
340.30	Definitions
340.40	Implementation

SUBPART B: RADIATION PROTECTION PROGRAMS

Section	
340.110	Radiation Protection Programs

SUBPART C: OCCUPATIONAL DOSE LIMITS

Section	
340.210	Occupational Dose Limits for Adults
340.220	Compliance with Requirements for Summation of External and Internal Doses
340.230	Determination of External Dose from Airborne Radioactive Material
340.240	Determination of Internal Exposure
340.250	Determination of Prior Occupational Dose
340.260	Planned Special Exposures
340.270	Occupational Dose Limits for Minors
340.280	Dose Equivalent to an Embryo/Fetus

SUBPART D: RADIATION DOSE LIMITS FOR
INDIVIDUAL MEMBERS OF THE PUBLIC

Section	
340.310	Dose Limits for Individual Members of the Public
340.320	Compliance with Dose Limits for Individual Members of the Public

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SUBPART E: TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES

Section
340.410 Testing for Leakage or Contamination of Sealed Sources

SUBPART F: SURVEYS AND MONITORING

Section
340.510 General
340.520 Conditions Requiring Individual Monitoring of External and Internal Occupational Dose
340.530 Location of Individual Monitoring Devices
340.540 Calibration of Survey Instruments

SUBPART G: CONTROL OF EXPOSURE FROM EXTERNAL SOURCES IN RESTRICTED AREAS

Section
340.610 Control of Access to High Radiation Areas
340.620 Control of Access to Very High Radiation Areas
340.630 Control of Access to Very High Radiation Areas – Irradiators

SUBPART H: RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURE IN RESTRICTED AREAS

Section
340.710 Use of Process or Other Engineering Controls
340.720 Use of Other Controls
340.730 Use of Individual Respiratory Protection Equipment

SUBPART I: STORAGE AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION

Section
340.810 Security and Control of Licensed or Registered Sources of Radiation
340.820 Storage of Volatiles and Gases
340.830 Control of Volatiles and Gases

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SUBPART J: PRECAUTIONARY PROCEDURES

Section

- 340.910 Caution Signs
- 340.920 Posting Requirements
- 340.930 Exceptions to Posting Requirements
- 340.940 Labeling Containers and Radiation Machines
- 340.950 Exemptions to Labeling Requirements
- 340.960 Procedures for Receiving and Opening Packages

SUBPART K: WASTE DISPOSAL

Section

- 340.1010 General Requirements
- 340.1020 Method for Obtaining Approval of Proposed Disposal Procedures
- 340.1030 Disposal by Release into Sanitary Sewerage
- 340.1040 Treatment or Disposal by Incineration
- 340.1045 Decay-In-Storage
- 340.1050 Disposal of Specific Wastes
- 340.1052 Classification of Radioactive Waste for Land Disposal
- 340.1055 Radioactive Waste Characteristics
- 340.1057 Labeling
- 340.1060 Transfer for Disposal and Manifests
- 340.1070 Compliance with Environmental and Health Protection Regulations

SUBPART L: RECORDS

Section

- 340.1110 General Provisions
- 340.1120 Records of Radiation Protection Programs
- 340.1130 Records of Surveys and Calibrations
- 340.1135 Records of Tests for Leakage or Contamination of Sealed Sources
- 340.1140 Records of Prior Occupational Dose
- 340.1150 Records of Planned Special Exposures
- 340.1160 Records of Individual Monitoring Results
- 340.1170 Records of Dose to Members of the Public
- 340.1180 Records of Waste Disposal
- 340.1190 Records of Testing Entry Control Devices for Very High Radiation Areas
- 340.1195 Form of Records (Repealed)

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SUBPART M: REPORTS AND NOTIFICATIONS

Section

340.1205	Notification of Credible Threats
340.1210	Reports of Stolen, Lost or Missing Sources of Radiation
340.1220	Notification of Incidents
340.1230	Reports of Exposures, Radiation Levels and Concentrations of Radioactive Material Exceeding the Constraints or Limits
340.1240	Reports of Planned Special Exposures
340.1250	Notifications and Reports to Individuals
340.1260	Reports of Leaking or Contaminated Sealed Sources
340.1270	Reports of Missing Waste Shipments

SUBPART N: ADDITIONAL REQUIREMENTS

Section

340.1310	Vacating Premises
340.1320	Removal of Radioactive Contamination
340.APPENDIX A	Decontamination Guidelines
340.ILLUSTRATION A	Radiation Symbol

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 24, 1970 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 16027; recodified at 10 Ill. Reg. 11273; amended at 10 Ill. Reg. 17538, effective September 25, 1986; amended at 16 Ill. Reg. 11538, effective July 7, 1992; old Part repealed, new Part adopted at 17 Ill. Reg. 18507, effective January 1, 1994; amended at 19 Ill. Reg. 8264, effective June 12, 1995; emergency amendment at 27, Ill. Reg. 17273, effective November 18, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5445, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20841, effective December 16, 2005; amended at 31 Ill. Reg. 11593, effective July 26, 2007; amended at 35 Ill. Reg. 934, effective December 30, 2010; amended at 39 Ill. Reg. 15728, effective November 24, 2015.

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SUBPART F: SURVEYS AND MONITORING

Section 340.510 General

- a) Each licensee or registrant shall make, or cause to be made, surveys, including surveys of the subsurface, where appropriate:
 - 1) That demonstrate compliance with this Part; and
 - 2) That evaluate:
 - A) The extent of radiation levels;
 - B) Concentrations or quantities of radioactive material; and
 - C) The potential radiological hazards of radiation levels and residual radioactivity detected~~that could be present~~.
- b) The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements (e.g., dose rate and effluent monitoring) are calibrated at intervals not to exceed 12 months for the radiation measured or at alternative intervals specified in regulations of the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State. To satisfy this requirement, the licensee shall:
 - 1) Post a legible note on the instrument showing the date of calibration; and
 - 2) Ensure that instrument calibrations are performed by persons specifically licensed by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such calibrations.
- c) On each day of use, prior to using an instrument to perform required monitoring, the licensee or registrant shall verify that the instrument is operational. Operational checks for radiation measurement or radiation detection instruments shall include verification of response to a source of radiation.
- d) Except for those dosimeters used to measure the dose to any extremity, personnel dosimeters that require processing to determine the radiation dose and that are used by licensees or registrants to comply with Section 340.210 ~~of this Part~~, with

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other applicable provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d or with conditions specified in a license shall be processed and evaluated by a qualified dosimetry processor. A dosimetry processor is qualified if:

- 1) It holds current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and
 - 2) It is approved by NVLAP for the type of radiation or radiations that most closely approximate the type of radiation or radiations for which the individual wearing the dosimeter is monitored.
- e) A licensee or registrant shall obtain Agency approval prior to using pocket ionization chambers or electronic dosimeters to determine radiation dose, to comply with Section 340.210 ~~of this Part~~, or with other applicable provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d or with conditions specified in a license. The Agency will grant approval provided the licensee or registrant submits information describing the type and range of the dosimeters and describes a program to ensure the accuracy, reliability, precision and security of the dosimetry data.
- f) The licensee or registrant shall ensure that adequate precautions are taken to prevent deceptive exposure of an individual monitoring device.

(Source: Amended at 39 Ill. Reg. 15728, effective November 24, 2015)

SUBPART L: RECORDS

Section 340.1130 Records of Surveys and Calibrations

- a) Each licensee or registrant shall maintain records showing the results of surveys and calibrations required by Sections 340.510 and 340.960(b) ~~of this Part~~. The licensee or registrant shall retain these records for 5 years after the record is made.
- 1) Records of surveys shall include:
 - A) The location and date of the survey and the model and serial number of the instrument used to perform the survey;

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- B) The identity of the individual performing the survey; and
 - C) The results of the survey and any corrective actions that were taken as a result.
- 2) For each survey instrument calibrated in accordance with Section 340.510(b) ~~of this Part~~, the licensee shall maintain the following records:
- A) A copy of the licensee's own calibration procedures or a copy of a license issued by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State authorizing the person that performed the calibrations to perform calibrations as a customer service; and
 - B) A record identifying the manufacturer, model and serial number of the instrument that was calibrated, the calibration results, the identity of the individual who performed the calibration and the date of the calibration.
- 3) Each licensee authorized to perform instrument calibrations shall maintain a copy of each calibration document created in accordance with subsection (a)(2)(B) ~~of this Section~~ and a copy of the procedures followed to perform that calibration.
- 4) The licensee shall retain a record of each check required in Section 340.540(a) ~~of this Part~~ for 5 years. The record shall include the manufacturer, model and serial number of the instrument being checked, a description of the source used, the radiation level indicated by the instrument being checked, the identity of the individual who performed the check, and the date of the check.
- b) The licensee or registrant shall retain each of the following records until the Agency terminates each license or registration for which the record is required:
- 1) Records of the results of surveys to determine the dose from external sources of radiation that are used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

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- 2) Records of the results of measurements and calculations that are used to determine individual intakes of radioactive material and that are used in the assessment of internal dose;
- 3) Records showing the results of air sampling, surveys and bioassays required pursuant to ~~Section~~Sections 340.730(a)(3)(A) and (B) ~~of this Part; and~~
- 4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment; ~~and;~~
- 5) Records from surveys describing the location and amount of subsurface residual radioactivity identified at the site.

(Source: Amended at 39 Ill. Reg. 15728, effective November 24, 2015)

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- 1) Heading of the Part: Illinois Architecture Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1150
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1150.10	Amendment
1150.30	Amendment
1150.50	Amendment
1150.60	Amendment
1150.70	Amendment
1150.APPENDIX C	Amendment
1150.ILLUSTRATION A	Amendment
- 4) Statutory Authority: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] 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: December 11, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rulemakings 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) Date Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 9759; July 17, 2015
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 1150.10, the current language for completion of the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) Education Standard (1150.10 (a)(1)(B)) has been moved up in the same Section so that it will still be valid after January 1, 2016. This change also updates the current Education Evaluation Services for Architects (EESA) requirements to have an NCARB record before EESA will allow an evaluation-put in place in 2015.

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In Section 1150.60, the adopted version eliminates certain specifics relating to proof of qualifications for applicants for licensure by endorsement and changes them to the "NCARB Certificate Guidelines" in order to simplify in the event of future changes to NCARB agreements. Specifying the Broadly Experienced Architect (BEA), Broadly Experienced Foreign Architect (BEFA) or Mutual Recognition Agreement (MRA) will still require additional changes in the future, especially since the names of these programs are due to be changed within the next year.

- 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
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 98-993 allowed an exemption from having to take the currently required Test of English as a Foreign Language (TOEFL-iBT) exam for those who have subsequently earned an advanced degree from an accredited institution in the United States. This adopted rulemaking codified that provision in the rules. It made changes to the Intern Development Program (IDP) of the NCARB requirements to meet the new IDP 2.0/NCARB guidelines and it also added historical data for extension of the pre-professional degree.

The adopted amendments also allowed certification from NCARB for meeting Canadian requirements to be approved without looking behind the "Blue Cover" Section 1150.60. They also allowed electronic signatures per the PA 98-289 and made changes to the late restoration fee to be in compliance with the late fee in Section 1150.75. The adopted amendments also added a provision which states that pursuant to PA 98-288, the acceptance of a pre-professional degree for licensure was extended to January 1, 2016. After that date, approvals to sit for the Architecture Registration Exams (ARE) or for licensure requires a National Architectural Accrediting Board (NAAB) accredited professional degree. The adopted amendments also eliminated current language for partnerships that are covered under the Professional Design Firm requirements and they also changed/updated the address of the Education Evaluation Services for Architects (EESA).

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

Department of Financial and Professional Regulation

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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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 OCCUPATIONS

PART 1150

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section

1150.10	Education Requirements and Diversified Professional Training Requirements
1150.20	Category II – Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
1150.30	Application for Licensure by Examination/Acceptance of Examination
1150.40	Examination
1150.50	Approved Architecture Programs
1150.60	Licensure by Endorsement
1150.65	Inactive Status
1150.70	Restoration
1150.75	Fees
1150.80	Professional Design Firm
1150.85	Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
1150.90	Standards of Professional Conduct
1150.95	Architecture Complaint Committee
1150.100	Renewals
1150.105	Continuing Education Requirements
1150.110	Granting Variances
1150.APPENDIX A	Categories of Diversified Professional Training (Repealed)
1150.APPENDIX B	Historical Summary of Minimum Requirements to Qualify for Examination for Licensure as an Architect in Illinois
1150.APPENDIX C	Historical Summary of Examination Requirements
1150.ILLUSTRATION A	Architect Seal Requirements

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019;

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emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997; amended at 22 Ill. Reg. 15324, effective August 10, 1998; amended at 24 Ill. Reg. 559, effective December 31, 1999; amended at 24 Ill. Reg. 13710, effective August 28, 2000; amended at 25 Ill. Reg. 1754, effective January 8, 2001; amended at 26 Ill. Reg. 4667, effective March 11, 2002; amended at 26 Ill. Reg. 16954, effective November 12, 2002; amended at 27 Ill. Reg. 15468, effective September 19, 2003; amended at 28 Ill. Reg. 14424, effective October 20, 2004; amended at 33 Ill. Reg. 11477, effective July 22, 2009; amended at 35 Ill. Reg. 11358, effective June 28, 2011; amended at 39 Ill. Reg. 15738, effective December 11, 2015.

Section 1150.10 Education Requirements and Diversified Professional Training Requirements

The education and diversified professional training required for licensure under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] (the Act) are set forth in this Section. Applicants shall meet the requirements set forth in this Section.

a) Education Requirements

1) Applicants shall prove that they meet the following education requirements:

A) Applicants with a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) not later than 2 years after termination of an applicant's enrollment, or with a professional degree in architecture from a Canadian university certified as accredited by CACB.

B) Completion of the education requirements as specified in the National Council of Architectural Registration Boards (NCARB)

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Education Standard. This includes the requirement that applicants with a degree from a program not accredited by NAAB or CACB must obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants must establish an NCARB record in order to request an evaluation.

- 2) Until January 1, ~~2016~~2014, applicants with a degree from a program not accredited by the NAAB or CACB: ~~A) ———~~shall have a pre-professional 4 year baccalaureate degree program in architecture ~~that approved by the Board in accordance with Section 1150.50 of this Part, which~~ is accepted for direct entry into a professional degree program accredited by ~~the~~ NAAB or ~~the~~ CACB and is approved by the Board in accordance with Section 1150.50. ~~CACB; or~~

~~B) Completion of the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) Education Standard. This includes the requirement that applicants with a degree from a program not accredited by the NAAB or the CACB must obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington DC 20006; phone (202) 783-2007; or www.naab.org.~~

b) Diversified Professional Training Requirements

- 1) An applicant must complete the Intern Development Program (IDP) of the National Council of Architectural Registration Boards (NCARB), 1801 K Street, NW, Suite 700K, Washington DC 20006-1310, as set forth in the NCARB IDP Guidelines (~~2015~~2010, no later additions or amendments included). (A copy of these Guidelines is available from NCARB.)
- 2) To satisfy diversified professional training requirements, each applicant must acquire a minimum number of ~~training hours~~ Training Hours based on the education requirements set forth in subsection (b)(3). Acceptable activities and conditions affecting training are set forth in the IDP Guidelines.

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- 3) Training ~~hours~~Hours shall be acquired in prescribed experience categories and areas and ~~in accordance with the~~under requirements set forth in the NCARB ~~IDP Training Requirements included in the~~ IDP Guidelines. The required number of ~~training hours~~Training Hours will vary according to the following educational requirements:
- A) Applicants who meet the educational requirements set forth in subsections (a)(1)(~~A~~) and (a)(~~12~~)(B) shall complete ~~5600 training hours~~Training Hours pursuant to the NCARB IDP training requirements~~Training Requirement~~.
- B) Until January 1, ~~2016~~2014, applicants with a pre-professional 4 year baccalaureate degree set forth in subsection (a)(2)(~~A~~) shall complete 9360 core and elective training hours~~Training Hours~~ pursuant to the IDP Training Requirements. ~~Those training hours shall consist of;~~ twice the listed minimum number of core training hours~~Training Hours~~ required for each training category and area pursuant to the IDP training requirements (7480 core hours) plus an additional 1880 hours in any category or area~~shall be acquired~~.
- 4) ~~The required minimums in IDP Training Categories A, B, C and D total 3720 Training Hours for the education requirements set forth in subsections (a)(1) and (a)(2)(B) and 7440 Training Hours for the education requirements set forth in subsection (a)(2)(A), allowing for the additional Training Hours to be acquired in any of the listed categories.~~
- 45) To satisfy the Illinois Diversified Professional Training requirements, an applicant must have satisfied the ~~training requirements in accordance with the~~ NCARB IDP training requirements established in the IDP Guidelines~~Training Requirements~~ and subsection (b)(3)(A) or (B). An applicant who has satisfied the training requirements is expected to have been exposed to the comprehensive practice of architecture. Accordingly, each applicant must demonstrate that his or her training has been sufficiently diversified as to include exposure to each of the training areas set forth in the IDP Guidelines~~Training Requirement~~. (An applicant with the required number of training hours~~Training Hours~~ may nonetheless be denied approval of training if that training is not diversified.)

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- 56) ~~Training experience~~The training settings in which Training Hours may be acquired, and the maximum Training Hours allowed to be acquired in each training setting, are set forth in the NCARB IDP Guidelines and shall apply to all applicants.
- 67) Program Requirements
- A) ~~No Training Hours may be earned prior to:~~
- i) ~~Enrollment in an NAAB/CACB accredited professional degree program; or~~
 - ii) ~~Enrollment in a pre-professional architecture degree program at a school that offers an NAAB/CACB degree program; or~~
 - iii) ~~Employment under the direct supervision of a licensed architect, when the organization's practice:~~
 - ~~is in the charge of a person practicing as a principal; and~~
 - ~~encompasses the comprehensive practice of architecture, including each of the training areas found in the IDP Training Requirements after obtaining a U.S. high school diploma or General Education Degree (GED) equivalent, or comparable foreign degree.~~
- B) ~~No experience used to meet education requirements described in subsection (a) may be used to earn Training Hours.~~
- C) ~~To earn Training Hours in IDP Training Settings A, B, C, D and E, an applicant must work at least 32 hours per week for a minimum period of 8 consecutive weeks or at least 15 hours per week for a minimum period of 8 consecutive weeks.~~
- D) ~~To earn Training Hours in IDP Training Setting F, the applicant must be employed on a full-time basis.~~

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- ~~A)E)~~ A "licensed architect" is a person licensed to practice architecture in the jurisdiction in which he or she practices.
- ~~B)F)~~ A person practices as a "principal" by being:
- i) A licensed architect; and
 - ii) The person in charge of the organization's architectural practice, either alone or with other licensed architects.
- ~~C)G)~~ A person who has completed the minimum education requirements indicated in subsection (b)(7)(A)(i), is actively participating in the diversified professional training program, and maintains in good standing a training record as required by this Section, may use the title "architectural intern", but may not use the term "architect" and may not independently engage in the practice of architecture.

8) ~~Explanation of Requirements~~

- ~~A) Training Hours may be acquired only if the applicant meets the time requirements of Section 1150.10(b)(7)(C). Full Training Hours are earned for acceptable full-time and part-time employment in the training settings described in Section 1150.10(b)(5).~~
- ~~B) No Training Hours may be acquired prior to meeting the requirements of Section 1150.10(b)(7)(A).~~
- ~~C) Applicants with a post-professional degree in architecture may qualify for Training Hours as set forth in the IDP Guidelines.~~
- ~~D) An applicant may earn Training Hours by completing Board-approved supplementary education programs. Supplementary education cannot be used to satisfy the minimum Training Hours requirements. No Training Hours may be earned for supplementary education unless the applicant is employed in a recognized training setting (refer to IDP Guidelines). Credit for supplementary education activities may not exceed 1800 Training Hours.~~

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- ~~E) To satisfy Category A of the IDP Training Requirements, Training Hours (including Training Hours earned from supplementary education) in those categories must be acquired when employed in the training settings described in Section 1150.10(b)(6). A minimum of 1800 Training Hours must be acquired in Training Setting A.~~
- ~~F) For a detailed description of the IDP training categories, settings and conditions and supplementary education requirements, see IDP Guidelines.~~
- c) All applicants shall utilize NCARB to collect, evaluate and certify all training data and records required for compliance with this Part.
- d) The verification of training shall be submitted to the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) at the time of application.
- e) If the accuracy of any submitted documentation or the relevance or sufficiency of the training is questioned by the Division or the Architecture Licensing Board (the Board) because of discrepancies or conflicts in information, a need for additional information or clarification, the applicant will be requested to provide such information as is necessary.
- f) All applicants must submit an application for licensure within 12 months after passing the Architecture Registration Exams (ARE) and completion of the IDP.

(Source: Amended at 39 Ill. Reg. 15738, effective December 11, 2015)

Section 1150.30 Application for Licensure by Examination/Acceptance of Examination

An applicant for licensure as an architect shall file an application on forms supplied by the Division. The application shall include:

- a) Proof of successful completion of the examination set forth in Section 1150.40;
- b) Proof of having completed the necessary education and training, as required by Section 1150.10.

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- 1) The proof shall be in the form of official transcripts completed by the school, college or university attended, and certification of completion of the training requirements.
 - 2) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants shall obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants must establish an NCARB record in order to request an evaluation.~~may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington DC 20006; phone (202) 783-2007; or www.naab.org.~~ The Board will review all transcripts and the comprehensive evaluation submitted to the Division to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20;
- c) Certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice including the following, if the applicant has ever been licensed in another jurisdiction:
- 1) The date of issuance of the applicant's license and the current status of the license;
 - 2) Whether the records of the licensing authority contain any record of disciplinary action taken against the applicant;
- d) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part;
- e) The required fee; and
- f) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In

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order to determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English. However, any applicant who subsequently earned an advanced degree from an accredited educational institution in the United States or its territories shall not be subject to this requirement.

(Source: Amended at 39 Ill. Reg. 15738, effective December 11, 2015)

Section 1150.50 Approved Architecture Programs

- a) An architecture program, upon recommendation of the Board, shall be approved by the Division if it meets the following minimum criteria:
- 1) The educational institution is legally recognized and authorized by the academic jurisdiction in which it is located to confer any of the degrees required for licensure ~~in accordance with Section 1150.20(a).~~
 - 2) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the 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; and
 - 3) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
 - 4) Has a curriculum:
 - A) That confers a first professional degree in architecture and is accredited by the NAAB;
 - B) That, until December 31, ~~2015~~~~2013~~, confers a pre-professional 4 year degree accepted for direct entry into a professional master of architecture degree program; or
 - C) That, until January 1, 1996, for applicants who have completed their education prior to January 1, 1990, is at least 4 academic years and provides educational experience directed toward the

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development of the ability to apply knowledge to the identification and solution of practical problems and that encompasses the following:

- i) Basic sciences including physics, chemistry and subjects from the other areas of life and earth sciences;
- ii) Architectural science courses in building technology that assist the student to develop capabilities for recognition of problems through to formulation of creative solutions;
- iii) Architectural design courses that foster the development of critical awareness and responsibility to protect the public health, safety and welfare;
- iv) Appropriate studio and laboratory experience as determined by the college or institution shall be included in the program of each student; and
- v) The overall curriculum shall include a minimum of 120 semester hours or the equivalent and shall include at least the following subjects:

Advanced Mathematics – including calculus and analytical geometry – 8 hours

Basic Sciences – 8 hours

Architectural Sciences – 16 hours

Architectural Design – 18 hours – which may include up to 6 hours of art or freehand drawing

Humanities/Social Studies – 12 hours

History of Architecture – 12 hours

- b) In determining whether a program should be approved, the Division shall take into consideration but not be bound by accreditation by the National Architectural

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Accrediting Board (NAAB).

- c) All architecture programs accredited by the NAAB as of January 1, 1991 meet the minimum criteria set forth in subsection (a) for an approved architecture program and are, therefore, approved.
- d) Each architectural program, other than a program referred to in subsection (c) from which graduates have been issued permanent licensure in Illinois since July 1, 1975, is deemed an approved architectural program for purposes of meeting the minimum criteria set forth in subsection (a) retrospectively and until such time as the Division, upon the recommendation of the Board, determines that the program should be considered disapproved.
- e) Reevaluation
 - 1) Any program disapproved for failure to satisfy the minimum requirements set forth in subsection (a) may be reevaluated by the Board upon the request of an applicant for a period of time previously evaluated only for good cause shown. In determining the existence of good cause, the Board shall consider whether the applicant raised an issue as to whether incorrect or insufficient information was provided during the original evaluation. If the program was disapproved based on the fact that the Board has not received sufficient information concerning the program, it shall be reevaluated upon the request of any applicant who can present evidence that sufficient information for evaluation is now available.
 - 2) The applicant for whom a reevaluation is conducted shall be required to submit documentation deemed necessary to substantiate that program's assertions. In addition, the Board may request clarification or amplification of any documentation so submitted when additional clarification will aid in the reevaluation decision. Unless the Board at its discretion grants an extension of time on its own motion or at the request of the applicant, it shall, no later than 6 months from the date of the request for reevaluation, either approve the program, disapprove the program for failure to satisfy the minimum requirements of subsection (a), or disapprove the program based on the fact that the Board has not received sufficient information concerning the program. An extension of time will be granted when an extension is necessary in order to effect a fair, equitable and complete evaluation.

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- f) The Board shall maintain a list of all programs approved as of July 1 of that year.
- g) Reevaluation of ~~an~~ Approved Program
 - 1) Notwithstanding any other provision of this Section, the Board may reevaluate any approved architectural program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of subsection (a) or that its decision was based upon false, deceptive or incomplete information.
 - 2) If the Board has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program, it shall refer the matter to appropriate Division personnel for any disciplinary action that might be appropriate under the Act.
 - 3) An architectural program whose approval is being reevaluated by the Division shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 39 Ill. Reg. 15738, effective December 11, 2015)

Section 1150.60 Licensure by Endorsement

- a) An applicant who holds an active license or registration to practice architecture under the laws of another state or territory and who desires to become licensed by endorsement shall file an application with the Division together with:
 - 1) Either Council Certification or other proof of qualifications and licensure as follows:
 - A) Council Certification, issued by and forwarded directly to the Division by NCARB, showing proof of having met the requirements established in the NCARB Certification Guidelines;
~~or;~~
 - B) Other Proof of Qualifications and Licensure

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- i) Proof that the applicant has met requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by written examination in the other state or territory, including official transcripts and affidavits of training; and
 - ii) A certification by the state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the date of issuance of the applicant's license and the current status of each license; the basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and whether the records of the licensing authority contain any record of disciplinary action taken against the applicant;
 - 2) The required fee as set forth in Section 1150.75;
 - 3) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part.
- b) Applicants filing an application under subsection (a)(1)(B) are subject to the following requirements and provisions:
- 1) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants shall obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants must establish an NCARB record in order to request an evaluation.~~may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington DC 20006; phone (202) 783-2007; or www.naab.org.~~ The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20.~~;~~and
 - 2) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking

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module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English. However, any applicant who subsequently earned an advanced degree from an accredited educational institution in the United States or its territories shall not be subject to this requirement.

- 3) The Division shall examine each endorsement application to determine whether the requirements in the state or territory of original or subsequent licensure were substantially equivalent to the requirements then in force in this State. The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.
 - 4) The Division shall, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the practice of architecture in another jurisdiction for a minimum of 5 years and has provided evidence demonstrating competence in the area or areas of the examination being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for that part or parts pursuant to this provision.
- 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 Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant 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

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in information.

(Source: Amended at 39 Ill. Reg. 15738, effective December 11, 2015)

Section 1150.70 Restoration

- a) A licensee seeking restoration of a license that has expired for less than 3 years shall have the license restored upon payment of ~~\$50~~\$20 plus the lapsed renewal fee required by Section 1150.75 and proof of 24 hours of continuing education completed in accordance with Section 1150.105 and within 2 years prior to application.
- b) A licensee seeking restoration of a license that has been placed on inactive status for less than 3 years shall have the license restored upon payment of the current renewal fee as specified by Section 1150.75 and proof of 24 hours of continuing education completed in accordance with Section 1150.105 and within 2 years prior to application.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Division, for review by the Board, together with the fee required by Section 1150.75 and proof of 24 hours of continuing education completed in accordance with Section 1150.105 and within 2 years prior to application. The licensee shall also submit either:
 - 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 16 of the Act; or
 - 3) Other evidence of continued active practice of architecture for at least the last 3 years. Other evidence shall include, but not be limited to:
 - A) Employment in a responsible capacity under the direct supervision and control of a licensed architect; ~~or~~

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- B) Lawfully practicing architecture as an employee of a governmental agency;~~or~~
 - C) Teaching architecture in a college or university program accredited by the NAAB; or
 - D) Attendance during the past 3 years at educational programs conducted by an approved architecture program or a professional architectural association or similar program approved by the Division upon recommendation of the Board. Continuing education, as required in Section 1150.105, cannot be utilized for this requirement unless specifically approved by the Board for this purpose prior to attendance.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.
- e) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part.
- f) 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 restoration ~~may~~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. Upon the recommendation of the Board and approval by the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (Director), an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

(Source: Amended at 39 Ill. Reg. 15738, effective December 11, 2015)

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Section 1150.APPENDIX C Historical Summary of Examination Requirements

- a) Pre-Design is satisfied by one of the following:
 - 1) Examination Syllabus C (1954-1973)
 - 2) Equivalency Examination I (1973-1977, or Qualifying Test – Section A (1977-1978), and Professional Examination – Parts I and II (1973-1978), or Professional Examination – Section B, Parts I and II (1979-1982) – see subsection (h)
 - 3) Division A of the ARE (1983-1996)
 - 4) Pre-Design (PD) of the ARE 3.1 (1996-2009)
 - 5) Programming, Planning & Practice (PP) of the ARE 4.0 (2008-Present)

- b) Site Planning is satisfied by one of the following:
 - 1) Examination Syllabus D (1954-1973)
 - 2) Equivalency Examination III (1973-1977)
 - 3) Qualifying Test – Sections E, F (1977-1978)
 - 4) Professional Examination – Section A (1979-1982)
 - 5) Division B of the ARE (1983-1987)
 - 6) Division B (Written and Graphic of the ARE (1988-1996))
 - 7) Site Planning (SP) of the ARE 3.1 (1996-2009)
 - 8) Programming, Planning & Practice (PP) and Site Planning & Practice (SPD) of the ARE 4.0 (2008-Present)

- c) Building Planning and Building Technology are satisfied by one of the following:
 - 1) Examination Syllabus E (1954-1973)

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- 2) Equivalency Examination III (1973-1977)
 - 3) Qualifying Test – Sections E, F (1977-1978)
 - 4) Professional Examination – Section A (1979-1982)
 - 5) Division C of the ARE (1983-1996)
 - 6) Building Planning (BP) & Building Technology (BT) of the ARE 3.1 (1996-2009)
 - 7) Schematic Design (SD), Building Design & Construction Systems (BD), Building Systems (BS), Construction Documents & Service (CDS), and Structural Systems (SS) of the ARE 4.0 (2008-Present)
- d) General Structures is satisfied by one of the following:
- 1) Examination Syllabus G (1954-1973)
 - 2) Equivalency Examination II (1973-1977) – see subsection (i)
 - 3) Qualifying Test – Section B (1977-1982) – see subsection (i)
 - 4) Professional Examination Part III (1973-1978) – see subsection (i)
 - 5) Professional Examination – Section B, Part III (1979-1982) – see subsection (i)
 - 6) Divisions D and F of the ARE (1983-1996)
 - 7) Divisions D/F of the ARE (1988-1996)
 - 8) General Structures (GS) of the ARE 3.1 (1996-2009)
 - 9) Structural Systems (SS) of the ARE 4.0 (2008-Present)
- e) Lateral Forces is satisfied by one of the following:

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- 1) Examination Syllabus G (1954-1973)
 - 2) Equivalency Examination II (1973-1977) – see subsection (i)
 - 3) Qualifying Test – Section B (1977-1982) – see subsection (i)
 - 4) Professional Examination Part III (1973-1978) – see subsection (i)
 - 5) Professional Examination – Section B, Part III (1979-1982) – see subsection (i)
 - 6) Division E of the ARE (1983-1996)
 - 7) Lateral Forces (LF) of the ARE 3.1 (1996-2009)
 - 8) Structural Systems (SS) of the ARE 4.0 (2008-Present)
- f) Mechanical & Electrical Systems is satisfied by one of the following:
- 1) Examination Syllabus I (1954-1973)
 - 2) Equivalency Examination II (1973-1977) – see subsection (i)
 - 3) Qualifying Test – Section D (1977-1982) – see subsection (i)
 - 4) Professional Examination Part III (1973-1978) – see subsection (i)
 - 5) Professional Examination – Section B, Part III (1979-1982) – see subsection (i)
 - 6) Division G of the ARE (1983-1996)
 - 7) Mechanical & Electrical Systems (ME) of the ARE 3.1 (1996-2009)
 - 8) Building Systems (BS) of the ARE 4.0 (2008-Present)
- g) Materials & Methods is satisfied by one of the following:
- 1) Examination Syllabus F (1954-1973)

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- 2) Equivalency Examination II (1973-1977) – see subsection (i)
 - 3) Qualifying Test – Section C (1977-1982) – see subsection (i)
 - 4) Professional Examination Part III (1973-1978) – see subsection (i)
 - 5) Professional Examination – Section B, Part III (1979-1982) – see subsection (i)
 - 6) Division H of the ARE (1983-1996)
 - 7) Materials & Methods (MM) of the ARE 3.1 (1996-2009)
 - 8) Building Design & Construction Systems (BD) of the ARE 4.0 (2008-Present)
- h) Construction Documents & Services is satisfied by one of the following:
- 1) Examination Syllabus H (1954-1973)
 - 2) Professional Examination Part IV (1973-1977)
 - 3) Professional Examination – Section B, Part IV (1978-1982)
 - 4) Division I of the ARE (1983-1996)
 - 5) Construction Documents & Services (CD) of the ARE 3.1 (1996-2009)
 - 6) Construction Documents & Services (CDS) of the ARE 4.0 (2008-Present)
- i) Since the history and theory of architecture are incorporated into all Divisions of the ARE, no credit will be given for only having passed the Qualifying Test – Section A, History.
- j) In order to be eligible for transfer credits for any part of the Professional Examination-Section B, the candidate must have passed three parts of the examination in one sitting, on or after December 1980.

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- k) Applicants shall, in all cases, pass the Pre-Design Division of the ARE if they have not passed the Equivalency Examination I or Section A of the Qualifying Test even though the applicant may have passed the Professional Examination-Section B, Parts I and II.
- l) Applicants without an NAAB-accredited degree must, in all cases, pass the General Structures, Lateral Forces, Mechanical & Electrical Systems and Materials & Methods divisions of the ARE if they have not passed the Equivalency Examination II or equivalent portions of the Qualifying Test, even though the applicant may have passed the Professional Examination-Section B, Part III.
- m) After January 1, 2006, the Division will hold scores of examinations passed as valid for a period of 5 years reflecting the NCARB "5-year Rolling Clock". All scores of previously passed examinations prior to January 1, 2006 will be valid permanently.
- n) As of January 1, 2014, any division passed prior to January 1, 2006 shall no longer remain valid if all remaining divisions have not been passed by July 1, 2014. Scores prior to January 1, 2006 will cease to be valid as of January 1, 2014. All scores must meet the NCARB "5-year Rolling Clock" requirements.
- o) Pursuant to Public Act 98-288 [225 ILCS 305/13] effective August 9, 2013, acceptance of a pre-professional degree for licensure was extended to January 1, 2016. After that date, approvals to sit for the ARE or for licensure requires an NAAB-accredited professional degree.

(Source: Amended at 39 Ill. Reg. 15738, effective December 11, 2015)

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Section 1150. ILLUSTRATION A Architect Seal Requirements

- a) Every licensed architect shall have a reproducible seal, or facsimile, the print of which shall contain the name of the architect, the license number, and words "Licensed Architect, State of Illinois". The licensed architect shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets of technical submissions utilized as contract documents between the parties to the contract or contracts or prepared for the review and approval of any governmental or public authority having jurisdiction by that licensed architect or under that licensed architect's responsible control. The seal and dates may be electronically affixed. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer~~The signature generated by computer or reproduced by other means shall not be permitted on these documents.~~ The sheet of technical submissions on which the seal is affixed shall indicate those documents or parts of documents~~thereof~~ for which the seal shall apply (Section 14 of the Act).
- b) ~~Partnerships may utilize a reproducible seal or facsimile that contains all partners names and license numbers, provided that the partner responsible for the technical submissions for the building shall sign and seal in the manner prescribed in subsection (a).~~ All technical submission~~construction documents~~ issued by an architectural firm, corporation, limited liability company or partnership are required to bear the corporate or assumed business name and design firm registration number, in addition to the seal requirements.
- c) The following is a suggested facsimile of the design and lettering of the seal:



DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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signature

date

expires 11-30-____

(Source: Amended at 39 Ill. Reg. 15738, effective December 11, 2015)

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- 1) Heading of the Part: Nurse Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1300.10	Amendment
1300.20	Amendment
1300.30	Amendment
1300.90	Amendment
1300.100	Amendment
1300.110	Amendment
1300.120	Amendment
1300.300	Amendment
1300.320	Amendment
1300.360	Amendment
1300.430	Amendment
1300.600	New Section
1300.610	New Section
1300.620	New Section
1300.630	New Section
1300.640	New Section
1300.650	New Section
1300.660	New Section
1300.670	New Section
1300.680	New Section
- 4) Statutory Authority: Implementing the Nurse Practice Act [225 ILCS 65] 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 24, 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.

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- 9) Date Notice of Proposal published in the *Illinois Register*: 38 Ill. Reg. 22373; December 5, 2014
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The dates for applying for the pilot program and for the program itself have been changed. Various references to nursing homes were changed to "skilled nursing facilities" and references to "medication aides" were made consistent. In Section 1300.610 of the adopted version, the Department added the Health & Safety Institute (HSI) as an approved provider of the required CPR certification. In that same Section of the adopted version, clarification is made that the CNA must provide evidence of good standing on the Illinois Department of Public Health (IDPH) Health Care Worker Registry. In terms of proof of the 2,000 hour requirement, the Division will provide a form as part of the application. In Section 1300.620 of the adopted version, clarification is made that applicants failing to pass the exam within one year must retake the education program before again being allowed to take the exam; failure to pass the exam within 3 years will result in denial of the application.

In Section 1300.630 of the adopted version, clarifications are made that the Five Star Quality Rating shall be at the time of application and that an RN be on duty to supervise when the medication aide is dispensing medication. In addition, the facilities must be free from "type B violation or above" deficiencies, and the names and locations of approved qualified facilities will be submitted to IDPH and be available on the Division's website. The standards for termination from the pilot program in Section 1300.640 have also been tightened in the adopted version. In Section 1300.660 of the adopted version, the Division has added that the program administrator must be an Illinois licensed RN with at least a baccalaureate degree in nursing and 2 years clinical experience in a long term care facility, and that a facility may use the National Council of State Boards of Nursing (NCSBN) Medication Assistant-Certified (MA-C) model curriculum unless it conflicts with the Act or rules. Under the scope of practice in Section 1300.670 of the adopted version, the Division has agreed to remove "with or without compensation" and to clarify that an RN be on duty whenever a medication aide is administering medication. Finally, Section 1300.680 in the adopted version has been amended to clarify the written quarterly reports that are to be submitted by the qualified facilities and to clarify that the Division report after the end of the pilot program is to be submitted to the General Assembly and may include consultation with individuals from institutions of higher learning. The adopted version also removed the requirement in the proposed version that records provided to the Division or IDPH be certified.

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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 any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 98-990, effective August 18, 2014, mandated the Department create and administer a Licensed Medication Aide Pilot Program; this adopted rule implements this pilot program. The Act states that during the 3-year pilot program, the Department shall license and regulate licensed medication aides; this program was created in Subpart E. As part of the pilot program, no more than 10 skilled nursing homes, which shall be geographically located throughout the State, shall be authorized to employ licensed medication aides, as approved by the Department, and it provides that the Department may consult with the Department of Public Health as necessary to properly administer and enforce this program.

The adopted rulemaking also made revisions to the foreign trained nurse provisions in this Part to allow additional paths to licensure and it updates Section 1300.430 (Prescriptive Authority) to reflect statutory changes made to the Controlled Substances Act [720 ILCS 570].

- 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

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1300
NURSE PRACTICE ACT

SUBPART A: GENERAL PROVISIONS

Section	
1300.10	Definitions
1300.20	Nursing Delegation
1300.30	Fees
1300.40	Renewals
1300.50	Restoration
1300.60	Granting Variances
1300.70	Fines
1300.80	Public Access to Records and Meetings
1300.90	Unethical or Unprofessional Conduct
1300.100	Refusal to Issue a Nurse -License Based on Criminal History Record
1300.110	Mandatory Reporting of Impaired Licensees Nurses
1300.120	Impaired Licensee Nurse – Disciplinary and Non-Disciplinary
1300.130	Continuing Education

SUBPART B: LICENSED PRACTICAL NURSE

Section	
1300.200	Application for Examination or Licensure
1300.210	LPN Licensure Examination
1300.220	LPN Licensure by Endorsement
1300.230	Approval of Programs
1300.240	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.250	LPN Scope of Practice
1300.260	Standards for Professional Conduct for LPNs

SUBPART C: REGISTERED NURSE

Section

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- 1300.300 Application for Examination or Licensure
- 1300.310 RN Licensure Examination
- 1300.320 RN Licensure by Endorsement
- 1300.330 Nurse Externship
- 1300.340 Approval of Programs
- 1300.350 Standards of Professional Conduct for Registered Professional Nurses
- 1300.360 RN Scope of Practice
- 1300.370 Provision of Conscious Sedation by Registered Nurses in Ambulatory Surgical Treatment Centers

SUBPART D: ADVANCED PRACTICE NURSE

Section

- 1300.400 Application for Licensure
- 1300.410 Written Collaborative Agreements
- 1300.420 Collaboration and Consultation
- 1300.430 Prescriptive Authority
- 1300.440 APN Scope of Practice
- 1300.450 Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist Outside a Hospital or Ambulatory Surgical Treatment Center
- 1300.460 Advanced Practice Nursing in Hospitals or Ambulatory Surgical Treatment Centers
- 1300.470 Advertising
- 1300.480 Reports Relating to APN Professional Conduct and Capacity

SUBPART E: MEDICATION AIDE

- 1300.600 Pilot Program
- 1300.610 Application for Examination or Licensure as a Medication Aide
- 1300.620 Medication Aide Licensure Examination
- 1300.630 Qualified Employers and Facilities
- 1300.640 Standards for Termination
- 1300.650 Site Visits
- 1300.660 Approved Curriculum
- 1300.670 Medication Aide Scope of Practice
- 1300.680 Required Reports of Qualified Facilities

- 1300.APPENDIX A Additional Certifications Accepted for Licensure as an Advanced Practice Nurse

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1300.EXHIBIT A Sample Written Collaborative Agreement

AUTHORITY: Implementing the Nurse Practice Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 34 Ill. Reg. 14012, effective September 17, 2010; amended at 37 Ill. Reg. 9467, effective July 5, 2013; amended at 38 Ill. Reg. 15988, effective August 1, 2014; amended at 39 Ill. Reg. 15764, effective November 24, 2015.

SUBPART A: GENERAL PROVISIONS

Section 1300.10 Definitions

The following definitions shall apply to this Part:

"Act" means the Nurse Practice Act [225 ILCS 65].

"Address of Record" means the address recorded by the Division in the applicant's or licensee's application file or license file, as maintained by the Division's licensure maintenance unit.

"Advanced Practice Nurse" or "APN" means a person who has met the qualifications for a:

certified nurse midwife (CNM);

certified nurse practitioner (CNP);

certified registered nurse anesthetist (CRNA); or

clinical nurse specialist (CNS) and has been licensed by the Division.

All advanced practice nurses licensed and practicing in the State of Illinois shall use the title APN and may use specialty credentials after their name.

"APN Practice Pending Licensure" means practice by an APN, under a temporary permit, who is scheduled to take the National Certification Examination. This period of practice cannot exceed 6 months from date of application for the license. APN Practice Pending Licensure does not include prescriptive authority.

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"Bilingual Nurse Consortium Course or Other Comparable Course Approved by the Division" means a course specifically designed to prepare a nurse trained in another jurisdiction, and for whom English is a second language, to take the Illinois required licensure examination.

"Board" means the Board of Nursing.

"Collaboration" means a process involving 2 or more health care professionals working together, each contributing one's respective area of expertise to provide more comprehensive patient care. (Section 50-10 of the Act)

"Consultation" means the process by which an advanced practice nurse seeks the advice or opinion of another health care professional. (Section 50-10 of the Act)

"Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act [225 ILCS 25]. (Section 50-10 of the Act)

"Department" means the Department of Financial and Professional Regulation.

"Direction" means to give authoritative instruction to another regarding tasks and/or professional responsibilities.

"Director" means the Director of the Division of Professional Regulation, with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Externship" means a two-year program allowing a registered nurse who is licensed under the laws of another state or territory of the United States to practice as a nurse extern under the direct supervision of a registered professional nurse while preparing for the NCLEX-RN examination.

"Impaired Nurse" means a nurse licensed under this Act who is unable to practice with reasonable judgment, skill or safety because of a physical or mental disability, as evidenced by a written determination or written consent based on clinical evidence, including loss of motor skills, abuse of drugs or alcohol, or a

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psychiatric disorder, of sufficient degree to diminish his or her ability to deliver competent patient care. (Section 50-10 of the Act)

"Medication Aide" means a person who has met the qualifications for licensure under the Act who assists with medication administration while under the supervision of a registered professional nurse (RN) in a long term care facility. (Section 80-5 of the Act)

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60]. (Section 50-10 of the Act)

"Physician Assistant" means a person licensed under the Physician Assistant Practice Act of 1987 [225 ILCS 95]. (Section 50-10 of the Act)

"Podiatrist" means a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987 [225 ILCS 100]. (Section 50-10 of the Act)

"Professional Responsibility" includes making decisions and judgments requiring use of knowledge acquired by completion of an approved program for licensure as a practical, professional or advanced practice nurse.

"Qualified Facility/Employer" means a long term care facility licensed by the Department of Public Health that meets the qualifications set forth in Section 80-10 of the Act and Section 1300.630, and is chosen to participate in the pilot program established pursuant to Section 80-10 of the Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Task" means work not requiring professional knowledge, judgment and/or decision making. (Section 50-75 of the Act)

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.20 Nursing Delegation

- a) *For the purposes of this Section:*

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"Delegation" means transferring to an individual the authority to perform a selected nursing activity or task, in a selected situation.

"Nursing Activity" means any work requiring the use of knowledge acquired by completion of an approved program for licensure, including advanced education, continuing education, and experience as a licensed practical nurse or professional nurse, as defined by this Part.

- b) *Nursing shall be practiced by licensed practical nurses, registered professional nurses, and advanced practice nurses. In the delivery of nursing care, nurses work with many other licensed professionals and other persons. An advanced practice nurse may delegate to registered professional nurses, licensed practical nurses, and others persons.*
- c) *A registered professional nurse shall not delegate any nursing activity requiring the specialized knowledge, judgment, and skill of a licensed nurse to an unlicensed person, including medication administration. A registered professional nurse may delegate nursing activities to other registered professional nurses or licensed practical nurses.*
- d) [A registered professional nurse may delegate medication administration to a licensed medication aide in a qualified facility as authorized by Section 80-20 of the Act.](#)
- e) ~~d~~ *A registered nurse may delegate tasks to other licensed and unlicensed persons. A licensed practical nurse who has been delegated a nursing activity shall not re-delegate the nursing activity. A registered professional nurse or advanced practice nurse retains the right to refuse to delegate or to stop or rescind a previously authorized delegation. (Section 50-75 of the Act)*
- f) ~~e~~ Practice in End Stage Renal Dialysis Facilities
- 1) For the purposes of this Section only, an individual working as a dialysis technician in a Medicare-certified End Stage Renal Dialysis Facility or a facility regulated under the End Stage Renal Disease Facility Act [210 ILCS 62] shall be considered a licensed individual for the purposes of delegation only under Section 50-75 of the Act. A person working to acquire the experience necessary to obtain certification under subsection f) ~~e~~(2) may practice in accordance with this subsection (fe) for a period

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of no more than 18 months so long as his or her practice is in compliance with the experience standards set forth by the entities listed in subsection ~~(f)(e)~~(2).

- 2) Delegation under this subsection ~~(f)(e)~~ shall only be allowed if the individual receiving delegation currently holds, or is in the process of acquiring, the necessary experience to apply for and achieve one of the following certifications:
 - A) Certified Clinical Hemodialysis Technician (CCHT) by the Nephrology Nursing Certification Commission (NNCC);
 - B) Certified Hemodialysis Technician (CHT) by the Board of Nephrology Examiners Nursing and Technology (BONENT);
 - C) Certified in Clinical Nephrology Technology (CCNT) by the National Nephrology Certification Organization (NNCO).
- 3) Delegation under this subsection ~~(f)(e)~~ shall not include medication administration except for saline flushes and application of topical anesthetics. All patient care provided by a certified dialysis technician practicing under this subsection ~~(f)(e)~~ shall be under the direct and immediate on-site supervision of a licensed physician, advanced practice nurse, physician assistant or registered nurse.
- 4) Delegation under this subsection ~~(f)(e)~~ shall also comply with any rules adopted under the End Stage Renal Disease Facility Act.
- 5) Nothing in this subsection ~~(f)(e)~~ shall be construed to apply to any other facility or practice setting. This subsection ~~(f)(e)~~ shall not be construed as granting a license under the Act and shall not allow individuals receiving delegation under this subsection ~~(f)(e)~~ to use any title regulated by the Act.

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.30 Fees

The following fees shall be paid to the Department and are not refundable:

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a) Application Fees

- 1) The fee for application for a license as a registered professional nurse, ~~and~~ a licensed practical nurse, and a medication aide is \$50. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The fee for application for participation in the pilot program as a qualified facility as set forth in Section 1300.600 is \$500.
- ~~3)2)~~ The fee for a temporary restoration or endorsement permit for a license as an advanced practice nurse, a registered professional nurse and a licensed practical nurse is \$25.
- ~~4)3)~~ The fee for a nurse externship permit is \$50.
- ~~5)4)~~ The fee for application for a license as an advanced practice nurse is \$125.
- ~~6)5)~~ The fee for application as an approved continuing education sponsor is \$500.

b) Renewal Fees

- 1) The fee for the renewal of a practical nurse license shall be calculated at the rate of \$40 per year.
- 2) The fee for the renewal of a registered professional nurse license shall be calculated at the rate of \$40 per year.
- 3) The fee for the renewal of a license as an advanced practice nurse shall be calculated at the rate of \$40 per year.
- 4) The fee for renewal of an APN, LPN or RN continuing education sponsor approval is \$250 for 2 years.

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- c) General Fees
- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees, but not to exceed \$250.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as registered professional nurses, ~~or~~ licensed practical nurses, or medication aides in this State shall be the actual cost of producing such a roster.
 - 7) The fee for processing a fingerprint card by the Department of State Police is the cost of processing, which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.90 Unethical or Unprofessional Conduct

- a) The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its findings of unethical or unprofessional conduct (see Section 70-5(b)(7) of the Act), which is interpreted to include, but is not limited to, the following acts or practices:

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- 1) Engaging in conduct likely to deceive, defraud or harm the public, or demonstrating a willful disregard for the health, welfare or safety of a patient. Actual injury need not be established.
 - 2) A departure from or failure to conform to the standards of ~~practice professional or practical nursing~~ as set forth in the Act or this Part. Actual injury to a patient need not be established.
 - 3) Engaging in behavior that crosses professional boundaries (such as signing wills or other documents not related to client health care).
 - 4) Engaging in sexual conduct with a patient, or conduct that may reasonably be interpreted by a patient as sexual, or in any verbal behavior that is sexually harassing to a patient.
 - 5) Demonstrating actual or potential inability to practice nursing with reasonable skill, safety or judgment by reason of illness, use of alcohol, drugs, chemicals or any other material, or as a result of any mental or physical condition.
- b) The Division hereby incorporates by reference the "Code for Nurses with Interpretive Statements", July 2001, American Nurses Association, 8515 Georgia Avenue, Suite 400, Silver Spring MD 20910, with no later amendments or editions.
 - c) The Division hereby incorporates by reference the "Standards of Practice and Educational Competencies of Graduates of Practical/Vocational Nursing Programs", National Association for Practical Nurse Education and Service, Inc., May 6, 2007, 1940 Duke Street, Suite 200, Alexandria VA 22314, with no later amendments or editions.

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.100 Refusal to Issue a ~~Nurse~~ License Based on Criminal History Record

- a) For purposes of this Part, criminal history record information is defined as information collected by criminal justice agencies (see 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information or other formal criminal charges, and any disposition arising from those actions, sentencing, correctional supervision and

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release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.

- b) In determining whether an applicant for a ~~nurse~~-license is unfit for licensure because of criminal history record information, the Division shall consider the following standards:
- 1) Whether the crime was one of armed violence (see 720 ILCS 5/Art. 33A) or moral turpitude. Moral turpitude consists of:
 - A) Crime involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).
 - B) Drug offenses including but not limited to violations of the Illinois Controlled Substances Act [720 ILCS 570] and Federal Drug Enforcement Laws (21 USC 801 et seq.).
 - C) Sex offenses including but not limited to all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. 11].
 - 2) Whether the crime is related to the ~~nursing~~ practice of the nursing profession.
 - 3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.
 - 4) Whether the conviction was from a city ordinance violation or a conviction for which a jail sentence was not imposed.
 - 5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Division shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:
 - A) Completion of probation;
 - B) Completion of parole supervision; or

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- C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.
- c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5):
- 1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);
 - 2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;
 - 3) Falsification of an application for licensure with the Division;
 - 4) Failure to furnish to the Division additional information or failure to appear for an interview or meeting with the Division in relation to the applicant's application for licensure.
- d) The following criminal history records shall not be considered in connection with an application for licensure:
- 1) Juvenile adjudications;
 - 2) Records of arrest not followed by a conviction;
 - 3) Convictions overturned by a higher court;
 - 4) Convictions that have been the subject of a pardon or expungement.
- e) Notification of Denial, Revocation, Suspension, or Intent to Refuse to Renew; Request for Hearing
- 1) If the determination is made that the applicant is unfit for licensure, the Division shall send notice of denial, revocation, suspension or intent to refuse to renew by certified mail, return receipt requested, to the applicant at the applicant's address of record or by personal delivery to the applicant.

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All such notices will include a statement of the reason for the Division's action.

- 2) An applicant may request a hearing to contest the Division's action under 68 Ill. Adm. Code 1110. The request shall be in writing and must be received by the Division not later than 20 days after the date the Division mailed or personally delivered the notice of its action to the applicant.
- 3) After receipt of a request for a hearing and prior to any such hearing, the Division shall schedule an informal conference with the applicant in an attempt to resolve issues in controversy consensually. The Division shall notify the applicant of the informal conference at least 20 days prior to the hearing. Failure by the applicant to attend the informal conference shall act as a withdrawal of the applicant's request for a hearing. The provisions of this subsection (e)(3) shall not apply if an informal conference was held prior to the Division serving notice upon the applicant as described in subsection (e)(1).

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.110 Mandatory Reporting of Impaired Licensees~~Nurses~~

- a) *Any nurse who is an administrator or officer in any hospital, nursing home, other health care agency or facility, or nurse agency and has knowledge of any action or condition which reasonably indicates that a licensee under the Act~~licensed practical nurse, registered professional nurse or advanced practice nurse~~ is:*
 - 1) *is impaired due to the use of alcohol or mood altering drugs to the extent that the impairment adversely affects the licensee's~~nurse's~~ professional performance; or*
 - 2) *unlawfully possesses, uses, distributes or converts mood altering drugs (Section 70-10(a) of the Act) shall report the individual to the Division or designee of the Division unless the licensee~~nurse~~ participates in a course of remedial professional counseling or medical treatment for substance abuse.*
- b) The administrator need not report the licensee~~nurse~~ in question so long as the nurse actively pursues treatment under monitoring by the administrator or officer

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or by the hospital, nursing home, health care agency or facility, or nurse agency and the licenseenurse continues to be employed by that hospital, nursing home, health care agency or facility, or nurse agency.

- c) However, if the licenseenurse fails to comply with treatment or leaves employment of the institution for any reason, the administrator shall report the licenseenurse to the Division.
- d) Notwithstanding any other Section or provisions of the Nurse Practice Act, if the Division verifies habitual intoxication or drug addiction that adversely affects professional performance or the unlawful possession, use, distribution or conversion of habit forming drugs by the reported licenseenurse, the Division may seek to discipline the licenseenurse pursuant to Section 70-5 of the Act.

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.120 Impaired LicenseeNurse – Disciplinary and Non-Disciplinary

- a) Disciplinary and Non-Disciplinary Options for the Impaired LicenseeNurse. The Division shall establish by rule a program of care, counseling and treatment for the impaired licenseenurse. This program shall allow an impaired licenseenurse to self-refer to the program.
- b) Eligibility for consideration for a care, counseling and treatment agreement shall include but not be limited to the following:
 - 1) licensee must self report to the Division before a complaint has been filed;
 - 2) licensee must have no prior disciplinary action in any jurisdiction concerning practice issues related to substance abuse;
 - 3) licensee has not been convicted criminally of any felony or drug-related misdemeanor, nor is any such criminal action pending;
 - 4) licensee acknowledges addiction and/or chemical dependence; and
 - 5) licensee has appeared for and submitted to an assessment by a physician who is a certified addictionist or an advanced practice nurse with specialty

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certification in addition and has followed the recommendations of the assessment.

- c) Individual licensee health care records shall be privileged and confidential, unavailable for use in any proceeding, and not subject to disclosure. Nothing in this Section shall impair or prohibit the Division from taking disciplinary action based upon the grounds set forth in Section 70-5 of the Act.

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

SUBPART C: REGISTERED NURSE

Section 1300.300 Application for Examination or Licensure

- a) Each applicant shall file, with the Division or the testing service designated by the Division, a completed, signed application, on forms supplied by the Division, that includes:
- 1) proof of graduation from a nursing education program that meets the requirements of Section 1300.40;
 - 2) verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by the Illinois Department of State Police or one set of fingerprint cards issued by the FBI, accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;
 - 3) the fees required by Section 1300.30(a)(1);
 - 4) for applicants educated outside the United States or its territories, the following:

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- A) a credentials evaluation report of the applicant's foreign nursing education from either the Commission on Graduates of Foreign Nursing Schools (CGFNS) Credentials Evaluation Service (CES) or the Educational Records Evaluation Service (ERES). To be accepted, the report must:
- i) verify that the applicant has successfully completed primary and secondary and nursing education equivalent to education received in a US state or territory as determined by the Department, based upon receipt and review of official transcripts from the nursing education program bearing the school seal;
 - ii) verify that the applicant was licensed in his or her country of education if licensure was available at the time of education;
 - iii) indicate any subject matter deficiencies; and
 - iv) be in a form and manner acceptable to the Division. The Division will not accept a credential report until it receives all relevant information required by this Section. However, the Division shall not accept a credential report that does not indicate that the applicant is licensed in his/her country of education or in which the report does not evaluate the educational program of the applicant based upon receipt and review of official transcripts from the nursing education program bearing the school seal; these credential reports shall not be accepted as valid credential reports. In order to be accepted by the Division, credential reports shall be in a form and manner acceptable to the Division.
- B) if the applicant's first language is not English, certification of passage of either the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) Academic Module. For TOEFL the minimum passing score on the paper-based test is 560, computer-based test is 220, and internet-based test is 83. For the IELTS Academic Module, the minimum passing score shall be 6.5 (overall score) and 7.0

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(spoken band). The Division may, upon recommendation from an approved credentials evaluation service, waive the requirement that the applicant pass the TOEFL or IELTS examination if the applicant submits verification of the successful completion of a nursing education program conducted in English ~~or the passage of an approved licensing examination given in English;~~

C) for applicants who have completed a minimum of 2 years of nursing education but are unable to meet the requirement of subsection (a)(4)(A)(1), proof of successful passage of the General Education Development test enabling the applicant to be approved to sit for the examination.

~~5) verification from the jurisdictions in which the applicant was originally licensed, current state of licensure and any other jurisdiction in which the applicant has been actively practicing within the last 5 years, if applicable, stating:~~

~~A) the time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and~~

~~B) whether the file on the applicant contains any record of disciplinary actions taken or pending.~~

- b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted by Section 60-10 of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses in an approved nursing education program.
- c) When the applicant has completed the nursing education program in less than the usual length of time through advanced standing or transfer of credits from one institution to another, the director of nursing education shall include an explanation in the certification.
- d) Pursuant to Section 50-70 of the Act, when an applicant has completed a nonapproved program that is a correspondence course or a program of nursing

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that does not require coordinated or concurrent theory and clinical practice, the Division may grant a license to an applicant who has applied in accordance with subsection (a) and who has received an advanced graduate degree in nursing from an approved program with concurrent theory and clinical practice or who is currently licensed in another state and has been actively practicing in clinical nursing for a minimum of 2 years. Clinical practice for purposes of this Section means nursing practice that involves direct physical (psychomotor and psychosocial) patient (client) care within an acute care facility.

- 1) Clinical practice areas that would meet the requirements for clinical practice include the following:
 - A) Adult Medical Surgical Nursing
 - B) Pediatric Nursing
 - C) Maternity Nursing
 - D) Emergency Nursing
 - E) Critical Care Nursing
 - F) Post-Anesthesia Care Nursing
 - G) Psychiatric Nursing
 - H) Medicare/Skilled Nursing in a Long-Term Care Facility
- 2) Clinical practice shall not include:
 - A) Telephone or Triage Nursing
 - B) Case Management
- 3) A year of clinical practice consists of not less than 1500 hours of direct patient care.
- 4) The Board of Nursing will review clinical practice documentation that does not meet the requirements of this subsection (d).

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- e) Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.
- f) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Division.
- g) If an applicant has taken and passed the National Council Licensure Examination (NCLEX) in accordance with Section 1300.310, the applicant shall file an application in accordance with subsection (a) and shall have the examination scores submitted to the Division directly from the testing entity or from the state of original licensure.

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.320 RN Licensure by Endorsement

- a) Each applicant who is licensed in another jurisdiction shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Division. The application shall include:
 - 1) the fee required by Section 1300.30(a)(1);
 - 2) proof of graduation from a nursing education program that meets the requirements of Section 1300.340;
 - 3) proof of passage of an examination recognized by the Division, upon recommendation of the Board (i.e., National Council Licensure Examination for professional nurses, or State Board Test Pool Examination for professional nurses or practical nurses);
 - 4) verification of fingerprint processing from the Illinois Department of State Police (DSP), or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact a DSP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by the Illinois Department of State Police or one set of fingerprint cards issued by

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the FBI, accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;

- 5) for RN applicants who received education outside of the United States, ~~A) a~~ credentials evaluation report of the applicant's foreign nursing education from either the Commission on Graduates of Foreign Nursing Schools (CGFNS) Credentials Evaluation Service (CES) or the Educational Records Evaluation Service (ERES).

A) To be accepted, the report must:

- i) verify that the applicant has successfully completed primary and secondary and nursing education equivalent to education received in a US state or territory as determined by the Department, based upon receipt and review of official transcripts from the nursing education program bearing the school seal;
- ii) verify that the applicant was licensed in his or her country of education if licensure was available at the time of education;
- iii) indicate any subject matter deficiencies; and
- iv) be in a form and manner acceptable to the Division. The Division will not accept a credential report until it receives all relevant information required by this Section. However, the Division shall not accept a credential report that does not indicate that the applicant is licensed in his/her country of education or in which the report does not evaluate the educational program of the applicant based upon receipt and review of official transcripts from the nursing education program bearing the school seal. These credential reports shall not be accepted as valid credential reports. In order to be accepted by the Division, credential reports shall be in a form and manner acceptable to the Division.

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- B) The requirement for a credentials evaluation of foreign nursing education requirements of subsection (a)(5)(A) may be satisfied by the submission of proof of a certificate from the Certificate Program or the VisaScreen Program of the Commission on Graduates of Foreign Nursing Schools, provided that the certificate was based upon licensure in the applicants country of education;-
- C) If the applicant's first language is not English, the applicant shall provide certification of passage of either the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) Academic Module. For TOEFL, the minimum passing score on the paper-based test is 560, computer-based test is 220, and internet-based test is 83. For the IELTS Academic Module, the minimum passing score shall be 6.5 (overall score) and 7.0 (spoken band). The Division may, upon recommendation from an approved credentials evaluation service, waive the requirement that the applicant pass the TOEFL or IELTS examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the passage of an approved licensing examination given in English;
- D) Applicants that have completed a minimum of 2 years of nursing education but are unable to meet the requirement of subsection (a)(5)(A)(i) may be approved for licensure if:
- i) the applicant provides proof of successful passage of the General Education Development test; or
 - ii) the applicant provides proof of a minimum of two years full time licensed clinical nursing practice in another state;
- 6) official transcripts of theory and clinical education prepared by an official of the military for a nurse applicant who has received his/her education in the military service. Education must meet the standards for education set forth in Section 1300.340;
- 7) verification of licensure status from the jurisdiction in which the applicant was originally licensed, current licensure and any other jurisdiction in

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which the applicant has been actively practicing within the last 5 years;
and

- 8) a certified translation for all credentials of education and licensure, if not in English.
- b) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Division.
- c) Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses in an approved nursing education program.
- d) Compliance with the provisions of Section 1300.310(b)(3) for each RN applicant and shall be a requirement for Illinois nurse licensure by endorsement.
- e) Individuals applying for licensure by endorsement may apply to the Division, on forms provided by the Division, to receive a Temporary Endorsement Permit pursuant to Section 60-10 of the Act. The permit shall allow the applicant to work pending the issuance of a license by endorsement.
 - 1) The temporary endorsement permit application shall include:
 - A) a completed, signed endorsement application, along with the required endorsement licensure fee set forth in Section 1300.30(a)(~~32~~). All supporting documents shall be submitted to the Division before a permanent license by endorsement is issued;
 - B) photocopies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required. Each applicant's license will be checked on the Nurse System (NURSYS) disciplinary data bank to determine if any disciplinary action is pending on the applicant's file;
 - C) verification that fingerprints have been submitted to the Division or the Illinois Department of State Police or its designated agent;
and

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- D) the fee for a temporary permit as required in Section 1300.30(a)(~~32~~) of this Part.
- 2) The Division shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (e)(1).
 - 3) Temporary permits shall be terminated upon:
 - A) the issuance of a permanent license by endorsement;
 - B) failure to complete the application process within 6 months from the date of issuance of the permit;
 - C) a finding by the Division that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States that is:
 - i) a felony; or
 - ii) a misdemeanor directly related to the practice of nursing, within the last 5 years;
 - D) a finding by the Division that, within the last 5 years, the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois; or
 - E) a finding by the Division that the applicant does not meet the licensure requirements for endorsement set forth in this Section. The Division shall notify the applicant in writing of the termination.
 - 4) The Division shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsections (e)(3)(D) and (E) and/or Section 70-5 of the Act.

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- 5) A temporary permit shall be renewed beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship, defined as:
- A) serving full-time in the Armed Forces;
 - B) an incapacitating illness as documented by a currently licensed physician;
 - C) death of an immediate family member; or
 - D) extenuating circumstances beyond the applicant's control, as approved by the Director.

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.360 RN Scope of Practice

Practice as a registered professional nurse means the full scope of nursing, with or without compensation, that incorporates caring for all patients in all settings, through nursing standards recognized by the Division, and includes all of the following and other activities requiring a like skill level for which the registered professional nurse is properly trained:

- a) *The comprehensive nursing assessment of the health status of patients that addresses changes to patient conditions.*
- b) *The development of a plan of nursing care to be integrated within the patient-centered health care plan that establishes nursing diagnoses, and setting goals to meet identified health care needs, determining nursing interventions, and implementation of nursing care through the execution of nursing strategies and regimens ordered or prescribed by authorized healthcare professionals.*
- c) *The administration of medication or delegation of medication administration to licensed practical nurses [or medication aides in a qualified facility \(see Section 80-20 of the Act\)](#).*
- d) *Delegation of nursing interventions to implement the plan of care.*

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- e) *The provision for the maintenance of safe and effective nursing care rendered directly or through delegation.*
- f) *Advocating for patients.*
- g) *The evaluation of responses to interventions and the effectiveness of the plan of care.*
- h) *Communicating and collaborating with other health care professionals.*
- i) *The procurement and application of new knowledge and technologies.*
- j) *The provision of health education and counseling.*
- k) *Participating in development of policies, procedures and systems to support patient safety. (Section 60-35 of the Act)*

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

SUBPART D: ADVANCED PRACTICE NURSE

Section 1300.430 Prescriptive Authority

- a) A collaborating physician or podiatric physician ~~podiatrist~~ who delegates prescriptive authority to an advanced practice nurse shall include that delegation in the written collaborative agreement. This authority may include prescription of, selection of, orders for, administration of, storage of, acceptance of samples of, and dispensing over the counter medications, legend drugs, medical gases, and controlled substances categorized as any Schedule III ~~through, III-N, IV or~~ V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, and other preparations, including, but not limited to, botanical and herbal remedies. The collaborating physician or podiatric physician ~~podiatrist~~ must have a valid current Illinois controlled substance license and federal registration to delegate authority to prescribe delegated controlled substances.
- b) Pursuant to Section 65-40(d) of the Act, a collaborating physician may, but is not required to, delegate authority to an advanced practice nurse to prescribe any Schedule II ~~or II-N~~ controlled substances by oral dosage or topical or transdermal application if all ~~under~~ the following conditions apply:

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- 1) The delegated Schedule II controlled substance is specifically identified by either brand name or generic name.~~No more than 5 Schedule II or II-N controlled substances by oral dosage may be delegated.~~ For the purposes of this Section generic substitution pursuant to Section 25 of the Pharmacy Practice Act shall be allowed under this Section when not prohibited by a prescriber's indication on the prescription that the pharmacist "may not substitute".
 - 2) The delegated Schedule II controlled substances are routinely prescribed by the collaborating physician or podiatric physician.~~The collaborating physician can only delegate controlled substances that the collaborating physician prescribes.~~
 - 3) Any prescription must be limited to no more than a 30-day supply ~~oral dosage~~, with any continuation authorized only after prior approval of the collaborating physician or podiatric physician.
 - 4) *The advanced practice nurse must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the delegating physician or podiatric physician.*
 - 5) The advanced practice nurse meets the education requirements of Section 303.05 of the Illinois Controlled Substances Act [720 ILCS 570].
- c) An APN who has been given controlled substances prescriptive authority shall be required to obtain an Illinois mid-level practitioner controlled substances license in accordance with 77 Ill. Adm. Code 3100. The physician or podiatric physician~~podiatrist~~ shall file a notice of delegation of prescriptive authority with the Division. The delegation of authority form shall be submitted to the Division prior to the issuance of a controlled substance license.
 - d) The APN may only prescribe and dispense controlled substances that the collaborating physician or podiatric physician~~podiatrist~~ prescribes. Licensed dentists may not delegate prescriptive authority.
 - e) All prescriptions written and signed by an advanced practice nurse shall indicate the name of the collaborating physician or podiatric physician~~podiatrist~~. The

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collaborating physician's or ~~podiatric physician's~~~~podiatrist's~~ signature is not required. The APN nurse shall sign his/her own name.

- f) An APN may receive and dispense samples per the collaborative agreement.
- g) Medication orders shall be reviewed periodically by the collaborating physician or ~~podiatric physician~~~~podiatrist~~.

(Source: Amended at 39 Ill. Reg. 15764, effective November 24, 2015)

SUBPART E: MEDICATION AIDESection 1300.600 Pilot Program

- a) The medication aide pilot program shall commence on July 1, 2016 and shall terminate on June 30, 2019.
- b) The medication aide pilot program shall consist of not more than 10 qualified skilled nursing facilities geographically dispersed throughout the State, with 2 each from the 5 Appellate Court Districts.
- c) Applications to be approved or selected as a qualified facility for the pilot program will be accepted from January 1, 2016 through March 31, 2016. All deficiencies in the pilot program application must be resolved within the time frames set forth in the deficiency notice.
- d) Licenses to practice as a medication aide under this pilot program shall not be renewed or restored.

(Source: Added at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.610 Application for Examination or Licensure as a Medication Aide

- a) Each applicant shall file with the Division, or the testing service designated by the Division, a signed and completed application, on forms furnished by the Division, that includes:

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- 1) evidence of good standing on the Illinois Department of Public Health's (IDPH) Health Care Worker Registry as an Illinois certified nursing assistant;
 - 2) proof of completion of 2,000 hours of practice as a certified nursing assistant within 3 years prior to application for licensure;
 - 3) proof of completion of a medication aide education program, as defined in Section 1300.660, provided by a qualified facility;
 - 4) current certification to perform cardiopulmonary resuscitation by the American Heart Association, American Red Cross or the American Safety and Health Institute;
 - 5) verification of fingerprint processing from the Illinois Department of State Police (ISP), or its designated agent. (Medication Aides licensed in Illinois are not required to be fingerprinted when applying for a license as a practical nurse.) Applicants shall contact an ISP approved fingerprint vendor for fingerprint processing. Out-of-state residents unable to utilize an electronic fingerprint process may submit to a Division recommended fingerprint vendor one set of fingerprint cards issued by ISP or one set of fingerprint cards issued by the FBI, accompanied by the processing fee specified in Section 1300.30(c)(7). Fingerprints shall be taken within the 60 days prior to application;
 - 6) proof of employment by a qualified facility;
 - 7) the required fees set forth in Section 1300.30;
 - 8) proof of high school diploma or certificate of general education development (GED). Upon review, the Division has determined that proof of a high school diploma or GED shall demonstrate competency in math and the ability to speak, read and write the English language.
- b) The Division shall not endorse applicants who have been licensed or certified as medication aides outside this State.
- c) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Division.

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(Source: Added at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.620 Medication Aide Licensure Examination

- a) The examination for licensure as a medication aide shall be the Medication Aide Certification Examination (MACE).
- b) Medication Aide Examination
 - 1) The passing grade on the Medication Aide Certification Examination (MACE) shall be based on an ability scale designed to measure minimum Medication Aide competency. A pass/fail grade will be assigned.
 - 2) A Medication Aide applicant who fails the examination is not eligible for licensure.
 - 3) If the examination is not passed within one year from the first examination date attempted, the applicant shall not be permitted to retake the examination until the applicant has again successfully completed another approved medication aide education program provided by a qualified facility. Upon successful completion of the approved medication aide program, the applicant shall submit proof to the Division.
 - 4) If an applicant fails to pass an examination for registration under this Act within 3 years after filing his or her application, the application shall be denied.
- c) For the purpose of IDPH licensure or certification surveys, the only acceptable proof of a medication aide's valid licensure will be a listing on the Division's website.

(Source: Added at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.630 Qualified Employers and Facilities

- a) The Division shall review applications and issue authorizations according to the requirements of the Act and this Part. Applications shall be made on forms furnished by the Division, along with the fee required by Section 1300.30(a)(2).

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The application shall be signed certifying under penalties of perjury that all information contained in the application is true and accurate. Each individual facility shall file a separate application regardless of ownership. The Division shall review each application to determine whether it meets the minimum criteria and shall determine qualified applicants. If the Division determines that the number of qualified applicants exceeds the number of authorizations available, the Division will select a committee to determine the most qualified applicants in that District using the factors established in subsection (c). Upon request, the applicant may be required to supply additional copies of the application or supplemental material.

- b) To be considered as a qualified facility for pilot program participation:
- 1) The applicant shall meet the following minimum requirements:
 - A) Be licensed in good standing as a skilled nursing facility by the Department of Public Health;
 - B) Have an overall Five Star Quality Rating of 3, 4 or 5, at the time of application, from the most recent data available on the Centers for Medicare and Medicaid Services (CMMS) website;
 - C) Certify that the employment of a licensed medication aide will not replace or diminish the employment of a registered nurse or licensed practical nurse at the facility;
 - D) Certify that a registered nurse will be on duty and present in the facility to delegate and supervise the medication administration by a licensed medication aide at all times when the medication aide is administering medication;
 - E) Certify that, with the exception of licensed health care professionals, only licensed medication aides will be employed in the capacity of administering medication; and
 - F) Certify that they will provide information regarding patient safety, efficiency and errors as determined by the Division. Failure to submit any required report may be grounds for discipline or sanctions under the Act, the Nursing Home Administrators

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Licensing and Disciplinary Act [225 ILCS 70], or the Nursing Home Care Act [210 ILCS 45];

- 2) Applicant facilities must also provide:
 - A) A sample curriculum, course schedule, list of instructors and other educational materials or documents to demonstrate that the applicant will be able to competently provide a course of instruction for employees that fulfills the Medication Aide Curriculum set forth in Section 1300.660;
 - B) Copies of the two most recent annual licensure and certification surveys completed by IDPH.

- c) The following additional factors may be used in selecting qualified facilities to participate in the medication aide pilot program:
 - 1) An IDPH finding that the skilled nursing facility has been free from type B violation or above deficiencies related to the administration of medications and skilled nursing care in its two most recent annual licensure and certification surveys;
 - 2) Geographic location of a skilled nursing facility;
 - 3) Number of beds for which a skilled nursing facility is licensed;
 - 4) Number of years that a skilled nursing facility or residential care facility has been licensed;
 - 5) Compliance and safety history of a skilled nursing facility as evidenced by the survey reports submitted with the pilot program application;
 - 6) Whether a skilled nursing facility is owned by an individual or entity that owns or operates additional nursing homes;
 - 7) Any other factors determined appropriate by the Department.

- d) The names and locations of approved qualified facilities shall be submitted to IDPH and shall be available on the Division's website.

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(Source: Added at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.640 Standards for Termination

- a) The Division may terminate the participation of a skilled nursing facility in the medication aide pilot program for any of the following:
- 1) Failure to allow representatives of the Division or IDPH to conduct site visits or to provide resident records, data, information or reports to the board in accordance with the Act and this Part, and as agreed to in the pilot program application;
 - 2) Failure to maintain the standards set forth in Section 1300.630;
 - 3) Failure to assure that licensed medication aides administering prescription medications in the skilled nursing facility act in accordance with the standards set forth in Section 1300.670;
 - 4) Failure to assure that licensed medication aides do not have access to, or do not administer, Schedule II controlled substances;
 - 5) A finding by IDPH that the skilled nursing facility has violated the Nursing Home Care Act and/or the federal Centers for Medicare and Medicaid Services (CMMS) requirements;
 - 6) A facility found by IDPH to have met any of the criteria in 77 Ill. Adm. Code 300.165(b) or 300.180 or Section 3-119 of the Nursing Home Care Act, shall be terminated from the pilot program.
- b) A skilled nursing facility whose participation in the pilot program is terminated by the Division in accordance with subsection (a) shall comply with the following:
- 1) Immediately cease using licensed medication aides to administer medications;
 - 2) Submit to the Division all data and information necessary to satisfy reporting requirements imposed by Section 80-10(b)(6) of the Act;

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- 3) Provide a list of the licensed medication aides employed by that facility.
- c) A skilled nursing facility that voluntarily withdraws from participation in the pilot program shall comply with all of the following:
 - 1) Provide immediate written notice to the Division that the skilled nursing facility is withdrawing from participation in the pilot program;
 - 2) Immediately cease using licensed medication aides to administer medications;
 - 3) Submit to the Division all data and information necessary to satisfy reporting requirements imposed by Section 80-10(b)(6) of the Act.
 - 4) Provide a list of the licensed medication aides employed by that facility.

(Source: Added at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.650 Site Visits

- a) During the pilot program, representatives of the Division or IDPH may conduct announced or unannounced site visits of participating skilled nursing facilities so that the Division or IDPH may assess whether the qualified facility is complying with the terms of the pilot program, including but not limited to the following:
 - 1) Evaluating whether licensed medication aides are able to administer medications safely to residents;
 - 2) Determining whether continued participation in the pilot program poses an imminent danger, risk of serious harm or jeopardy to a resident;
 - 3) Investigating medication errors or other acts or omissions required to be reported to the Division.
- b) In conducting site visits of participating skilled nursing facilities, representatives of the Division or IDPH may observe the administration of medications by licensed medication aides and shall have access to qualified facility records as provided in the pilot program application.

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- c) A qualified facility shall make records available to representatives of the Division or IDPH during site visits and shall provide to the Division or IDPH copies of records within 10 business days after the date requested.

(Source: Added at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.660 Approved Curriculum

- a) Approved medication aide programs shall include 10 hours of laboratory instruction, 30 hours of RN-supervised clinical practice with progressive responsibility for patient medication assistance, and 60 hours of classroom-based medication aide certified education that contains the following minimum components:
- 1) Medication Fundamentals – 20 hours
 - 2) Safety – 7 hours
 - 3) Communication and Documentation – 8 hours
 - 4) Medical Administration, including, but not limited to, the administration of medications only via oral or topical routes under the direction of a registered professional nurse – 20 hours
 - 5) Ethical and Legal Considerations – 5 hours
- b) A qualified facility may choose to use the National Council of State Boards of Nursing (NCSBN) Medication Assistant-Certified (MA-C) model curriculum. However, if any provision of the NCSBN curriculum conflicts with the requirements of subsection (a), the requirements of subsection (a) shall prevail.
- c) For the purpose of this Section, supervision shall mean close physical proximity by an RN to the activities performed by the student.
- d) The program shall be administered or supervised by an Illinois licensed RN with a minimum of a baccalaureate degree in nursing and a minimum of two years clinical experience in a long term care facility.

(Source: Added at 39 Ill. Reg. 15764, effective November 24, 2015)

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Section 1300.670 Medication Aide Scope of Practice

Practice as a medication aide means a person assists with medication administration while under the supervision of a registered professional nurse (RN) in a long term care facility.

- a) A licensed medication aide may only practice in a qualified facility.
- b) Licensed medication aides must be supervised by and receive delegation by a registered nurse that is on duty and present in the facility at all times when a licensed medication aide is administering medication.
- c) Licensed medication aides shall not have a direct-care assignment when scheduled to work as a licensed medication aide, but may assist residents as needed.
- d) Licensed medication aides shall not administer any medication until a physician has conducted an initial assessment of the resident.
- e) Licensed medication aides shall not administer any Schedule II controlled substances as set forth in the Illinois Controlled Substances Act, and may not administer any subcutaneous, intramuscular, intradermal, or intravenous medication. (Section 80-20 of the Act)

(Source: Added at 39 Ill. Reg. 15764, effective November 24, 2015)

Section 1300.680 Required Reports of Qualified Facilities

- a) Qualified facilities shall submit quarterly written reports that document monthly review of the facility's pilot program by the facility's director of nursing, that document trends and patterns with regard to medication aides, and that include, at a minimum:
 - 1) Medication errors and the outcome of the resident.
 - 2) Costs and other financial implications associated with the use of medication aides.
 - 3) The benefits of the program.

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- 4) The quality of service provided by the medication aides.
 - 5) The challenges of the program.
 - 6) Any other issues with regard to patient safety and efficiency.
 - 7) The overall quality of the medication aide curriculum and adherence to sound educational and instructional principles.
 - 8) Current list of licensed medication aides employed at the qualified facility, including termination dates and hiring dates.
- b) The Division shall submit a report to the General Assembly regarding patient safety, concerns and issues no later than 6 months after termination of the pilot program. The Division may consult with IDPH and other outside entities and may consult with individuals from institutions of higher learning to develop the report.

(Source: Added at 39 Ill. Reg. 15764, effective November 24, 2015)

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Number: 1200.50 Adopted Action:
Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i)]
- 5) Effective Date of Rule: November 25, 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 Illinois Labor Relation Board's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 10617; July 31, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The proposed amendment allowed for the Board to exercise discretion in determining whether to pay some or all of the cost that would otherwise be borne by an individual, self-represented party. The final version removes this discretion and indicates that, subject to appropriation, the Board will pay the share that would otherwise be paid by an individual, self-represented party. JCAR also recommended some minor stylistic changes that are incorporated in the final version.
- 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? Yes; 39 Ill. Reg. 10641; July 31, 2015
- 14) Are there any rulemakings pending on this part? No

ILLINOIS LABOR RELATIONS BOARD

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- 15) Summary and Purpose of Rulemaking: Pursuant to this amendment, parties to a hearing share equally all costs charged to the Board by the stenographer or court reporting service the entire cost of production of the transcript of the hearing. This cost has previously been wholly absorbed by the Board. The amendment excepts individual, self-represented litigants from bearing this cost.
- 16) Information and questions regarding this adopted rule shall be directed to:

Sarah R. Kerley
Deputy General Counsel
Illinois Labor Relations Board
One Natural Resources Way, First Floor
Springfield IL 62702

217/785-3155
Sarah.R.Kerley@Illinois.Gov

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

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1200
GENERAL PROCEDURES

Section	
1200.3	General Statement of Purpose
1200.5	Board Information and Business Hours
1200.10	Definitions
1200.20	Filing and Service of Documents
1200.30	Computation and Extensions of Time
1200.40	Authority of Administrative Law Judges
1200.45	Motions
1200.50	Recording of Hearings and Payment of Court Reporting Services
1200.60	Closing Arguments and Briefs Before An Administrative Law Judge
1200.70	Representation of Parties
1200.80	Ex Parte Communications
1200.90	Subpoenas
1200.100	Transfer of Jurisdiction
1200.105	Consolidation of Proceedings
1200.110	Amicus Curiae Briefs (Repealed)
1200.120	Voluntary Settlement or Adjustment of Disputes
1200.130	Rules of Evidence
1200.135	Appeals Procedures, Board Review and Court Review
1200.140	Amicus Curiae Briefs
1200.143	Declaratory Rulings
1200.145	Filing of Contracts
1200.150	Conflicts of Interest
1200.160	Variances and Suspensions of Rules
1200.170	Board Member Meeting Attendance by Means other than Physical Presence

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1846, effective January 25, 1985; amended at 11 Ill. Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18,

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1988; amended at 14 Ill. Reg. 19896, effective November 30, 1990; amended at 17 Ill. Reg. 15588, effective September 13, 1993; amended at 20 Ill. Reg. 7391, effective May 10, 1996; amended at 27 Ill. Reg. 7365, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 15557, effective September 22, 2003, for a maximum of 150 days; emergency amendment expired February 18, 2004; amended at 28 Ill. Reg. 4166, effective February 19, 2004; emergency amendment at 28 Ill. Reg. 7540, effective May 12, 2004, for a maximum of 150 days; emergency expired October 8, 2004; amended at 28 Ill. Reg. 15154, effective November 1, 2004; emergency amendment at 37 Ill. Reg. 5897, effective April 22, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 14064, effective August 23, 2013; amended at 37 Ill. Reg. 20637, effective December 13, 2013; emergency amendment at 39 Ill. Reg. 10641, effective July 15, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 15803, effective November 25, 2015.

Section 1200.50 Recording of Hearings and Payment of Court Reporting Services

~~When a~~Whenever a representation hearing, unfair labor practice hearing, strike investigation hearing or similar hearing is held by the Board or its Administrative Law Judge at which oral argument, testimony, or other oral presentation is offered, under the Act or this Part or 80 Ill. Adm. Code 1210, 1220 or 1230, it shall be recorded by stenographic or other means that adequately preserves the record. The records shall be transcribed and made part of the administrative record. The parties shall share equally all costs charged to the Board by the stenographer or court reporting service. However, an individual, self-represented litigant may direct written correspondence to the General Counsel requesting that the Board pay his/her portion of the cost. Subject to appropriation, the Board will pay all or a portion of the costs that would otherwise be borne by an individual, self-represented litigant. The Board will bear the costs of producing a transcript of oral arguments when oral argument is requested by the Board, but not when oral argument is requested by either party.~~The Administrative Law Judge or the Board may order that the recording be transcribed.~~ Parties may order transcripts and shall bear the costs of any transcripts that they order.

(Source: Amended at 39 Ill. Reg. 15803, effective November 25, 2015)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE F Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table F to reflect the Agreement between the Departments of Central Management Services, Corrections, Human Services, State Police, Veterans' Affairs, Natural Resources and Transportation and the Teamsters Downstate Illinois State Employee Negotiating Committee signed October 28, 2015. The Agreement is effective July 1, 2015 through June 30, 2019. The changes noted here are in the Agreement's 10.1, 10.7, 12.27(d), 12.28(b) and Side Letter In-Hire Rates.

Effective July 1, 2015, all current rates that are in effect are frozen for the duration of the Agreement including in-hire rates.

A Merit Incentive Program (MIP) is to be developed and implemented to reward and incentivize high-performing employees or a group or unit's performance. The State may create a MIP annual bonus fund for payout to those individuals deemed high performers or for a group's and/or unit's level of performance for the specific group and/or unit. Payment from the MIP annual bonus fund is based on the satisfaction of performance standards to be developed by the State in consultation with the Union. The compensation either for a group and/or unit or an individual shall be considered a one-time bonus and will be offered only as a non-pensionable incentive, and that any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation will not be included in any pension calculations.

Additionally, as a part of overall efforts to improve efficiency of state operations and align the incentives of the State with its employees, the State may develop gain sharing programs. Under gain sharing programs, employees or departments may propose initiatives to achieve substantial savings for the State. Upon realization of the savings, the State may elect to return a portion of this savings to the employees who participated in the identified initiative. The compensation either for a group and/or unit or an individual shall be considered a one-time bonus and will be offered only as a non-

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pensionable incentive, and that any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation will not be included in any pension calculations.

In each contract year in which a MIP is created, no less than 25% of the employees subject to the Agreement will receive some form of merit compensation under the programs. Funding for the performance bonuses is subject to annual approval as a part of the State's overall budget.

The State will develop specific policies for both of these programs and will give the Union an opportunity to review and comment on the policies prior to their implementation. The State's intent is to develop policies that will reward employees or units of employees based on specific achievements and to prevent payouts that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure. The exercise of the rights by management may not conflict with the provisions of the Agreement, except that it is understood that compensation payable pursuant to the programs shall be performance-based only. Moreover, an employee's failure or refusal to participate in this program may not be grounds for any form of discipline.

Effective January 1, 2016, employees newly hired into the bargaining unit shall receive a vacation payout of no more than 45 days. This is for payment in lieu of vacation and for vacation benefits on death of employee.

The in-hire rates as amended to 75% for the 2008 – 2012 Collective Bargaining Agreement remain in effect. All classification shall have a 75% in-hire rate as agreed to in the 2012-2015 Agreement. Effective July 1, 2015, all employees' pay is frozen at the current rate for the duration of the July 1, 2015 through June 30, 2019 Agreement. Employees who are promoted and in the in-hire progression will promote to the next step of the in-hire rate of the higher classification and then frozen at the new in-hire rate. Temporary assignments to a higher-level classification shall also be calculated at the in-hire rate. All employees receiving the full scale rate will be promoted to the full-scale rate of the next higher classification, upon promotion.

- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and

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21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]

- 6) Effective Date: November 25, 2015
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310. Appendix A Table F, the effective date of the rate table is changed to July 1, 2015. Four Notes are added. The Notes are Rates and Movements, Merit Incentive Program and Gain Sharing Programs, Restriction Payment in Lieu of Vacation and Vacation Benefits on Death of Employee and In-Hire Rate. The prior Agreement's Stipend Note is removed from the Notes.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: November 25, 2015
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed rulemakings pending on this Part? No
- 13) Statement of Statewide Policy Objective: The amendments to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this peremptory rulemaking shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

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217/782-7964

fax: 217/524-4570

CMS.PayPlan@Illinois.gov

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

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NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hire Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated Rate (Repealed)
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

Section	
310.600	Jurisdiction (Repealed)

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310.610	Pay Schedules (Repealed)
310.620	In-Hiring Rate (Repealed)
310.630	Definitions (Repealed)
310.640	Increases in Pay (Repealed)
310.650	Other Pay Provisions (Repealed)
310.660	Effective Date (Repealed)
310.670	Negotiated Rate (Repealed)
310.680	Trainee Rate (Repealed)
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
310.TABLE E	RC-020 (Teamsters Locals #330 and #705)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)

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310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators and Educator Trainees, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)

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310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX C	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.ILLUSTRATION A	Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B	Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C	Classification Comparison Flow Chart: Both Classes are Divided
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16,

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1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory

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amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992;

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peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency

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amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389,

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effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory

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amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill.

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Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897,

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effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg.

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6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; preemptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; preemptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; preemptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; preemptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; preemptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; preemptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; preemptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015; amended at 39 Ill. Reg. 15807, effective November 25, 2015.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE F RC-019 (Teamsters Local #25)**

Title	Title Code	Bargaining Unit	Pay Plan Code	Full Scale Mo.	Effective Date
Highway Maintainer (Snowbirds)	18639	RC-019	Q	4375.00	July 1, 2014

NOTE: Definition of Snowbird – Snowbirds are all seasonal, salaried, full-time Highway Maintainers whose primary function is snow removal.

Effective July 1, ~~2015~~2014

Title	Title Code	Pay Plan Code	75%		80%		85%		90%		95%		Full Scale	
			Mo.	Hr.	Mo.	Hr.								
Bridge Mechanic (IDOT)	05310	Q	4668	26.83	4979	28.61	5290	30.40	5602	32.20	5913	33.98	6224	35.77
Bridge Tender (IDOT)	05320	B	4696	26.99	5009	28.79	5322	30.59	5635	32.39	5948	34.18	6261	35.98
Deck Hand (IDOT)	11500	B	4512	25.93	4813	27.66	5114	29.39	5414	31.11	5715	32.84	6016	34.57
Ferry Operator I (IDOT)	14801	B	4696	26.99	5009	28.79	5322	30.59	5635	32.39	5948	34.18	6261	35.98
Ferry Operator II (IDOT)	14802	B	4736	27.22	5052	29.03	5368	30.85	5684	32.67	5999	34.48	6315	36.29
Highway Maintainer (Regular – RG) (IDOT)	18639	Q	4640	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Highway Maintainer (Bridge Crew – BC) (IDOT)	18639	Q	4699	27.01	5012	28.80	5325	30.60	5639	32.41	5952	34.21	6265	36.01
Highway Maintainer (Drill Rig – DR) (IDOT)	18639	Q	4722	27.14	5037	28.95	5352	30.76	5666	32.56	5981	34.37	6296	36.18

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Highway Maintainer (Emergency Patrol – EP) (IDOT)	18639	Q	4724	27.15	5039	28.96	5354	30.77	5669	32.58	5984	34.39	6299	36.20
Highway Maintenance Lead Worker (Regular – RG) (IDOT)	18659	Q	4748	27.29	5065	29.11	5381	30.93	5698	32.75	6014	34.56	6331	36.39
Highway Maintenance Lead Worker (Bridge Crew – BC) (IDOT)	18659	Q	4806	27.62	5126	29.46	5447	31.30	5767	33.14	6088	34.99	6408	36.83
Highway Maintenance Lead Worker (Emergency Patrol – EP) (IDOT)	18659	Q	4832	27.77	5154	29.62	5476	31.47	5798	33.32	6120	35.17	6442	37.02
Highway Maintenance Lead Worker (Lead Lead Worker) (Regular – RG) (IDOT)	18659	Q	4790	27.53	5109	29.36	5428	31.20	5747	33.03	6067	34.87	6386	36.70
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew – BC) (IDOT)	18659	Q	4847	27.86	5170	29.71	5494	31.57	5817	33.43	6140	35.29	6463	37.14
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol – EP) (IDOT)	18659	Q	4851	27.88	5174	29.74	5498	31.60	5821	33.45	6145	35.32	6468	37.17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Janitor I (Including Office of Administration) (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	21951	B	4349	24.99	4639	26.66	4929	28.33	5219	29.99	5509	31.66	5799	33.33
Janitor II (Including Office of Administration) (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	21952	B	4375	25.14	4666	26.82	4958	28.49	5250	30.17	5541	31.84	5833	33.52
Labor Maintenance Lead Worker (CMS, DOC, DHS, DJJ, DNR, IDOT, ISP and DVA)	22809	B	4560	26.21	4864	27.95	5168	29.70	5472	31.45	5776	33.20	6080	34.94
Laborer (Maintenance) (IDOT)	23080	B	4514	25.94	4815	27.67	5116	29.40	5417	31.13	5718	32.86	6019	34.59
Maintenance Equipment Operator (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	25020	B	4590	26.38	4896	28.14	5202	29.90	5508	31.66	5814	33.41	6120	35.17
Maintenance Equipment Operator (DOC & DJJ)	25020	Q	4640	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6296	36.18
Maintenance Equipment Operator (DOC – Maximum Security)	25020	S	4722	27.14	5037	28.95	5352	30.76	5666	32.56	5981	34.37	6352	36.51
Maintenance Equipment Operator (DHS – Forensics)	25020	Q	4764	27.38	5082	29.21	5399	31.03	5717	32.86	6034	34.68	6187	35.56

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Maintenance Worker (CMS, DOC, DHS, DJJ, DNR, IDOT, ISP and DVA)	25500	B	4544	26.11	4846	27.85	5149	29.59	5452	31.33	5755	33.07	6058	34.82
Maintenance Worker (DHS – Forensics)	25500	Q	4595	26.41	4901	28.17	5207	29.93	5513	31.68	5820	33.45	6126	35.21
Power Shovel Operator (Maintenance) (Regular – RG) (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	33360	B	4671	26.84	4982	28.63	5294	30.43	5605	32.21	5917	34.01	6228	35.79
Power Shovel Operator (Maintenance) (Regular – RG) (IDOT)	33360	Q	4722	27.14	5037	28.95	5352	30.76	5666	32.56	5981	34.37	6296	36.18
Power Shovel Operator (Maintenance) (Bridge Crew – BC) (IDOT)	33360	Q	4781	27.48	5100	29.31	5419	31.14	5738	32.98	6056	34.80	6375	36.64
Security Guard I (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	39851	B	4372	25.13	4663	26.80	4955	28.48	5246	30.15	5538	31.83	5829	33.50
Security Guard II (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	39852	B	4411	25.35	4705	27.04	4999	28.73	5293	30.42	5587	32.11	5881	33.80
Silk Screen Operator (IDOT)	41020	B	4675	26.87	4986	28.66	5298	30.45	5610	32.24	5921	34.03	6233	35.82

NOTES: Shift Differential Pay – Employees required to work a shift different than their normal day shift will be paid a \$0.50 per hour shift premium, provided that ½ or more of their work shift falls before 6:30 a.m. or after 3:00 p.m. This shift premium does not include those employees normally working shifts other than the normal day shift or employees hired into positions for which the regular shift hours are not considered day shift

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

hours, or snow or ice season.

Clothing Allowance – Effective July 1, 2011, the clothing allowance for Highway Maintainers, Highway Maintenance Lead Workers, Highway Maintenance Lead Lead Workers, Deck Hands and Power Shovel Operator Maintenance employees increases to \$200. Effective July 1, 2011, the clothing allowance for all other titles increases to \$100. Effective July 1, 2013, employees who are required to wear steel-toe safety shoes shall receive an additional \$100 clothing allowance. The total will not exceed \$200 per contract year.

Rates and Movements – Effective July 1, 2015, all current rates that are in effect will be frozen for the duration of the agreement (including contractual in-hire movements)

Merit Incentive Program and Gain Sharing Programs – The parties agree to develop and implement a merit incentive program to reward and incentivize high-performing employees, or a group's/unit's performance. As a part of such efforts, the Employer may create an annual bonus fund for payout to those individuals deemed high performers or for a group's/unit's level of performance for the specific group/unit. Payment from this bonus fund will be based on the satisfaction of performance standards to be developed by the Employer in consultation with the Union. Such compensation either for a group/unit or an individual shall be considered a one-time bonus and will be offered only as a non-pensionable incentive, and that any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation will not be included in any pension calculations.

Additionally, as a part of overall efforts to improve efficiency of state operations and align the incentives of the Employer with its employees, the Employer may develop gain sharing programs. Under such programs, employees or departments may propose initiatives that would achieve substantial savings for the State. Upon realization of such savings, the Employer may elect to return a portion of this savings to the employees who participated in the identified initiative. Such compensation either for a group/unit or an individual shall be considered a one-time bonus and will be offered only as a non-pensionable incentive, and that any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation will not be included in any pension calculations.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

In each contract year in which a merit incentive program is created, no less than 25% of the employees subject to this agreement will receive some form of merit compensation under such programs. Funding for these performance bonuses is subject to annual approval as a part of the State's overall budget.

The Employer will develop specific policies for both of these programs and will give the Union an opportunity to review and comment on such policies prior to their implementation. The Employer's intent is to develop policies that will reward employees or units of employees based on specific achievements and to prevent payouts that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure.

The exercise of such rights by management may not conflict with the provisions of this agreement, except that it is understood that compensation payable pursuant to such programs shall be performance-based only. Moreover, an employee's failure or refusal to participate in this program may not be grounds for any form of discipline.

Restriction Payment in Lieu of Vacation and Vacation Benefits on Death of Employee – Effective January 1, 2016, employees newly-hired into the bargaining unit shall be entitled to a vacation payout of no more than 45 days.

In-Hire Rate – The parties agree the in-hire rate as was amended to 75% for the 2008-2012 Collective Bargaining Agreement shall continue in effect. The parties also agree that all classifications shall have a 75% in-hire rate as agreed to in the 2012-2015 agreement, however, effective July 1, 2015 all employees will be frozen at their current rate for the duration of this agreement. Employees within this bargaining unit who are promoted and are in the in-hire progression will promote to the next step of the in-hire rate of the higher classification and would then be frozen at that new in-hire rate. In addition, temporary assignments to higher-level classifications shall also be calculated at the in-hire rates. All full-scale employees will be promoted to the full-scale rate of the next higher classifications, upon promotion. Stipend – Employees shall receive a one-time 2.25% stipend that will not be added into the base salary effective June 1, 2013. Permanent part-time employees will be paid a prorated stipend based upon their regular work schedule, which will not be added into the base salary. To be eligible for the stipend, the employee must be on payroll June 1, 2013. Employees on leave of absence who would otherwise be eligible will receive the lump sum stipend to which they are entitled upon return to the active payroll during fiscal year 2013. An employee who worked during fiscal year 2013 (July 1, 2012 through

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

~~June 30, 2013) and was on an authorized Worker's Compensation Leave of Absence, shall be paid the fiscal year 2013 stipend upon the employee's official return to work sometime during fiscal year 2014, unless otherwise compensated for the stipend. Return to work is defined as the employee's first day back to active payroll status with an authorized licensed physician's release.~~

(Source: Amended by peremptory rulemaking at 39 Ill. Reg. 15807, effective November 25, 2015)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

MICHAEL A. BILANDIC BUILDING
ROOM C600
CHICAGO, ILLINOIS
DECEMBER 15, 2015
11:00 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSCapital Development Board

71-600-15-12425 AC

1. Illinois Energy Conservation Code (71 Ill. Adm. Code 600)
 - First Notice Published: 39 Ill. Reg. 12425 – 9/11/15
 - Expiration of Second Notice: 1/25/16

Chief Procurement Officer – Higher Education

44-4-15-08481 MR

2. Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement (44 Ill. Adm. Code 4)
 - First Notice Published: 39 Ill. Reg. 8481 – 6/26/15
 - Expiration of Second Notice: 12/23/15

Children and Family Services

89-300-15-00001 AC

3. Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)
 - First Notice Published: 39 Ill. Reg. 1 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-301-15-00019 AC

4. Placement and Visitation Services (89 Ill. Adm. Code 301)
 - First Notice Published: 39 Ill. Reg. 19 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-302-15-00047 AC

5. Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302)
 - First Notice Published: 39 Ill. Reg. 47 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-304-15-00062 AC

6. Access to and Eligibility for Child Welfare Services (89 Ill. Adm. Code 304)
 - First Notice Published: 39 Ill. Reg. 62 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-309-15-00074 AC

7. Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 Ill. Adm. Code 309)
 - First Notice Published: 39 Ill. Reg. 74 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-315-15-00098 AC

8. Permanency Planning (89 Ill. Adm. Code 315)
 - First Notice Published: 39 Ill. Reg. 98 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-316-15-00123 AC

9. Administrative Case Reviews and Court Hearings (89 Ill. Adm. Code 316)
 - First Notice Published: 39 Ill. Reg. 123 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-328-15-00137 AC

10. Interstate Placement of Children (89 Ill. Adm. Code 328)

- First Notice Published: 39 Ill. Reg. 137 – 1/2/15
- Expiration of Second Notice: 1/8/16

89-337-15-00143 AC

11. Service Appeal Process (89 Ill. Adm. Code 337)
 - First Notice Published: 39 Ill. Reg. 143 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-338-15-00153 AC

12. Appeal of Foster Family Home License Denials by Relative Caregivers (89 Ill. Adm. Code 338)
 - First Notice Published: 39 Ill. Reg. 153 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-359-15-00159 AC

13. Authorized Child Care Payments (89 Ill. Adm. Code 359)
 - First Notice Published: 39 Ill. Reg. 159 – 1/2/15
 - Expiration of Second Notice: 1/8/16

89-402-15-00165 AC

14. Reports of Child Abuse and Neglect (89 Ill. Adm. Code 402)
 - First Notice Published: 39 Ill. Reg. 165 – 1/2/15
 - Expiration of Second Notice: 1/8/16

Education

23-1-15-12262 LB

15. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 39 Ill. Reg. 12262 – 9/4/15
 - Expiration of Second Notice: 1/6/16

23-70-15-12265 LB

16. Early Childhood Teacher Preparation Assistance Grant (23 Ill. Adm. Code 70)
 - First Notice Published: 39 Ill. Reg. 12265 – 9/4/15
 - Expiration of Second Notice: 1/6/16

23-100-15-12283 LB

17. Requirements for Accounting, Budgeting, Financial Reporting and Auditing (23 Ill. Adm. Code 100)
 - First Notice Published: 39 Ill. Reg. 12283 – 9/4/15
 - Expiration of Second Notice: 1/6/16

23-226-15-08906 LB

18. Special Education (23 Ill. Adm. Code 226)
-First Notice Published: 39 Ill. Reg. 8906 – 7/6/15
-Expiration of Second Notice: 1/18/16

23-375-15-12285 LB

19. Student Records (23 Ill. Adm. Code 375)
-First Notice Published: 39 Ill. Reg. 12285 – 9/4/15
-Expiration of Second Notice: 1/6/16

Elections

26-150-15-12475 ES

20. Administrative Complaint Procedures for Violations of Title III of HAVA (26 Ill. Adm. Code 150)
-First Notice Published: 39 Ill. Reg. 12475 – 9/11/15
-Expiration of Second Notice: 12/18/15

26-201-15-12485 ES

21. Established Political Party and Independent Candidate Nominating Petitions (26 Ill. Adm. Code 201)
-First Notice Published: 39 Ill. Reg. 12485 – 9/11/15
-Expiration of Second Notice: 12/18/15

26-202-15-12490 ES

22. New Political Party Nominating Petitions (26 Ill. Adm. Code 202)
-First Notice Published: 39 Ill. Reg. 12490 – 9/11/15
-Expiration of Second Notice: 12/18/15

Gaming Board

11-1800-15-08363 LB

23. Video Gaming (General) (11 Ill. Adm. Code 1800)
-First Notice Published: 39 Ill. Reg. 8363 – 6/19/15
-Expiration of Second Notice: 12/31/15

Human Services

59-50-15-13192 EMS

24. Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 Ill. Adm. Code 50)
-First Notice Published: 39 Ill. Reg. 13192 – 10/2/15

-Expiration of Second Notice: 1/3/16

89-121-15-13195 EMS

25. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)
-First Notice Published: 39 Ill. Reg. 13195 – 10/2/15
-Expiration of Second Notice: 1/3/16

Insurance

50-2004-15-12715 MR

26. Accident and Health Reserves (50 Ill. Adm. Code 2004)
-First Notice Published: 39 Ill. Reg. 12715 – 9/18/15
-Expiration of Second Notice: 12/23/15

50-2801-15-11852 MR

27. Surplus Line Business Requirements (50 Ill. Adm. Code 2801)
-First Notice Published: 39 Ill. Reg. 11852 – 8/28/15
-Expiration of Second Notice: 12/30/15

Labor

56-320-15-11199 LB

28. Equal Pay in Employment (56 Ill. Adm. Code 320)
-First Notice Published: 39 Ill. Reg. 11199 – 8/14/15
-Expiration of Second Notice: 1/2/16

56-340-15-11206 LB

29. Job Opportunities for Qualified Applicants Act (56 Ill. Adm. Code 340)
-First Notice Published: 39 Ill. Reg. 11206 – 8/14/15
-Expiration of Second Notice: 1/2/16

Natural Resources

17-150-15-12719 BT

30. Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions (17 Ill. Adm. Code 150)
-First Notice Published: 39 Ill. Reg. 12719 – 9/18/15
-Expiration of Second Notice: 12/24/15

17-670-15-12723 BT

31. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)
-First Notice Published: 39 Ill. Reg. 12723 – 9/18/15

-Expiration of Second Notice: 12/24/15

Public Health

77-255-15-12460 AC

32. Hospital Report Card Code (77 Ill. Adm. Code 255)
-First Notice Published: 39 Ill. Reg. 12460 – 9/11/15
-Expiration of Second Notice: 1/3/16

Revenue

86-100-15-09882 ES

33. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 39 Ill. Reg. 9882 – 7/17/15
-Expiration of Second Notice: 12/19/15

Secretary of State

50-8000-15-12796 LB

34. Motor Vehicle Accident Prevention Courses For Liability Insurance Premium Reduction
(50 Ill. Adm. Code 8000)
-First Notice Published: 39 Ill. Reg. 12796 – 9/18/15
-Expiration of Second Notice: 12/18/15

92-1001-15-11689 LB

35. Procedures and Standards (92 Ill. Adm. Code 1001)
-First Notice Published: 39 Ill. Reg. 11689 – 8/21/15
-Expiration of Second Notice: 12/26/15

92-1030-15-11889 LB

36. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 39 Ill. Reg. 11889 – 8/28/15
-Expiration of Second Notice: 12/18/15

92-1030-15-12800 LB

37. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 39 Ill. Reg. 12800 – 9/18/15
-Expiration of Second Notice: 12/18/15

Student Assistance Commission

23-2700-15-12813 BT

38. General Provisions (23 Ill. Adm. Code 2700)
-First Notice Published: 39 Ill. Reg. 12813 – 9/18/15
-Expiration of Second Notice: 1/7/16

23-2743-15-12818 BT

39. Grant Program for Exonerates (23 Ill. Adm. Code 2743)
-First Notice Published: 39 Ill. Reg. 12818 – 9/18/15
-Expiration of Second Notice: 1/7/16

EXEMPT RULEMAKING

Pollution Control Board

35-611-15-12078X JE

40. Primary Drinking Water Standards (35 Ill. Adm. Code 611)
-First Notice Published: 39 Ill. Reg. 12078 – 9/4/15

AGENCY RESPONSES

Healthcare and Family Services

89-140-15-10427E EMS

41. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 39 Ill. Reg. 10427 – 7/24/15
-Response: Disagree

89-148-15-10453E EMS

42. Hospital Services (89 Ill. Adm. Code 148)
-First Notice Published: 39 Ill. Reg. 10453 – 7/24/15
-Response: Disagree

Human Services

89-50-15-10072E EMS

43. Child Care (89 Ill. Adm. Code 50)
-First Notice Published: 39 Ill. Reg. 10072 – 7/17/15
-Response: Disagree

Racing Board

11-1413-15-10465E LB

44. Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)

-First Notice Published: 39 Ill. Reg. 10465 – 7/24/15
-Response: Agree

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of November 24, 2015 through November 30, 2015. The rulemakings are scheduled for review at the Committee's December 15, 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>
1/7/16	<u>Illinois Student Assistance Commission</u> , General Provisions (23 Ill. Adm. Code 2700)	9/18/15 39 Ill. Reg. 12813	12/15/15
1/7/16	<u>Illinois Student Assistance Commission</u> , Grant Program for Exonerees (23 Ill. Adm. Code 2743)	9/18/15 39 Ill. Reg. 12818	12/15/15
1/8/16	<u>Department of Children and Family Services</u> , Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)	1/2/15 39 Ill. Reg. 1	12/15/15
1/8/16	<u>Department of Children and Family Services</u> , Placement and Visitation Services (89 Ill. Adm. Code 301)	1/2/15 39 Ill. Reg. 19	12/15/15
1/8/16	<u>Department of Children and Family Services</u> , Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302)	1/2/15 39 Ill. Reg. 47	12/15/15
1/8/16	<u>Department of Children and Family Services</u> , Access to and Eligibility for Child Welfare Services (89 Ill. Adm. Code 304)	1/2/15 39 Ill. Reg. 62	12/15/15
1/8/16	<u>Department of Children and Family Services</u> , Adoption Services for Children for Whom the	1/2/15	12/15/15

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Department of Children and Family Services is Legally Responsible (89 Ill. Adm. Code 309)	39 Ill. Reg. 74	
1/8/16	<u>Department of Children and Family Services, Permanency Planning (89 Ill. Adm. Code 315)</u>	1/2/15 39 Ill. Reg. 98	12/15/15
1/8/16	<u>Department of Children and Family Services, Administrative Case Reviews and Court Hearings (89 Ill. Adm. Code 316)</u>	1/2/15 39 Ill. Reg. 123	12/15/15
1/8/16	<u>Department of Children and Family Services, Interstate Placement of Children (89 Ill. Adm. Code 328)</u>	1/2/15 39 Ill. Reg. 137	12/15/15
1/8/16	<u>Department of Children and Family Services, Service Appeal Process (89 Ill. Adm. Code 337)</u>	1/2/15 39 Ill. Reg. 143	12/15/15
1/8/16	<u>Department of Children and Family Services, Appeal of Foster Family Home License Denials by Relative Caregivers (89 Ill. Adm. Code 338)</u>	1/2/15 39 Ill. Reg. 153	12/15/15
1/8/16	<u>Department of Children and Family Services, Authorized Child Care Payment (89 Ill. Adm. Code 359)</u>	1/2/15 39 Ill. Reg. 159	12/15/15
1/8/16	<u>Department of Children and Family Services, Licensing Standards for Foster Family Homes (89 Ill. Adm. Code 402)</u>	1/2/15 39 Ill. Reg. 165	12/15/15

PROCLAMATIONS

**2015-321
Marine Corps Day**

WHEREAS, the United States Marine Corps has guarded our country and protected American freedom and liberty for the past 240 years; and,

WHEREAS, ever since the creation of the Marine Corps in 1775, Marines have served and fought in every American conflict, from the Revolutionary War in the 18th century, to the War on Terrorism today; and,

WHEREAS, Marines are trained to always be faithful to "God, Country, and Corps," to stand ready to fight anytime and anywhere the President or Congress may designate, and to hold their ground against all odds; and,

WHEREAS, thanks to their training, the Marine Corps is one of the most elite and capable fighting forces in the world; and,

WHEREAS, the devotion of Marines to duty has helped keep us and our country safe and free; and,

WHEREAS, for these reasons, Marines have rightfully earned a reputation of courage and military efficiency; and,

WHEREAS, this year they celebrate 240 years of commitment and dedication to service on the Corps birthday, November 10; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 10, 2015 as **MARINE CORPS DAY** in Illinois, in recognition of the Marine Corps, and to thank the loyal Marines of our state who have served and are serving to protect our liberty and freedom

Issued by the Governor September 10, 2015

Filed by the Secretary of State November 25, 2015

**2015-322
Veterans Day**

WHEREAS, our nation was founded on the principle that all citizens are guaranteed the inalienable rights of life, liberty and the pursuit of happiness; and,

WHEREAS, the freedom we enjoy as Americans does not come without a price; and,

PROCLAMATIONS

WHEREAS, the freedom we enjoy was earned by our nation's military veterans who have sacrificed to preserve and protect our freedom from enemies at home and abroad; and,

WHEREAS, November 11th was originally proclaimed as "Armistice Day" to honor United States World War I veterans on the anniversary of the signing of the Armistice which brought an end to the war; and,

WHEREAS, in 1954 President Dwight D. Eisenhower signed legislation which proclaimed November 11th as a day to honor all veterans of The United States Armed Forces; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 11th, 2015 **VETERANS DAY** in Illinois and encourage all Illinoisans to recognize the courage and sacrifice of our veterans.

Issued by the Governor September 10, 2015

Filed by the Secretary of State November 25, 2015

2015-323**Gold Star Mother's Day**

WHEREAS, on June 4, 1928, 25 mothers met in Washington, D.C. to establish the national organization, American Gold Star Mothers, Inc.; and,

WHEREAS, the success of American Gold Star Mothers, Inc. continues because of the bond of mutual love, sympathy, and support of the many loyal, capable, and patriotic mothers who, while sharing their grief and their pride, have channeled their time, efforts and gifts to lessening the pain of others; and,

WHEREAS, the members of the Armed Forces are prepared to serve others at any cost, their loved ones exemplified the values of courage and selflessness that define our Armed Forces and fortify our state and country; and,

WHEREAS, we remember our commitment to the Gold Star Mothers who carry on with pride and resolve despite unthinkable loss; and,

WHEREAS, we recall our sacred obligation to those who gave their lives so we could live ours; and,

WHEREAS, the United States 74th Congress proclaimed the last Sunday in September to be known as "Gold Star Mother's Day"; and,

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 27, 2015 as **GOLD STAR MOTHER'S DAY** in Illinois to recognize the mothers who suffered the supreme tragedy in the loss of their sons and daughters in war and remember the sacrifice they have made.

Issued by the Governor September 25, 2015

Filed by the Secretary of State November 25, 2015

2015-324**National Cyber Security Awareness Month**

WHEREAS, the State of Illinois recognizes that it has a vital role in identifying, protecting and responding to cyber threats that may have significant impact to our individual and collective security and privacy; and,

WHEREAS, critical infrastructure sectors are increasingly reliant on information systems to support financial services, energy, telecommunications, transportation, utilities, health care and emergency response systems; and,

WHEREAS, the Stop.Think.Connect. Campaign has been designated as the National Public Awareness Campaign, implemented through a coalition of private companies, non-profit and government organizations, as well as academic institutions working together to increase the understanding of cyber threats and empowering the American public to be safer and more secure online; and,

WHEREAS, the National Institute of Standards and Technology Cybersecurity Framework and the U.S. Department of Homeland Security's Critical Infrastructure Cyber Community (C3) Voluntary Program have been developed as free resources to help organizations implement the Cybersecurity Framework and improve their cyber practices through a practical approach to addressing evolving threats and challenges; and,

WHEREAS, President Barack Obama signed Executive Order 13691, Promoting Private Sector cybersecurity information sharing, to encourage and promote sharing of cybersecurity threat information within the private sector and between the private sector and government through the development of Information Sharing and Analysis Organizations; and,

WHEREAS, maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role to play, and awareness of computer security essentials will improve the security of the State of Illinois' information infrastructure and economy; and,

PROCLAMATIONS

WHEREAS, the President of the United States of America, the U.S. Department of Homeland Security, the Multi-State Information Sharing and Analysis Center, the National Association of State Chief Information Officers, and the National Cyber Security Alliance have declared October as National Cyber Security Awareness Month; and all citizens are encouraged to visit these sites, along with Ready Illinois and the Stop.Think.Connect. Campaign website to learn about cybersecurity; and put that knowledge into practice in their homes, schools, workplaces and businesses; and,

Therefore, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2015, **NATIONAL CYBER SECURITY AWARENESS MONTH** and encourage all Illinoisans to recognize the importance of cybersecurity and to Stop.Think.Connect.

Issued by the Governor September 25, 2015

Filed by the Secretary of State November 25, 2015

2015-325**Illinois Rural and Small Schools Day**

WHEREAS, Illinois students in rural and small schools should have access to high quality educational opportunities; and,

WHEREAS, there are at least 500 small and rural school districts in the State of Illinois; and,

WHEREAS, more than 275,000 Illinois children attend small and rural schools in Illinois; and,

WHEREAS, rural public schools are an important fixture and often the focal point for the community; and,

WHEREAS, public school systems are usually one of the largest, if not the largest, employers in a rural community or region; and,

WHEREAS, public schools are a linchpin to successful rural economic and community development; and,

WHEREAS, the Association of Illinois Rural and Small Schools (AIRSS) serves as the only statewide organization that helps promote and enhance education in rural and small schools in every community and location of Illinois; and,

WHEREAS, AIRSS has served a significant role in giving identity, voice and recognition to rural and small schools and their local communities;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 20, 2015, as **ILLINOIS RURAL AND SMALL SCHOOLS DAY** in Illinois, in order to generate awareness of the vital roles rural and small schools play in the development of the State of Illinois.

Issued by the Governor November 5, 2015

Filed by the Secretary of State November 25, 2015

2015-326**National Adoption Month**

WHEREAS, all children need and deserve the love, nurturing, and sense of security that can only come from being a part of a loving, permanent family; and,

WHEREAS, adoption provides a unique joy and a special opportunity for people, whether or not they are already parents, married, in a civil union, single or divorced, to open their hearts and their homes for the rest of their lives to children; and,

WHEREAS, the Illinois Department of Children and Family Services and its non-profit partners strive to reunify children with their birth families, but when that simply is not possible, they are equally committed to ensuring every child has the safe, loving family they deserve and need to reach their fullest potential; and,

WHEREAS, Illinois has made great strides in recent years in strengthening and improving the child welfare system by reducing the number of children in temporary substitute care, establishing a Bill of Rights for both birth parents and adoptive parents, and strengthening licensing requirements for adoption agencies to prevent the exploitation of birth parents, adoptive parents and children; and,

WHEREAS, there are children of all ages, backgrounds and needs awaiting adoption across the state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2015 as **NATIONAL ADOPTION MONTH** in Illinois, and encourage all Illinoisans to express their gratitude to the thousands of families across the state that have opened their homes and their hearts to children.

Issued by the Governor November 5, 2015

Filed by the Secretary of State November 25, 2015

2015-327**Perioperative Nurse Week**

PROCLAMATIONS

WHEREAS, perioperative nurses specialize in the care of patients immediately before, during, and after surgical intervention and other invasive procedures; and,

WHEREAS, perioperative nurses serve in settings ranging from traditional hospital-based operating rooms to ambulatory surgical centers and physicians' offices, perioperative nurses work to provide the safest care possible for surgical patients; and,

WHEREAS, perioperative nurses assess individual patient needs prior to surgery, prepare a plan for the care their patient will receive, and prepare the operating room and patient for their procedure; and,

WHEREAS, perioperative nurses are responsible for monitoring all aspects of the patient's condition for the duration of each procedure and, through professional and patient-centered expertise, are responsible for care coordination after the procedure; and,

WHEREAS, surgical patients and their loved ones rely on the skills, knowledge, and expertise of perioperative registered nurses, who have a long tradition of improving surgical safety and the quality of patient care; and,

WHEREAS, Perioperative Nurse Week recognizes the contribution perioperative registered nurses make to patient safety and the opportunities and challenges facing the profession; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 8-14, 2014, as **PERIOPERATIVE NURSE WEEK** in Illinois.

Issued by the Governor November 10, 2015

Filed by the Secretary of State November 25, 2015

2015-328**Rett Syndrome Awareness Month**

WHEREAS, Rett Syndrome is a debilitating neurological disorder that is diagnosed almost exclusively in infant girls; and,

WHEREAS, Rett Syndrome, which affects approximately 1 in every 10,000 to 23,000 female births, was originally discovered by Dr. Andreas Rett of Austria in 1966; and,

WHEREAS, Rett Syndrome remains widely unknown to the general public and little is known within the medical community where research is still uncovering a greater understanding of the disorder; and,

PROCLAMATIONS

WHEREAS, Rett Syndrome symptoms in infants often go undetected until 6–18 months of age due to a relatively normal appearance and developmental progress, but then this brief period of developmental progress is followed by stagnation and regression of previously acquired skills; and,

WHEREAS, Rett Syndrome causes problems in brain function that are responsible for cognitive, sensory, emotional, motor, and autonomic function, which can impair learning, speech, sensory sensations, mood, movement, breathing, cardiac function, and even chewing, swallowing, and digestive functions; and,

WHEREAS, Rett Syndrome currently has no cure, but many symptoms of the disorder can be managed with medications and occupational, speech, and physical therapy; and,

WHEREAS, the International Rett Syndrome Foundation (IRSF) is a non-profit corporation dedicated to funding research for treatments and a cure for Rett Syndrome while enhancing the overall quality of life for those living with Rett Syndrome by providing information, programs, and services; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2015 as **RETT SYNDROME AWARENESS MONTH** in Illinois, to raise awareness of this disorder and recognize the families affected by Rett Syndrome.

Issued by the Governor November 10, 2015

Filed by the Secretary of State November 25, 2015

2015-329**Illinois Flag Display Act – Victims of the attacks in Paris, France**

WHEREAS, the people of Illinois stand united with the people of France; and,

WHEREAS, the nation and State of Illinois are deeply saddened by the senseless acts of violence that took place in Paris on November 13, 2015; and,

WHEREAS, the people of Illinois and this great nation, mourn the loss of so many lives by this ruthless act of terrorism, perpetrated by a cowardly enemy; and,

WHEREAS, these attacks were not merely an attack on France, they were an attack on freedom and the values we hold dear; and,

PROCLAMATIONS

WHEREAS, the victims of these horrific attacks will forever be remembered and our thoughts and prayers remain with their families;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on November 19, 2015, in honor and remembrance of the victims of the attacks in Paris, France.

Issued by the Governor November 16, 2015

Filed by the Secretary of State November 25, 2015

ILLINOIS ADMINISTRATIVE CODE
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