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Rules of
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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2022

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1	December 20, 2021	January 3, 2022
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44	October 17, 2022	October 28, 2022
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47	November 7, 2022	November 18, 2022
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49	November 21, 2022	December 2, 2022
50	November 28, 2022	December 9, 2022
51	December 5, 2022	December 16, 2022
52	December 12, 2022	December 27, 2022
53	December 19, 2022	December 30, 2022

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Licensing Standards for Child Welfare Agencies

2) Code Citation: 89 III. Adm. Code 401

3)

Section Numbers:	Proposed Actions:
401.310	Amendment
401.311	New Section
401.312	New Section
401.313	New Section
401.314	New Section
401.315	New Section
401.Appendix G	Repealed

4) Statutory Authority: 225 ILCS 10/7

5) A Complete Description of the Subjects and Issues Involved: COVID-19 has created an acute shortage of persons qualified for the child welfare supervisor position under current qualification in Section 401.310. To alleviate the shortage, the Department has amended Part 401 to broaden the qualifications to enlarge the pool of eligible candidates for the child welfare supervisor position. The amendments broaden the qualifications for the child welfare supervisor position; create a new review and approval process for the revised qualifications; create and establish functions of the Workforce and Educational Transcript Review Committee; and list acceptable qualifying degrees.

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

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

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

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

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

(217) 524-1983
TDD: (217) 524-3715
Fax: (217)557-0692
DCFS.Policy@illinois.gov

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will have an economic impact on small businesses. Specifically, because the amendments to Part 401 broaden the qualifications for the child welfare supervisor position the pool of eligible candidates will enlarge. This should enable child welfare agencies to fill the necessary child welfare supervisor positions at different salary levels.

A) Types of small businesses, small municipalities and not for profit corporations affected: Child welfare agencies

B) Reporting, bookkeeping or other procedures required for compliance: New Section 401.311 requires a child welfare agency wanting to select for the child welfare supervisor position an applicant with qualifications under Section 401.310(b)-(d), to submit a request for approval of the applicant to DCFS and obtain such approval before an offer of employment can be made. Section 401.311 also details the documentation that must be submitted as part of the request. New Section 401.312 establishes the Workforce and Educational Transcript Review Committee whose function will be to review the requests for approval and make a recommendation regarding the request to the Associate

Deputy of Agencies and Institutions Licensing who shall then make the final administrative decision regarding the request. Applicants with Bachelor's degrees required to apply for, enroll in, complete a graduate program in, and acquire a graduate degree in social work or human services or academically equivalent graduate program, will be subject to a progress and compliance review by DCFS staff towards his or her compliance with time frames for application, enrollment and completion of course work. New Section 401.314 details the documentation that child welfare agencies must maintain in the applicant's personnel file to prove compliance with the new requirements.

C) Types of professional skills necessary for compliance: The amendments to Part 401 broaden the qualifications for the child welfare supervisor position to enlarge the pool of eligible candidates. Amended Section 401.310 requires the applicants for child welfare supervisors to have a Master's or Bachelor's degree in social work or a undergraduate program academically equivalent to social work or human services and a certain number of years of experience in a specified setting. Applicants with Bachelor's degrees are also required to apply in 6 months and enroll within 18 months of employment as a child welfare supervisor in a graduate social work or human services program or a graduate program approved as academically equivalent, and complete the course work in 3 years from enrollment to acquire a graduate degree in social work or an approved human services field. New Section 401.315 lists the currently acceptable degrees.

14) Small Business Impact Analysis:

A) Types of businesses subject to the proposed rule:

81 Other Services (except Public Administration)

B) Categories that the agency reasonably believes the rulemaking will impact including:

i. hiring and additional staffing
ii. regulatory requirements
vii. training requirements
viii. record keeping
ix. compensation and benefits

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

15) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments for this Part, and begins in this issue of the *Illinois Register* on page 1101.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Licensing Standards for Group Homes

2) Code Citation: 89 III. Adm. Code 403

3)

Section Numbers:	Proposed Actions:
403.17	Amendment
403.30	New Section
403.31	New Section
403.32	New Section
403.33	New Section
403.34	New Section
403.35	New Section
403.36	New Section

4) Statutory Authority: 225 ILCS 10/7

5) A Complete Description of the Subjects and Issues Involved: COVID-19 has created an acute shortage of persons qualified for the child care supervisor position under current qualification in Section 403.17. To alleviate the shortage, the Department has amended Part 403 to broaden the qualifications to enlarge the pool of eligible candidates for the child care supervisor position. The amendments broaden the qualifications for the child care supervisor position; create a new review and approval process for the revised qualifications; create and establish functions of the Workforce and Educational Transcript Review Committee; and list acceptable qualifying degrees.

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

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

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

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

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

(217) 524-1983
TDD: (217) 524-3715
Fax: (217)557-0692
DCFS.Policy@illinois.gov

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will have an economic impact on small businesses. Specifically, because the amendments to Part 403 broaden the qualifications for the child care supervisor position the pool of eligible candidates will enlarge. This should enable group homes to fill the necessary child care supervisor positions at different salary levels.

A) Types of small businesses, small municipalities and not for profit corporations affected: child welfare agencies and group homes

B) Reporting, bookkeeping or other procedures required for compliance: New Section 403.32 requires a child welfare agency wanting to select for the child care supervisor position an applicant with qualifications under Section 403.31(c)(2)-(4), to submit a request for approval of the applicant to DCFS and obtain such approval before an offer of employment can be made. Section 403.32 also details the documentation that must be submitted as part of the request. New Section 403.33 establishes the Workforce and Educational Transcript Review Committee whose function will be to review the requests for approval and make a recommendation regarding the request to the Associate Deputy of Agencies and Institutions Licensing who shall then make the final administrative decision

regarding the request. Applicants with a high school diploma or GED required to apply for and enroll in a college program with at least 30 credit hours in human services course work and complete the 30 credit hours in 2 years, will be subject to a progress and compliance review by DCFS staff towards his or her compliance with time frames for application, enrollment and completion of course work. New Section 403.35 details the documentation that child welfare agencies must maintain in the applicant's personnel file to prove compliance with the new requirements.

C) Types of professional skills necessary for compliance: The amendments to Part 403 broaden the qualifications for the child care supervisor position to enlarge the pool of eligible candidates. New Section 403.31 requires the applicants for child care supervisors to have a Bachelor's degree in social work or a undergraduate program academically equivalent to social work or human services, a high school diploma or a GED, and a certain number of years of experience in a specified setting. Applicants with a high school diploma or GED are also required to apply in 6 months and enroll within 12 months of employment as a child care supervisor in a college program where at least 30 credit hours in human services course work is required, and complete the 30 credit hours in human services course work within 2 years of enrollment New Section 403.36 lists the currently acceptable degrees.

14) Small Business Impact Analysis:

A) Types of businesses subject to the proposed rule:

81 Other Services (except Public Administration)

B) Categories that the agency reasonably believes the rulemaking will impact including:

i. hiring and additional staffing
ii. regulatory requirements
vii. training requirements
viii. record keeping
ix. compensation and benefits

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

15) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments for this Part, and begins in this issue of the *Illinois Register* on page 1120.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Licensing Standards for Child Care Institutions and Maternity Centers

2) Code Citation: 89 III. Adm. Code 404

3)

Section Numbers:	Proposed Actions:
404.13	Amendment
404.51	New Section
404.52	New Section
404.53	New Section
404.54	New Section
404.55	New Section
404.56	New Section
404.57	New Section

4) Statutory Authority: 225 ILCS 10/7

5) A Complete Description of the Subjects and Issues Involved: COVID-19 has created an acute shortage of persons qualified for the child care supervisor position under current qualification in Section 404.13. To alleviate the shortage, the Department has amended Part 404 to broaden the qualifications to enlarge the pool of eligible candidates for the child care supervisor position. The amendments broaden the qualifications for the child care supervisor position; create a new review and approval process for the revised qualifications; create and establish functions of the Workforce and Educational Transcript Review Committee; and list acceptable qualifying degrees.

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

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

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

9) Do this proposed rulemaking contain incorporations by reference? No

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

(217) 524-1983
TDD: (217) 524-3715
Fax: (217)557-0692
DCFS.Policy@illinois.gov

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will have an economic impact on small businesses. Specifically, because the amendments to Part 404 broaden the qualifications for the child care supervisor position the pool of eligible candidates will enlarge. This should enable child care institutions and maternity centers to fill the necessary child care supervisor positions at different salary levels.

A) Types of small businesses, small municipalities and not for profit corporations affected: child care institutions and maternity centers

B) Reporting, bookkeeping or other procedures required for compliance: New Section 404.53 requires a child care institution or a maternity center wanting to select for the child care supervisor position an applicant with qualifications under Section 404.52(c)(2)-(4), to submit a request for approval of the applicant to DCFS and obtain such approval before an offer of employment can be made. Section 403.32 also details the documentation that must be submitted as part of the request. New Section 404.54 establishes the Workforce and Educational Transcript Review Committee whose function will be to review the requests for

approval and make a recommendation regarding the request to the Associate Deputy of Agencies and Institutions Licensing who shall then make the final administrative decision regarding the request. Applicants with a high school diploma or GED required to apply for and enroll in a college program with at least 30 credit hours in human services course work and complete the 30 credit hours in 2 years, will be subject to a progress and compliance review by DCFS staff towards his or her compliance with time frames for application, enrollment and completion of course work. New Section 404.56 details the documentation that child welfare agencies must maintain in the applicant's personnel file to prove compliance with the new requirements.

C) Types of professional skills necessary for compliance: The amendments to Part 404 broaden the qualifications for the child care supervisor position to enlarge the pool of eligible candidates. New Section 404.52 requires the applicants for child care supervisors to have a Bachelor's degree in social work or a undergraduate program academically equivalent to social work or human services, a high school diploma or a GED, and a certain number of years of experience in a specified setting. Applicants with a high school diploma or GED are also required to apply in 6 months and enroll within 12 months of employment as a child care supervisor in a college program where at least 30 credit hours in human services course work is required, and complete the 30 credit hours in human services course work within 2 years of enrollment New Section 404.57 lists the currently acceptable degrees.

14) Small Business Impact Analysis:

A) Types of businesses subject to the proposed rule:

81 Other Services (except Public Administration)

B) Categories that the agency reasonably believes the rulemaking will impact including:

i. hiring and additional staffing
ii. regulatory requirements
vii. training requirements
viii. record keeping
ix. compensation and benefits

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

15) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments for this Part, and begins in this issue of the *Illinois Register* on page 1137:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

1) Heading of the Part: Human Services Capital Investment Grant Program.

2) Code Citation: 14 Ill. Adm. Code 670

3)

Section Numbers:	Proposed Actions:
670.10	New Section
670.20	New Section
670.30	New Section
670.40	New Section
670.50	New Section
670.60	New Section
670.100	New Section
670.110	New Section
670.200	New Section
670.210	New Section
670.220	New Section
670.230	New Section
670.240	New Section
670.250	New Section

4) Statutory Authority: Implementing the Human Services Capital Investment Grant Program, 20 ILCS 605/605-1030; and authorized by 20 ILCS 605/605-1030(b).

5) A Complete Description of the Subjects and Issues Involved: The Department of Commerce and Economic Opportunity's (the "Department") proposed rules implement the Human Services Capital Investment Grant Program, 20 ILCS 605/605-1030. The purpose of the Human Services Capital Investment Grant Program is to make capital improvement grants to physically improve or expand the facilities owned or leased by human services providers serving low-income and marginalized populations. 20 ILCS 605/605-1030(a). The Human Services Capital Investment Grant Program is established through a collaboration between the Department and the Illinois Department of Human Services ("DHS"). The Department and DHS will cooperate on program establishment and administration. The Department shall be responsible for issuing and administering capital improvement grants to human services providers, either directly or indirectly through one or more intermediaries, subject to appropriation, and will consult with DHS on the issuance of rules and the priorities for capital improvement grants to human services providers, based on available data.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

A "human services provider" under the proposed rules is a not-for-profit corporation in good standing to operate in the State of Illinois that provides services directly to low-income or marginalized populations in one of the core program divisions of DHS − mental health, rehabilitation services, substance use prevention and recovery, family and community services, developmental disabilities, early childhood and any additional core program areas DHS creates. A "human services provider" is not required to be a current or former recipient of grant funds from DHS. A "human services provider" includes, but is not limited to, domestic violence shelters; rape crisis centers; comprehensive youth centers; Teen Responsibility, Education, Achievement, Caring and Hope (Teen REACH) providers; supportive housing providers; developmental disability community providers; behavioral health providers; and other community-based providers. 20 ILCS 605/605-1030(a).

The Build Illinois Bond Fund and the Rebuild Illinois Projects Fund are the sources of funding for the grants awarded to human services providers for capital improvement projects. 2 0 ILCS 605/605-1030(a). Grants to human services providers funded by either of these funds must support projects that expand or improve the physical facilities owned or leased by the human services provider grantees. In addition, those projects funded by the Build Illinois Bond Fund also will be required to support projects that meet the requirements of the Build Illinois Bond Act, which in general means the project must be of a durable nature. In no case may grant funds awarded to human services providers be used for the following purposes: (a) capital improvements made to a personal residence even if it is used by the human services provider to perform services; (b) acquiring land or a building or to conduct site selection; (c) to pay for any ongoing operational costs or outstanding debt; or (d) capital improvement projects in areas of the facility of a faith-based human services provider organization which are primarily used for religious worship or for other religious purposes.

The Department may enter into agreements or contracts with one or more intermediaries to assist in administering the program, including, but not limited to, issuing subawards to human services providers through a grant award from the Department. Funding for grants or contracts issued to intermediaries to assist with administration of the program may be provided by any source of funding as permitted by State and federal law.

Grant opportunities and awards will be administered in a manner that complies with all State and federal requirements applicable to each funding opportunity including, but not limited to, the Grant Accountability and Transparency Act, 2 CFR Part 200, and all applicable State or federal laws or guidance. The grants will be awarded to human

services providers and intermediaries, if applicable, following a competitive application process.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Department of Human Services provided information to the Department on the capital improvement needs of the human services provider community following statewide discussions with this community. There are no published studies or reports for this information.

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

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

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

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

11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments regarding these rules shall be presented in writing within 45 days after the date of this issue of the *Illinois Register* to:

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

jolene.clarke@illinos.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules would permit eligible not-for-profit human services providers to apply for grants for capital improvements to their physical facilities.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping, financial management, contract management and reporting.

C) Types of professional skills necessary for compliance: Accounting, contract and grant administration and financial management.

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on any Regulatory Agenda because the appropriation legislation was signed into law after the Department's most recent submission.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 670
HUMAN SERVICES CAPITAL INVESTMENT GRANT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: DIRECT GRANTS TO HUMAN SERVICES PROVIDERS

Section

SUBPART C: SUBAWARDS TO HUMAN SERVICES PROVIDERS

Section

AUTHORITY: Implementing Section 605-1030 and authorized by Section 605-1030(b) of the Department of Commerce and Economic Opportunity Law [20 ILCS 605].

SOURCE: Adopted at 46 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED RULES

Section 670.10 Purpose

The purpose of the Human Services Capital Investment Grant Program is to *make capital improvement grants to human services providers serving low-income and marginalized populations* [20 ILCS 605/605-1030(a)]. The Human Services Capital Investment Grant Program is established through a collaboration between DCEO and DHS. The Agencies will cooperate on program establishment and administration. DCEO shall be responsible for issuing and administering capital improvement grants to human services providers, either directly or indirectly through one or more intermediaries, subject to appropriation. DCEO will consult with DHS on the issuance of rules and the priorities for capital improvement grants to human services providers, based on available data.

Section 670.20 Definitions

"Agencies" means DCEO and DHS, collectively.

"Bondable Capital Improvements" means a specific class of capital improvement projects eligible to be funded by the Build Illinois Bond Fund and which meet the requirements of the Build Illinois Bond Act [30 ILCS 425/1 et seq.].

"Build Illinois" means the Build Illinois Bond Fund [30 ILCS 105/5.160].

"Capital improvement" means a project with a purpose to physically expand or physically improve upon a facility owned or leased by a human services provider.

"Community-based provider" means a not-for-profit corporation (which may include a faith-based organization), that is representative of a community or a significant segment of a community and provides services directly to low-income or marginalized populations.

"DCEO" means the Department of Commerce and Economic Opportunity.

"DHS" means the Department of Human Services.

"DUNS Number" means a unique nine-digit identification number provided by Dun & Bradstreet for each physical location of an organization.

"GATA" means the Grant Accountability and Transparency Act [30 ILCS 708].

"GATA Rule" means the administrative rules of the Governor's Office of Management and Budget found at 44 Ill. Adm. Code 7000.

"Grantee" means any human services provider applicant for a grant award under this program whose proposal is funded by DCEO either directly or through a subaward issued by an intermediary.

"Human Services Provider" means a not-for-profit corporation in good standing to operate in the State of Illinois that provides services directly to low-income or marginalized populations in one of the core program divisions of DHS − mental health, rehabilitation services, substance use prevention and recovery, family and community services, developmental disabilities, early childhood and any additional core program areas DHS creates. A "human services provider" is not required to be a current or former recipient of grant funds from DHS. A "human services provider" includes, but is not limited to, domestic violence shelters; rape crisis centers; comprehensive youth centers; Teen Responsibility, Education, Achievement, Caring and Hope (Teen REACH) providers; supportive housing providers; developmental disability community providers; behavioral health providers; and other community-based providers [20 ILCS 605/605-1030(a)].

"Intermediary" means an organization in good standing to operate in the State of Illinois, secured through an agreement with DCEO, to provide assistance for administration of the program which may include issuing subawards to eligible human services providers.

"Low-income" means an individual who:

receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through:

the supplemental nutrition assistance program established under:

the Food and Nutrition Act of 2008 (7 U.S.C. 2011),

the program of block grants to States for temporary assistance for needy families program under Title IV of the Social Security Act (42 U.S.C. 601),

the supplemental security income program established under Title XVI of the Social Security Act (42 U.S.C. 1381), or

State or local income-based public assistance;

is in a family with total family income that does not exceed the higher of:

the poverty line; or

70 percent of the lower living standard income level;

is a homeless individual (as defined in 34 U.S.C. 12473(6)), or a homeless child or youth (as defined in 42 U.S.C. 11434a(2));

receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751);

is a foster child on behalf of whom State or local government payments are made; or

is an individual with a disability whose own income meets the requirements of this definition; however, the individual is permitted to be a member of a family whose income does not meet these requirements.

"Lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the U.S. Secretary of Labor.

"Marginalized" means individuals, groups and communities that have experienced disparities or disadvantages in obtaining assistance or services.

"Not-for-profit corporation" means an organization that is registered as a not-for-profit corporation and is in good standing with the Illinois Secretary of State.

"Poverty line" means the level of income (as defined by the Office of Management and Budget, and revised annually in accordance with 42 U.S.C. 9902(2)) applicable to a family of the size involved.

"Program" means the Human Services Capital Investment Grant Program.

"Public assistance" means federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

"Rebuild Illinois" means the Rebuild Illinois Projects Fund.

"State" means the State of Illinois.

"Subaward" means a grant award provided by an intermediary to a human services provider for the purpose of carrying out a capital improvement project.

"Uniform Guidance" means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR 200.

Section 670.30 Use of Intermediaries

DCEO may enter into agreements or contracts with one or more intermediaries to assist in administering the program, including, but not limited to, issuing subawards to human services providers through a grant award from DCEO. DCEO may also enter into an inter-governmental agreement with DHS or other State agencies to provide funds to DCEO to secure an intermediary. The nature of the services provided shall determine whether the arrangement with an intermediary is a grant, procurement or other relationship.

Section 670.40 Funding Sources

a) The Build Illinois Bond Fund and the Rebuild Illinois Projects Fund are the sources of funding for the grants awarded to human services providers for capital improvement projects [20 ILCS 605/605-1030(a)], unless State and federal laws permit another funding source.

b) Funding for grants or contracts issued to intermediaries to assist with administration of the program may be provided by any source of funding as permitted by State and federal law.

Section 670.50 Eligible Capital Improvement Project Activities

a) DCEO shall make grant awards through a competitive application process to eligible human services providers as described in this Part, contingent on

available funds. The grant awards shall be made to support capital improvements to facilities located in Illinois and utilized by human services providers to deliver services to low-income or marginalized populations. The specific types of capital improvement project activities permitted will be dependent on the funding source.

1) Grant awards funded by Build Illinois must be used by the grantees for bondable capital improvements. A bondable capital improvement is a project for which:

   A) The activities improve upon or expand a facility owned or leased by a human services provider and generally include, but are not limited to, one or more of the following purposes:

      i) architectural planning and engineering design;

      ii) demolition (in preparation for additional work);

      iii) site preparation and improvement;

      iv) utility work;

      v) new construction of buildings and structures;

      vi) reconstruction or improvement of existing buildings or structures;

      vii) original furnishings and durable equipment;

      viii) replacement of currently utilized assets by a better asset; or

      ix) expansion of existing buildings or facilities; and

   B) The useful life of the project is greater than or equal to the average life of the bond issuance from which the project is financed. Most of the State's bonds are issued as 25-year level principal issues with an average life of approximately 13 years.

2) Grant awards funded by Rebuild Illinois must be used by the grantees for capital improvements. A capital improvement funded by Rebuild Illinois

is a project for which:

A) The activities physically expand or improve upon a facility owned or leased by a human services provider and generally include, but are not limited to, one or more of the following purposes:

i) building maintenance projects;

ii) addressing building life-safety code deficiencies;

iii) architectural planning and engineering design;

iv) demolition (in preparation for additional work);

v) site preparation and improvement;

vi) utility work;

vii) new construction of buildings and structures;

viii) reconstruction or improvement of existing buildings or structures;

ix) original furnishings and durable equipment;

x) replacement of currently utilized assets by a better asset; or

xi) expansion of existing buildings or facilities.

3) Activities for both Build Illinois and Rebuild Illinois do not include:

A) capital improvements made to a personal residence even if it is used by the human services provider to perform services; or

B) using grant funds to acquire land or a building or to conduct site selection.

b) DCEO may issue grant awards to human services providers either directly (see Subpart B) or through subawards issued by an intermediary (see Subpart C).

c) *DHS shall establish standards for determining the priorities concerning the necessity for capital facilities for the provision of human services based on data available to DHS* [20 ILCS 605/605-1030(c)].

1) DHS will consult with DCEO and engage with human services providers across the State to determine the priorities and capital improvement needs of the providers.

2) DCEO will utilize the data gathered by DHS, and based on the funding available, will set capital improvement project priorities for each round of funding for the program.

d) A cash match of grant funds issued by DCEO under this Part will not be required of grantees.

Section 670.60 Eligible and Ineligible Grant Expenditures for Human Services Providers

Grant expenditures for capital improvement projects must comply with GATA, the Uniform Guidance and any applicable funding source, be reasonable and necessary, and support the allowable grant project activities set forth in Section 670.50. Specific eligible grant costs will be set forth in the applicable NOFO, dependent on the funding source and the project priorities (Section 670.50(c)).

a) Grants funded by Build Illinois

1) Expenditures for grants funded through Build Illinois must support bondable capital improvement projects (Section 670.50(a)(1)) for facilities owned or leased by human services providers. Eligible bondable capital improvement project expenditures include the following characteristics:

A) The expenditures are not recurring. In this context, recurring expenses are defined as those costs which are incurred at frequent or regular periodic intervals within the initial term of financing, and which would cause an accumulation of costs for the same expenditure purpose before the expenses initially incurred for such purpose are completely amortized;

B) The project is a physical improvement to the human services

provider's facility and is of a durable nature not consumed in use;

C) The project reflects an extended useful life or longevity to the human services provider's facility, which in effect confers long-term (non-transitory) benefits to the citizens of the State of Illinois;

D) The project purposes are not subject to inherent risk of failure, rapid technological obsolescence, or primarily intended to fulfill temporary requirements or needs;

E) The project appreciably increases, improves, or enhances the equitable interests of the of the human services provider's facility, which in turn benefits the State of Illinois, or its legally constituted subdivisions, in the property, land, building or asset to be developed, constructed or improved; and

F) The expenditures are considered as internal components of a project, which if considered separately may not reflect the extended useful life, but will be bondable provided that such components are initially required and appreciably contribute to effective functioning, or are otherwise incapable of separation from a more complex unit which in itself is bondable.

2) Eligible budget cost categories for grants funded by Build Illinois will include the following:

A) Design/Engineering (limited to 10-15% of total grant budget);

B) Wiring/Electrical;

C) Equipment/Materials/Labor;

D) Paving/Concrete/Masonry;

E) Construction Management/Oversight (limited to 10-15% of total grant budget);

F) Mechanical System;

G) Excavation/Site Preparation/Demolition;

H) Plumbing;

I) Other Construction Expenses; and

J) Contingency (limited to maximum 10% of total grant budget).

3) Any expenditures by human services providers funded through Build Illinois that are not within the eligible characteristics and cost categories set forth in this Section will be considered ineligible including, but not limited to, the following:

A) Operational and administrative expenses;

B) Lease payments for rental of equipment or facilities;

C) Costs of staff or resident labor and material;

D) Expenditures to acquire or construct temporary facilities;

E) Purchase of automobiles, trucks, farm equipment, boats or rolling stock;

F) Livestock or laboratory animals;

G) Unpredictable or unusual legal expenses;

H) Costs for archaeological digs, research or exploration;

I) Costs related to the acquisition of land or a building or to conduct site selection; and

J) Work that contains repairs, maintenance or remodeling of a limited nature or scope, which is not done as part of a larger bondable improvement project.

b) Grants funded by Rebuild Illinois

1) Expenditures for grants funded through Rebuild Illinois must support capital improvement projects (Section 670.50(a)(2)) for facilities owned or leased by human services providers. Eligible budget cost categories for grants funded by Rebuild Illinois will include the following:

A) Design/Engineering (limited to 10-15% of total grant budget);

B) Wiring/Electrical;

C) Equipment/Materials/Labor;

D) Paving/Concrete/Masonry;

E) Construction Management/Oversight (limited to 10-15% of total grant budget);

F) Mechanical System;

G) Excavation/Site Preparation/Demolition;

H) Plumbing;

I) Other Construction Expenses; and

J) Contingency (limited to maximum 10% of total grant budget).

2) Any expenditures by human services providers funded through Rebuild Illinois that are not within the eligible characteristics and cost categories set forth in this Section will be considered ineligible including the following:

A) Administrative and operational expenditures including, but not limited to, utilities, personnel, insurance, indirect costs and debt obligations; and

B) Costs related to the acquisition of land or a building or to conduct site selection.

c) For all funding sources, *no portion of a human services capital investment grant*

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awarded under this Part may be used by a grantee to pay for any ongoing operational costs or outstanding debt. [20 ILCS 605/605-1030(d)].

SUBPART B: DIRECT GRANTS TO HUMAN SERVICES PROVIDERS

Section 670.100 Grantee Eligibility Requirements

a) A human services provider is eligible to receive a grant award directly from DCEO if the provider:

1) offers services within Illinois in a manner that supports and fulfills the mission of DHS;

2) has delivered services for a minimum of two years directly to low-income or marginalized populations in Illinois in one of the core program areas of DHS − mental health, rehabilitation services, substance use prevention and recovery, family and community services, developmental disabilities, early childhood and any additional core program areas DHS creates;

3) has an active GATA registration and is qualified on the GATA Grantee Portal (https://grants.illinois.gov/portal/) at the time the application is submitted; and

4) is considered a regarded entity by the Internal Revenue Service for federal income tax purposes.

b) A human services provider is ineligible to receive a grant award directly from DCEO if the provider:

1) does not meet the eligibility criteria set forth in this Section;

2) is delinquent on payment of any State of Illinois tax obligation;

3) is on the Illinois Stop Payment List, the State's debarred or suspended contractor lists, or is in default of any contractual obligation to DHS or DCEO;

4) is engaged in an enterprise that is unlawful or renders the provider ineligible under applicable State or federal law;

5) is on the federal System for Award Management excluded parties list (https://sam.gov/content/exclusions); or

6) is considered a disregarded entity by the Internal Revenue Service for federal income tax purposes.

c) Human services providers that are faith-based organizations, to be eligible, must use grant funds to make capital improvements to parts of their facility (whether the facility is owned or leased) that are used to provide human services. However, the human services providers may not use grant funds for capital improvement projects in areas of their facility that are primarily used for religious worship or for other religious purposes (*e.g.*, chapel or sanctuary). If human services are provided in areas of the facility that are primarily used for worship or other religious purposes, the human services provider is ineligible to receive grant funds for this program.

Section 670.110 Administrative Requirements

Grant opportunities and awards will be administered in a manner that complies with all State and federal requirements applicable to each funding opportunity including, but not limited to, GATA, the Uniform Guidance and all applicable State or federal laws or guidance. Grant applicants and grantees shall review all application materials and grant award documents which will include the specific applicable requirements for the grant opportunity. DCEO reserves the right to suspend or terminate a grant agreement, recoup grant funds received under this Part or withhold any future year funding for non-compliance with the provisions in the grant agreement.

a) Application Process for Direct Grant Awards to Human Services Providers

1) DCEO will post one or more Notices of Funding Opportunity (NOFO) on the GATA Grantee Portal seeking applications from human services providers, contingent upon available funds. The NOFO will describe in detail the types of projects for which funding is available (see Section 670.50). Applicants shall submit their application materials by the deadlines set forth in the NOFO, which will be at least 30 days after posting the NOFO.

2) The applicants will be required to submit an application package, which will include the following:

A) uniform grant application;

B) uniform budget template;

C) conflict of interest disclosure form;

D) mandatory disclosures form;

E) project narrative;

F) documentation demonstrating that applicant is in good standing to operate in the State of Illinois, including but not limited to, proof of current registration with all government entities the applicant is required to register with in order to operate;

G) articles of incorporation and bylaws;

H) an organizational chart for staff of the applicant;

I) resumes of key program staff (both those that will be managing the grant award and those that provide human services within the DHS core programs or areas for the applicant);

J) a copy of the lease agreement if the applicant is renting the facility which is the subject of the capital improvement project, and written permission from the landlord to conduct the grant-funded activities;

K) W-9 and Internal Revenue Service letter to verify the W-9;

L) documentation demonstrating the types of services the applicant provides that are within the core DHS programs or areas and demonstrating that applicant is qualified to provide these services; and

M) any additional documentation to demonstrate or support the information submitted by the applicant for the proposed project.

3) Applicants shall provide the following information about the proposed project in the narrative:

A) a description of the purpose of the grant project;

B) a detailed budget and supporting justification of the costs requested;

C) the location of the project, including a description of the facility proposed to be improved with grant funds;

D) the ownership and lease information, as applicable, for the facility where the proposed project would occur;

E) a description of the human services provider applicant, including but not limited to:

i) the history of the provider and the provider's mission and goals;

ii) the number of current staff and a list of current board members, if applicable;

iii) the populations and geographic areas served by the provider;

iv) the existing linkages or partnerships with other community resources or organizations;

v) how the populations served by the applicant meet the definitions of low-income or marginalized, including the approximate percentages of individuals served within each category; and

vi) the core DHS programs or areas for which the applicant provides services, including a description of the programs and services provided by the applicant and the length of time the applicant has provided the services;

F) a description of the participants served by the human services provider's programs including:

i) a description of any eligibility criteria for participation in the programs (*e.g.*, income level, age, employment status);

ii) a description of how participants are identified or recruited, or who refers participants to the organization for services;

iii) if services cannot be provided to all that apply, a description of the manner in which participants are selected (*e.g.*, standardized testing; first-come, first-served); and

iv) a description of the costs to participants for these programs and services, and whether a sliding scale (*e.g.*, cost for services is reduced or waived, based on income or ability to pay) is enacted;

G) the public purpose and public benefit of the project;

H) the financial need of the human services provider for the grant funds;

I) a description of additional funding sources the provider is receiving or requesting for the project, if any;

J) an estimated timeline for completion of the project;

K) a statement regarding whether the applicant will have the ability to deliver services at its facility if the proposed project is not completed;

L) a description of whether the applicant has received prior grant awards from DCEO or DHS and the applicant's grant performance under these awards, if applicable;

M) an explanation of how the applicant will be able to administer and complete the project within the allowable grant period; and

N) any additional information required to demonstrate or support the information submitted by the applicant for the proposed project.

b) Grant Award Selection
Grants will be awarded by DCEO to grantees following a merit review by DCEO and DHS pursuant to GATA requirements (44 Ill. Adm. Code 7000.350). In evaluating applications, DCEO and DHS will consider the criteria listed below:

1) Whether the applicant meets the eligibility criteria (see Section 670.100);

2) The financial needs of the applicant;

3) Whether the project is an eligible capital improvement project activity (see Section 670.50);

4) Whether the proposed project expenditures are eligible (see Section 670.60) and will comply with the Uniform Guidance and all other applicable federal and State laws;

5) Whether the proposed project is among the priorities identified by DCEO (see Section 670.50(c));

6) The ability of the applicant to deliver services at its facility if the proposed project is not completed;

7) The applicant's prior grant performance under grants awarded by DCEO or DHS, if applicable; and

8) The ability of the applicant to administer and complete the project within the allowable grant period.

For projects and applicants that meet all the eligibility requirements (see Sections 670.50, 670.60 and 670.100), grant awards will be prioritized for applicants with the most financial need for the grant funds and therefore, this criterion will be weighted most heavily during the merit review process (see Section 670.110(b)(2)).

c) Grant Disbursements
Disbursement of grant funds from DCEO will be made in accordance with a

schedule included in the grant agreement. DCEO will disburse funds based on the grantee making satisfactory progress to implement grant activities.

d) Grant Performance, Administration, Monitoring and Reporting Requirements
Grantees shall comply with all GATA and DCEO requirements set forth in the grant agreement for grant performance, administration, audits, monitoring and reporting.

1) Grant performance goals and performance and expenditure reporting will be based on the specific grant project activities of each grant award and will follow GATA requirements (44 Ill. Adm. Code 7000.410), which include periodic financial and performance reports at least quarterly and financial and performance close-out reports after the end of the grant term (see 44 Ill. Adm. Code 7000.440). The deadlines for all required reports will be set forth in the grant agreement.

2) Grant audits shall be based on the standards set forth in the GATA requirements (44 Ill. Adm. Code 7000.90).

3) Grantees must monitor their grant activities to assure compliance with applicable State and federal requirements and to assure their performance expectations are being achieved. DCEO will monitor the activities of grantees to assure compliance with all requirements and performance expectations of the award. Grantees shall timely submit all financial and performance reports, and shall supply, upon DCEO's request, documents and information relevant to the award. DCEO may monitor activities through site visits.

e) Compliance with Applicable Laws
Grantees shall comply with all applicable State and federal laws, including, but not limited to, the Prevailing Wage Act [820 ILCS 130/0.01 et seq.], the Illinois Works Jobs Program Act [30 ILCS 559/20], the Business Enterprise Program for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/0.01 et seq.], the Employment of Illinois Workers on Public Works Act [30 ILCS 570/0.01 et seq.], the Environmental Protection Act [415 ILCS 5/1 et seq.], the Illinois Endangered Species Protection Act [520 ILCS 10/1 et seq.], the Illinois Natural Areas Preservation Act [525 ILCS 30/1 et seq.], the Interagency Wetland Policy Act of 1989 [20 ILCS 830/1-1 et seq.], and the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/1 et seq.].

f) Records Retention
Grantees shall maintain, for the period of time set forth in the GATA rules (44 Ill. Adm. Code 430(a), (b)) adequate books, all financial records and supporting documents, statistical records, and all other records pertinent to the program. If any litigation, claim or audit is started before the expiration of the retention period, the records must be retained until all litigation, claims or audit exceptions involving the records have been resolved and final action taken. The applicable retention period will be dependent on the type of capital improvement project for the grant award as set forth in the GATA rules. Grantees shall be responsible for ensuring that contractors and subrecipients comply with the retention requirements.

SUBPART C: SUBAWARDS TO HUMAN SERVICES PROVIDERS

Section 670.200 Selection of Intermediaries to Issue Subawards

a) If DCEO determines, based on the needs of DCEO, to utilize intermediaries to issue subawards to human services providers, DCEO will issue a grant award to one or more intermediaries which will receive grant funds from DCEO to issue and administer the subawards with oversight from DCEO. Intermediaries are ineligible to receive grant subawards for capital improvement projects while the intermediary is actively serving as an intermediary through a grant issued by DCEO under this Part.

b) Grant opportunities and awards to intermediaries will be administered in a manner that complies with all State and federal requirements applicable to each funding opportunity, including, but not limited to GATA, the Uniform Guidance and all applicable State or federal laws or guidance. Intermediary applicants and recipients shall review all application materials and grant award documents which will include the specific applicable requirements for the grant opportunity. DCEO reserves the right to suspend or terminate a grant agreement, recoup grant funds received under this Part, or withhold any future year funding for non-compliance by the intermediaries with the provisions in the grant agreement.

Section 670.210 Eligibility of Human Services Providers for Subawards

a) A human services provider is eligible to receive a grant subaward through an intermediary if the provider:

1) offers services within Illinois in a manner that supports and fulfills the mission of DHS;

2) has delivered services for a minimum of two years directly to low-income or marginalized populations in Illinois in one of the core program areas of DHS − mental health, rehabilitation services, substance use prevention and recovery, family and community services, developmental disabilities, early childhood and any additional core program areas DHS creates; and

3) has a valid DUNS number or unique entity identifier (see 2 CFR 25.300) prior to receiving the subaward, if applicable.

b) A human services provider is ineligible to receive a grant subaward from an intermediary if the provider is:

1) unable to meet the eligibility criteria set forth in this Section;

2) an intermediary for the program at the time of application or award;

3) delinquent on payment of any State of Illinois tax obligation;

4) on the Illinois Stop Payment List, the State's debarred or suspended contractor lists, or is in default of any contractual obligation to DHS or DCEO;

5) engaged in an enterprise that is unlawful or renders the provider ineligible under applicable State or federal law; or

6) on the federal System for Award Management excluded parties list (https://sam.gov/content/exclusions).

Section 670.220 Intermediary Activities

a) Intermediaries will be required to issue and administer subawards to human services providers with oversight from DCEO, and engage in the following activities:

1) evaluating and selecting project subaward applications, through a competitive process, from eligible human services providers (Section 670.210) for eligible capital improvement projects (Section 670.50) as permitted by the applicable funding source;

2) issuing subaward agreements and disbursing grant funds to selected human services provider grantees;

3) collecting and evaluating required documentation from grantees to ensure project work is for appropriate uses and complies with applicable laws and requirements;

4) reviewing expenditures of grantees to ensure they are eligible (Section 670.60);

5) conducting monitoring reviews of grantees;

6) complying with the requirements for pass-through entities set forth in 2 CFR 200.332, as applicable;

7) engaging in technical assistance with human services providers; and

8) reporting to DCEO on the activities and expenditures for both the intermediary's activities and the subaward projects.

b) Subawards issued by intermediaries must meet the eligible capital improvement project activities requirements in Section 670.50 and the eligible grant expenditures in Section 670.60. To receive a subaward from an intermediary, human services providers must apply through a competitive process (similar to the process and requirements described in Section 670.110) approved by DCEO and meet the eligibility requirements of Section 670.210.

Section 670.230 Eligible and Ineligible Grant Expenditures for Intermediaries

Grant expenditures for intermediaries must comply with GATA, the Uniform Guidance and any applicable funding source, be reasonable and necessary, and support the allowable grant project activities for intermediaries set forth in Section 670.220.

a) Eligible expenditures for intermediaries to administer the subawards to human

services providers include the following:

1) Personnel wages;

2) Personnel fringe benefits;

3) Travel within Illinois;

4) Contractual/Subaward (if necessary and reasonable to carry out the terms of the award);

5) Consultant (if necessary and reasonable to carry out the terms of the award);

6) Supplies;

7) Telecommunications;

8) Occupancy (Rent & Utilities);

9) Direct administrative costs;

10) Indirect costs; and

11) Other miscellaneous costs, which are necessary, reasonable and allocable to the grant award.

b) Intermediaries shall not use grant funds for the acquisition of land or a building, site selection or capital improvements. Ineligible expenditures for intermediaries include the eligible expenditures for human services provider grantees set forth in Section 670.60(a) and (b).

Section 670.240 Intermediary Grant Award Eligibility Requirements

An organization is eligible to receive a grant award as an intermediary to provide subawards to human services providers if the organization:

a) is in good standing to operate in the State of Illinois;

b) has demonstrated experience administering grants for construction or other capital projects in Illinois;

c) has the capacity to administer a large volume of subawards;

d) has an active GATA registration and is qualified on the GATA Grantee Portal (https://grants.illinois.gov/portal/) at the time the application is submitted; and

e) is considered a regarded entity by the Internal Revenue Service for federal income tax purposes.

Section 670.250 Administrative Requirements

a) Application Process for Grant Awards to Intermediaries

1) DCEO will post one or more Notices of Funding Opportunity (NOFO) on the GATA Grantee Portal seeking applications from eligible organizations, contingent upon available funds. The NOFO will describe in detail the types of projects for which funding is available (see Sections 670.50 and 670.220). Applicants shall submit their application materials by the deadlines set forth by DCEO in the NOFO which will be at least 30 days after posting the NOFO.

2) The applicants will be required to submit an application package, which will include the following:

A) uniform grant application;

B) uniform budget template;

C) conflict of interest disclosure form;

D) mandatory disclosures form;

E) project narrative;

F) documentation demonstrating that applicant is in good standing to operate in the State of Illinois, including but not limited to, proof

of current registration with all government entities the applicant is required to register with in order to operate;

G) resumes of key program staff;

H) W-9 and Internal Revenue Service letter to verify the W-9; and

I) any additional documentation to demonstrate or support the information submitted by the applicant for the proposed project.

3) Applicants shall provide the following information about the proposed project in the narrative:

A) A description of the structure of the applicant organization, including:

i) identification of the organization's leadership team and a description of their responsibilities;

ii) a summary of the organization's core skills and competencies;

iii) identification of relevant experience and skill sets of staff who will be assigned responsibility over the program; and

iv) other factors that make the applicant organization well-suited for overseeing a grant program for capital improvement projects;

B) A description of the applicant's experience working with human services providers and low-income or marginalized populations;

C) A description of the applicant's administrative capacity to manage a grant program, including:

i) the organization's experience overseeing grant programs pertaining to economic development or capital improvement projects; and

ii) a demonstration that the applicant has a good understanding of the Human Services Capital Investment Grant Program requirements and will commit resources necessary to successfully complete responsibilities;

D) A narrative explaining how the organization would be capable of administering a program statewide or within certain regions of the State, if required by the NOFO;

E) A detailed budget and supporting justification of the expenditures requested;

F) A description of the applicant's ability and plan to offer technical assistance to human services provider grantees and applicants, including both webinars and individual assistance;

G) A description of the applicant's plan for the subaward application process, evaluating and selecting applications from human services providers, disbursing grant funds and timelines for the subaward application and selection processes;

H) A description of the applicant's understanding of the laws and rules applicable to State capital improvement projects or bondable capital improvements; and

I) A description of how the applicant will manage and oversee a large number of subawards to human services providers.

b) Grant Award Selection
Grants will be awarded by DCEO to one or more intermediaries following a merit review by DCEO and DHS pursuant to GATA requirements (44 Ill. Adm. Code 7000.350). In evaluating applications, the Agencies will consider the following criteria:

1) Demonstrated grant administration experience, including the ability to issue large numbers of grants for eligible capital improvement projects or bondable capital improvements, as applicable, and disburse funds in a timely manner while following all program requirements;

2) The ability to establish a grant application and award process that is clear and simple for applicants to apply, while following all program requirements;

3) The ability to effectively and timely evaluate proposed subaward projects that are eligible, and an efficient process for sending recommendations to DCEO for final subaward selection;

4) Demonstrated understanding of or experience working with human services providers or low-income or marginalized populations;

5) The ability of the organization to administer a program statewide or within certain regions of the State, if required by the NOFO;

6) A sufficiently detailed budget that includes only eligible expenditures;

7) Demonstrated knowledge of State and federal requirements for capital improvement grants or bondable capital improvements, as applicable;

8) The ability to perform all intermediary responsibilities within the timeframes set forth in the NOFO; and

9) The ability to provide effective oversight and technical assistance, including webinars and individual assistance to human services provider applicants and grantees to promote a successful program.

c) Grant Disbursements
Disbursement of grant funds from DCEO to selected intermediaries will be made in accordance with a schedule included in the grant agreement. DCEO will disburse funds based on the intermediary making satisfactory progress to implement grant activities.

d) Grant Performance, Administration, Monitoring and Reporting Requirements
Intermediaries shall comply with all GATA and DCEO requirements set forth in the grant agreement for grant performance, administration, audits, monitoring and reporting.

1) Grant performance goals and performance and expenditure reporting will be based on the specific grant project activities of each grant award and

will follow GATA requirements (44 Ill. Adm. Code 7000.410), which include periodic financial and performance reports at least quarterly and final financial and performance close-out reports after the end of the grant term (see 44 Ill Adm. Code 7000.440). Intermediaries will be required to gather and report to DCEO detailed information on the subawards issued to human services providers with their quarterly and close-out reports. The deadlines for all required reports will be set forth in the grant agreement.

2) Grant audits shall be based on the standards set forth in the GATA requirements (44 Ill. Adm. Code 7000.90).

3) Intermediaries must monitor their grant activities and the human services provider grantees to assure compliance with applicable State and federal requirements and to assure their performance expectations and those of the human services providers are being achieved. DCEO will monitor the activities of the intermediaries to assure compliance with all requirements and performance expectations of the award. Intermediaries shall timely submit all financial and performance reports, and shall supply, upon DCEO's request, documents and information relevant to the award. DCEO may monitor activities through site visits.

e) Compliance with Applicable Laws
Intermediaries shall comply with, and shall be responsible for compliance by the grantees, with all applicable State and federal laws, including, but not limited to, the Prevailing Wage Act [820 ILCS 130/0.01 et seq.], the Illinois Works Jobs Program Act [30 ILCS 559/20], the Business Enterprise Program for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/0.01 et seq.], the Employment of Illinois Workers on Public Works Act [30 ILCS 570/0.01 et seq.], and the Environmental Protection Act [415 ILCS 5/1 et seq.], the Illinois Endangered Species Protection Act [520 ILCS 10/1 et seq.], the Illinois Natural Areas Preservation Act [525 ILCS 30/1 et seq.], the Interagency Wetland Policy Act of 1989 [20 ILCS 830/1-1 et seq.], and the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/1 et seq.].

f) Records Retention
Intermediaries shall maintain, for the period of years set forth in the GATA rules (44 Ill. Adm. Code 430(a), (b)), adequate books, all financial records and supporting documents, statistical records, and all other records pertinent to the

program. If any litigation, claim or audit is started before the expiration of the retention period, the records must be retained until all litigation, claims or audit exceptions involving the records have been resolved and final action taken. Intermediaries shall be responsible for ensuring that contractors, subrecipients and human services provider grantees comply with the retention requirements. The applicable retention period for human services provider grantees will be dependent on the type of capital improvement project for the grant award as set forth in the GATA rules.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Obligations of Retail Electric Suppliers

2) Code Citation: 83 Ill. Adm. Code 412

3)

Section Numbers:	Proposed Actions:
412.10	Amendment
412.15	Amendment
412.20	Amendment
412.40	New Section
412.80	Renumbered/Amendment
412.100	New Section
412.105	Amendment
412.110	Amendment
412.115	Amendment
412.120	Amendment
412.130	Amendment
412.140	Amendment
412.150	Amendment
412.160	Amendment
412.165	Amendment
412.170	Amendment
412.180	Amendment
412.190	Amendment
412.200	Amendment
412.210	Amendment
412.215	Renumbered/Amendment
412.220	Renumbered/Amendment
412.230	Renumbered/Amendment
412.240	Renumbered/Amendment
412.300	Amendment
412.310	Amendment
412.320	Amendment
412.330	Amendment
412.APPENDIX A	Amendment

4) Statutory Authority: Implementing Sections 16-115, 16-115A, 16-115B, 16-115E, 16-118, 16-119 and 16-123 of the Public Utilities Act [220 ILCS 5/16-115, 16-115A, 16-115B, 16-115E, 16-118, 16-119 and 16-123] and Section 2EE of the Consumer Fraud and

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Deceptive Business Practices Act [815 ILCS 505/2EE] and authorized by Sections 10-101 and 8-501 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].

5) A Complete Description of the Subjects and Issues Involved: Part 412 contains rules regarding the obligations of alternative retail electric suppliers (ARES). The rulemaking makes a number of changes to the rules, reflecting new statutory requirements as well as changes in customer and supplier practices. A companion rulemaking for Part 512, which concerns obligations of alternative gas suppliers, is moving forward at the same time to ensure uniformity and consistency between the two sets of rules.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of statewide policy objectives: The proposed rulemaking neither creates nor expands 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:

Comments should be filed within 45 days after the date of this issue of the Illinois Register in Docket Nos. 17-0857 and 20-0457 (consolidated) with:

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/782-7434

13) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping and filing procedures

C) Types of professional skills necessary for compliance: Managerial and accounting skills

14) Small Business Impact Analysis:

A) Types of businesses subject to the proposed rule:

22 Utilities

B) Categories that the Agency reasonably believes the rulemaking will impact, including:

ii. regulatory requirements
viii. recordkeeping

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 412
OBLIGATIONS OF RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL

Section
412.10 Definitions
412.15 Compliance
412.20 Waiver
412.30 Construction of this Part (Repealed)
412.40 Alternative Electric Supplier Utility Assistance Recipient

SUBPART B: MARKETING PRACTICES

Section
412.80 Application of Subpart B
412.100 Marketing Materials~~Application of Subpart B~~
412.105 Use of Utility Logo and Name
412.110 Minimum Contract Terms and Conditions
412.115 Uniform Disclosure Statement
412.120 In-Person Solicitation
412.130 Telemarketing
412.140 Inbound Enrollment Calls
412.150 Direct Mail
412.160 Online Marketing
412.165 Rate Notice to Customers
412.170 Conduct, Training and Compliance of ARES Sales~~RES~~ Agents
412.180 Records Retention and Availability
412.190 Renewable Energy Product Descriptions

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION AND AUTOMATIC CONTRACT RENEWAL

Section
412.200 Application of Subpart C

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SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

AUTHORITY: Implementing Sections 16-115, 16-115A, 16-115B, 16-115E, 16-118, 16-119 and 16-123 of the Public Utilities Act [220 ILCS 5/16-115, 16-115A, 16-115B, 16-115E, 16-118, 16-119 and 16-123] and Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and authorized by Sections 10-101 and 8-501 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].

SOURCE: Adopted at 36 Ill. Reg. 17886, effective January 1, 2013; amended at 41 Ill. Reg. 13972, effective November 1, 2017; amended at 46 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 412.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" means alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act~~an entity *that offers for sale or lease, or delivers or furnishes, electric power or energy to retail customers*~~. (See 220 ILCS 5/16-102.)

"ARES sales agent" means any employee, agent, independent contractor, consultant or other person who is engaged by an ARES to solicit customers to

purchase, enroll in or contract for electric power and energy service on behalf of an ARES. ARES sales agent does not include any agent, broker or consultant, licensed under Section 16-115C of the Public Utilities Act that is acting as agent for the customer and not soliciting enrollments on behalf of any individual ARES.

"Commission" means the Illinois Commerce Commission.

"Complaint" means an objection made to an ARES~~RES~~ by a customer or other entity as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis.

"Customer," when used without additional modifying language, shall mean small commercial retail customers and residential customers collectively, as those terms are defined herein ~~means~~:

~~a retail customer as defined by the Act as a *single entity using electric power or energy at a single premises and that either is receiving or is eligible to receive tariffed services from an electric utility or is served by a municipal system or electric cooperative; or*~~

~~*an entity* that, *on December 16, 1997, was receiving electric service from a public utility and was engaged in the practice of resale and redistribution of such electricity within a building prior to January 2, 1957, or was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on December 16, 1997.*~~ [220 ILCS 5/16-102]

"Early termination fee" or "ETF" means a fee or penalty for terminating an agreement or~~a~~ contract for electric power and energy service provided by the ARES before the end of the contract term.

"Electric utility" means an electric utility as defined in Section 16-102 of the Public Utilities Act.~~*a public utility, as defined in Section 3-105 of the Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area.*~~ [220 ILCS 5/16-102]

"Enrollment" means the process by which an ARES submits or executes a change in a customer's selection of an electric supplier, enters into and effectuates a

contract with a customer ~~contracts with an RES~~ to provide the supply portion of electric service and the RES submits a valid direct access service request to the utility to effectuate that contract.

"Fixed rate" means that the per kWh charge for electric power and energy service remains the same for the term of the contract.

"Goodwill and institutional advertising" means any advertising either on a local or national basis designed primarily to bring the ARES's name before the general public in such a way to improve the image of the ARES or to promote the ARES or the industry, and that does not (1) contain information about prices, terms, or conditions of retail electric supply products or services offered by ARES to customers or (2) direct or induce customers to sign up for such products or services.

"Inbound enrollment call" means a telephone call to an ARES sales~~RES~~ agent initiated by a customer that results in either an enrollment or a change of provision of his or her electric power and energy service.

"In-person solicitation" means any sale initiated or conducted when an ARES sales~~the RES~~ agent is physically present with the customer.

"Letter of Agency" or "LOA" means the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and referenced in Section 16-115A of the Public Utilities Act.

"Pending enrollment" means that a valid direct access service request has been submitted by an ARES and~~that has been~~ accepted by an electric utility, for which the beginning meter read date upon which the switch will become effective has not yet occurred.

"Public Utility" means "public utility" as defined by Section 3-105 of the Act (220 ILCS 5/3-105).

"*Renewable energy credit*" or "REC" *means a tradeable credit that represents the environmental attributes of one megawatt hour* (1,000 kWh) *of energy produced from a renewable energy resource.* [20 ILCS 3855/1-10]

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"*Renewable energy resources*" means, according to 42 USC 7372, any energy resource that has recently originated in the sun. *"Renewable energy resources" includes energy and its associated renewable energy credit or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, biodiesel, anaerobic digestion, crops and untreated and unadulterated organic waste biomass, tree waste, hydropower that does not involve new construction or significant expansion of hydropower dams, and landfill gas produced in* Illinois. *"Renewable energy resources" does not include the incineration or burning of tires, garbage, general household, institutional, and commercial waste, industrial lunchroom or office waste, landscape waste other than tree waste, railroad crossties, utility poles, or construction or demolition debris, other than untreated and unadulterated waste wood.* [20 ILCS 3855/1-10]

~~"RES agent" means any employee, agent, independent contractor, consultant or other person who is engaged by the RES to solicit customers to purchase, enroll in or contract for electric power and energy service on behalf of an RES.~~

"Rescission"~~"Recission"~~ or "to rescind" means the cancellation of an agreement or~~a~~ contract with an ARES before the ARES has submitted an enrollment request to the electric utility~~RES~~ and/or within 10 calendar days after the date on the electric utility's written notice to the customer of the switch.~~pending customer enrollment to an RES during a grace period in which no early termination fees can be assessed.~~

"Residential customer" means a person receiving gas, electric, water or sanitary sewer utility service for household purposes furnished to a dwelling of one or two units that is billed under a residential rate.

~~"Retail electric supplier" or "RES" includes both electric utilities serving or seeking to serve retail customers outside their service areas or providing competitive non-tariffed service and alternative retail electric suppliers (ARES) (see Section 16-116 of the Act).~~

"Send" or "Sent", when used in this Part to describe the action to be taken by an Alternative~~a~~ Retail Electric Supplier of sending a document to a ~~residential customer or small commercial retail~~ customer may include, if agreed to by the receiving customer, transmission of the document to the customer via electronic delivery (e.g., fax or e-mail).

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"Small commercial retail customer" means a nonresidential customer of an electric utility consuming 15,000 kWh or less of electricity annually in its service area. An ARES~~RES~~ may remove the customer from designation as a "small commercial retail customer" if the customer consumes more than 15,000 kWh of electricity in any calendar year after becoming a customer of an~~the~~ ARES~~RES~~. In determining whether a customer is a small commercial retail customer, usage by the same commercial customer shall be aggregated to include usage at the same premises, even if measured by more than one meter, and to include usage at multiple premises. Nothing in this Part creates an affirmative obligation on an electric utility to monitor or inform customers or ARES~~RES~~ as to a customer's status as a small commercial retail customer as defined by this definition. Nothing in this Part relieves an electric utility from any obligation to provide information upon request to a customer, an ARES~~RES~~, the Commission or others necessary to determine whether a customer meets the classification of small commercial retail customer.

"Third party verification" or "TPV" means the process required by Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE(b)] to be used to verify that the customer wants to make a change in electric supplier. An ARES~~RES~~ or its agent shall not describe the TPV as having any other purpose.

"Time-of-use rate" means that the per-unit charge for electric power and energy service changes more than once per month.

"Transferred call" means any enrollment call to an ARES~~RES~~ in which the customer did not directly dial an ARES~~RES agent~~. This includes calls that originate as live or automated calls to the customer, who then might select an option that results in the call being forwarded to an ARES sales~~RES~~ agent. "Transferred call" does not include enrollment calls in which the customer directly dials an ARES~~RES~~ call center and selects to be forwarded to an ARES sales~~RES~~ agent from a call center menu or live operator. For purposes of enrollment compliance, transferred calls shall be treated as telemarketing within the meaning of Section 412.130.

"Utility assistance recipient" means a utility customer that received financial assistance in the previous 12 months from either the Low Income Home Energy Assistance Program (LIHEAP), Low Income Home Water Assistance Program

(LIHWAP), or, at the time of enrollment is participating in the Percentage of Income Payment Plan (PIPP) (220 ILCS 5/19-116).

"Utility Electric Supply Price to Compare" or "PTC" means the sum on the day of the disclosure of the electric supply charge and the transmission services charge and shall not include the purchased electricity adjustment. [220 ILCS 5/16-115A(e)(i)]

"Variable rate" means that the per kWh ~~unit~~ charge for electric power and energy service changes at any time during the term of the contract but does not change more than once per month.

"Written" or "in writing" means a paper~~hard~~ copy. When this Part requires information to be "written" or "in writing", an electronic copy satisfies that requirement so long as ~~both the RES and~~ the customer has~~have~~ agreed to electronic communication.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.15 Compliance

Each ARES shall be in full compliance with each requirement set forth in this Part on or before the first day of the month following 6 months from the date of the Commission's final order approving this Part, unless the Commission grants an extension of time to an ARES for cause. Nothing in these rules modifies or limits compliance by the ARES with any requirement set forth in Public Act 101-590 beginning January 1, 2020.~~The Commission shall require implementation of each requirement on the first day of the month following 6 months from the date of the Commission's final order, unless the Commission grants an extension of time for cause.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.20 Waiver

a) The Commission, on application or petition of an ARES~~RES~~ or non-ARES~~RES~~ electric utility, may grant a temporary or permanent waiver from this Part, or any applicable subsections contained in this Part, in individual cases in which the Commission finds:

1) the provision from which the waiver is granted is not statutorily mandated;

2) no party will be injured by the granting of the waiver; and

3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.

b) The burden of proof in establishing a right to a waiver shall be on the party seeking the waiver.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.40 Alternative Electric Supplier Utility Assistance Recipient

An alternative retail electric supplier shall not knowingly submit an enrollment to change a customer's electric supplier if the electric utility's records indicate that the customer either received financial assistance in the previous 12 months from the Low Income Home Energy Assistance Program, Low Income Home Water Assistance Program (LIHWAP), or, at the time of enrollment is participating in the Percentage of Income Payment Plan, unless:

a) *the customer's change in electric supplier is pursuant to a government aggregation program adopted in accordance with Section 1-92 of the Illinois Power Agency Act, or*

b) *the customer's change in electric supplier is pursuant to a Commission-approved savings guarantee plan as described in the Act.* [220 ILCS 5/16-115E]

(Source: Added at 46 Ill. Reg. _____, effective _____)

SUBPART B: MARKETING PRACTICES

Section 412.80~~100~~ Application of Subpart B

~~a)~~ The provisions of this Subpart shall only apply to an ARES~~RES~~ serving or seeking to serve residential or small commercial retail customers, and only to the extent that an ARES~~RES~~ provides services to residential or small commercial retail customers.

~~b) The following exceptions to Subpart B apply: Sections 412.170(a), (b) and (c) and 412.180 shall apply to an RES serving or seeking to serve any retail customer,~~

~~other than an RES certified under Subpart E of, or under the applicable of Subpart B or C of, 83 Ill. Adm. Code 451, to serve only their own load, and/or the load of a corporate affiliate and/or the load of an entity located on the site of a manufacturing or refining facility of the RES or its affiliate, when fully integrated into the existing electrical distribution system of the refining or manufacturing facility.~~

(Source: Former Section 412.100 renumbered to Section 412.80 and amended at 46 Ill. Reg. _____, effective _____)

Section 412.100 Marketing Materials

a) All marketing materials, including, but not limited to, electronic marketing materials, in-person solicitations, and telephone solicitations of retail sale of electric power and energy shall contain information that adequately discloses the prices, terms, and conditions of the products or services and shall disclose the utility electric supply Price to Compare ("PTC") statement in subsection (b) of this section.

b) *All marketing materials, including, but not limited to, electronic marketing materials, in-person solicitations, and telephone solicitations, shall include the following statement:*

"(Name of the alternative retail electric supplier) is not the same entity as your electric delivery company. You are not required to enroll with (name of alternative retail electric supplier). Beginning on (effective date), the electric supply price to compare is (price in cents per kilowatt hour). The electric utility electric supply price will expire on (expiration date). The utility electric supply price to compare does not include the purchased electricity adjustment factor. For more information go to the Illinois Commerce Commission's free website at www.pluginillinois.org."

If applicable, the statement shall also include the following statement:

"The purchased electricity adjustment factor may range between +.5 cents and -.5 cents per kilowatt hour."

[220 ILCS 5/16-115A(e)(i)]

c) Subsection (b) of this section does not apply to Goodwill or Institutional Advertising.

(Source: Former Section 412.100 renumbered to Section 412.80 and new Section added at 46 Ill. Reg. _____, effective _____)

Section 412.105 Use of Utility Logo and Name

a) An ARES~~RES~~ shall not utilize the logo of a public utility in any manner.

b) An ARES~~RES~~ shall not utilize the name of a public utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise leading a customer to believe that an ARES~~RES~~ is soliciting on behalf of or is an agent of a utility.

c) An ARES~~RES~~ shall not utilize the name, or any other identifying insignia, graphics or wording that has been used at any time to represent a public utility company or its services, to identify, label or define any of its electric power and energy service offers, except an ARES may state the name of a public electric utility in order to accurately describe the electric utility service territories in which the supplier is currently offering an electric power and energy service.

d) Notwithstanding anything in this Subpart B or elsewhere in this Part 412, an ARES~~RES~~ that is an affiliate of an Illinois public utility, and that was doing business in Illinois providing ARES~~RES~~ service as of January 1, 2016, may continue to use that public utility's name, logo, identifying insignia, graphics, or wording in its business operations occurring outside the service territory of the public utility with which it is affiliated.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.110 Minimum Contract Terms and Conditions

The sales contract shall, in plain language, contain the disclosures specified in this Section in 12-point type size or larger, in the order presented in this Section, and in the same language as the sales solicitation. The UDS, which shall be in the same language as the sales contract and the sale solicitation, shall be appended to the sales contract. The disclosures specified in this Section shall appear at the beginning of the sales contract; no other contract terms, other than the disclosures required under Part 512 if the ARES is also offering natural gas supply, shall precede

these disclosures. Any additional contract language shall use 10-point type size or larger. The sales contract shall include the following disclosures:

a) The legal name of the ARES~~RES~~ and the name under which the ARES~~RES~~ will market its products, if different;

b) The business address of the ARES~~RES~~;

c) The charges for service for the length of the contract by billing month~~term of the contract~~ and, if any charges are variable during the term of the contract,

1) an explanation of how the variable charges are determined;

2) the current rate per kWh price, a one-year price history, or history for the life of the product if it has been offered less than one year;

3) the statement: "Variable. The variable rate may go up or down" followed by one of the following:

A) "and is subject to the savings guarantee described below" if the ARES provides a guarantee of savings pursuant to subsection (j) of this Section;

B) "and will be less than the Electric Utility's Price to Compare ("PTC") [plus Purchased Electricity Adjustment] during" and describe the intervals during which the rate is guaranteed to be at or below the Price to Compare or Price to Compare plus Purchased Electricity Adjustment;

C) "and will be equal to the Electric Utility's Price to Compare ("PTC") [plus Purchased Electricity Adjustment] during" and describe the intervals during which the rate is guaranteed to equal the Price to Compare or Price to Compare plus Purchased Electricity Adjustment; or

D) "and the rate may be higher than the Electric Utility's Price to Compare ("PTC") during any given period" if none of the above statements apply.

d) For any product for which the price includes a fixed periodic~~monthly~~ charge, that does not change with the customer's usage and does not include all supply and delivery service charges, the ARES~~RES~~ shall provide an estimated total price in cents per kWh~~bill~~ for electric service using sample monthly usage levels of 500, 1,000 and 1,500 kWh;

e) For any product offered at a fixed monthly charge that does not change with the customer's usage and does not include all supply and delivery service charges, the ARES~~RES~~ must provide a statement to the customer stating that the fixed monthly charge is not the total monthly amount for electric service and identifying which charges are not included in the fixed monthly charge;

f) The length~~term~~ of the contract in months, and whether the contract renews automatically, including any applicable renewal clause disclosed in a manner consistent with this Part;

g) The fact that customers shall have a right to terminate their agreements with alternative retail electric suppliers at any time without any termination fees or penalties~~Whether an early termination fee or penalty will be imposed for termination of the contract by the customer prior to the expiration of its term and the applicable amount. If the early termination fee or penalty is not a set amount, the RES shall disclose the manner in which that fee will be calculated~~;

h) If the ARES~~RES~~ intends at any point during the term of the contract to seek a deposit or prepayment from the customer, the ARES~~RES~~ shall identify whether and under what circumstances a deposit or prepayment will be required, along with a disclosure of the manner in which the deposit or prepayment will be calculated and the circumstances in which the deposit or prepayment will be refunded;

i) Any fees assessed by the ARES~~RES~~ to a customer for switching to the ARES~~RES~~;

j) If an ARES~~RES~~ represents that a customer will realize savings under any conditions or circumstances, the ARES~~RES~~ shall provide a written statement, in plain language, describing the conditions or circumstances that must occur in order for the savings to be realized. The statement shall disclose the entity or entities and price or prices to which the ARES~~RES~~ is comparing its own offer for purposes of assessing or calculating savings;

k) A statement that the customer may rescind the agreement by contacting~~may contact~~ the ARES or the electric utility~~RES to rescind the contract and the pending enrollment~~ within 10 calendar days after the date on the electric utility's written notice to the customer confirming the switch~~electric utility processes the enrollment request. Residential customers may rescind the contract and the pending enrollment by contacting either the RES or the electric utility~~;

l) The following~~A~~ statement: "(Insert name of ARES)~~that the RES~~ is an independent seller of electric power and energy service certified by the Illinois Commerce Commission and (insert name of ARES)~~that the RES~~ is not representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or consumer group program, "followed immediately by" or a governmental body or program~~progam~~ of a governmental~~govermental~~ body", ~~(~~unless the ARES~~RES~~ has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements~~)~~;

m) A statement that:

1) the electric utility remains responsible for the delivery of electric power and energy to the customer's premises and will continue to respond to any service calls and emergencies; and

2) the customer will receive written notification from the electric utility confirming a switch of the customer's electricity supplier;~~ and~~

n) The toll-free telephone numbers for the ARES~~RES~~, the electric utility, and the Commission's Consumer Services Division; and~~.~~

o) The statement: "A summary document entitled 'The Uniform Disclosure Statement' (UDS) is attached to this contract. The UDS has important disclosures, including information about your new rate and your right to end this contract without termination fees or penalties other than charges or fees for devices, equipment, or other non-electrical services. Please read both this contract and the UDS carefully."

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.115 Uniform Disclosure Statement

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a) All ARES~~RES~~ product offers for ~~residential and small commercial~~ customers require a one-page (front and back of one 8.5 x 11 sheet of paper or, if delivered electronically, a file that is printable at 100% scale to such dimensions) Uniform Disclosure Statement (UDS) using the form in Appendix A.

1) All text in the UDS shall be printed in a 12-point type or larger.

2) The UDS may include a logo of the ARES~~RES~~.

3) The UDS shall not contain any items other than those found in Appendix A or described in this Section.

b) The disclosures in the UDS shall conform to Appendix A and shall include the information listed in this subsection (b), in the order listed.

1) Name: The legal name of the ARES~~RES~~ and the name under which the ARES~~RES~~ will market its products, if different.

2) Address: The ARES~~RES~~' business address and internet address.

3) Phone: The ARES~~RES~~' toll-free telephone number and hours of availability.

4) Price: The price in cents per kWh, or as otherwise stated below, and the number of months the price stays in effect.

A) If the price is a fixed monthly charge that does not change with the customer's usage, the fixed monthly charge shall be shown in dollars~~dollar amounts instead~~.

B) If the price is a custom price, the UDS shall include the word "custom" and the ARES~~RES~~ shall replace "custom" with the price offered to a particular customer once the ARES~~RES~~ has determined the custom price for the customer.

C) If the price is tied to a publicly available index or benchmark, the UDS shall state the index or benchmark and include the phrase "Refer to contract."

D) Variable Rate Products: For a variable rate product, the UDS shall state that the current rate per kWh price and a one-year price history, or history for the life of the product if it has been offered less than one year, are available on the ARES' website and at a toll-free number. An ARES shall not rename a product in order to avoid disclosure of price history. If the price is a price that varies more than once a month, the UDS shall include the phrase "Time-of-use. Refer to contract."

5) Utility Electric Supply Price to Compare ("PTC"). "(Name of the alternative retail electric supplier) is not the same entity as your electric delivery company. You are not required to enroll with (name of alternative retail electric supplier). Beginning on (effective date), the utility electric supply price to compare is (price in cents per kilowatt hour). The Electric Utility electric supply price will expire on (expiration date). The utility electric supply price to compare does not include the purchased electricity adjustment factor. For more information go to the Illinois Commerce Commission's free website at www.pluginillinois.org." If applicable, the UDS will also include the following statement: "The purchased electricity adjustment factor may range between +.5 cents and -.5 cents per kilowatt hour."

6~~5~~) Other Periodic~~Monthly~~ Charges: If the price includes a fixed periodic~~monthly~~ charge, including any charge that accrues monthly, weekly, or over any other period of time, and that does not change with the customer's usage, that fixed periodic charge shall be disclosed in dollar amounts, shall show the fixed period of time for which that charge occurs, and, unless the fixed periodic charge is monthly, the sum of the charges on a monthly basis.

7~~6~~) Total Price with Other Periodic~~Monthly~~ Charges: If the price includes a fixed periodic~~monthly~~ charge, including any charge that accrues monthly, weekly, or over any other period of time, that does not change with the customer's usage, and the fixed periodic~~monthly~~ charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per kWh at sample usage levels of 500, 1,000 and 1,500 kWh.

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8~~7~~) Length of the Contract: The length of the contract in months.

9~~8~~) Subsequent Prices after the Initial Price: If the initial price remains in effect for the entire term of the contract, the UDS shall state "N/A" or "Not Applicable." If the price after the initial price does not change for the remainder of the term of the contract, the UDS shall state the price in cents per kWh and the number of months that price will stay in effect. If the price after the initial price is a price that includes a fixed periodic~~monthly~~ charge that does not change with the customer's usage, and the charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per kWh at sample usage levels of 500, 1,000 and 1,500 kWh. If the price after the initial price is a variable rate that changes at any time, the UDS shall include the following: "Variable. The variable rate may go up or down and the rate may be higher or lower than the electric utility's Price to Compare ("PTC")~~rate~~ during any given period." ~~If the price after the initial price is a variable rate, yet one or both of the statements in the preceding sentence do not apply, the UDS shall include the following: "Variable. Refer to contract". If the price is a price that varies more than once a month, the UDS shall include the phrase "Time-of-use. Refer to contract."~~

~~9)~~ ~~Early Termination Fee: The UDS shall disclose the amount of the early termination fee or penalty, if any. If the early termination fee or penalty is not a set amount, the UDS shall disclose the manner in which the fee or penalty will be calculated.~~

10) Contract Renewal: The UDS shall disclose whether the contract renews automatically.

11) Rescission: The UDS shall include the following: "You have a right to rescind (stop) your enrollment within 10 calendar days after the date on your electric utility's written notice confirming the switch of your supplier~~your utility has received your order to switch suppliers~~. You may call us at (insert toll-free number) or your utility at (insert toll-free number) to rescind."

12) Termination: The statement that ~~Cancellation: The UDS shall include the following:~~ "You ~~also~~ have the right to terminate an agreement with an alternative retail electric supplier (ARES) AT ANY TIME WITH NO

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TERMINATION FEES AND NO PENALTIES. You may call~~the contract without any termination fee or penalty if you contact~~ us at (insert toll-free number) to terminate this contract. The limit on early termination fees and penalties shall not apply to charges or fees for devices, equipment, or other non-electrical services." The preceding portion in capital letters shall be capitalized and in bold.~~within 10 business days after the date of your first bill with charges from (RES name)."~~

13) Seller: The UDS shall include the following: "This is a sales solicitation and the seller is (insert ARES~~RES~~ name), an independent alternative retail electric supplier. If you enter into a contract with the seller, (insert ARES name) will be your electric supplier.~~you will be changing your retail electric supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or a utility program, a governmental body or a governmental program, or a consumer group or a consumer group program (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements)."~~

14) Questions/Information: The UDS shall include the following: "If you have any questions or concerns about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 1-800-524-0795.~~ For information about the electric supply price of your utility and offers from other retail electric suppliers, please visit PlugInIllinois.org.~~"

15) Date of Solicitation: The UDS shall state the date the customer was solicited.

16) ARES sales agent name and~~Agent~~ ID: The UDS shall include an ARES sales agent name and ID.

~~17)~~ ~~Variable Rate Products: For a variable rate product, the UDS shall state that the current rate per kWh price and a one-year price history, or history for the life of the product, if it has been offered less than one year, are available on the RES' website and at a toll-free number. An RES shall not rename a product in order to avoid disclosure of price history.~~

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c) The UDS shall be provided in the same language as the solicitation and sales contract.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.120 In-person Solicitation

a) An ARES sales~~RES~~ agent shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission and that he or she is not employed by, representing, endorsed by, or acting on behalf of, a utility, or a utility program, a consumer group or consumer group program, or a governmental body (unless the ARES~~RES~~ has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements).

b) When it would be apparent to a reasonable person that a customer's language skills in the language used for the solicitation are insufficient to allow the customer to understand and respond to the information conveyed by the agent in that language, or when the customer or another person informs the agent of this circumstance, the ARES sales agent shall: find another representative fluent in the customer's language, use an interpreter, or terminate the in-person contact with the customer. If the ARES sales agent, individually or through an interpreter, makes a sales solicitation in a language other than English for any reason, the ARES sales agent shall present the UDS, sales contract, and third-party verification in the same language as the sales presentation.~~If any sales solicitation, agreement, contract or verification is translated into another language and provided to a customer, all of the documents must be provided to the customer in that other language.~~ When it would be apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English or when the customer or another person informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer's language, use an interpreter, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.

c) ARES sales~~RES~~ agents who engage in in-person solicitation for the purpose of selling electric power and energy service offered by the ARES~~RES~~ shall display

identification on an outer garment. This identification shall be visible at all times and prominently display the following:

1) The ARES sales~~RES~~ agent's full name in reasonable size font;

2) An ARES sales agent ID number;

3) A photograph of the ARES sales~~RES~~ agent; and

4) The trade name and logo of the ARES~~RES~~ the sales agent is representing. If the agent is selling electric power and energy services from multiple ARES~~RES~~ to the customer, the identification shall display the trade name and logo of the agent, broker or consultant entity as that entity is defined in Section 16-115C of the Act.

d) The ARES sales~~RES~~ agent shall leave the premises at the customer's, owner's or occupant's request. In the absence of local ordinances or regulations, ARES~~RES~~ and their agents shall not conduct in-person solicitation at residential dwellings before 9:00 a.m. and after 7:00 p.m. or civil dusk, whichever is earlier.

e) The ARES sales~~RES~~ agent shall, during the sales presentation to the customer, in plain language, verbally disclose the items listed in Section 412.110(a) and (c) through (n) to the customer unless the sales presentation is terminated by the customer before the disclosures are completed. An ARES sales~~RES~~ agent may disclose the items in any order, provided that all applicable items are explained to the customer prior to the agent obtaining the customer's utility account number. An ARES may secure consent to obtain customer-specific usage information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved process~~during the sales presentation~~.

f) A copy of the UDS described in Section 412.115 and Appendix A is to be left with the customer at the conclusion of the visit, with an explanation that it is a summary of the contract terms, unless a customer refuses to accept a copy. Nothing in this subsection (f) prevents an ARES sales~~RES~~ agent from providing the UDS electronically instead of in paper form to a customer upon that customer's request. The ARES sales~~RES~~ agent shall also offer, at the time of the initiation of the solicitation, a business card or other material that lists the agent's name, identification number and title, and the ARES~~RES~~' name and contact information, including telephone number.

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g) In-person solicitations that lead to an enrollment require a Letter of Agency or a third-party verification (TPV). The Letter of Agency or TPV shall be conducted in the same language that was used in the solicitation and shall include all of the items listed in~~If a third-party verification is used, it shall obtain the customer's acknowledgement that he or she understands the disclosures required by~~ Section 412.110(a), (c)~~ and (e)~~ through (n), and (p). Each disclosure must be made individually to obtain clear acknowledgement of each disclosure. The ARES sales~~RES~~ agent must be in a location where he or she cannot hear the customer while the TPV is conducted. The ARES~~RES~~ shall not approach the customer after the TPV for a period of 24 hours unless contacted by the customer.

h) The contract shall be Sent to the Customer within three business day after the Electric Utility's confirmation to the ARES of an accepted enrollment.

i~~h~~) The ARES sales~~RES~~ agent shall not conduct any in-person solicitations at any building or premises where any sign, notice or declaration of any description whatsoever is posted that prohibits sales, marketing or solicitations; provided, however, that an ARES sales agent may meet with representatives of a small commercial customer and conduct an in-person solicitation at a building or premises where such a notice is posted if an authorized representative of the small commercial customer has previously scheduled an appointment to meet with an agent of the ARES at the building or premises.

j~~i~~) The ARES sales~~RES~~ agent shall obtain consent to enter multi-unit residential dwellings. Consent obtained to enter a multi-unit dwelling from one prospective customer or occupant of the dwelling shall not constitute consent to market to any other prospective customers in the dwelling without separate consent.

k~~j~~) Upon a customer's request, the ARES~~RES~~ shall not conduct any further marketing to that customer until the customer requests to receive further marketing. The ARES~~RES~~ shall notify its agents of a customer's request.

~~k) Each RES shall perform criminal background checks on all employees and agents engaged in in-person solicitation. The RES shall maintain a record confirming that a criminal background check has been performed on its employees or agents in accordance with this Section.~~

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 412.130 Telemarketing

a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], an ARES sales~~RES~~ agent who contacts customers by telephone for the purpose of selling electric power and energy service shall provide the agent's name and identification number. The ARES sales~~RES~~ agent shall state that he or she represents an independent seller of electric power and energy service, certified by the Illinois Commerce Commission. An ARES sales~~RES~~ agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or a consumer group program, or a governmental body or a program of a governmental body (unless the ARES~~RES~~ has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements).

b) When it would be apparent to a reasonable person that a customer's ~~English~~ language skills in the language of the solicitation are insufficient to allow the customer to understand a telephone solicitation in that language~~English~~, or the customer or another person informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call. When an interpreter is used, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.

c) An ARES sales~~RES~~ agent shall, during the sales presentation to the customer, in plain language, disclose items listed in~~verbally make to the customer all disclosures required by~~ Section 412.110(a) and (c) through (n) and any information included in the UDS required by Section 412.115 that is not included in Section 412.110(a) and (c) through (n)~~, unless the sales presentation is terminated by the customer before the disclosures are completed~~. An ARES sales~~RES~~ agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation. An ARES may secure consent to obtain customer-specific usage information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved process.

d) Any telemarketing solicitations that lead to a telephone enrollment must be recorded and retained for a minimum of two years. All telemarketing calls that do

not lead to a telephone enrollment, but last at least two minutes, shall be recorded and retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff or a customer who has completed a telephone enrollment.

e) For telemarketing that leads to a completed telephone enrollment, a third party verification must be used to authorize a customer's enrollment. The third party verification must require the customer to verbally acknowledge that he or she understands the disclosures required by Section 412.110(a) and (c) through (n~~m~~). Each item must be disclosed to the customer individually to obtain clear acknowledgment of each disclosure. An ARES sales~~RES~~ agent initiating a 3-way conference call or a call through an automated verification system shall drop off the call and shall not participate in or listen to the call, but shall not cause the call to be terminated once the 3-way connection has been established. The ARES shall not contact the customer after the TPV for a period of 24 hours unless contacted by the customer.

f) The UDS and contract shall be sent, in writing, to the customer within three business days after the electric utility's confirmation to the ARES~~RES~~ of an accepted enrollment.

g) Upon a customer's request, the ARES~~RES~~ shall refrain from any further marketing to that customer. The ARES~~RES~~ shall notify its agents of a customer's request.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.140 Inbound Enrollment Calls

a) ~~The RES agent shall fully comply with the requirements in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act.~~ An ARES sales~~RES~~ agent shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission. An ARES sales~~RES~~ agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or consumer group program, or a governmental body (unless the ARES~~RES~~ has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements);

b) When it would be apparent to a reasonable person that a caller's language skills are insufficient to allow the customer to understand and respond to a telephone conversation or solicitation in the language spoken by the sales agent, or the customer or another person informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call. When an interpreter is used, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.

c~~b~~) The ARES sales~~RES~~ agent shall, in plain language, verbally disclose all the items listed in~~make to the customer the disclosures required by~~ Section 412.110(a) and (c) through (n). An ARES sales~~RES~~ agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation;

d~~c~~) All inbound enrollment calls that lead to an enrollment shall be recorded, and the recordings shall be retained for a minimum of two years. An inbound enrollment call that does not lead to an enrollment but lasts at least two minutes shall be retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff or a customer who has completed a telephone enrollment;

e~~d~~) The ARESRES shall send the UDS and contract to the customer within three business days after the electric utility's confirmation to the ARES~~RES~~ of an accepted enrollment.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.150 Direct Mail

a) If an ARES sales~~RES~~ agent contacts customers for enrollment for electric power and energy service by direct mail, the direct mail material shall include all the disclosures required in Section 412.110(a), (b), and (n) for the service being solicited.

b) Statements in direct mail material shall not claim that the ARES sales~~RES~~ agent represents, is endorsed by, or is acting on behalf of, a utility or a utility program, a consumer group or program, or a governmental body or program ~~(~~unless the ARES~~RES~~ has entered into a contractual arrangement with the governmental

body and has been authorized by the governmental body to make the statements~~)~~. Statements in direct mail material shall not utilize false, misleading, materially inaccurate or otherwise deceptive language.

c~~b~~) If a direct mail solicitation includes a written Letter of Agency ("LOA"), the direct mail solicitation shall include the items listed in Section 412.110(a) and (c) through (i) and also the UDS described in Section 412.115. The UDS shall be provided on a separate page from the other marketing materials included in the direct mail solicitation. If a written LOA is being used to authorize a customer's enrollment, the written LOA shall comply with Section 2EE of the Consumer Fraud and Deceptive Business Practices Act and shall contain a statement that the customer has read and understood each of the disclosures required by Section 412.110(a), (c) and (e) through (m). The LOA to be signed and returned to the ARES shall be separate from the ~~The~~ documents containing the Section 412.110 disclosures and from the UDS, such that they can ~~must~~ remain with the customer.

d~~c~~) If the direct mail solicitation allows a customer to enroll by telephone, and the customer elects to do so, Section 412.140 shall apply. If the direct mail solicitation allows a customer to enroll online, and the customer elects to do so, Section 412.160 shall apply.

e~~d~~) A copy of the contract must be sent to the customer within three business days after the electric utility's confirmation to the ARES~~RES~~ of an accepted enrollment.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.160 Online Marketing

a) Each ARES~~RES~~ offering electric power and energy service to customers online shall clearly and conspicuously make all disclosures in~~required by~~ Section 412.110 for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, electric utility service territory, and/or type of service sought, unless the ARES~~RES~~ secures consent to obtain customer-specific information for the purposes of pricing a product through a letter of agency or another Commission-approved method. The ARES~~RES~~' marketing material shall not make any statements that it is a representative of, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or a program run by a consumer group, a

governmental body or a program run by a governmental body, ~~(~~unless the ARES~~RES~~ has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements~~)~~.

b) The UDS and contract must be printable in a PDF format and shall be available electronically to the customer.

c) The ARES~~RES~~ shall obtain, in accordance with 83 Ill. Adm. Code 453 and Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act, an authorization to change ARES~~RES~~ that confirms and includes appropriate verification data by encrypted customer input on the ARES~~RES~~ website.

d) The enrollment website of the ARES~~RES~~ shall, at a minimum, include:

1) All disclosures required by Section 412.110;

2) A statement that electronic acceptance of the terms is an agreement to initiate service and begin enrollment;

3) A statement that the customer should review the contract and/or contact the current supplier to learn if any early termination fees are applicable; and

4) An e-mail address and toll-free phone number of the ARES~~RES~~ where the customer can express a decision to rescind the contract.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.165 Rate Notice to Customers

a) Each ARES~~At least 30 days prior to the start of a billing cycle, each RES~~ shall make publicly available on its website, without need for customer~~or through the customer's account~~ login, ~~the variable and time-of-use~~ rates currently available to~~for its~~ residential customers, including but not limited to fixed periodic charges and per kWh charges ~~applicable for that billing cycle~~. The ARES~~RES~~ must disclose the ~~one-month~~ period to which the rates will apply. In addition, each ARES~~RES~~ shall provide the rate information to its variable and time-of-use rate customers who request it through the ARES~~RES~~' toll-free number. The customer's contract shall contain the website address and toll-free phone number for the

customer to obtain variable and time-of-use rate information in accordance with this Section. Additionally, when a customer's rates change during the term of an agreement or contract, the ARES shall make the new rates available to that customer on its website and through the customer's online account at least 30 days prior to the effective date of any rate change applicable for that billing cycle.

b) If the ARES's charges are for~~RES uses the utility's single bill pursuant to Section 16-118(d) of the Act to bill its~~ residential variable or time-of-use rate customers, the ARES~~RES~~ shall use the allotted space on the bill to disclose the customer's variable or time-of-use rate that is in effect at the time the bill is received by the customer and the percentage change, if any, of the variable or time-of-use rate from one monthly billing period to the next. When there is insufficient available allotted space on the bill for the ARES~~RES~~ to make these disclosures each month, the ARES~~RES~~ shall ensure that no residential variable or time-of-use rate customer receives consecutive monthly bills that fail to disclose upcoming variable or time-of-use rates in the bill's message section.

c) If the ARES~~RES~~ bills its residential variable or time-of-use rate customers directly, the ARES~~RES~~ shall ensure that those customers' bills always contain the variable or time-of-use rate information described in this Section. Additionally, every ARES that issues a single bill for delivery and supply shall include the electric utility's price to compare ("PTC") on the bill.

d) If the electric utility's implementation of Section 16-118(d) prevents an ARES~~RES~~ from complying with this Section, the ARES~~RES~~ shall include a bill message that contains the toll-free phone number and/or website address where the variable or time-of-use rate information can be obtained by the customer. The requirements of subsections (b) and (c)~~this subsection~~ to provide notifications in customer bills do not apply if the ARES~~RES~~ sends the notifications required by this subsection via a written communication sent at the same time as the customer's monthly bill.

e~~c~~) If a residential variable rate customer's rate increases by more than 20% from one monthly billing period to the next, the ARES~~RES~~ shall send a separate written, dated, notice to the customer, informing the customer of the upcoming rate change and shall include the electric utility's PTC.

f~~d~~) Subsections (a) through (e~~c~~) shall not apply to contracts that disclose the formula that will allow a customer to determine the variable or time-of-use rate based on a

publicly available index or benchmark. For contracts to which subsections (a) through (ee) do not apply:

1) The ARES~~RES~~ shall provide sufficient information on its website to identify the inputs to the formula used to calculate the variable or time-of-use rate, including the timing and location of the index or benchmark price and any other information necessary to calculate the rate;

2) The ARES~~RES~~ shall provide clear and unambiguous information on the index or benchmark and any risks represented by the potential volatility (price spikes) involved in the rate calculations;

3) Notice of the rates shall be available on the ARES's~~RES's~~ website and by toll-free telephone as soon as reasonably practicable; and

4) For time-of-use rates, high price notifications shall be given when the rate meets or exceeds a level set by the customer; notice shall be given as soon as practicable by telephone, email, or text message, as authorized by the customer.

ge) If a contract includes a provision that results in a change to the residential customer's rate plan, including a change from a fixed rate to a variable rate, the ARES~~RES~~ shall send a separate written, dated, notice of the upcoming change at least 30 days, but no more than 60 days, prior to the switch. The separate written notice shall include:

1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Upcoming Rate Plan Change";

2) The bill cycle in which the changes to the rate plan will begin; and

3) A statement in bold lettering, in at least 12-point type, that the rate can change for the remainder of the contract. If the customer is on a plan that changes from a fixed price to a variable price at the end of the contract term or during the contract term, and ~~If~~ the customer is eligible for one or more fixed rate offers from the ARES~~RES~~, the ARES~~RES~~ shall include information about those offers, including information explaining how to enroll in the offers. The notice shall advise the customer as to whether the

customer is subject to an early termination fee after the switch and, if so, the amount of the fee. If the customer is not subject to an early termination fee after the switch to a price that can change, the notice shall so advise the customer.

hf) An ARESRES that currently (i) enrolls residential customers on a variable or time-of-use rate for three consecutive months in any electric utility's service territory , including products that automatically switch or convert to a variable rate during the term of the contract, and/or (ii) automatically renews customers on a variable rate product for three consecutive months in any electric utility's service territory must, for a variable or time-of-use rate product, disclose on the ARES'RES' website and through a toll-free number the one-year price history, or history for the life of the product if it has been offered less than one year and shall include the electric utility's PTC. An ARESRES shall not rename a product in order to avoid disclosure of price history.

ig) If the contract includes a rate that changes, or has the potential to change, more than once a month (i.e., time-of-use rate) and if the specific prices per kWh for the duration of the contract are not specified in the contract, subsections (a) through (h)(f) apply, but:

1) The written notice in subsection (e)(e) is required if a change in the time-of-use rate structure leads to a 20% or greater increase in an estimated bill for the customer's next billing cycle based on a reasonable proxy of that customer's usage pattern for the upcoming billing cycle without any modifications to the customer's consumption patterns.

2) The subsection (h)(f) disclosures shall include an example of monthly bills paid by a reasonable proxy of the customer's usage pattern.

jh) Subsections (a) through (f)(d) and subsection (h)(f) do not apply to time-of-use rates when the timing and price per kWh for the duration of the contract are clearly and unambiguously specified in the contract.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.170 Conduct, Training and Compliance of ARES SalesRES Agents

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a) Each ARES shall conduct or cause to be conducted training for individual representatives engaged in in-person solicitation and telemarketing to residential customers on behalf of that ARES prior to conducting any solicitations on the supplier's behalf. Each ARES shall submit a copy of its training material to the Commission on an annual basis (on or before June 1) and the Commission shall have the right to review and require updates to the material. After initial training, each ARES shall be required to conduct refresher training for its individual representatives every 6 months.

b) Each ARES shall perform or cause to be conducted criminal background checks on all employees and ARES sales agents engaged in in-person solicitation. The ARES shall maintain a record confirming that a criminal background check has been performed on its employees or sales agents in accordance with this Section and shall produce that record on request to Commission Staff.

c~~a~~) An ARES sales~~RES~~ agent shall be knowledgeable of the requirements applicable to the marketing and sale of power and energy service to the customer class that he or she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of power and energy service may be found in other rules, the Act and the Consumer Fraud and Deceptive Business Practices Act.

d~~b~~) All ARES sales~~RES~~ agents shall be familiar with electric power and energy services that they sell, including the rates, payment and billing options, the customers' right to cancel, and applicable termination fees, if any. In addition, the ARES sales~~RES~~ agents shall have the ability to provide the customer with a toll-free number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints.

e~~c~~) ARES sales~~RES~~ agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services. ARES sales agents shall also fully comply with the requirements of Section 412.100, governing Marketing Materials.

f~~d~~) No ARES~~RES~~ agent shall make a record of a customer's electric utility account number unless all applicable disclosures are made to the customer and the customer has agreed to enroll with the ARES~~RES~~; the ARES has secured ~~or otherwise provided his or her~~ consent from the customer to obtain customer-specific information for the purpose of pricing a product through a verifiable customer consent or other Commission approved method; or the "record" is a~~to~~

~~the release of that information in accordance with Commission orders and rules, except when the~~ recording ~~of this information is~~ required by Sections 412.130 and 412.140.

g~~e~~) All ARES sales~~RES~~ agents shall complete a training program that covers the applicable Sections of this Part. The ARES~~RES~~ shall document the training of its sales agents and provide a certification to the Commission, in a format to be specified by Staff, showing that an agent completed the training program prior to a sales~~an~~ agent being eligible to market or sell electricity in Illinois. The ARES~~RES~~ shall maintain records of certificates for three years from the date the training was completed. Upon request by the Commission or Commission Staff, an ARES~~RES~~ shall provide training materials and training records, including refresher training as described in (a), within seven business days.

h~~f~~) When an ARES~~RES~~ contracts with an independent contractor or vendor to solicit customers on the ARES'~~RES'~~ behalf, the ARES~~RES~~ shall confirm that the contractor or vendor has provided training in accordance with this Section.

i~~g~~) Each ARES~~RES~~ shall monitor marketing and sales activities to ensure that its ARES sales~~RES~~ agents are providing accurate and complete information and complying with all laws and regulations.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.180 Records Retention and Availability

a) An ARES~~RES~~ must retain, for a minimum of two years or for the length of the contract, whichever is longer, verifiable proof of authorization to change suppliers for each customer. Upon request by the Commission or Commission Staff, the ARES~~RES~~ shall provide authorization records within seven business days.

b) Throughout the duration of the contract, and for two years thereafter, the ARES~~RES~~ shall retain the customer's contract. Upon the customer's request, the ARES~~RES~~ shall provide the customer a copy of the contract via e-mail, U.S. mail or facsimile. The ARES shall send a copy of the contract within seven business days from receipt of the customer's request if the customer is currently taking service under the contract or within fourteen business days if the customer is not currently taking service under the contract. The ARES~~RES~~ shall not charge a fee for the copies if a customer requests fewer than three copies in a 12-month period.

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(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.190 Renewable Energy Product Descriptions

a) No ARES~~RES~~ shall state or imply in any marketing or promotional material that any electric power and energy service marketed or sold by the ARES~~RES~~ is "green", "renewable", or "environmentally friendly" or provide any description that conveys the impression that the electric power and energy service has a reduced impact on the environment, unless the ARES~~RES~~ purchases and retires the appropriate number of RECs. ~~in addition to, and over and above, the power or renewable energy credits purchased, or the alternative compliance payments made, to satisfy the renewable portfolio standard requirements applicable to RES under Section 16-115D of the Act. Nothing in this subsection prevents an RES from stating that it complies with the Illinois Renewable Portfolio Standard if in fact it does so, but these statements must also disclose that every RES must comply with the Renewable Portfolio Standard because RPS compliance is required by law. An RES shall not identify its product as "green", "renewable", or use any other term or descriptor of like or similar meaning if it is only compliant with the RPS.~~

b) An ARES~~RES~~ marketing "green", "renewable" or "environmentally friendly" electricity offers, or other offers of any description that convey the impression that the electric power and energy service has a reduced impact on the environment, in compliance with subsection (a), shall comply with the following:

1) disclose, on all materials used in the marketing of these offers and on its website, the following information:

~~A)~~ ~~the total percentage of electric power and energy represented by subsections (b)(1)(B) and (b)(1)(C);~~

~~B)~~ ~~of the total electric power and energy used to supply customers pursuant to the offer, the percentage of electricity paired with RECs required to satisfy the RPS if greater than zero (accompanied by the RPS disclaimer language in subsection (a));~~

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A~~C~~) ~~of~~ the total electric power and energy used to supply customers pursuant to the offer, the percentage of electricity paired with RECs ~~in addition to, and over and above, the RPS~~;

B~~D~~) the renewable energy resource type mix (i.e., corresponding percentage of each resource, such as X% wind, X% solar, etc.) represented by the percentage of electricity in subsection (b)(1)(A), of the RECs that were paired with the electric power and energy used in supplying electricity to customers pursuant to each offer;

2) disclose on all materials used in the marketing of these offers and on its website the percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois that will be used in supplying the electricity to customers pursuant to each offer;

3) if an ARES~~RES~~ cannot comply with subsections (b)(1)(C~~D~~) and/or (b)(2) because it has not committed to particular renewable energy resources and/or has not committed to a particular location or locations of renewable energy resources at the time it markets the offers, the ARES~~RES~~ shall disclose this fact in marketing materials and on its website. If the electricity product has been offered for 12 months or more, the ARES~~RES~~ shall disclose the renewable energy resource mix (and corresponding percentages of each resource) and percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois for the electricity product for the previous year. If the electricity product has been offered for fewer than 12 months, the RES must disclose the renewable energy resource mix (and corresponding percentages of each resource) and percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois that it may purchase for the electricity product;

4) the disclosures required in subsections (b)(1) through (b)(3) shall also apply to offers posted by an ARES~~RES~~ on the Commission's PlugInIllinois.org website;

5) within 14 months after enrolling a customer on a "green", "renewable" or "environmentally friendly" offer or offers of any description that convey the impression that the electric power and energy service has a reduced impact on the environment, and annually thereafter, the ARES~~RES~~ shall:

A) provide the customer with a written disclosure of the following information for the customer's electric power and energy use:

~~i)~~ ~~of the customer's total electric power and energy usage, the total percentage of electricity represented by subsections (b)(5)(A)(ii) and (b)(5)(A)(iii);~~

~~ii)~~ ~~of the customer's total electric power and energy usage, the percentage of electricity paired with RECs required to satisfy the RPS if greater than zero (accompanied by the RPS disclaimer language in subsection (a));~~

i~~ii~~) of the customer's total electric power and energy usage, the percentage of electricity paired with ~~RECs in addition to, and over and above, the RPS~~;

ii~~iv~~) the renewable energy resource type mix (i.e., corresponding percentage of each resource, such as X% wind, X% solar, etc.) and locations (at a minimum by state) of the RECs that were paired with electricity used by the customer; and

B) upon request, provide Commission Staff with the disclosure referenced in subsection (b)(5)(A) for each offer. In addition, the ARES~~RES~~ shall provide to Commission Staff, upon request, verification of the information submitted pursuant to this Section;

6) upon request of Commission Staff, the ARES~~RES~~ shall provide verification that the renewable energy credits claimed have been retired; and

7) the annual disclosure requirement of subsection ~~(b)~~(5) shall apply to "green", "renewable", ~~or~~ "environmentally friendly" or similarly phrased claims from ARES~~RES~~ serving customers in municipal aggregation programs.

c) For any electric power or energy service marketed or sold by an ARES~~RES~~ that is described as "green", "renewable" or "environmentally friendly", or by any term

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or descriptor of like or similar meaning, the ARESRES shall retire the appropriate number of RECs.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION AND AUTOMATIC CONTRACT RENEWAL

Section 412.200 Application of Subpart C

The provisions of this Subpart shall only apply to an ARESRES serving or seeking to serve residential or small commercial retail customers and only to the extent the ARESRES provides services to residential or small commercial retail customers. In addition, Section 412.210 shall apply to non-ARESnon-RES electric utilities.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.210 Rescission of Sales Contract

a) The customer mayhas the ability to rescind athe contract with an ARES without penaltythe RES before the ARESRES submits the enrollment request to the electric utility. Within one business day after processing a valid electronic enrollment request from the ARESRES, the electric utility shall notify the customer in writing of the scheduled enrollment and provide the name of the ARESRES that will be providing electric power and energy service. The customer may also rescind the contract with the ARES without penalty within 10 calendar days after the date of the electric utility's notice to the customer. The electric utility shall provide confirmation of an accepted enrollment to the ARES, including the date of the notice to the customer, at the same time that it provides a written enrollment notice to the customer. The written enrollment notice from the electric utility shall state the last day to make a request rescinding the enrollment and provide contact information for the ARESRES. The written enrollment notice from the electric utility shall also provide information regarding the customer's rights under this Section, including contact information for the utility and the Commission, if the enrollment has been made in error or without the customer's consent.

b) A residential customer wishing to rescind the pending enrollment with the ARES may do so by contacting either the ARES or the electric utility within 10 calendar

days after the effective date of the enrollment shown on the electric utility notice to the customer~~RES will not incur any early termination fees if the customer contacts either the electric utility or the RES within 10 calendar days after the electric utility processes the enrollment request~~.

~~c)~~ ~~A small commercial retail customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts the RES within 10 calendar days after the electric utility processes the enrollment request.~~

c~~d~~) If the 10th calendar day falls on a non-business day, the rescission period will be extended through the next business day.

d~~e~~) In the event the ~~residential~~ customer provides notice of rescission to the electric utility, the electric utility shall notify the ARES~~RES~~ within one business day after processing a valid rescission request from the customer.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.215~~220~~ Deposits

Any other provision of this Part notwithstanding, an ARES~~RES~~ shall not require a customer deposit if the ARES~~RES~~ is selling the receivables for electric power and energy for that customer to the electric utility pursuant to Section 16-118(c) of the Act.

(Source: Former Section 412.220 renumbered to Section 412.215 and amended at 46 Ill. Reg. _____, effective _____)

Section 412.220~~230~~ ~~Early~~ Termination of Sales Contract

a) Residential and small commercial customers shall have a right to terminate their contracts with alternative retail electric suppliers at any time without any termination fees or penalties. The contract shall disclose the right to terminate and provide a toll-free phone number that the customer may call in order to terminate the agreement. This requirement does not relieve the customer of obligations to pay for services rendered under the contract until service is terminated. The caps on early termination fees and penalties shall not apply to charges or fees for devices, equipment, or other services provided by the utility or alternative retail electric supplier. The ARES shall document and retain for a period of two years

all such customer requests to terminate service with the ARES. If unforeseen circumstances delay the transmission of the request to the utility, the ARES must transmit the request to the utility within the following two (2) business days after receiving the request, provided however that the ARES must detail the reason for the delay in its records.

b) An ARES must process any Customer's termination request by transmitting a termination request to the utility within one (1) business day after receipt of the termination request from the customer. The ARES shall document and retain for a period of two years all such customer requests to terminate service with the ARES. If unforeseen circumstances delay the transmission of the request to the utility, the ARES must transmit the request to the utility within the following two (2) business days after receiving the request, provided however that the ARES must detail the reason for the delay in its records.
~~Any contract between an RES and a customer that contains an early termination fee shall disclose the amount of the early termination fee or the formula used to calculate the termination fee and shall comply with Section 16-119 of the Act. *Any early termination fee or penalty shall not exceed $50 for residential customers and $150 for small commercial retail customers. The caps on early termination fees and penalties apply only to early termination fees and penalties for early termination of electric service.* [220 ILCS 5/16-119] Any contract containing an early termination fee shall provide the customer the opportunity to contact the RES to terminate the contract without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the RES. A customer relying on this provision to avoid an early termination fee shall be precluded from relying upon this provision for 12 months following the date the customer terminated his or her sales contract. The contract shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the contract. This requirement does not relieve the customer of obligations to pay for services rendered under the contract until service is terminated.~~

(Source: Former Section 412.230 renumbered to Section 412.220 and amended at 46 Ill. Reg. _____, effective _____)

Section 412.230~~240~~ Contract Renewal

a) Non-Automatic Renewal. The ARES~~RES~~ shall clearly and conspicuously disclose any renewal terms in its contracts, including any cancellation procedure. The

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ARES~~For contracts with an initial term of six months or more, the RES~~ shall send a notice of contract expiration separate from the bill at least 30 but no more than 60 days prior to the date of contract expiration. Nothing in this Section shall preclude an ARES~~RES~~ from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract expiration shall include:

1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";

2) The anticipated bill cycle in which the existing contract will expire;

3) A full description of the renewal offer, including the date service would begin under the new offer, if a renewal offer was provided. If the new contract's terms differ from the existing contract, the ARES~~RES~~ shall include a UDS that identifies the new terms, as well as a side-by-side comparison of the material changes between the existing contract and the new contract; and

4) A statement, in at least 12-point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another ARES~~RES~~ can take up to 45 days, and that failure to renew the existing contract or switch to another ARES~~RES~~ may result in the customer being reverted to the electric utility default service. The statement shall provide the length of the electric utility tariff minimum stay period, if applicable.

b) Automatic Renewal.

1) In addition to complying with the Illinois Automatic Renewal Act [815 ILCS 601], beginning January 1, 2020, an ARES shall not sell or offer to sell any products or services to a consumer pursuant to a contract in which the contract automatically renews, unless an alternative retail electric supplier provides to the consumer at the outset of the offer, in addition to other disclosures required by law, a separate written statement titled "Automatic Contract Renewal" that clearly and conspicuously discloses in

bold lettering in at least 12-point font the terms and conditions of the automatic contract renewal provision, including:~~the RES shall clearly and conspicuously disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, and when the contract automatically renews for a specified term of more than one month, the RES shall send a notice of contract renewal separately from the bill at least 30 days but no more than 60 days prior to the end of the initial contract term. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract renewal shall include:~~

A) the estimated bill cycle on which the initial contract term expires and a statement that it could be later based on when the Electric Utility accepts the initial enrollment;

B) the estimated bill cycle on which the new contract term begins and a statement that it will immediately follow the last billing cycle of the current term;

C) the procedure to terminate the contract before the new contract term applies; and

D) the cancellation procedure.

Disclosures compliant with Section 2EE(c)(7)(A) of the Consumer Fraud and Deceptive Business Practices Act, as in force and effect on January 1, 2020, shall constitute compliance with this subsection (b)(1). Nothing in this subsection (b)(1) shall be construed to apply to contracts entered into before January 1, 2020.

2) If the ARES sells or offers to sell the products or services to a consumer during an in-person solicitation or telemarketing solicitation, the disclosures described in subsection (1) of this subsection (b) shall also be made to the consumer verbally during the solicitation.

3) For contracts that automatically renew after the initial term, the ARES shall send a notice of contract renewal separately from the bill at least 30 days but no more than 60 days prior to the end of the contract term. Nothing in this Section shall preclude an ARES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract renewal notice period, the notice of contract renewal under this subsection is not required. Disclosures compliant with Section 2EE(c)(7)(B) of the Consumer Fraud and Deceptive Business Practices Act, as in force and effect on January 1, 2020, shall constitute compliance with this subsection (b)(3).

~~1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Renewal Notice";~~

~~2) The bill cycle in which service under the new term will begin;~~

~~3) A statement in bold lettering, in at least 12-point font, that the contract will automatically renew unless the customer cancels it, including the information needed to cancel;~~

~~4) If the new contract term includes a termination fee, a statement that the customer has until the end of the existing contract term to reject the new contract in order to avoid termination fees under the new contract; and~~

~~5) A clear and conspicuous disclosure of the contract terms, including a full description of any renewal offers available to the customer. If the new contract's terms differ from the existing contract, the RES shall include a UDS that identifies the new terms, as well as a side-by-side comparison of material changes between the existing contracts and the new contracts.~~

c) The separate written notice of contract renewal referenced in subsection (b) shall include a clear and conspicuous disclosure of the contract terms, including a full description of any renewal offers available to the customer. If the new contract's terms differ from the existing contract, the ARES shall provide written notice of the new terms. The ARES shall include the phone number and email address (or internet address if no email address currently exists) to which a customer may submit a consumer inquiry or complaint to the Illinois Commerce Commission

and the Office of the Attorney General. The ARES should also include, as is applicable:

1) for a fixed rate or flat bill contract, a side-by-side comparison of the current fixed rate or flat bill to the new fixed rate or flat bill;

2) for a variable rate contract or time-of-use product in which the first month's renewal price can be determined, a side-by-side comparison of the current price and the price for the first month of the new variable or time-of-use price; or

3) for a variable or time-of-use contract based on a publicly available index, a side-by-side comparison of the current formula and the new formula.

d) An alternative retail electric supplier shall not automatically renew a consumer's enrollment after the current term of the contract expires when the current term of the contract provides that the consumer will be charged a fixed rate and the renewed contract provides that the consumer will be charged a variable rate, unless: (i) the alternative retail electric supplier complies with subparagraphs (1) and (2); and (ii) the customer expressly consents to the contract renewal in writing or by electronic signature at least 30 days, but no more than 60 days, before the contract expires.

e~~c~~) In addition to sending documentation required by subsection (b)(2) by U.S. Mail or electronic mail, an ARES~~RES~~ must alert the customer to the information contained in subsection (c~~b~~)(2) by one additional means of communication. The ARES~~RES~~ may provide for the customer's choice one or more options for this additional notification. Permissible forms of notification an ARES~~RES~~ may offer include e-mail, text message/SMS, postcards, or phone calls; provided, however, that the policy preference of the Commission is that an ARES~~RES~~ use phone calls when an ARES~~RES~~ is able to obtain a customer's express written consent to give notice in this manner. An ARES~~RES~~ may provide the additional notification by directing the customer to a website that contains the entirety of the information required by subsection (b). Each ARES~~RES~~ shall maintain records that the additional notification was sent to the customer for the longer of two years or one year after the customer is no longer served by the ARES~~RES~~.

(Source: Former Section 412.240 renumbered to Section 412.230 and amended at 46 Ill. Reg. _____, effective _____)

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Section 412.240~~250~~ Assignment

An ARES that is certified to serve residential or small commercial customers ~~If an RES is surrendering or otherwise cancelling its certificate of service authority or is no longer seeking to serve certain customers, the RES~~ shall not assign an agreement with a customer to any ~~the contract to a~~ different ARES~~RES~~ unless:

a) The new supplier is an ARES certified by the Commission~~RES~~;

b) The new ARES~~RES~~ is in compliance with all applicable requirements of the Commission and the electric utility to provide electric service;

c) The customer is given written notice by the ARES of the assignment no less than 30 days prior to the assignment.~~The rates, terms and conditions of the contract being assigned do not change during the remainder of the time period covered by the contract; provided, however, the assigned contract may be modified during the term of the contract if the new RES and the retail customer mutually agree to the changes or revisions of the contract after assignment of the contract and so long as the customer is provided the disclosures described in Section 412.110;~~

d) The written notice shall include: contact information for the new supplier, contact information for the default electric supplier should the customer not wish to take service with the new ARES, and contact information for the Commission's Consumer Services Division;~~The customer is given 15 calendar days' prior written notice of the assignment by the current RES;~~ and

e) The Commission's Customer Service Division and the Office of Retail Market Development are given written notice of the assignment no less than 30 days prior to the assignment. The ARES assigning the contract provides contact information that a customer can use to resolve a dispute.~~Prior to the assignment, the new RES provides the customer with a toll-free phone number for billing questions, disputes and complaints.~~

(Source: Former Section 412.250 renumbered to Section 412.240 and amended at 46 Ill. Reg. _____, effective _____)

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section 412.300 Application of Subpart D

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The provisions of this Subpart shall only apply to an ARES~~RES~~ serving or seeking to serve residential or small commercial retail customers and only to the extent the ARES~~RES~~ provides services to residential or small commercial retail customers. In addition, Section 412.320(c)(1)(B) and (c)(1)(E) shall apply to non-ARES~~non-RES~~ electric utilities.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.310 Required ARES~~RES~~ Information

a) Prior to the ARES~~RES~~ initiating marketing to residential and small commercial retail customers, and annually thereafter if there are any changes to such documents or information, the ARES~~RES~~ shall file~~provide~~ the following documents and information with the Chief Clerk of the Commission and provide a copy to the Commission's Consumer Services Division (CSD) and the Office of Retail Market Development (ORMD):

1) A copy of its bill formats (if it bills customers directly rather than using electric utility consolidated billing) (combined billing for RES services and electric utility services on the electric utility bill);

2) Standard customer contract;

3) Customer complaint and resolution procedures; and

4) The name, telephone number and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.

b) If, at the time of its annual filing, there are no changes to the documents or information on file with the Commission in compliance with subsection (a) above, the ARES shall file a document that affirms there are no changes from the prior year's filing.

c~~b~~) The ARES~~RES~~ must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.

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d~~e~~) If the ARES~~RES~~ has declared force majeure within the past 10 years on any contracts to deliver electric services, the ARES~~RES~~ shall provide notice to the Commission Staff prior to marketing to residential and small commercial retail customers.

e) By May 31, 2020, and every May 31 thereafter, each ARES shall file with the Chief Clerk of the Commission, and provide a copy to the Commission's Consumer Services Division (CSD) and the Office of Retail Market Development (ORMD), the rates that it charged to residential customers in the prior year, including each distinct rate charged and whether the rate was a fixed or variable rate, the basis for the variable rate, and any fees charged in addition to the supply rate, including monthly fees, flat fees, or other service charges.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.320 Dispute Resolution

a) The Commission has jurisdiction over any complaint alleging an ARES has violated or is nonconformance with its obligations under Section 16-115 (Certification) and/or Section 16-115A (Obligation as an ARES), has violated or is in nonconformance with customer contracts, applicable tariffs, and applicable sections of the Act. [220 ILCS 5/16-115B].

b) Complaints may be filed by a consumer or by the Commission on its own motion when it appears that an ARES has provided service not in compliance with Section 2EE, of the Consumer Fraud and Deceptive Practices Act. [815 ILCS 505/2EE].

c~~a~~) A prospective~~residential or small commercial retail~~ customer has the right to make a formal or informal complaint to the Commission. An ARES~~, and an RES~~ contract cannot impair this right.

d~~b~~) A customer, including a ~~or~~ prospective customer for electric power and energy service may submit a complaint by U.S. mail, facsimile transmission, e-mail or telephone to an ARES~~RES~~. The ARES~~RES~~ shall initiate an investigation~~promptly investigate~~ and advise the complainant of the status or any results of the investigation within 14 calendar days. If the ARES~~RES~~ responds to the customer's or prospective customer's complaint verbally, the ARES~~RES~~ shall inform the customer or prospective customer of the ability to request and obtain

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the ARES's~~RES'~~ response in writing. When the ARES~~RES~~ responds, a customer or prospective customer shall be informed of the right to file a complaint with the Commission and the Office of the Illinois Attorney General.

e~~c~~) Complaints to the Commission

1) Informal Complaints (see 83 Ill. Adm. Code 200.160)

A) The ARES~~RES~~ shall inform the complainant of his/her ability to file an informal complaint with the Commission's Consumer Services Division (CSD) and provide contact information for the CSD. Informal complaints may be filed with the CSD by phone, via the internet, by fax or by mail. Information required to process a customer's informal complaint includes:

i) The customer's name, mailing and service addresses, and telephone number;

ii) The name of the ARES~~RES~~;

iii) The customer's electric utility and ARES~~RES~~ account numbers;

iv) An explanation of the facts relevant to the complaint;

v) The complainant's requested resolution; and

vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.

B) The Commission's CSD may resolve an informal complaint via phone by completing a three-way call involving the customer, the CSD staff and the ARES~~RES~~. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the ARES~~RES~~. In the case of the electric utility purchasing the ARES's~~RES'~~ receivables or electric utility consolidated billing, the ARES~~RES~~ shall notify the electric utility of any informal complaint received and the electric utility shall follow the procedures outlined in its billing service agreement with the

ARES~~RES~~ to withhold collection activity on disputed ARES~~RES~~ charges on the customer's bill.

C) The ARES~~RES~~ shall investigate all informal complaints and advise the CSD in writing of the results of the investigation within 14 days after the informal complaint is forwarded to the ARES~~RES~~.

D) The CSD shall review the complaint information and the ARES'S~~RES'~~ response and notify the complainant of the results of the Commission's investigation.

E) While an informal complaint process is pending:

i) The ARES~~RES~~ (or the electric utility in the case of the electric utility having purchased the ARES's~~RES'~~ receivables) shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has closed the informal complaint; and

ii) A customer shall be obligated to pay any undisputed portion of the bill and the ARES~~RES~~ (or the electric utility in the case of the electric utility purchasing the ARES's~~RES'~~ receivables or the utility presenting the ARES'~~RES'~~ charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.

F) The ARES~~RES~~ shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name and address of the complainant and the date and nature and adjustment or disposition of the informal complaint.

2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the Commission pursuant to Section 10-101 of the Act and 83 Ill. Adm. Code 200.170.

3) Disclosure of ARES~~RES'~~ Level of Customer Complaints. The Commission shall, on at least a quarterly basis, prepare summaries of all

formal and informal complaints received by it and publish those summaries on its website. The summaries shall be in an easy-to-read and user friendly format.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 412.330 Failure to Comply

Unless otherwise noted, a violation of this Part shall be subject to the fines and penalties set forth in the Act and in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE].

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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Section 412.APPENDIX A Uniform Disclosure Statement

UNIFORM DISCLOSURE STATEMENT

Name:
Address:
Internet Address:

Phone and hours of operation:

Rates and Product Information			
Price (in cents/kWh) and number of months this price stays in effect:			
Utility Electric Supply Price to Compare (PTC) (in cents/kWh):	Price:	Effective:	Expires:
(Name of the alternative retail electric supplier) is not the same entity as your electric delivery company. You are not required to enroll with (name of alternative retail electric supplier). Beginning on (effective date), the electric supply price to compare is (price in cents per kilowatt hour). The electric utility electric supply price will expire on (expiration date). The utility electric supply price to compare does not include the purchased electricity adjustment factor. For more information go to the Illinois Commerce Commission's free website at www.pluginillinois.org. If applicable, the disclosure will also include the following statement: "The purchased electricity adjustment factor may range between +.5 cents and -.5 cents per kilowatt hour."			
Other periodic~~monthly~~ charges:			
Total Price (in cents/kWh) with other periodic~~monthly~~ charges:	500 kWh	1,000 kWh	1,500 kWh
Length of contract:			
Price after the initial price:			
~~**Early Termination Fees and**~~ **Contract Renewal**			
~~Early Termination Fee:~~			
Contract Renewal:			
Right to Rescind and Terminate~~Cancel~~			

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Rescission:	You have a right to rescind (stop) your enrollment within 10 calendar days after the date on your electric utility's written notice confirming the switch of your supplier.~~your utility has received your order to switch suppliers.~~ You may call us at (toll-free number) or your utility at (toll-free number) to rescind~~accomplish this~~.
Termination~~Cancellation~~:	You have the right to terminate an agreement with an alternative retail electric supplier **AT ANY TIME WITH NO TERMINATION FEES AND NO PENALTIES.** You may call us at (insert ARES toll-free number) to terminate this contract. The limit on early termination fees and penalties shall not apply to charges or fees for devices, equipment, or other services provided by the alternative retail electric supplier. ~~You also have the right to terminate the contract without any termination fee or penalty if you contact us at (toll-free number) within 10 business days after the date of your first bill with charges from (RES Name).~~

This is a sales solicitation and the seller is (insert ARES~~RES~~ Name), an independent retail electric supplier. If you enter into a contract with the seller, (insert ARES name) will be~~you will be changing~~ your retail electric supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or utility program, a governmental body or a governmental program, or a consumer group or a consumer group program ~~(unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements)~~.

If you have any concerns or questions about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 800-524-0795. For information about the price to compare (PTC)~~electric supply price~~ of your electric utility and offers from other retail electric suppliers, please visit PlugInIllinois.org.

Date: _____ Agent Name/ID: _____

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

1) Heading of the Part: Obligations of Alternative Gas Suppliers

2) Code Citation: 83 Ill. Adm. Code 512

3)

Section Numbers:	Proposed Actions:
512.10	New Section
512.15	New Section
512.30	New Section
512.40	New Section
512.80	New Section
512.100	New Section
512.105	New Section
512.110	New Section
512.115	New Section
512.120	New Section
512.130	New Section
512.140	New Section
512.150	New Section
512.160	New Section
512.165	New Section
512.170	New Section
512.180	New Section
512.200	New Section
512.210	New Section
512.220	New Section
512.230	New Section
512.240	New Section
512.300	New Section
512.310	New Section
512.320	New Section
512.330	New Section
512.340	New Section
512.Appendix A	New Section

4) Statutory Authority: Implementing Sections 19-110, 19-112, 19-115, 19-116, 19-125, 19-130 and 19-135 of the Public Utilities Act [220 ILCS 5/19-110, 19-112, 19-115, 19-116, 19-120, 19-125, 19-130 and 19-135] and authorized by Sections 8-501 and 10-101 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].

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5) A Complete Description of the Subjects and Issues Involved: New Part 512 contains rules regarding the obligations of alternative gas suppliers. The rules have their origins in Article XIX of the Public Utilities Act. Among the subjects covered by the new rules are marketing practices, contract rescission, early termination of contracts, contract renewal, customer deposits, and dispute resolution and customer complaint reports. A companion rulemaking for Part 412, which concerns obligations of alternative retail electric suppliers, is moving forward at the same time to ensure uniformity and consistency between the two sets of rules.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of statewide policy objectives: The proposed rulemaking neither creates nor expands 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:

Comments should be filed within 45 days after the date of this issue of the *Illinois Register* in Docket Nos. 17-0857 and 20-0457 (consolidated) with:

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/782-7434

13) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping and filing procedures

C) Types of professional skills necessary for compliance: Managerial and accounting skills

14) Small Business Impact Analysis:

A) Types of businesses subject to the proposed rule:

22 Utilities

B) Categories that the Agency reasonably believes the rulemaking will impact, including:

ii. regulatory requirements
viii. recordkeeping

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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

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TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 512
OBLIGATIONS OF ALTERNATIVE GAS SUPPLIERS

SUBPART A: GENERAL

Section

SUBPART B: MARKETING PRACTICES

Section

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION AND AUTOMATIC CONTRACT RENEWAL

Section

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AUTHORITY: Implementing Sections 19-110, 19-112, 19-115, 19-116, 19-125, 19-130 and 19-135 of the Public Utilities Act [220 ILCS 5/19-110, 19-112, 19-115, 19-116, 19-120, 19-125, 19-130 and 19-135] and authorized by Sections 8-501 and 10-101 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].

SOURCE: Adopted at 46 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 512.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative gas supplier" or "AGS" means Alternative Gas Supplier as defined in Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"AGS Sales Agent" means "sales agent" as defined in Section 19-105 of the Act (220 ILCS 5/19-105). AGS Sales Agent does not include any agent, broker or consultant which is acting as agent for the customer and not soliciting enrollments on behalf of any individual AGS.

"Commission" means the Illinois Commerce Commission.

"Commission Approved Savings Guarantee Plan" means a savings guarantee plan offered to recipients of Low Income Home Energy Assistance Program (LIHEAP) funding, Low Income Home Water Assistance Program (LIHWAP) funding, or Percentage of Income Payment Plan (PIPP) funding which is approved by the Commission and which offers natural gas supply to customers at an amount that is less than the Utility Gas Supply Price.

"Complaint" means an objection made to an AGS by a customer or other entity as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis.

"Customer," when used without additional modifying language, shall mean small commercial customers and residential customers collectively, as those terms are defined herein.

"Early termination fee" or "ETF" means a fee or penalty for terminating an agreement or contract for natural gas supply products or services provided by the AGS before the end of the contract term.

"Enrollment" means the process by which an AGS submits or executes a change in a customer's selection of a natural gas provider in any Gas Utility service area where customers are able to choose their natural gas supplier, enters into and effectuates a contract with a customer for gas supply products or services provided by the AGS and enrolls the consumer as a customer in the residential or small commercial gas transportation service program of the applicable Gas Utility.

"Fixed rate" means that the per therm charge for natural gas supply remains the same for the term of the contract.

"Gas Utility" means a gas utility as defined in Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"Goodwill and institutional advertising" means any advertising either on a local or national basis designed primarily to bring the AGS' name before the general public in such a way to improve the image of the AGS or to promote the AGS or the industry, and that does not (1) contain information about prices, terms, or conditions of retail gas supply products or services offered by an AGS to

customers or (2) direct or induce customers to sign up for such products or services.

"Inbound enrollment call" means a telephone call to an AGS Sales Agent initiated by a customer that results in either an enrollment or a change of provision of his or her natural gas supply service.

"In-person solicitation" means any enrollment attempt initiated or completed when an AGS Sales Agent is physically present with the customer.

"Letter of Agency" or "LOA" means the document described in Section 19-115(c)(1) of the Public Utilities Act (220 ILCS 5/19-115(c)(1)).

"Pending enrollment" means a valid enrollment request has been submitted by an AGS and accepted by a Gas Utility, for which the beginning meter reading date upon which the switch will become effective has not yet occurred.

"Public Utility" means "public utility" as defined by Section 3-105 of the Act (220 ILCS 5/3-105).

"Rescission" or "to rescind" means the cancellation of an agreement or contract with an AGS before the AGS has submitted an enrollment request to the Gas Utility and/or within 10 business days after the date on the Gas Utility’s written notice to the customer confirming the switch.

"Residential customer" means a residential customer as defined in Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"Send" or "Sent", when used in this Part to describe the action to be taken by an AGS of sending a document to a Customer may include, if agreed to by the receiving customer, transmission of the document to the Customer via electronic delivery (e.g., fax or e-mail).

"Small commercial customer" means small commercial customer as defined in Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"Tariffed service" means tariffed service as defined by Section 19-105 of the Public Utilities Act (220 ILCS 5/19-105).

"Third party verification" or "TPV" means the process prescribed by Section 19-115(c)(2) of the Public Utilities Act.

"Transferred call" means any enrollment call to an AGS in which the customer did not directly dial an AGS Sales Agent. This includes calls that originate as live or automated calls to the customer, who then might select an option that results in the call being forwarded to an AGS Sales Agent. "Transferred call" does not include enrollment calls in which the customer directly dials an AGS call center and selects to be forwarded to an AGS Sales Agent from a call center menu or live operator. For purposes of enrollment compliance, transferred calls shall be treated as telemarketing within the meaning of Section 512.130 of this Part.

"Transportation services" means transportation services as defined by Section 19-105 of the Act (220 ILCS 5/19-105).

"Utility assistance recipient" *means a utility customer that received financial assistance in the previous 12 months from either the Low Income Home Energy Assistance Program (LIHEAP), Low Income Home Water Assistance Program (LIHWAP), or, at the time of enrollment is participating in the Percentage of Income Payment Plan (PIPP)* (220 ILCS 5/19-116).

"Utility Gas Supply Cost" means the price per therm available from the Illinois Commerce Commission website applicable at the time the alternative gas supplier is offering or selling the products or services to the customer including the date the price became effective and the date the price will expire.

"Variable rate" means that the per-therm charge for natural gas supply is subject to change during the term of the contract.

"Written" or "in writing" means a paper copy. When this Part requires information to be "written" or "in writing", an electronic copy satisfies that requirement so long as both the AGS and the customer have agreed to electronic communication.

Section 512.15 Compliance

Each AGS shall be in full compliance with each requirement set forth in this Part on or before the first day of the month following 6 months from the date of the Commission's final order approving this Part, unless the Commission grants an extension of time to an AGS for cause.

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Nothing in these rules modifies or limits compliance by the AGS with any requirement set forth in Public Act 101-590 beginning January 1, 2020.

Section 512.30 Waiver

a) The Commission, on application or petition of an AGS or Gas Utility, may grant a temporary or permanent waiver from this Part, or any applicable subsections contained in this Part, in individual cases in which the Commission finds:

1) the provision from which the waiver is granted is not statutorily mandated;

2) no party will be injured by the granting of the waiver; and

3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.

b) The burden of proof in establishing a right to a waiver shall be on the party seeking the waiver.

Section 512.40 Alternative Gas Supplier Utility Assistance Recipient

An AGS shall not knowingly submit an enrollment to change a customer's natural gas supplier if the gas utility's records indicate that the customer received financial assistance in the previous twelve (12) months from either the Low Income Home Energy Assistance Program (LIHEAP), Low Income Home Water Assistance Program (LIHWAP), or at the time of enrollment the customer is participating in the Percentage of Income Payment Plan (PIPP) unless the enrollment is pursuant to a Commission Approved Savings Guarantee Plan. An agreement entered into between an AGS and a customer in violation of Section 19-116 of the Public Utilities Act is void and unenforceable.

SUBPART B: MARKETING PRACTICES

Section 512.80 Application of Subpart B

The provisions of this Subpart shall only apply to an AGS serving or seeking to serve residential or small commercial customers, and only to the extent that an AGS provides services to residential or small commercial retail customers.

Section 512.100 Marketing Materials

a) All marketing materials, including, but not limited to, electronic marketing materials, in-person solicitations, and telephone solicitations, concerning prices, terms, and conditions of retail gas supply service shall contain information that adequately discloses the prices, terms, and conditions of the products or services and shall disclose the Utility Gas Supply Cost and shall disclose the date on which the Utility Gas Supply Cost shall become effective and the date on which it will expire.

b) *All marketing materials, including, but not limited to, electronic marketing materials, in-person solicitations, and telephone solicitations, shall include the following statement:*

> *"(Name of the alternative gas supplier) is not the same entity as your gas delivery company. You are not required to enroll with (name of alternative gas supplier). Beginning on (effective date), the utility gas supply cost rate per therm is (cost). The utility gas supply cost will expire on (expiration date). For more information go to the Illinois Commerce Commission's free website at www.icc.illinois.gov/ags/consumereducation.aspx.".*

c) Subsection (b) of this section does not apply to Goodwill or Institutional Advertising.

Section 512.105 Use of Utility Logo and Name

a) An AGS shall not utilize the logo of a Public Utility in any manner.

b) An AGS shall not utilize the name of a Public Utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise leading a customer to believe that an AGS is soliciting on behalf of or is an agent of a utility.

c) An AGS shall not utilize the name, or any other identifying insignia, graphics or wording that has been used at any time to represent a Public Utility company or its services, to identify, label or define any of its natural gas power and energy service offers.

Section 512.110 Minimum Contract Terms and Conditions

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The sales contract shall, in plain language, contain the disclosures specified in this Section in 12-point type size or larger, in the order presented in this Section, and in the same language as the sales solicitation. The UDS, which shall be in the same language as the sales contract and the sales solicitation, shall be appended to the sales contract. The disclosures specified in this Section shall appear at the beginning of the sales contract; no other contract terms, other than disclosures required under Part 412 if the AGS is also offering electric supply, may precede these disclosures. Any additional contract language shall use 10-point type size or larger. The sales contract shall include the following disclosures:

a) The legal name of the AGS and the name under which the AGS will market its products, if different;

b) The business address of the AGS;

c) The charges for service for the length of the contract by month and, if any charges are variable during the term of the contract,

1) an explanation of how the variable charges are determined,

2) the current rate per therm price, a one-year price history, or history for the life of the product if it has been offered less than one year,

3) the statement: "Variable. The variable rate may go up or down" followed by one of the following:

A) "and is subject to the savings guarantee described below" if the AGS provides a guarantee of savings pursuant to subjection (j) of this Section;

B) "and will be less than the Utility Gas Supply Cost during" and describe the intervals during which the rate is guaranteed to be at or below the Utility Gas Supply Cost;

C) "and will be equal to the Utility Gas Supply Cost during" and describe the intervals during which the rate is guaranteed to equal the Gas Utility Supply Cost; or

D) "and the rate may be higher than the Utility Gas Supply Cost during any given period" if none of the above statements apply.

d) For any product for which the price includes a fixed periodic charge, including any charge which accrues monthly, weekly, or over any other period of time, that does not change with the customer's usage and does not include all supply and delivery service charges, the AGS shall provide an estimated total price per therm for natural gas service using sample monthly usage levels of 50, 100 and 300 therms;

e) For any product offered at a fixed monthly charge that does not change with the customer's usage and does not include all supply and delivery service charges, the AGS must provide a statement to the customer stating that the fixed monthly charge is not the total monthly amount for gas service and identifying which charges are not included in the fixed monthly charge;

f) The length of the contract in months, and whether the contract renews automatically, including any applicable renewal clause disclosed in a manner consistent with this Part;

g) The fact that Customers shall have a right to terminate their agreements with alternative gas suppliers at any time without any termination fees or penalties;

h) If the AGS intends at any point during the term of the contract to seek a deposit or prepayment from the customer, the AGS shall identify whether and under what circumstances a deposit or prepayment will be required, along with a disclosure of the manner in which the deposit or prepayment will be calculated and the circumstances in which the deposit or prepayment will be refunded;

i) Any fees assessed by the AGS to a customer for switching to the AGS;

j) If an AGS represents that a customer will realize savings under any conditions or circumstances, the AGS shall provide a written statement, in plain language, describing the conditions or circumstances that must occur in order for the customer to realize the savings. The statement shall disclose the entity or entities and price or prices to which the AGS is comparing its own offer for purposes of assessing or calculating savings;

k) A statement that the customer may rescind the agreement by contacting the AGS or the Gas Utility within 10 business days after the date on the Gas Utility's written notice to the customer confirming the switch;

l) The following statement: "(Insert name of AGS) is an independent seller of natural gas certified by the Illinois Commerce Commission. (Insert name of AGS) is not representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or consumer group program, or a governmental body or program of a governmental body";

m) A statement that:

1) the Gas Utility remains responsible for the delivery of natural gas to the customer's premises and will continue to respond to any service calls and emergencies; and

2) the customer will receive written notification from the Gas Utility confirming a switch of the customer's gas supplier; and

n) The toll-free telephone numbers for the AGS, the Gas Utility, and the Commission's Consumer Services Division.

o) The statement: "A summary document entitled 'The Uniform Disclosure Statement' (UDS) is attached to this contract. The UDS has important disclosures, including information about your new rate and your right to end this contract without termination fees or penalties. Please read this contract and the UDS carefully."

Section 512.115 Uniform Disclosure Statement

a) All AGS product offers for residential and small commercial customers require a one-page (front and back of one 8.5 x 11 sheet of paper) Uniform Disclosure Statement (UDS) using the form in Appendix A.

1) All text in the UDS shall be printed in 12-point type or larger.

2) The UDS may include a logo of the AGS.

3) The UDS shall not contain any items other than those found in Appendix A or described in this Section.

b) The disclosures in the UDS shall conform to Appendix A and shall include the information listed in this subsection (b), in the order listed.

1) Name: The legal name of the AGS and the name under which the AGS will market its products, if different.

2) Address: The AGS' business address and internet address.

3) Phone: The AGS' toll-free telephone number and hours of operation.

4) Price: The AGS supply price per therm, or as otherwise stated below, and the number of months the price stays in effect.

A) If the price is a fixed monthly charge that does not change with the customer's usage, the fixed monthly charge shall be shown in dollars.

B) If the price is a custom price, the UDS shall include the word "custom" and the AGS shall replace "custom" with the price offered to a particular customer once the AGS has determined the custom price for the customer.

C) If the price is tied to a publicly available index or benchmark, the UDS shall state the index or benchmark and include the phrase "Refer to contract."

D) Variable Rate Products: For a variable rate product, the UDS shall state that the current rate per therm price and a one-year price history, or history for the life of the product if it has been offered less than one year, are available on the AGS' website and at a toll-free number. An AGS shall not rename a product in order to avoid disclosure of price history.

5) Utility Gas Supply Cost to compare. "(Name of the alternative gas supplier) is not the same entity as your gas delivery company. You are not required to enroll with (name of alternative gas supplier). Beginning on

(effective date), the utility gas supply cost rate per therm is (cost). The utility gas supply cost will expire on (expiration date). For more information go to the Illinois Commerce Commission's free website at www.icc.illinois.gov/ags/consumereducation.aspx."

6) Other Periodic Charges: If the price includes a fixed periodic charge, including any charge which accrues monthly, weekly, or over any other period of time, and which does not change with the customer's usage, that fixed periodic charge shall be disclosed in dollar amounts, shall show the fixed period of time for which that charge occurs, and unless the fixed periodic charge is monthly, the sum of the charges on a monthly basis.

7) Total Price with Other Periodic Charges: If the price includes a fixed periodic charge including any charge which accrues monthly, weekly, or over any other period of time, that does not change with the customer's usage, and the fixed periodic charge does not include all supply and delivery service charges, the UDS shall display the total price per therm at sample usage levels of 50, 100 and 300 therms.

8) Length of the Contract: The length of the contract in months.

9) Subsequent Prices after the Initial Price: If the initial price remains in effect for the entire term of the contract, the UDS shall state "N/A" or "Not Applicable." If the price after the initial price does not change for the remainder of the term of the contract, the UDS shall state the price in cents per therm and the number of months that price will stay in effect. If the price after the initial price is a price that includes a fixed periodic charge that does not change with the customer's usage, and the charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per therm at sample usage levels of 50, 100 and 300 therms. If the price after the initial price is a rate that changes at any time, the UDS shall include the following: "Variable. The variable rate may go up or down and the rate may be higher or lower than the Gas Utility's rate during any given period."

10) Contract Renewal: The UDS shall disclose whether the contract renews automatically.

11) Rescission: The UDS shall include the following: "You have the right to rescind (stop) your enrollment within 10 business days after the date on your Gas Utility's written notice confirming the switch of your supplier. You may call us at (insert toll-free number) or your utility at (insert toll-free number) to rescind."

12) Termination: The statement that: "You have the right to terminate an agreement with an alternative gas supplier AT ANY TIME WITH NO TERMINATION FEES AND NO PENALTIES. You may call us at (insert AGS' toll-free number) to terminate this contract." The preceding portion in capital letters shall be capitalized and in bold.

13) Seller: The UDS shall include the following: "This is a sales solicitation and the seller is (insert AGS name), an alternative gas supplier. If you enter into a contract with the seller, (insert AGS name) will be your gas supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or a utility program, a governmental body or a governmental program, or a consumer group or a consumer group program."

14) Questions/Information: The UDS shall include the following: "If you have any questions or concerns about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 1-800-524-0795."

15) Date of Solicitation: The UDS shall state the date the customer was solicited.

16) AGS Sales Agent name and ID: The UDS shall include an AGS Sales Agent name and ID.

c) The UDS shall be provided in the same language as the solicitation and sales contract.

Section 512.120 In-person Solicitation

a) An AGS Sales Agent shall state that he or she represents an independent seller of natural gas certified by the Illinois Commerce Commission and that he or she is not employed by, representing, endorsed by, or acting on behalf of a utility, or a

utility program, a consumer group or consumer group program, or a governmental body or program of a governmental body.

b) When it would be apparent to a reasonable person that a customer's language skills in the language used for the solicitation are insufficient to allow the customer to understand and respond to the information conveyed by the agent in that language, or when the customer or another person informs the agent of this circumstance, the AGS sales agent shall: find another representative fluent in the customer's language; use an interpreter; or terminate the in-person contact with the customer. In the event the AGS sales agent, individually or through an interpreter, makes a sales solicitation in a language other than English for any reason, the AGS sales agent shall present the UDS and sales contract, and third-party verification in the same language as the sales presentation. When an interpreter is used, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.

c) AGS Sales Agents who engage in in-person solicitation for the purpose of selling natural gas offered by the AGS shall display identification on an outer garment. This identification shall be visible at all times and prominently display the following:

1) The AGS Sales Agent's full name in reasonable size font;

2) A Sales Agent ID number;

3) A photograph of the AGS Sales Agent; and

4) The trade name and logo of the AGS the Sales Agent is representing in the course of solicitation taking place.

d) The AGS Sales Agent shall leave the premises at the customer's, owner's or occupant's request. In the absence of local ordinances or regulations, AGS and their sales agents shall not conduct in-person solicitation at residential dwellings before 9:00 a.m. and after 7:00 p.m. or civil dusk, whichever is earlier.

e) The AGS Sales Agent shall, during the sales presentation to the customer, in plain language, verbally disclose all items listed in Section 512.110(a) and (c) through (n), to the customer unless the sales presentation is terminated by the customer before the disclosures are completed. An AGS agent may disclose the items in

any order, provided that all applicable items are explained to the customer prior to the agent obtaining the customer's utility account number. An AGS may secure consent to obtain customer-specific usage information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved process.

f) A copy of the UDS described in Section 512.115 and Appendix A is to be left with the customer at the conclusion of the visit, with an explanation that it is a summary of the contract terms, unless a customer refuses to accept a copy. Nothing in this subsection (f) prevents an AGS Sales Agent from providing the UDS electronically instead of in paper form to a customer upon that customer's request. The AGS sales agent shall also offer, at the time of the initiation of the solicitation, a business card or other material that lists the agent's name, identification number and title, and the AGS' name and contact information, including telephone number.

g) In-person solicitations that lead to an enrollment require a third-party verification (TPV). The TPV shall be conducted in the same language that was used in the solicitation and shall include all of the items listed in Section 512.110(a), (c) through (n) and (p). Each disclosure must be made individually to obtain clear acknowledgement of each disclosure. The AGS agent must be in a location where he or she cannot hear the customer while the TPV is conducted. The AGS shall not approach the customer after the TPV for a period of 24 hours unless contacted by the customer.

h) The contract shall be Sent to the Customer within one business day after the Gas Utility's confirmation to the AGS of an accepted enrollment.

i) The AGS sales agent shall not conduct any in-person solicitations at any building or premises where any sign, notice or declaration of any description whatsoever is posted that prohibits sales, marketing or solicitations; provided, however, that an AGS sales agent may meet with representatives of a small commercial customer and conduct an in-person solicitation at a building or premises where such a notice is posted if an authorized representative of the small commercial customer has previously scheduled an appointment to meet with an agent of the AGS at such building or premises.

j) The AGS sales agent shall obtain consent to enter multi-unit residential dwellings. Consent obtained to enter a multi-unit dwelling from one prospective customer or

occupant of the dwelling shall not constitute consent to market to any other prospective customers in the dwelling without separate consent.

k) Upon a customer's request, the AGS shall not conduct any further marketing to that customer until the customer requests to receive further marketing. The AGS shall notify its agents of the customer's request not to be solicited.

Section 512.130 Telemarketing

a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], an AGS Sales Agent who contacts customers by telephone for the purpose of selling natural gas supply service shall provide the agent's name and identification number. The AGS Sales Agent shall state that he or she represents an independent seller of natural gas supply service, certified by the Illinois Commerce Commission. An AGS Sales Agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or a consumer group program, or a governmental body or a program of a governmental body.

b) When it would be apparent to a reasonable person that a customer's language skills in the language of the solicitation are insufficient to allow the customer to understand and respond to a telephone solicitation in that language, or the customer or another person informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call. When an interpreter is used, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.

c) An AGS Sales Agent shall, during the sales presentation to the customer, in plain language, disclose items listed in disclosures required by Section 512.110(a) and (c) through (n), unless the sales presentation is terminated by the customer before the disclosures are completed. An AGS sales agent may disclose the items in any order provided that all applicable items are explained to the customer prior to the agent obtaining the customer's utility account number. An AGS may secure consent to obtain customer-specific usage information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved process.

d) Any telemarketing solicitation that lead to a telephone enrollment must be recorded and retained for a minimum of two years. All telemarketing calls that do not lead to a telephone enrollment, but last at least two minutes, shall be recorded and retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff. Recordings of a customer who has completed a telephone enrollment shall also be provided to that customer upon request.

e) For telemarketing that leads to a completed telephone enrollment, a third-party verification must be used to authorize a customer's enrollment. The third-party verification must require the customer to verbally acknowledge that he or she understands the all disclosures required by Section 512.110(a) and (c) through (n). Each item must be disclosed to the customer individually to obtain clear acknowledgment of each disclosure. An AGS Sales Agent initiating a 3-way conference call or a call through an automated verification system shall drop off the call and shall not participate in or listen to the call, but shall not cause the call to be terminated once the 3-way connection has been established. The AGS shall not contact the customer after the TPV for a period of 24 hours unless contacted by the customer.

f) The UDS and contract shall be sent, in writing, to the customer within one business day after the natural Gas Utility's confirmation to the AGS of an accepted enrollment.

g) Upon a customer's request, the AGS shall refrain from any further direct telemarketing to that customer. The AGS shall notify its agents of a customer's request.

Section 512.140 Inbound Enrollment Calls

a) An AGS Sales Agent shall state that he or she represents an independent seller of natural gas certified by the Illinois Commerce Commission. An AGS Sales Agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or consumer group program, or a governmental body;

b) When it would be apparent to a reasonable person that a caller's language skills are insufficient to allow the customer to understand and respond to a telephone conversation or solicitation in the language spoken by the sales agent, or the customer or another person informs the agent of this circumstance, the agent must

transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call. When an interpreter is used, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.

c) The AGS Sales Agent shall, in plain language, verbally disclose all items listed in Section 512.110(a) and (c) through (n). An AGS sales agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation;

d) All inbound enrollment calls that lead to an enrollment shall be recorded, and the recordings shall be retained for a minimum of two years. An inbound enrollment call that does not lead to an enrollment but lasts at least two minutes shall be recorded and retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff or a customer who has completed a telephone enrollment; and

e) The AGS shall send the UDS and contract to the customer within one business day after the natural Gas Utility's confirmation to the AGS of an accepted enrollment.

Section 512.150 Direct Mail

a) If an AGS Sales Agent contacts customers for enrollment for natural gas supply service by direct mail, the direct mail material shall include all the disclosures required in Sections 512.110(a), (b) and (n) for the service being solicited.

b) Statements in any direct mail material shall not claim that the AGS Sales Agent represents, is endorsed by, or is acting on behalf of, a utility or a utility program, a consumer group or program, or a governmental body or program and shall not utilize false, misleading, materially inaccurate or otherwise deceptive language.

c) If a direct mail solicitation includes a written Letter of Agency ("LOA"), the direct mail solicitation shall include the items listed in Section 512.110(a) and (c) through (i) and also the UDS described in Section 512.115. The UDS shall be provided on a separate page from the other marketing materials included in the direct mail solicitation. If a written LOA is being used to authorize a customer's enrollment, the written LOA shall comply with Section 19-115(c)(1)(E) of the Public Utilities Act and shall contain a statement that the customer has read and

understood each of the disclosures required by Section 512.110(a), (c), and (e) through (m). The LOA to be signed and returned to the AGS shall be separate from the documents containing the Section 512.110 disclosures and from the UDS, such that they can remain with the customer.

d) If the direct mail solicitation allows a customer to enroll by telephone, and the customer elects to do so, Section 512.140 shall apply. If the direct mail solicitation allows a customer to enroll online, and the customer elects to do so, Section 512.160 shall apply.

e) A copy of the contract must be sent to the customer within one business day after the natural Gas Utility's confirmation to the AGS of an accepted enrollment.

Section 512.160 Online Marketing

a) Each AGS offering natural gas supply service to customers online shall, in plain language, disclose all items listed in Section 512.110, for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, natural Gas Utility service territory, and/or type of service sought, unless the AGS secures consent to obtain customer-specific information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved method. The AGS marketing material shall not make any statements that it is a representative of, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or a program run by a consumer group, a governmental body or a program run by a governmental body.

b) The UDS and contract must be printable in a PDF format and shall be available electronically to the customer.

c) The enrollment website of the AGS shall, at a minimum, include:

1) All disclosures required by Section 512.110;

2) A statement that electronic acceptance of the terms is an agreement to initiate service and begin enrollment;

3) A statement that the customer should review the contract and/or contact the current supplier to learn if any early termination fees are applicable; and

4) An e-mail address and toll-free phone number of the AGS where the customer can express a decision to rescind the contract.

Section 512.165 Rate Notice to Customers

a) Each AGS shall make publicly available on its website, without need for customer login, rates currently available to residential customers, including but not limited to fixed periodic charges and per therm charges. Additionally, when a customer's rates change during the term of an agreement or contract, the AGS shall make the new rates available to that customer on its website, and through the customer's online account, at least 30 days prior to the effective date of any rate change. The AGS must disclose the period to which the rates will apply. In addition, each AGS shall provide the rate information to its residential variable rate customers who request it through the AGS' toll-free number. The customer's contract shall contain the website address and toll-free phone number through which a customer may obtain variable rate information in accordance with this Section.

b) If the AGS charges for residential variable rate customers are included on the utility's bill, the AGS shall use the allotted space on the utility's bill to disclose the customer's variable rate that is in effect at the time the bill is received by the customer and the percentage change, if any, of the variable rate from one monthly billing period to the next. When there is insufficient available allotted space on the utility bill for the AGS to make these disclosures each month, the AGS shall ensure that no residential variable rate customer receives consecutive monthly bills that fail to disclose upcoming variable rates in the bill's message section.

c) If the AGS bills its residential variable rate customers directly, the AGS shall ensure that those customers' bills always contain the variable rate information described in this Section. Additionally, every AGS that issues a single bill for delivery and supply shall include the Utility Gas Supply Cost.

d) If the natural Gas Utility's implementation of Section 19-135 prevents an AGS from complying with this Section, the AGS shall include a bill message that contains the toll-free phone number and/or website address where the variable rate information can be obtained by the customer. The requirements of subsection

(b) and (c) to provide notifications in customer bills do not apply if the AGS sends the notifications required by this subsection via a written communication sent at the same time as the customer's monthly bill.

e) If a residential variable rate customer's rate increases by more than 20% from one monthly billing period to the next, in addition to any notice required by this Section, the AGS shall send a separate, dated, written notice to the customer, informing the customer of the upcoming rate change and shall include the Utility Gas Supply Cost.

f) Subsections (a) through (e) shall not apply to contracts that disclose the formula that will allow a customer to determine the variable rate based on a publicly available, whether for free or a fee, index or benchmark. For contracts to which subsections (a) through (e) do not apply:

1) The AGS shall provide sufficient information on its website, or through the customer’s online account to identify the inputs to the formula used to calculate the variable rate, including the timing and location of the index or benchmark price and any other information necessary to calculate the rate;

2) The AGS shall provide clear and unambiguous information on the index or benchmark and any risks represented by the potential volatility (price spikes) involved in the rate calculations; and

3) Notice of the rates shall be available on the AGS’ website and by toll-free telephone as soon as reasonably practicable.

g) If a contract includes a provision that results in a change to the residential customer's rate plan including a change from a fixed rate to a variable rate, the AGS shall send a separate, dated, written notice of the upcoming change at least 30 days, but no more than 60 days, prior to the switch. The separate written notice shall include:

1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Upcoming Rate Plan Change";

2) The bill cycle in which the changes to the rate plan will begin; and

3) A statement in bold lettering, in at least 12-point type, that the rate can change for the remainder of the contract. If the customer is on a plan that changes from a fixed price to a variable price at the end of the contract term or during the contract term, and if the customer is eligible for one or more fixed rate offers from the AGS, the AGS shall include information about those offers, including information explaining how to enroll in the offers. The notice shall advise the customer as to whether the customer is subject to an early termination fee after the switch and, if so, the amount of the fee. If the customer is not subject to an early termination fee after the switch to a price that can change, the notice shall so advise the customer.

h) An AGS that currently (i) enrolls residential customers on a variable rate product for three consecutive months in any Gas Utility's service territory, including products that automatically switch or convert to a variable rate during the term of the contract, and/or (ii) automatically renews customers on a variable rate product for three consecutive months in any Gas Utility's service territory, must, for each such variable rate product, publicly disclose on the AGS' website and make available through a toll-free number, the one-year variable rate price history, or history for the life of the product if it has been offered less than one year and shall include the Utility Gas Supply Cost. An AGS shall not rename a product in order to avoid disclosure of price history.

Section 512.170 Conduct, Training and Compliance of AGS Sales Agents

a) Each AGS shall conduct or cause to be conducted training for individual representatives engaged in in-person solicitation and telemarketing to residential customers on behalf of that AGS prior to conducting any such solicitations on the supplier's behalf. After initial training, each AGS shall be required to conduct refresher training for its individual representatives every 6 months.

b) Each AGS shall perform criminal background checks on all employees and agents engaged in in-person solicitation. The AGS shall maintain a record confirming that a criminal background check has been performed on its employees or agents in accordance with this Section.

c) An AGS Sales Agent shall be knowledgeable of the requirements applicable to the marketing and sale of natural gas supply service to the customer class that he

or she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of natural gas supply service may be found in other rules, the Act and the Consumer Fraud and Deceptive Business Practices Act.

d) All AGS Sales Agents shall be familiar with natural gas supply services that they sell, including the rates, payment and billing options, the customers' right to cancel, and applicable termination fees, if any. In addition, the AGS sales agents shall have the ability to provide the customer with a toll-free number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints.

e) AGS Sales Agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services. AGS sales agents shall also fully comply with the requirements of Section 512.100, governing Marketing Materials.

f) No AGS Sales Agent shall make a record of a customer's Gas Utility account number unless: all applicable disclosures are made to the customer and the customer has agreed to enroll with the AGS; the AGS has secured consent from the customer to obtain customer-specific information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved method; or the "record" is a recording required by Section 19-115(c)(4) of the Public Utilities Act and Sections 512.130 and 512.140 of this Part.

g) All AGS Sales Agents shall complete a training program that covers the applicable Sections of this Part. The AGS shall document the training of its sales agents and provide a certification to the Commission, in a format to be specified by Staff, showing that an agent completed the training program prior to a sales agent being eligible to market or sell gas supply in Illinois. The AGS shall maintain records of certificates for three years from the date the training was completed. Upon request by the Commission or Commission Staff, an AGS shall provide training materials and training records, including refresher training as described in (a), within seven business days.

h) When an AGS contracts with an independent contractor or vendor to solicit customers on the AGS' behalf, the AGS shall confirm that the contractor or vendor has provided training in accordance with this Section.

i) Each AGS shall monitor marketing and sales activities to ensure that its AGS agents are providing accurate and complete information and complying with all laws and regulations.

Section 512.180 Records Retention and Availability

a) An AGS must retain, for a minimum of two years or for the length of the contract, whichever is longer, verifiable proof of authorization to change suppliers for each customer. Upon request by the Commission or Commission Staff, the AGS shall provide authorization records within seven business days.

b) Throughout the duration of the contract, and for two years thereafter, the AGS shall retain the customer's contract. Upon the customer's request, the AGS shall provide the customer a copy of the contract via e-mail, U.S. mail or facsimile. The AGS shall send a copy of the contract within seven business days from receipt of the customer's request if the customer is currently taking service under the contract or within fourteen business days if the customer is not currently taking service under the contract. The AGS shall not charge a fee for the copies if a customer requests fewer than three copies in a 12-month period.

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION AND AUTOMATIC CONTRACT RENEWAL

Section 512.200 Application of Subpart C

The provisions of this Subpart shall only apply to an AGS serving or seeking to serve residential or small commercial customers and only to the extent the AGS provides services to residential or small commercial retail customers. In addition, Section 512.210 shall apply to Gas Utilities.

Section 512.210 Rescission of Sales Contract

a) A customer may rescind a contract with an AGS without penalty before the AGS submits the enrollment request to the Gas Utility. Within two business days after receipt of a valid electronic enrollment request from the AGS, the Gas Utility shall notify the customer in writing of the scheduled enrollment and provide the name of the AGS that will be providing natural gas supply service. The customer may also rescind the contract with the AGS without penalty within 10 business days after the date of the Gas Utility notice to the customer. The Gas Utility shall provide confirmation of an accepted enrollment to the AGS, including the date of

the notice to the customer, at the same time that it provides a written enrollment notice to the customer. The written enrollment notice from the Gas Utility shall state the last day for the customer to make a request rescinding the enrollment and provide contact information for the AGS. The written enrollment notice from the Gas Utility shall also provide information regarding the customer's rights under this Section, including contact information for the utility and the Commission, if the customer believes the enrollment has been made in error or without the customer's consent.

b) A Customer wishing to rescind the pending enrollment with an AGS may do so by contacting either the Gas Utility or the AGS within 10 business days after the date of the Gas Utility notice to the customer; provided, however, that if the Gas Utility's tariff for transportation services requires a longer period for rescission, the customer may rescind the pending enrollment during the period for rescission established by the Gas Utility's tariff for transportation services without incurring early termination fees.

c) In the event the residential customer provides notice of rescission to the Gas Utility, the Gas Utility shall notify the AGS within one business day after processing a valid rescission request from the customer.

Section 512.220 Termination of Sales Contract

a) Residential and small commercial customers shall have a right to terminate their contracts with alternative gas suppliers at any time without any termination fees or penalties. The contract shall disclose the right to terminate and provide a toll-free phone number that the customer may call in order to terminate the agreement. This requirement does not relieve the customer of obligations to pay for services rendered under the contract until service is terminated.

b) An AGS must process any Customer's termination request by transmitting a termination request to the utility within two (2) business days after receipt of the termination request from the Customer. The AGS shall document and retain for a period of two years all such customer requests to terminate service with the AGS. If unforeseen circumstances delay the transmission of the request to the utility, the AGS must transmit the request to the utility within the following two (2) business days after receiving the request, provided however that the AGS must detail the reason for the delay in its records.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section 512.230 Contract Renewal

a) Non-Automatic Renewal. The AGS shall clearly and conspicuously disclose any renewal terms in its contracts, including any cancellation procedure. The AGS shall send a notice of contract expiration separate from the bill at least 30 but no more than 60 days prior to the date of contract expiration. Nothing in this Section shall preclude an AGS from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract expiration shall include:

1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";

2) The anticipated bill cycle in which the existing contract will expire;

3) A full description of the renewal offer, including the date service would begin under the new offer, if a renewal offer was provided. If the new contract's terms differ from the existing contract, the AGS shall include a UDS that identifies the new terms, as well as a side-by-side comparison of the material changes between the existing contract and the new contract; and

4) A statement, in at least 12-point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another AGS can take up to 45 days, and that failure to renew the existing contract or switch to another AGS may result in the customer being reverted to the Gas Utility default service. The statement shall provide the length of the Gas Utility tariff minimum stay period, if applicable.

b) Automatic Renewal.

1) In addition to complying with the Illinois Automatic Contract Renewal Act [815 ILCS 601], beginning January 1, 2020, an AGS shall not sell or offer to sell any products or services to a consumer pursuant to a contract in which the contract automatically renews, unless an alternative gas

supplier provides to the consumer at the outset of the offer, in addition to other disclosures required by law, a separate written statement titled "Automatic Contract Renewal" that clearly and conspicuously discloses in bold lettering in at least 12-point font the terms and conditions of the automatic contract renewal provision, including:

A) the estimated bill cycle on which the initial contract term expires and a statement that it could be later based on when the utility accepts the initial enrollment;

B) the estimated bill cycle on which the new contract term begins and a statement that it will immediately follow the last billing cycle of the current term;

C) the procedure to terminate the contract before the new contract term applies; and

D) the cancellation procedure.

Disclosures compliant with Section 2DDD(f-5)(1) of the Consumer Fraud and Deceptive Business Practices Act, as in force and effect on January 1, 2020, shall constitute compliance with this paragraph (b)(1). Nothing in this paragraph (1) shall be construed to apply to contracts entered into before January 1, 2020.

2) If the AGS sells or offers to sell the products or services to a consumer during an in-person solicitation or telemarketing solicitation, the disclosures described in paragraph (1) of this subsection (b) shall also be made to the consumer verbally during the solicitation.

3) For contracts that automatically renew after the initial term, the AGS shall send a notice of contract renewal separately from the bill at least 30 days but no more than 60 days prior to the end of the contract term. Nothing in this Section shall preclude an AGS from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract renewal notice period, the notice of contract renewal under this subsection is not required. Disclosures compliant with Section 2DDD(f-5)(2) of the Consumer Fraud

and Deceptive Business Practices Act, as in force and effect on January 1, 2020, shall constitute compliance with this paragraph (b)(3).

c) The separate written notice of contract renewal referenced in subsection (b) shall include a clear and conspicuous disclosure of the contract terms, including a full description of any renewal offers available to the customer. If the new contract terms differ from the terms of the existing contract, the AGS shall provide written notice of the new terms. The AGS shall include the phone number and email address (or internet address if no email address currently exists) to which a customer may submit a consumer inquiry or complaint to the Illinois Commerce Commission and the Office of the Attorney General. The AGS shall also include, as is applicable:

1) for a fixed rate or flat bill contract, a side-by-side comparison of the current fixed rate or flat bill to the new fixed rate or flat bill;

2) for a variable rate contract or time-of-use product in which the first month's renewal price can be determined, a side-by-side comparison of the current price and the price for the first month of the new variable or time-of-use price; or

3) for a variable or time-of-use contract based on a publicly available index, a side-by-side comparison of the current formula and the new formula.

d) An alternative gas supplier shall not automatically renew a consumer's enrollment after the current term of the contract expires when the current term of the contract provides that the consumer will be charged a fixed rate and the renewed contract provides that the consumer will be charged a variable rate, unless: (i) the alternative gas supplier complies with subsection (b) and (ii) the customer expressly consents to the contract renewal in writing or by electronic signature at least 30 days, but no more than 60 days, before the contract expires.

e) In addition to sending documentation required by subsection (b) by U.S. Mail or by electronic mail, an AGS must alert the customer to the information contained in subparagraph (2) subsection (c) by one additional means of communication. The AGS may provide for the customer's choice one or more options for this additional notification. Permissible forms of notification an AGS may offer include e-mail, text message/SMS, postcards, or phone calls; provided, however, that the policy preference of the Commission is that an AGS use phone calls when

an AGS is able to obtain a customer's express written consent to give notice in this manner. An AGS may provide the additional notification by directing the customer to a website that contains the entirety of the information required by subsection (b). Each AGS shall maintain records that the additional notification was sent to the customer for the longer of two years or one year after the customer is no longer served by the AGS.

Section 512.240 Assignment

An AGS that is certified to serve residential or small commercial customers shall not assign an agreement with a customer to any different AGS unless:

a) The new supplier is an AGS certified by the Commission;

b) The rates, terms, and conditions of the agreement being assigned do not change during the remainder of the time covered by the agreement;

c) The customer is given no less than 30 days prior written notice of the assignment; and

d) The written notice shall include: contact information for the new supplier; and contact information for the default Gas Utility should the Customer not wish to take service with the new AGS; and contact information for the Commission's Consumer Services Division; and

e) The supplier assigning the contract provides contact information that a customer can use to resolve a dispute. [220 ILCS 5/19-115(f)(4)]

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section 512.300 Application of Subpart D

The provisions of this Subpart shall only apply to an AGS serving or seeking to serve residential or small commercial retail customers and only to the extent the AGS provides services to residential or small commercial retail customers. In addition, Section 512.320(c)(1)(B) and (c)(1)(E) shall apply to Gas Utilities.

Section 512.310 Required AGS Information

a) Prior to an AGS initiating marketing to customers, and annually thereafter if there are any changes to such documents or information, the AGS shall file the following documents and information with the Chief Clerk of the Commission and provide a copy to the Commission's Consumer Services Division (CSD) and the Office of Retail Market Development (ORMD):

1) A copy of its bill formats (if it bills customers directly rather than using natural Gas Utility consolidated billing) (combined billing for AGS services and natural Gas Utility services);

2) Standard customer contract;

3) Customer complaint and resolution procedures; and

4) The name, telephone number and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.

b) If, at the time of annual filing, there are no changes to the documents or information on file with the Commission in compliance with subpart (a) above, the AGS may file a document that affirms there are no changes from the prior year’s filing.

c) The AGS must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.

d) If the AGS has declared force majeure within the past 10 years on any contracts to deliver natural gas supply services, the AGS shall provide notice to the Commission Staff prior to marketing to residential and small commercial retail customers.

e) By January 1, 2020 and every January 1 thereafter, each AGS shall file with the Chief Clerk of the Commission, and provide a copy to the Commission's Consumer Services Division (CSD) and the Office of Retail Market Development (ORMD), the rates which it charged to residential customers in the prior year, including each distinct rate charged and whether the rate was a fixed or variable rate, the basis for the variable rate, and any fees charged in addition to the supply rate, including monthly fees, flat fees, or other service charges.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section 512.320 Dispute Resolution

a) A residential or small commercial retail customer has the right to make a formal or informal complaint to the Commission, and an AGS contract cannot impair this right.

b) A customer or prospective customer for natural gas supply service may submit a complaint by U.S. mail, facsimile transmission, e-mail or telephone to an AGS. The AGS shall initiate an investigation and advise the complainant of the status or any results of that investigation within 14 calendar days. If the AGS responds to the customer's or prospective customer's complaint verbally, the AGS shall inform the customer or prospective customer of the ability to request and obtain the AGS' response in writing. When the AGS responds, a customer or prospective customer shall be informed of the right to file a complaint with the Commission or the Office of the Illinois Attorney General.

c) Complaints to the Commission

1) Informal Complaints (see 83 Ill. Adm. Code 200.160)

A) The AGS shall inform the complainant of his/her ability to file an informal complaint with the Commission's Consumer Services Division (CSD) and provide contact information for the CSD. Informal complaints may be filed with the CSD by phone, via the internet, by fax or by mail. Information required to process a customer's informal complaint includes:

i) The customer's name, mailing and service addresses, and telephone number;

ii) The name of the AGS;

iii) The customer's natural Gas Utility and AGS account numbers;

iv) An explanation of the facts relevant to the complaint;

v) The complainant's requested resolution; and

vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.

B) The Commission's CSD may resolve an informal complaint via phone by completing a three-way call involving the customer, the CSD staff and the AGS. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the AGS. In the case of Gas Utility consolidated billing, the AGS shall notify the Gas Utility of any informal complaint received and the Gas Utility shall follow the procedures outlined in its billing service agreement with the AGS to withhold collection activity on disputed AGS charges on the customer's bill.

C) The AGS shall investigate all informal complaints and advise the CSD in writing of the results of the investigation within 14 days after the informal complaint is forwarded to the AGS.

D) The CSD shall review the complaint information and the AGS' response and notify the complainant of the results of the Commission's investigation.

E) While an informal complaint process is pending:

i) The AGS shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has closed the informal complaint; and

ii) A customer shall be obligated to pay any undisputed portion of the bill and the AGS (or the natural Gas Utility in the case of presenting the AGS' charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.

F) The AGS shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name and address of the complainant and the date and nature and adjustment or disposition of the informal complaint.

2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the Commission pursuant to Sections 10-101 and 19-115(d) of the Act and 83 Ill. Adm. Code 200.170.

Section 512.330 Failure to Comply

Unless otherwise noted, a violation of this Part shall be subject to the fines and penalties set forth in the Act.

Section 512.340 Severability

If any provision of this Part is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Section 512.APPENDIX A Uniform Disclosure Statement

UNIFORM DISCLOSURE STATEMENT

Name:
Business Address:
Internet Address:

Phone and hours of operation:

Rates and Product Information			
Price (in cents/therm) and number of months this price stays in effect:			
Utility Gas Supply Cost to compare (in cents/therm):	Price:	Effective:	Expires:
(Name of the alternative gas supplier) is not the same entity as your gas delivery company. You are not required to enroll with (name of alternative gas supplier). Beginning on (effective date), the utility gas supply cost rate per therm is (cost). The utility gas supply cost will expire on (expiration date). For more information go to the Illinois Commerce Commission's free website at www.icc.illinois.gov/ags/consumereducation.aspx.			
Other periodic charges:			
Total Price (in cents/therm) with other periodic charges:	50 therms	1500 therms	300 therms
Length of contract:			
Price after the initial price:			
Contract Renewal			
Contract Renewal:			
Right to Rescind and Terminate			

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

Rescission:	You have the right to rescind (stop) your enrollment within 10 business days after the date on your Gas Utility's written notice confirming the switch of your supplier. You may call us at (toll-free number) or your utility at (toll-free number) to rescind.
Termination:	You have the right to terminate an agreement with an alternative gas supplier **AT ANY TIME WITH NO TERMINATION FEES AND NO PENALTIES**. You may call us at (insert AGS' toll-free number) to terminate this contract.

This is a sales solicitation and the seller is (insert AGS name), an alternative gas supplier. If you enter into a contract with the seller, (insert AGS name) will be your gas supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or a utility program, a governmental body or a governmental program, or a consumer group or a consumer group program.

If you have any questions or concerns about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 800-524-0795.

Date: _____ Agent name/ID: _____

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Claims, Adjudication, Appeals and Hearings

2) Code Citation: 56 Ill. Adm. Code 2720

3)

Section Number:	Proposed Action:
2720.11	Amendment

4) Statutory Authority: Implementing and authorized by Sections 239, 409, 500, 604, 612, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1502.4, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 612, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1502.4, 1700, 1701, 2300, 2301, 2302 and 2304].

5) A Complete Description of the Subjects and Issues Involved: The rules of the Department do not provide for the payment of unemployment insurance benefits by way of paper checks. Beginning December 27, 2021, the financial institution under contract with the Department to make unemployment insurance benefit payments will not make payments by way of debit cards. Instead, for claimants who do not receive benefit payments by direct deposit, benefit payments will be made by paper checks. This rule provides that benefit payments can be made by paper checks.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands a State mandate.

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

Kevin Lovellette, Chief Legal Counsel
Illinois Department of Employment Security
33 South State Street, 9th Floor
Chicago IL 60603

312/793-1224
fax: 312/793-5645
Kevin.Lovellette@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The proposed rulemaking has no negative impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not for profit corporation as part of any written comments submitted to the Department.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking has no negative effect on small businesses, small municipalities and not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: No new reporting or bookkeeping is required for compliance.

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because this rulemaking is intended to

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

address a situation brought about by the decision of the financial institution under contract with the Department to not make payments by way of debit cards.

The full text of the Proposed Rulemaking is identical to the text of the Emergency Rulemaking for this Part and begins in this issue of the *Illinois Register* on page 1155.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Payment of Benefits

2) Code Citation: 56 Ill. Adm. Code 2830

3)

Section Numbers:	Proposed Actions:
2830.10	Amendment
2830.200	Amendment
2830.300	Amendment
2830.305	New Section
2830.310	Amendment
2830.315	Amendment
2830.325	Amendment

4) Statutory Authority: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701].

5) A Complete Description of the Subjects and Issues Involved: The rules of the Department do not provide for the payment of unemployment insurance benefits by way of paper checks. Beginning December 27, 2021, the financial institution under contract with the Department to make unemployment insurance benefit payments will not make payments by way of debit cards. Instead, for claimants who do not receive benefit payments by direct deposit, benefit payments will be made by paper checks. These rules provide guidance as to how benefit payments can be made by paper checks, and in which situations benefit payments can be made by paper checks.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands a State mandate.

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

Kevin Lovellette, Chief Legal Counsel
Illinois Department of Employment Security
33 South State Street, 9th Floor
Chicago IL 60603

312/793-1224
fax: 312/793-5645
Kevin.Lovellette@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The proposed rulemaking has no negative impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not for profit corporation as part of any written comments submitted to the Department.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking has no negative effect on small businesses, small municipalities and not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: No new reporting or bookkeeping is required for compliance.

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because this rulemaking is intended to address a situation brought about by the decision of the financial institution under contract with the Department to not make payments by way of debit cards.

The full text of the Proposed Rulemaking is identical to the text of the Emergency Rulemaking for this Part and begins in this issue of the *Illinois Register* on page 1162.

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1) Heading of the Part: Medical Payment

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

3)

Section Numbers:	Proposed Actions:
140.400	Amendment
140.420	Amendment
140.435	Amendment
140.436	Amendment
140.459	Amendment
140.513	Amendment
140.924	Amendment
140.990	Repealed
140.991	Repealed
140.992	Repealed
140.993	Repealed
140.994	Repealed
140.995	Repealed
140.996	Repealed
140.997	Repealed

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

5) Complete Description of the Subjects and Issues Involved: This rulemaking replaces references to Advanced Practice Nurses within Rule 140 with Advanced Practice Registered Nurse (APRN), a more accurate title and one consistent with existing references by HFS and sister agencies. The rulemaking also clarifies when collaborative agreements between APRNs and physicians or practitioners are necessary, as well as any disclosure and notification requirements due to changes in the collaborative agreement and replaces “he or she” pronouns.

Also, the rulemaking amends Subsection 140.459(b)(1) to reflect changes in payment practices subsequent to July 1, 2020 (and delete the now defunct Smart Act reduction language). Furthermore, per Public Act 102-0123, this rulemaking amends 89 Ill. Adm. Code 140.513(b) to change the timeframe for long term care providers submitting resident submissions from 45 days to 120 calendar days as of January 1, 2022. Finally, Subpart I: Primary Care Case Management Program is repealed in its entirety as the program is now defunct.

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

7) Will this proposed rulemaking replace any emergency rule currently in effect? No

8) Do these rulemakings contain an automatic repeal date? No

9) Do these rulemakings contain incorporations by reference? No

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

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
140.443	Amendment	45 Ill. Reg. 11458, September 17, 2021
140.445	Amendment	45 Ill. Reg. 11458, September 17, 2021
140.446	Repealed	45 Ill. Reg. 11458, September 17, 2021
140.420	Amendment	45 Ill. Reg. 13510, October 29, 2021
140.88	Amendment	46 Ill. Reg. 512; January 3, 2022

11) Statement of Statewide Policy Objectives: These rulemakings do not affect units of local government.

12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

HFS.Rules@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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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) Small Business Impact Analysis: None

15) Regulatory Agenda on which this Rulemaking was Summarized: July 2021

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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SUBPART C: PROVIDER ASSESSMENTS

140.84	Long Term Care Provider Fund
140.86	Supportive Living Facility Fund
140.88	Managed Care Organization Provider Assessment
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund (Repealed)
140.95	Hospital Services Trust Fund (Repealed)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)

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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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SUBPART E: GROUP CARE

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SUBPART F: FEDERAL CLAIMING FOR STATE AND LOCAL GOVERNMENTAL ENTITIES

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

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

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140.TABLE A	Criteria for Non-Emergency Ambulance Transportation
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	Rate Regions
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services (Repealed)
140.TABLE N	Program Approval for Specified Behavioral Health Services
140.TABLE O	Criteria for Participation as a Behavioral Health Clinic

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg.

16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987;

amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27,

1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective

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NOTICE OF PROPOSED AMENDMENTS

December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150

days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002;

amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930,

effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774,

effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days; emergency expired February 12, 2017; amended at 41 Ill. Reg. 999, effective January 19, 2017; amended at 41 Ill. Reg. 3296, effective March 8, 2017; amended at 41 Ill. Reg. 7526, effective June 15, 2017; amended at 41 Ill. Reg. 10950, effective August 9, 2017; amended at 42 Ill. Reg. 4829, effective March 1, 2018; amended at 42 Ill. Reg. 12986, effective June 25, 2018; emergency amendment at 42 Ill. Reg. 13688, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16265, effective August 13, 2018, for the remainder of the 150 days; amended at 42 Ill. Reg. 14383, effective July 23, 2018; amended at 42 Ill. Reg. 20059, effective October 26, 2018; amended at 42 Ill. Reg. 22352, effective November 28, 2018; amended at 43 Ill. Reg. 1014, effective December 31, 2018; amended at 43 Ill. Reg. 2227, effective February 4, 2019; amended at 43 Ill. Reg. 4094, effective March 25, 2019; amended at 43 Ill. Reg. 5706, effective May 2, 2019; amended at 43 Ill. Reg. 6736, effective May 28, 2019; emergency amendment at 43 Ill. Reg. 12093, effective October 15, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 226, effective December 23, 2019; amended at 44 Ill. Reg. 4616, effective March 3, 2020; emergency amendment at 44 Ill. Reg. 5745, effective March 20, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 12778, effective July 17,

2020, for a maximum of 150 days; amended at 44 Ill. Reg. 13678, effective August 7, 2020; amended at 44 Ill. Reg. 19713, effective December 11, 2020; emergency amendment at 45 Ill. Reg. 1345, effective January 15, 2021, for a maximum of 150 days; emergency expired June 13, 2021; emergency amendment at 45 Ill. Reg. 2734, effective February 19, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 5419, effective April 9, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 5848, effective April 20, 2021; amended at 45 Ill. Reg. 8958, effective June 29, 2021; amended at 45 Ill. Reg. 10996, effective August 27, 2021; emergency amendment at 46 Ill. Reg. 512 effective December 16, 2021, for a maximum of 150 days; amended at 46 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners

a) This Section applies to physicians, dentists, Advanced Practice Registered Nurses (APRN~~APN~~) (see Section 140.435), optometrists, podiatrists, chiropractors, Licensed Clinical Psychologists (LCP) (see Section 140.423) and Licensed Clinical Social Workers (LCSW) (see Section 140.424).

1) Practitioners are required to bill the Medical Assistance Program at the same rate they charge patients paying their own bills and patients covered by other third party payers.

2) A practitioner may bill only for services the practitioner~~he or she~~ personally provides or that are provided, under the practitioner's~~his or her~~ supervision, or by the practitioner's~~his or her~~ staff. An APRN~~APN~~, as described in Section 140.435, LCP, as described in Section 140.423, or LCSW, as described in Section 140.424, may bill only for the services the practitioner~~he or she~~ personally provided.

3) Payment will be made only in the practitioner's name or a Department approved alternate payee.

4) Except as described otherwise in this Section, payments will be made according to a schedule of statewide pricing screens established by the Department, except that LCP and LCSW will be reimbursed for covered services at 75% of the physician reimbursement rate. Covered services provided by qualifying providers under the Maternal and Child Health Program will be reimbursed at enhanced rates as described in subsection

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

b) Practitioners who meet the qualifications for and enter into a Primary Care Provider Agreement for participation in the Maternal and Child Health Program, as described in Subpart G, will receive enhanced reimbursement in accordance with Section 140.930(a)(1).

c) For services rendered on or after June 1, 2013, a practitioner (radiologist) that meets the qualifications for and participates in the Department's Breast Cancer Quality Screening and Treatment Initiative shall be paid for mammography services at the effective Chicago Metropolitan Area Medicare Level established rate (Established Rate). To qualify for this Established Rate, a practitioner shall:

1) Enter into a Supplemental Provider Agreement with the Department; and

2) Provide mammography services to participants in the Department's Medical Programs with the same timeliness as the practitioner provides to patients with other forms of insurance; and

3) Within 30 days after submitting the Supplemental Provider Agreement, and annually thereafter on or before August 31, submit a completed radiologist survey, using the Department's survey form; and

4) Assist the Department with the development and implementation of improved quality standards and services.

d) The Department will distribute (initially and upon revision of the amounts) to practitioners the maximum allowable amounts for the most commonly billed

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

e) Supplemental payments to universities for certain practitioner services

1) Supplemental payments are available for services that are provided by practitioners who are employed by an Illinois public university and are services eligible under Titles XIX and XXI of the Social Security Act.

A) For dates of service on or after April 1, 2009, supplemental payment will be made on a quarterly basis as described in this subsection (e).

B) Supplemental payments under this subsection (e) are subject to federal approval.

C) Supplemental payments shall be funded through cooperative agreements between the Department and the State university.

2) Definitions

A) "Average Commercial Fee Schedule" means the average commercial fee schedule paid to the university for practitioner services, including patient share amounts, for each CPT code. This average shall be based on the participating university's payments from the five largest private insurance carriers for CPT services.

B) "Base Period Average Commercial Payment Ceiling" means the following computation:

i) Multiplying the Average Commercial Fee Schedule by the number of paid claims provided in the base period and paid

to the university for clients eligible under Titles XIX and XXI of the Social Security Act.

ii) Summing the products for all procedure codes as described in subsection (e)(2)(B)(i).

C) "Base Period Medicare Equivalent Payment Ceiling" means the following computation:

i) Multiplying the Medicare allowed rate as reported in the April release of the Resources Based Relative Value Scale (RBRVS), by the number of paid claims provided in the based period and paid to the university for clients eligible under Title XIX or XXI of the Social Security Act.

ii) Summing the products for all procedure codes as described in subsection (e)(2)(C)(i) of this Section.

D) "Base Period Medicare Equivalent of the Average Commercial Rate" means the Base Period Average Commercial Payment Ceiling divided by the Base Period Medicare Equivalent Payment Ceiling.

3) The supplemental payments shall be determined as follows:

A) The Medicare Equivalent of the Average Commercial Rate for a practitioner service will be determined by multiplying the Base Period Medicare Equivalent of the Average Commercial Rate by the Medicare payment at the non-facility rate per CPT code for the current period.

B) The rates determined in subsection (e)(3)(A) are multiplied by the number of claims for the current period, as reported through the Medicaid Management Information System, to determine the current period supplemental payment ceiling.

C) The supplemental payment to the university shall equal the current period payment ceiling at the Medicare Equivalent of the Average Commercial Rate less all payments otherwise made by the

Department for the same services for procedure codes rendered in the current period and paid to the university. These supplemental payments shall be based on all available payments and adjustments on file with the Department at the time the payment amount is determined.

4) Periodic Updates to the Base Period Medicare Equivalent of the Average Commercial Rate: The Department shall update this ratio at least every three years.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 140.420 Dental Services

Effective for dates of service on or after July 1, 2014, except as otherwise specified in this Section:

a) Except as outlined in subsection (b), payment for dental services shall be made only to enrolled licensed dentists.

b) Payment for oral health screening and fluoride varnish services shall be made to enrolled licensed dentists, and physicians or advance practice registered nurses (APRNs~~APNs~~) who are trained and approved to provide oral health screening and fluoride varnish services.

c) Payment for comprehensive orthodontic care shall be made only to a dentist licensed for provision of those services.

d) Except as specified in subsections (e) and (f), payment shall be made for allowable dental services specified in Table D that are:

1) Necessary to relieve pain or infection, preserve teeth, or restore adequate dental function;

2) Diagnostic, preventive, or restorative services, endodontics, prosthodontics, orthodontics or oral surgery included in the Department's Schedule of Dental Procedures (see Table D); and

3) Performed by the dentist or under the direct supervision of the dentist, or

for oral health screening and fluoride varnish services, performed by or under the direct supervision of an enrolled licensed dentist, physician or APRN~~APN~~.

e) Payment shall not be made for experimental dental care and procedures performed only for cosmetic reasons.

f) Effective for dates of service July 1, 2012 through June 30, 2014, notwithstanding other provisions of this Section or Section 140.421, dental services rendered to recipients age 21 years and older shall be limited to those dental services that are medically necessary to treat pain, infection, swelling, uncontrolled bleeding, or traumatic injury that can be treated by extraction and dental services that are medically necessary as a prerequisite for necessary medical care.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 140.435 Advanced Practice Registered Nurse Services

a) For purposes of enrollment in the Medical Assistance Program, an advanced practice registered nurse (APRN~~APN~~) means a person who is licensed as a registered professional nurse, holds a valid license in the state of practice and is legally authorized under state law or rule to practice as an advanced practice registered nurse, so long as that practice is not in conflict with the Nurse Practice Act [225 ILCS 65], the Medical Practice Act of 1987 [225 ILCS 60] and the administrative rules implementing the Nurse Practice Act and the Medical Practice Act of 1987~~rules (68 Ill. Adm. Code 1305)~~. Categories of APRNs~~APNs~~ include:

1) Certified Registered Nurse Anesthetist (CRNA);

2) Certified Nurse Midwife (CNM);

3) Certified Nurse Practitioner (CNP); and

4) Clinical Nurse Specialist (CNS).

b) APRNs licensed with full practice authority under 68 Ill. Adm. Code Section 1300.465 are not required to have a collaborative agreement with a collaborating physician or practitioner. A written collaborative agreement with a collaborating

physician or practitioner is required for all APRNs not licensed with full practice authority who are ~~APNs~~ engaged in clinical practice, except for: ~~APNs practicing in a hospital, a hospital affiliate or an Ambulatory Surgical Treatment Center.~~

1) Those APRNs who practice in a hospital, hospital affiliate or ambulatory surgical treatment center, under Section 65-45 of the Nurse Practice Act; and

2) Those APRNs who are granted full practice authority by Section 65-43 of the Nurse Practice Act.

c) The collaborative agreement or agreements required under subsection (b) shall comply with all requirements described in the Nurse Practice Act and 68 Ill. Adm. Code 1300. Agreements required under the Act and 68 Ill. Adm. Code 1300 must be updated, be maintained on file at each practice location, and be available upon the Department's request.

d) The APRN~~APN~~ must notify the Department ~~within 10 business days~~ if a collaborative~~an~~ agreement is dissolved prior to or immediately following the date of dissolution. The APRN must also notify the Department~~or~~ if a change occurs in the collaborating physician, dentist or podiatric physician under the agreement. Upon notification or knowledge thereof, the~~The~~ Department may~~will then~~ re-evaluate the APRN's~~APN's~~ enrollment status and/or withhold payment for services provided to eligible clients as of that date of dissolution or the change in the collaborative agreement.

e) The collaborating physician, dentist or podiatric physician is not required to be enrolled with the Department. However, the collaborating physician or practitioner may not be terminated, suspended or barred by the Department from participating in the Medical Assistance Program. The Department may re-evaluate the APRN's enrollment status and/or withhold payment for services provided to eligible clients as of that date of the termination, suspension or barring of the collaborative physician or practitioner.

f) An APRN~~APN~~ must submit the following information in their initial application for enrollment:

1) An APRN who is not required to maintain a collaborative or written practice agreement under Section 140.431(b) must provide the names and

addresses of the hospitals or ambulatory surgical treatment centers where the APRN practices; or

2) An APRN who is required to maintain a collaborative or written practice agreement under Section 140.431 (b) must ~~submit the following information with the initial application for enrollment~~ provide the following:

A~~1~~) Documentation of specialty of practice.

B~~2~~) Name and address of collaborating physician, dentist or podiatric physician.

C~~3~~) Federal Employer Identification Number (FEIN) of collaborating physician, dentist or podiatric physician.

D~~4~~) Medical license number of collaborating physician, dentist or podiatric physician.

E~~5~~) State of licensure, if other than Illinois, and address of collaborating physician, dentist or podiatric physician.

~~h) An APN who is not required to maintain a collaborative or written practice agreement and who provides services in a hospital, hospital affiliate or Ambulatory Surgical Treatment Center setting must submit with the initial application for enrollment the names and addresses of the hospitals or Ambulatory Surgical Treatment Centers where he or she practices.~~

g~~i~~) To be eligible for reimbursement for individual psychiatric services, as defined in the American Medical Association Current Procedural Terminology (CPT) book, CPT code range 90791 through 90899, the rendering APRN~~APN~~ must hold a current certification in Psychiatric and Mental Health Nursing ~~as set forth in 68 Ill. Adm. Code 1300.Appendix A~~.

h) An APRN enrolled with a regular APRN license who later receives full practice authority licensure must notify the Department of this change.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 140.436 Limitations on Advanced Practice Registered Nurse Services

The following will not be reimbursed, unless specifically authorized by rule during a Public Health Emergency:

a) Nursing services provided in the role of physician assistant;~~.~~

b) Mileage to and from place of service;~~.~~

c) Consultations between APRNs~~APNs~~ or between an APRN~~APN~~ and a physician; or~~.~~

d) Group psychotherapy or telepsychiatry.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 140.459 Payment for Therapy Services

a) Therapy services shall be paid at an all-inclusive rate that shall be the lower of the following. The rate shall not exceed the upper limits set in federal regulations at 42 CFR 447.321 (2012) and reimbursement is based upon the applicable modifier billed by the provider.

1) The provider's usual and customary charge for services.

2) The maximum reimbursement rate established by the Department.

b) Maximum Reimbursement Rates. The maximum reimbursement rate:

1) Effective July 1, 2020,~~For outpatient physical rehabilitation~~ therapy outpatient services provided by a hospital are reimbursed as defined in 148.140.~~(paid per visit and limited to one visit per day):~~

~~A) That is a children's hospital, as defined in 148.25(d)(3)(A), enrolled with the Department to provide outpatient physical rehabilitation shall be $130.00.~~

~~B) Enrolled with the Department to provide outpatient physical rehabilitation shall be $130.00.~~

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~~C)~~ ~~Not enrolled with the Department to provide outpatient physical rehabilitation shall be $115.00.~~

~~D)~~ ~~That is a Critical Access Hospital, as defined in 89 Ill. Adm. Code 148.25(g), the rate shall be based on costs set as of June 30, 2012, pursuant to Public Act 96-1382, and exempt from the 3.5% rate reduction identified in Public Act 97-689.~~

2) For all other therapy services (paid per quarter hour), rates shall be as published on the Department's website in the Therapy Fee Schedule located at http://www2.illinois/gov/hfs/MedicalProviders/MedicaidReimbursement/Pages/TherapyFeeSchedule.aspx~~http://www2.illinois/gov/hfs/MedicalProvider/MedicaidReimbursement/Pages/TherapyFeeSchedule.aspx~~.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART E: GROUP CARE

Section 140.513 Notification of Admissions and Changes in Resident Status

a) Long term care providers shall submit all changes in resident status, including, but not limited to, death, discharge, requests for enhanced care rates, changes in patient credit, and third party liability (TPL), to the Department through the Medical Electronic Data Interchange (MEDI) system or through an Electronic Data Interchange (EDI) Service Vendor (see Section 140.55), formerly known as Recipient Eligibility Verification (REV) system, after the change occurs, within the following timeframes:

1) Death of a resident – 15 calendar days.

2) Discharge of a resident – 15 calendar days.

3) Changes in patient credit – 45 calendar days.

4) Third party liability – 45 calendar days.

5) Request for enhanced care rate – 45 calendar days from the effective date

of the enhanced rate.

b) Admission data shall be submitted as follows:

1) For submission of admission data prior to September 1, 2014, admission data shall be submitted within 15 business days after the receipt by the long term care provider of the information contained in the HFS 2536 Interagency Certification of Screening Results. Admission data shall be submitted through MEDI, REV or EDI, or the admission documents may be submitted directly to the Department of Human Services using required admission forms.

2) For submission of admission data on or after September 1, 2014, admission data, including all screening information, must be submitted through MEDI, REV or EDI within the same time frame as in subsection (b)(1). Admission documents submitted directly to the Department of Human Services shall not be accepted. Long term care providers shall not be required to submit admission documents directly to the Department of Human Services as a condition of compliance with this Section.

3) Effective for resident admissions on or after January 1, 2018, long term care providers shall have 45 calendar days to submit resident admission data to the Department by completing a long term care admission transaction. Confirmation numbers assigned to accepted long term care admission transactions shall be retained by a long term care provider to verify timely submittal. Day one of the 45 calendar day period commences on either: the date the long term care provider receives the required pre-admission screening results (HFS form 2536 (Interagency Certification of Screening Results) or HFS form 3864 (Screening Verification)) from the screening agent, or the admission date entered by the provider, whichever is later. Long term care providers shall complete a long term care admission transaction by submitting admission data through MEDI or through an EDI Service Vendor. If required, supporting documentation for the completed long term care admission transaction that cannot be submitted through MEDI or an EDI Service Vendor shall be submitted to the Department of Human Services caseworkers.

4) Effective for resident admissions on or after January 1, 2022, long term care providers shall have 120 calendar days to submit resident admission data to the Department by completing a long term care admission transaction. Confirmation numbers assigned to accepted long term care admission transactions shall be retained by a long term care provider to verify timely submittal. Day one of the 120 calendar day period commences on either: the date the long term care provider receives the required pre-admission screening results (HFS form 2536 (Interagency Certification of Screening Results) or HFS form 3864 (Screening Verification)) from the screening agent, or the admission date entered by the provider, whichever is later. Long term care providers shall complete a long term care admission transaction by submitting admission data through MEDI or through an EDI Service Vendor. If required, supporting documentation for the completed long term care admission transaction that cannot be submitted through MEDI or an EDI Service Vendor shall be submitted to the Department of Human Services caseworkers.

5~~4~~) Any data or hard copy document provided to a long term care provider by an external entity or created by a long term care provider, for purposes of documenting a resident's long term care admission, shall be maintained, electronically or in hard copy, in the resident's file. This information will be used to verify receipt by the long term care provider of information contained in the required pre-admission screening results.

c) Reported admissions and changes in resident status shall be used for the purposes of determining Medicaid reimbursement. Income verification for any patient credit change shall continue to be submitted to the Department of Human Services caseworker. All admissions and changes in resident status are subject to Department review.

d) Long term care providers are responsible for training employees to comply with the deadlines outlined in this Section and maintaining proof of this training in accordance with Section 140.590. Failure to comply with the requirements outlined in this Section may result in denial or delay of payment or termination or suspension of the long term care provider's participation in the Medical Assistance Program.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

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SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section 140.924 Maternal and Child Health Provider Participation Requirements

a) Primary Care Providers

1) Basic Requirements
Maternal and Child Health primary care providers may include physicians, Advanced Practice Nurses meeting all requirements set forth in Section 140.435, Federally Qualified Health Centers (FQHCs), hospital clinics per Section 140.461(f) and encounter rate clinics per Section 140.461(b). Maternal and Child Health providers shall meet the qualifications (see Section 140.12) as are applicable for all medical providers under the Illinois Medical Assistance Program and, with the exception of APRNs~~APNs~~, shall meet all of the following requirements:

A) maintain hospital admitting privileges;

B) maintain delivery privileges if providing care to pregnant women;

C) be enrolled and in good standing with the Medical Assistance Program; and

D) complete a Maternal and Child Health Primary Care Provider Agreement, or have been enrolled as a provider under the Healthy Moms/Healthy Kids Program, in which they agree to:

i) provide periodic health screening (EPSDT), including age appropriate immunizations, and primary pediatric care as needed for children served in their practice, consistent with guidelines published by the American Academy of Pediatrics or American Academy of Family Physicians;

ii) provide obstetrical care and delivery services as appropriate for pregnant women served through their practice, consistent with guidelines published by the American College of Obstetricians and Gynecologists or the American Academy of Family Physicians;

iii) provide risk assessments for pregnant women and/or children;

iv) provide medical care coordination, including arranging for diagnostic consultation and specialty care;

v) communicate with the case management entity;

vi) maintain 24-hour telephone coverage for assessment and consultation; and

vii) provide equal access to quality medical care for assigned clients.

AGENCY NOTE: FQHCs are federally exempt from subsections (a)(1)(A) and (B).

2) Advanced Practice Registered Nurse Requirements

A) The requirements described in subsections (a)(1)(A) and (B) of this Section apply to the physician or practitioner with whom the APRN~~APN~~ has a collaborative or written practice agreement.

B) The requirements described in subsections (a)(1)(C) and (D) of this Section apply to the enrolled APRN~~APN~~.

3) Special Requirements
In addition to the basic requirements described in subsection (a)(1), encounter rate clinics as Maternal and Child Health providers shall be required to meet the following additional requirements:

A) Meet the qualifications for an encounter rate clinic, as described in Section 140.461(b); and

B) Be owned, operated, managed, or staffed by a hospital that also operates a Maternal and Child Health clinic, as described in Section 140.461(f), or be located in a county with a population exceeding 3,000,000 that is part of an organized clinic system consisting of 15 or more individual practice locations, of which at

least 12 are Federally Qualified Health Centers, as defined in Section 140.461(d).

4) The Department will consider requests from physicians who are unable to meet the hospital admitting privileges criteria for enrollment in the Maternal and Child Health Program if the physician has executed a formal agreement with another physician to accept referrals for hospital admissions. Requests will also be considered from physicians who do not have delivery privileges but wish to provide obstetrical care. The request will be reviewed by the Department or its designee to determine whether the physician should be enrolled as a PCP into the Program. At the discretion of the Department or its designee, the requesting physician may be asked to appear for an interview and/or an on-site visit may be made by the Department or its designee. For consideration to be given, the requesting physician must submit the following information and supporting documentation in a format specified by the Department or its designee that provides the following:

A) Complete name, mailing address, Illinois practice license number and Medicaid provider number, if any;

B) Declared practice specialty;

C) Listing of all practice locations;

D) Name and location of hospitals applied to for admitting privileges;

E) Status of each request, i.e., pending or closed (if closed, a reason must be given by the hospital for not granting privileges);

F) If application has never been made, a statement explaining why;

G) Name of physician with whom a formal agreement has been effected;

H) Illinois license number of Medicaid enrolled physician with hospital admitting privileges and name of hospitals where admitting privileges are in effect; and

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I) Copy of formal agreement.

5) The request is to be dated by the provider and forwarded to the Department of Healthcare and Family Services, Provider Participation Unit, P.O. Box 19114, Springfield, Illinois 62794-9114.

b) Case Management Providers
Case management providers' qualifications shall be in accordance with 77 Ill. Adm. Code 630. Case management will be provided to ensure access to medical care and better compliance with medical recommendations.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM (REPEALED)

Section 140.990 Primary Care Case Management Program (Repealed)

~~The Primary Care Case Management Program (PCCM) is a managed care model in which each enrollee has a medical home with a Primary Care Provider (PCP). Enrollees may pick their own doctor or clinic as their PCP if that provider is enrolled with HFS as a PCP. A medical home ensures that a single PCP knows about health care their enrollees receive and helps ensure enrollees get immunizations and other preventive health care, prevents duplication of services, ensures enrollees receive the most appropriate level of care, provides specialty referrals where appropriate, and improves the quality of care that an enrollee receives.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 140.991 Primary Care Provider Participation Requirements (Repealed)

~~a) Providers eligible to be Primary Care Providers (PCPs) are physicians, Federally Qualified Health Centers (FQHCs), Rural Health Clinics (RHCs), school-based/linked clinics, certified local health departments, hospital clinics per Section 140.461(f), and Encounter Rate Clinics (ERCs) per Section 140.461(b).~~

~~b) PCPs shall meet the qualifications (see Section 140.12) that are applicable for all medical providers under the Illinois Medical Assistance Program.~~

~~c) PCPs shall:~~

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~~1) Establish and maintain hospital admitting and/or delivery privileges or arrangements for admission to a nearby hospital;~~

~~2) Complete, sign, and comply with terms of the Department's Primary Care Provider Agreement;~~

~~3) Provide to the patients enrolled with them under the PCCM program:~~

~~A) Periodic health screening (EPSDT), including age appropriate immunizations, and primary pediatric care as needed for children served in their practice;~~

~~B) Obstetrical care and delivery services as appropriate for pregnant women within the scope of their practice;~~

~~C) Provide risk assessments for pregnant women and/or children;~~

~~D) Provide medical care coordination, including arranging for diagnostic consultation and specialty care and communicating with the case management entity;~~

~~E) Maintain 24-hour telephone coverage for assessment and consultation.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 140.992 Populations Eligible to Participate in the Primary Care Case Management Program (Repealed)

~~a) Individuals enrolled in programs administered by the Department under Article V of the Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, or the Veterans' Health Insurance Program Act and not excluded by subsection (b) or (c) of this Section are eligible to participate in the Primary Care Case Management (PCCM) program.~~

~~b) Excluded populations are:~~

~~1) Individuals covered by Medicare;~~

~~2) Children under age 21 receiving Supplemental Security Income (SSI);~~

~~3) Department of Children and Family Services (DCFS) wards and individuals participating in the Subsidized Guardianship or Adoption Assistance programs;~~

~~4) Children under age 21 covered under the Aid to the Aged, Blind and Disabled (AABD) program;~~

~~5) Residents of nursing facilities;~~

~~6) American Indian/Alaska natives;~~

~~7) Spend-down individuals;~~

~~8) Persons enrolled in the following Home and Community Based Services (HCBS) Waiver Programs:~~

~~A) Adults with developmental disabilities (DD);~~

~~B) Residential waiver for children and young adults with DD;~~

~~C) Support waiver for children and young adults with DD;~~

~~D) Persons with brain injury;~~

~~E) Persons with HIV or AIDS;~~

~~F) Supportive living facilities;~~

~~G) Persons who are elderly (age 60-64); and~~

~~H) Children who are medically fragile/technology dependent;~~

~~9) Individuals in community integrated living arrangements (CILAs);~~

~~10) Individuals in presumptive eligibility programs;~~

~~11) Refugees;~~

~~12)~~ ~~Children, under the age of 21, who are receiving services through a family-centered, community based, coordinated care system that receives grant funds under Section 501(a)(1)(D) of Title V of the Social Security Act or whose care is otherwise managed by the Division of Specialized Care for Children of the University of Illinois at Chicago or the Department;~~

~~13)~~ ~~Individuals enrolled in the following programs with limited benefits:~~

~~A)~~ ~~Illinois Healthy Women;~~

~~B)~~ ~~All Kids Rebate and FamilyCare Rebate;~~

~~C)~~ ~~Illinois Cares Rx;~~

~~D)~~ ~~Transitional Assistance, age 19 or older;~~

~~E)~~ ~~Emergency Medical Only;~~

~~F~~) ~~Hospice; and~~

~~G)~~ ~~Sexual Assault, Renal, and Hemophilia programs.~~

~~c)~~ ~~Populations already managed are:~~

~~1)~~ ~~Individuals with high level Third Party Liability (TPL) private insurance; and~~

~~2)~~ ~~Individuals in the Program for All-Inclusive Care for the Elderly (PACE) participants.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 140.993 Care Management Fees (Repealed)

~~a)~~ ~~The Department shall pay Primary Care Providers (PCPs) enrolled in the Primary Care Case Management (PCCM) program the monthly care management fees set forth in subsection (b) of this Section for each individual enrolled with the PCP by~~

~~the Department as of the beginning of the month. Such payments shall be made by the end of the month for which payment is being made.~~

~~b)~~ ~~Monthly care management fees are:~~

~~1)~~ ~~$2.00 for children under age 21;~~

~~2)~~ ~~$3.00 for non-disabled non-elderly adults; and~~

~~3)~~ ~~$4.00 for disabled or elderly adults.~~

~~c)~~ ~~August 2006 is the first month for which Federally Qualified Health Centers (FQHCs) and Encounter Rate Clinics (ERCs) enrolled as PCPs are eligible to receive care management fees.~~

~~d)~~ ~~September 2006 is the first month for which Rural Health Centers (RHCs) enrolled as PCPs are eligible to receive care management fees.~~

~~e)~~ ~~January 2007 is the first month for which all other PCPs in Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will counties are eligible to receive care management fees.~~

~~f)~~ ~~February 2007 is the first month for which all other enrolled PCPs in Boone, Bureau, Carroll, DeKalb, Fulton, Henderson, Henry, JoDaviess, Knox, LaSalle, Lee, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Tazewell, Warren, Whiteside, Winnebago, and Woodford counties will be eligible to receive care management fees.~~

~~g)~~ ~~April 2007 is the first month for which all other enrolled PCPs in the remainder of the State are eligible to receive care management fees.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 140.994 Panel Size and Affiliated Providers (Repealed)

~~a)~~ ~~PCPs may designate to the Department those providers who provide primary care coverage for the PCP's patients when the PCP is unavailable. Providers so designated will not need a referral in order to be reimbursed by the Department for services provided to that PCP's patients.~~

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~~b) The Department shall limit the number of patients enrolled with a PCP to 1,800. A PCP practicing with an Advanced Practice Nurse (APN), Physician's Assistant (PA) or Resident may have his or her panel size increased by 900 patients for each Full Time Equivalent APN, PA or Resident in his or her practice. The limit on the number of patients enrolled with a clinic that is allowed to enroll as a PCP shall be based on the number of Full Time Equivalent physicians, APNs or PAs within the site.~~

~~c) A PCP may limit his or her panel to a specified number of patients less than the maximum number set forth in this Section, may limit that panel to only his or her existing patients or existing patients and their family members, and may limit patients by age or other factors relevant to the scope of his or her practice.~~

~~d) In areas where there is an insufficient number of PCPs to adequately serve the population eligible to enroll in the PCCM program without exceeding the panel limits established in subsection (b), the Department may allow APNs to enroll as PCPs or allow PCPs to exceed the limit established in subsection (b) of this Section.~~

~~e) A PCP may decline to have patients auto-assigned to him or her who have not chosen that PCP.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 140.995 Mandatory Enrollment (Repealed)

~~a) Effective on the dates set forth in subsection (e) of this Section, individuals enrolled in programs administered by the Department under Article V of the Public Aid Code, the Children's Health Insurance Program Act, the Covering ALL KIDS Health Insurance Act, or the Veterans' Health Insurance Program Act and not excluded in Section 140.992(b) who are not enrolled in a Managed Care Organization must enroll with a PCP.~~

~~b) HFS shall send a notice to each individual for whom enrollment in the PCCM program is mandatory, notifying the individual of the need to enroll with a Primary Care Provider and explaining the options for doing so, and, where available, the options for enrolling with a PCP within a Managed Care Organization (MCO). If the individual has not chosen a PCP within 30 days after~~

~~the date of the first notice, the Department shall send a second notice to the individual instructing him or her to choose a PCP and informing the individual that the Department will assign him or her to a PCP in the PCCM program if he or she does not choose one.~~

~~c)~~ ~~Individuals who have not chosen a PCP within 60 days after the date of their first notice shall be assigned by HFS to a PCP in the PCCM program in their service area. The algorithm used in the default enrollment process shall be in compliance with 42 CFR 438.50. The individuals will be mailed a notice to inform them of their assigned PCP. Assignment to a PCP shall be effective no sooner than 60 days after the date that the first notice is mailed by the Department.~~

~~d)~~ ~~An individual and the PCP with whom that individual is enrolled will receive notice of the enrollment. Enrollment information will be available the day following the enrollment through internet-based and electronic eligibility verification systems.~~

~~e)~~ ~~Mandatory enrollment shall be phased in effective with the dates set forth in this subsection.~~

~~1)~~ ~~The Department will send notices to individuals living in Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will counties beginning no sooner than February 2007.~~

~~2)~~ ~~The Department will send notices to individuals living in Boone, Bureau, Carroll, DeKalb, Fulton, Henderson, Henry, JoDaviess, Knox, LaSalle, Lee, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Tazewell, Warren, Whiteside, Winnebago, and Woodford counties beginning no sooner than March 2007.~~

~~3)~~ ~~The Department will send notices to individuals living in the remainder of the State beginning no sooner than April 2007.~~

~~f)~~ ~~Individuals may change PCPs within the PCCM program once per calendar month. Changes shall be effective no later than the fourth day after the request for change is registered with the Department or its agent. In counties where managed care organizations operate, an individual enrolled in the PCCM program may disenroll from the PCCM program and enroll in a managed care organization, and an individual enrolled in a managed care organization may~~

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~~disenroll from the managed care organization and enroll in the PCCM program. Such enrollments shall be effective no later than the first day of the second month following the month in which the enrollee files the request.~~

~~g)~~ ~~Individuals living in a service area where there is no PCP available with capacity for an enrollment are excluded from mandatory enrollment requirements.~~

~~h)~~ ~~PCPs may request that an individual assigned to them be disenrolled from them in accordance with 42 CFR 438.56.~~

~~i)~~ ~~If an individual enrolled in the PCCM program loses Medical Assistance eligibility and his or her Medical Assistance eligibility is reinstated within 60 days, that individual will be assigned to the PCP to whom assigned when Medical Assistance eligibility terminated.~~

~~j)~~ ~~If a PCP in the PCCM Program is terminated or otherwise becomes unavailable, an individual in the PCCM Program who is enrolled with that PCP may access any Medicaid enrolled provider until that member is enrolled in a new PCP.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 140.996 Access to Health Care Services (Repealed)

~~a)~~ ~~With the exception of those direct access services identified in subsection (b), individuals enrolled with a PCP may only access health care services from that PCP, or a provider designated to the Department as affiliated with that PCP, or a provider to whom that PCP has referred those individuals.~~

~~b)~~ ~~Individuals enrolled with a PCP do not need a referral in order to access the services determined to be direct access by the Department. These services include:~~

~~1)~~ ~~Services provided to newborns up to 91 days after birth~~

~~2)~~ ~~Family Planning and Obstetrical and Gynecological (OB/Gyn) Services~~

~~3)~~ ~~Inpatient and Outpatient Hospital Services~~

~~4)~~ ~~Shots/Immunizations~~

~~5) Emergency Services~~

~~6) Emergency and Non-Emergency Transportation~~

~~7) Pharmaceuticals~~

~~8) Dental Services~~

~~9) Vision Services~~

~~10) Therapies~~

~~11) Mental Health and Substance Abuse Services~~

~~12) Outpatient Ancillary Services (radiology, pathology, lab, anesthesia)~~

~~13) Services to Treat Sexually Transmitted Diseases and Tuberculosis~~

~~14) Early Intervention Services~~

~~15) Lead Screening and Epidemiological Services~~

~~16) Services provided in the following settings:~~

~~A) School-Based/Linked Clinics for Children under Age 21~~

~~B) School-Based Clinics through Local Education Authorities for Children under Age 21~~

~~C) Local Health Departments~~

~~D) Mobile Vans, with Department approval~~

~~E) FQHC Homeless Sites and Migrant Health Centers.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

Section 140.997 Payment for Services (Repealed)

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~~Effective on or after July 1, 2007, for individuals enrolled with a PCP, providers other than the individual's PCP or providers affiliated with that PCP shall not be reimbursed for services that are not direct access services, unless the individual's PCP referred the individual to that provider and a referral has been registered with the Department.~~

(Source: Repealed at 46 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Sexual Assault Survivors Emergency Treatment Code

2) Code Citation: 77 Ill. Adm. Code 545

3)

Section Numbers:	Proposed Actions:
545.36	New Section
545.67	Amendment

4) Statutory Authority: Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]

5) A Complete Description of the Subjects and Issues Involved: These proposed amendments implement P.A. 102-0674, which adds federally qualified health centers to the list of providers who may provide medical forensic services to sexual assault survivors provided the FQHC has a sexual assault treatment plan, approved by the Department, to provide medical forensic services to sexual assault survivors 13 years old or older. These amendments will allow survivors who do not want to present at a hospital emergency room during the COVID-19 pandemic to still receive medical forensic services. The FQHC provisions in P.A. 102-0674 expire on December 31, 2023.

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

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

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

8) Does this rulemaking contain an automatic repeal date? Yes, December 31, 2023

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

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

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
545.20	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.25	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.50	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.60	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.61	Amendment	45 Ill. Reg. 16259; December 27, 2021

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545.64	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.65	Amendment	45 Ill. Reg. 16259; December 27, 2021

11) Statement of Statewide Policy Objectives: This rulemaking will not create a State Mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
Lincoln Plaza
524 South 2nd Street, 6th Floor
Springfield, IL 62701

(217)782-1159
dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Most of the businesses that are affected by the Department of Public Health's rules fall under the definition of a small business. It is the Department's policy to adopt only minimum standards and thus not cause undue hardship on these businesses. The proposed rules were written with small businesses in mind and that the requirements are the bare minimum requirements needed to assure the public health, safety, and welfare of the citizens of the State of Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: FQHCs will be required to have a sexual assault treatment plan approved by the Department.

C) Types of professional skills necessary for compliance: Qualified medical providers who complete training as a sexual assault forensic examiner or a sexual assault nurse examiner.

14) Small Business Impact Analysis:

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A) Types of businesses subject to the proposed rule:

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B) Categories that the agency reasonably believes the rulemaking will impact, including:

i. hiring and additional staffing
ii. regulatory requirements
vii. training requirements
viii. record keeping

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the last two Regulatory Agendas because the need for the rulemaking was not apparent.

The full text of the Proposed Amendments is identical to that of the text of the Emergency Amendments for this Part and begins in this issue of the *Illinois Register* on page 1258.

ILLINOIS STATE POLICE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Sex Offender Registration Act

2) Code Citation: 20 Ill. Adm. Code 1280

3)

Section Number:	Proposed Action:
1280.50	New Section

4) Statutory Authority: Implementing and authorized by Sections 4 and 7 of the Sex Offender Registration Act [730 ILCS 150/4] and authorized by Section 2605-35 of the Civil Administrative Code of Illinois [20 ILCS 2605-2605-35(a)(8)].

5) A Complete Description of the Subjects and Issues Involved: This section deals with Part 1280 of Title 20 pertaining to the Sex Offender Registration Act – specifically, appeal procedures.

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

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

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

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

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

11) Statement of Statewide Policy Objectives: This rule is a result of litigation against the Illinois State Police in McFarland v. Kelly, USDC – Southern District, 20-CV-02334. These rules may require the Illinois State Police to modify its activities in such a way as to necessitate additional expenditures from local revenues, in that the Illinois State Police will have to conduct hearings and contract with an administrative law judge to conduct the hearings.

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

Ms. Maureen B. McCurry
Chief Legal Counsel
Illinois State Police

ILLINOIS STATE POLICE

NOTICE OF PROPOSED AMENDMENT

801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

217/782-7658

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: The Illinois State Police will track the hearings contemplated by this rule.

C) Types of professional skills necessary for compliance: Legal, Administrative

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: July 2021

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

ILLINOIS STATE POLICE

NOTICE OF PROPOSED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: ILLINOIS STATE POLICE

PART 1280
SEX OFFENDER REGISTRATION ACT

SUBPART A: PROMULGATION

Section
1280.10 Purpose
1280.20 Definitions
1280.25 Adjudicated Juvenile Delinquent Sex Offender

SUBPART B: OPERATIONS

Section
1280.30 Procedures
1280.40 Requirements
1280.50 Extension of Registration Period

AUTHORITY: Implementing and authorized by Section 4 of the Sex Offender Registration Act [730 ILCS 150/4] and authorized by Section 2605-35 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-35(a)(8)].

SOURCE: Adopted at 12 Ill. Reg. 8458, effective May 3, 1988; emergency amendments at 20 Ill. Reg. 640, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8045, effective June 3, 1996; amended at 24 Ill. Reg. 9081, effective June 14, 2000; amended at 27 Ill. Reg. 16141, effective September 30, 2003; amended at 46 Ill. Reg. _____, effective _____.

SUBPART B: OPERATIONS

Section 1280.50 Extension of Registration Period

a) Extension
Whenever a sex offender fails to register for the period of time as required by Section 7 of the Sex Offender Registration Act [730 ILCS 150/7], the Director shall extend for 10 years the registration period of any sex offender.

b) Notice

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1) The Department shall send a registered letter to the law enforcement agency where the sex offender resides within 3 days after the extension of the registration period.

2) The sex offender shall obtain a copy of the letter from the law enforcement agency where the sex offender resides.

3) When a sex offender signs for the letter notifying them of the extension, the law enforcement agency shall ensure the date received is indicated with the signature, and then shall retain one copy and return one to the Department.

c) Petition for Review

1) Upon receipt of notice that the registration period has been extended pursuant to Section 7 of the Sex Offender Registration Act [730 ILCS 150/7], the sex offender shall have 10 business days to petition the Department to investigate the circumstances surrounding the extension of the registration.

2) The sex offender shall complete any forms prescribed by the Department and provide any additional documentation requested that is relevant and necessary to investigate the circumstances surrounding the extension of the registration.

3) As the result of such investigation,

A) If there is sufficient information to determine whether substantial justice has been done, the Director shall issue a decision regarding the extension of the registration;

B) If there is insufficient evidence to determine whether substantial justice has been done, the Director shall provide notice to the petitioner that they may request a hearing before an administrative law judge.

d) Administrative Hearing

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1) The administrative law judge for contested hearings shall be the Director or an attorney licensed to practice law in Illinois appointed by the Director. The administrative law judge may be disqualified for bias or conflict of interest.

2) The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the administrative law judge.

3) Upon conclusion of the hearing, the administrative law judge shall issue a recommended decision.

4) The Director shall be provided with a copy of the entire record, including but not limited to the recommendation of the administrative law judge and shall issue a decision regarding the extension of the registration.

e) Decisions rendered under this process are not subject to the Administrative Review Law [50 ILCS 100/10-50].

(Source: Added at 46 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Child Murderer and Violent Offender Against Youth Registration Act

2) Code Citation: 20 Ill. Adm. Code 1283

3)

Section Numbers:	Proposed Actions:
1283.20	Amendment
1283.40	Amendment
1283.50	Amendment
1283.60	New Section

4) Statutory Authority: Implementing and authorized by Section 40 of the Murderer and Violent Offender Against Youth Registration Act [730 ILCS 154/40] and authorized by Section 2605-35 of the Civil Administrative Code of Illinois [20 ILCS 2605-2605-35(a)(8)].

5) A Complete Description of the Subjects and Issues Involved: This section deals with Part 1283 of Title 20 pertaining to the Murderer and Violent Offender Against Youth Registration Act – specifically, appeal procedures.

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

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

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

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

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

11) Statement of Statewide Policy Objectives: This rule is a result of litigation against the Illinois State Police in *McFarland v. Kelly*, USDC – Southern District, 20-CV-02334. These rules may require the Illinois State Police to modify its activities in such a way as to necessitate additional expenditures from local revenues, in that the Illinois State Police will have to conduct hearings and contract with an administrative law judge to conduct the hearings.

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

Ms. Maureen B. McCurry
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

217/782-7658

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: The Illinois State Police will track the hearings contemplated by this rule.

C) Types of professional skills necessary for compliance: Legal, Administrative

14) Small Business Impact Analysis: None

15) Regulatory Agenda on which this rulemaking was summarized: July 2021

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: ILLINOIS STATE POLICE

PART 1283
~~CHILD~~ MURDERER AND VIOLENT OFFENDER AGAINST YOUTH REGISTRATION ACT

SUBPART A: PROMULGATION

Section
1283.10 Purpose
1283.20 Definitions
1283.30 Juvenile Violent Offender Against Youth

SUBPART B: OPERATIONS

Section
1283.40 Procedures
1283.50 Requirements
1283.60 Extension of Registration Period

AUTHORITY: Implementing and authorized by the Murderer and Violent Offender Against Youth Registration Act [730 ILCS 154] and the Murderer and Violent Offender Against Youth Community Notification Law [730 ILCS 154/75 through 105] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted by emergency rulemaking at 30 Ill. Reg. 13541, effective August 1, 2006, for a maximum of 150 days; emergency expired December 28, 2006; adopted at 34 Ill. Reg. 6504, effective April 21, 2010; amended at 46 Ill. Reg. _____, effective _____.

SUBPART A: PROMULGATION

Section 1283.20 Definitions

Terms used in this Part shall have the meanings set forth in the ~~Child~~ Murderer and Violent Offender Against Youth Registration Act or in this Section.

"Act" means the ~~Child~~ Murderer and Violent Offender Against Youth Registration Act [730 ILCS 154].

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"Adjudicated juvenile delinquent violent offender" means a juvenile who has been adjudicated a juvenile delinquent as a result of committing or attempting to commit any of the offenses described in Section 5 of the Act or a violation of any substantially similar federal, other state or foreign country law.

"Agency of jurisdiction" or "jurisdiction" means the law enforcement agency having jurisdiction as defined in the Act, i.e., the agency with jurisdiction where the offender intends to reside.

"Child care facilities" has the meaning set forth in Section 2.05 of the Child Care Act of 1969 [225 ILCS 10/2.05], but does not include licensed foster homes.

"Conviction" means one or more convictions that result from or are connected with the same act, or result from offenses committed at the same time. Such convictions shall be counted as one conviction.

"Department" means the Illinois Department of State Police and any of its subdivisions.

"Fixed residence" means any and all places that an individual resides for an aggregate period of time of 5 or more days in a calendar year.

"Institution of higher education" means an Illinois institution legally constituted to provide post-secondary education.

"Notification Form" means the ~~Child~~ Murderer and Violent Offender Against Youth Notification Form designed by the Department to be used to notify the violent offender of the responsibility to register.

"Out-of-state employee" means any violent offender who is employed in Illinois, regardless of whether the individual receives payment for services performed, volunteers, or performs services for government or educational benefit for a period of time of 10 or more days or for an aggregate period of time of more than 30 days during any calendar year. Persons who are employed to operate motor vehicles in or through Illinois or whose employment involves periods of less than a full day in Illinois accrue one day of employment for any portion of a day spent in Illinois.

"Out-of-state student" means any violent offender who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher education.

"Registration Form" means the ~~Child~~ Murderer and Violent Offender Against Youth Registration Form designed by the Department to be used to satisfy the registration requirements of the Act.

"Registry" means data maintained by the Department for the purpose of complying with and implementing the ~~Child~~ Murderer and Violent Offender Against Youth Registration Act and the ~~Child~~ Murderer and Violent Offender Against Youth Community Notification Law [730 ILCS 154/75-105]. This data includes information forwarded to the Department by jurisdictions and information obtained by the Department itself.

"Resides" means to maintain a residence or to be temporarily domiciled for a period of 5 or more days.

"Scheduled notifications" means notices sent annually.

"School" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education. School also means the school boards of public school districts and the principal or other appropriate administrative officer of each non-public school that has registered with the State Board of Education or, in the case of a group of non-public schools registered with the State Board of Education that are organized under a single controlling administrative entity, the controlling administrative entity of that group of non-public schools.

"Sex Offender Registry" means the data maintained by the Department for the purpose of complying with and implementing the Sex Offender Registration Act [730 ILCS 150] and the Sex Offender Community Notification Law [730 ILCS 152]. This data includes information forwarded to the Department by jurisdictions and information obtained by the Department itself.

"Sexually motivated" is defined in Section 10 of the Sex Offender Management Board Act [20 ILCS 4026/10].

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"State's Attorney's Office" means the Office of the State's Attorney for the county in which the violent offender against youth was convicted.

"Transfer" means to transfer from the Sex Offender Registry to the Murderer and Violent Offender Against Youth Registry.

"Verification of Case Facts Form" means the form that the Department created for use by the State's Attorney's Office to verify an offense was not sexually motivated.

"Victim" means the individual subjected to the particular offense for which the perpetrator acquired the status of a violent offender against youth. This term also includes the parent and legal guardian of the victim.

"Violent offender against youth" is defined in Section 5(a) of the ~~Child~~ Murderer and Violent Offender Against Youth Registration Act.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

SUBPART B: OPERATIONS

Section 1283.40 Procedures

a) Illinois Department of Corrections (IDOC), Hospital or Other Place of Confinement

1) A violent offender against youth, prior to release from an IDOC facility or other penal institution, hospital or other treatment facility, or other place of confinement, shall be notified by the place of confinement of the duty to register under the Act. The violent offender against youth shall also be required to read and sign a completed ~~Child~~ Murderer and Violent Offender Against Youth Notification Form.

2) The place of confinement shall give one copy of the completed Notification Form to the violent offender against youth, keep the original for its records, and send a photograph of the offender to the Department.

3) IDOC shall share with the Department, within 24 hours, electronic data files, including photographs, containing all violent offenders being released from IDOC facilities.

4) A hospital, treatment facility, or place of confinement other than IDOC shall give one copy of the completed Notification Form to the violent offender against youth, keep the original for its records, and forward one copy to the Department within 3 days after the violent offender against youth's release.

b) Court. The court shall ensure that:

1) A violent offender against youth, released on probation or discharged upon payment of a fine as a result of a conviction for an offense or an attempted offense that requires registration under the Act, shall be informed of the duty to register under the Act. The violent offender against youth shall also be required to read and sign a completed Notification Form.

2) One copy of the completed Notification Form is given to the violent offender against youth and the original is maintained in the court file.

3) The record of notification is entered into the Law Enforcement Agencies Data System (LEADS) and a photograph is forwarded to the Department within 3 days after conviction.

4) A Verification of Case Facts Form is completed by the convicting State's Attorney's Office to verify the offense was not sexually motivated. This form must be forwarded to the Department and to the jurisdiction with which the violent offender against youth must register.

c) Agency of Jurisdiction

1) The agency of jurisdiction will complete the ~~Child~~ Murderer and Violent Offender Against Youth Registration Form; ensure the violent offender against youth reads and signs the form, provide one copy of the form to the violent offender against youth, keep the original signed copy until the requirement to register has expired, and, within 3 days, enter registration information into LEADS; and forward a copy of the violent offender

against youth's photograph to the Department. Fingerprints will be obtained from the offender, using the standard arrest card, and forwarded to the Illinois State Police Bureau of Identification during initial registration. The card shall indicate that the purpose of the fingerprints is for ~~Child~~ Murderer and Violent Offender Against Youth registration.

2) The agency of jurisdiction shall review the current criminal history record of the violent offender against youth. The jurisdiction shall confirm the violent offender against youth's duty to register and the violent offender against youth's registration information and determine if the violent offender against youth qualifies as a violent offender against youth under the Act. The agency of jurisdiction must receive a copy of the Verification of Case Facts Form in order to place the violent offender against youth in the registry. If the disposition is missing or the criminal history is incomplete, the jurisdiction shall inform the Illinois State Police. The Bureau of Identification shall provide any information it has that would assist in completing the record.

3) The agency of jurisdiction shall record contacts with convicted violent offenders against youth into LEADS as an add-on record.

4) Agencies of jurisdiction can establish agreements with other agencies of jurisdiction to facilitate the discharge of their responsibilities under the Act and this Part. These agreements may delegate to another jurisdiction tasks necessary to accomplish a jurisdiction's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall be responsible to ensure its individual compliance with the Act and this Part.

5) Agencies of jurisdiction shall verify the address of violent offenders against youth required to register with that jurisdiction at least once a year. A record of the results of this verification shall be documented with a LEADS add-on.

6) Section 10(a) of the Act requires that violent offenders against youth required by the Act to register shall register in person with the agency of jurisdiction where the violent offender against youth intends to reside or be temporarily (5 or more days per calendar year) domiciled. Registration

of location of employment or school attendance shall be completed within 5 days after beginning employment or school. The Department will electronically share the registrant information with the agency of jurisdiction in the location of the registrant's temporary domicile, employment, or school attendance.

7) When an individual required to register is employed by or attends an institution of higher education outside the jurisdiction of the place of residence, that individual shall provide this information to the agency of jurisdiction in the location of the offender's residence.

d) Change of Address

1) A violent offender against youth who changes residence address shall, within 5 days after the change, so inform, in person, the last law enforcement agency with whom registered. Within 3 days after receiving notification, the law enforcement agency shall enter the notice of address change into LEADS.

2) A violent offender against youth shall report in person any changes of employment or school status to the law enforcement jurisdiction of the violent offender against youth's residence within 5 days after the change.

e) Registration Fees
The agency of jurisdiction shall collect a $20 initial registration fee and a $10 annual renewal fee from violent offenders against youth. The jurisdiction can waive the fee if the violent offender against youth is indigent or otherwise unable to pay the registration fee. All registration fees shall be retained by the registering jurisdiction and used for official purposes only. Appropriate records of receipts and expenditures shall be maintained by the registering jurisdiction. Fees shall not be collected for reporting changes in employment or school, other than as may be required for annual registration.

f) Registration of Juveniles
The parent, legal guardian, probation or parole supervisor, or other court-appointed custodian shall accompany juveniles to the agency of jurisdiction for the purpose of registering as a violent offender against youth.

g) Transfer from the Sex Offender Registry

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The registration information for a person registered under the Sex Offender Registration Act who was convicted or adjudicated for offenses listed in Section 5(b) of the Act may only be transferred to the Murderer and Violent Offender Against Youth Registry if all the following conditions are met:

1) The offender's sole offense requiring registration is a conviction or adjudication for an offense or offenses listed in Section 5(b) of the Act.

2) The State's Attorney's Office in the county in which the offender was convicted has verified on the Verification of Case Facts Form the person's crime that requires registration was not sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

3) The completed Verification of Case Facts Form has been received by the registering law enforcement agency and the Sex Offender Registration Unit at the Department.

4) Once transferred, if an offender is convicted of an offense that requires sex offender registration, the offender will be removed from the Murderer and Violent Offender Against Youth Registry and will be placed in the Sex Offender Registry.

h) State Board of Education

1) The State Board of Education shall provide to the Department an accurate listing of addresses and points of contact for all schools.

2) The listing shall be provided to the Department at least 30 days prior to the beginning of scheduled notifications.

3) The State Board of Education shall appoint a point of contact to coordinate notification activities with the Department.

i) Department of Children and Family Services

1) The Department of Children and Family Services shall provide to the Department a listing of addresses and points of contact for all licensed child care facilities.

2) The listing shall be provided to the Department at least 30 days prior to the beginning of scheduled notifications.

3) A point of contact from the law enforcement agency of jurisdiction will be identified to serve as a liaison with schools and child care facilities. Jurisdictions shall provide the name and telephone number of their point of contact to all child care facilities and schools within their jurisdictions.

j) Board of Higher Education

1) The Illinois Board of Higher Education shall provide to the Department an accurate listing of addresses and points of contact for all institutions of higher education.

2) The listing shall be provided to the Department at least 30 days prior to the beginning of scheduled notifications.

3) The Board of Higher Education shall appoint a contact to coordinate notification activities with the Department.

k) Victim Notification

1) The victim may request automatic notification of the change of address of the violent offender against youth associated with that victim.

2) In order to obtain automatic notification, the victim must make a request in writing to the Department that includes the full name and date of birth, or the full name, date of conviction and county of conviction, of the violent offender against youth.

l) Agency of Jurisdiction

1) Law enforcement agencies having jurisdiction will develop internal procedures and policies for implementing the provisions of the Act. Procedures shall provide for reasonable access to the information required to be provided under the Act.

2) Jurisdictions shall provide the name, address, date of birth and offense or adjudication of the violent offender against youth required to register to

any individual authorized by law who requests access to the registry. Jurisdictions have the discretion to provide to any individual authorized by law any additional information contained in the registry that will help identify the violent offender against youth. This disclosure shall not include any information that would help identify the victim.

3) A point of contact will be identified to serve as a liaison with schools and child care facilities. Jurisdictions shall provide the name and telephone number of their point of contact to all child care facilities and schools within their jurisdictions. Schools and child care facilities will be provided any changes on a timely basis. Point of contact information will also be provided to the Department.

4) Requesters will be required to show identification to receive violent offender against youth information.

5) Jurisdictions may charge a reasonable fee, not to exceed costs, to provide the information to individuals requesting access to the registry. Provisions for this charge must be included in their written procedures. Fees cannot be charged to schools, child care facilities or other government agencies or for discretionary release of information.

6) Disclosure to the Department of Children and Family Services, schools and child care facilities will be made during each scheduled notification. Additional disclosures may be made at any time.

7) Jurisdictions can establish agreements with other law enforcement agencies having jurisdiction to facilitate the discharge of their responsibilities under the Act and this Part. These agreements may delegate to another jurisdiction tasks necessary to accomplish a jurisdiction's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each jurisdiction shall be responsible to ensure its individual compliance with the ~~Child~~ Murderer and Violent Offender Community Notification Law and this Part.

8) Jurisdictions have the discretion to place violent offender against youth information, including photographs, on the Internet or in other media. Jurisdictions shall have the discretion to release information regarding

employment, school and juvenile information only when a risk to the public exists.

9) Law enforcement agencies having jurisdiction of violent offenders against youth attending or employed at institutions of higher education will, within 3 days, forward one copy of the registration form and all changes of employment or education status to the point of contact for the institution.

m) Illinois State Police

1) The Department will provide a listing of all schools and child care facilities to Illinois sheriffs' offices and the Chicago Police Department for their respective jurisdictions. However, the Department will not list controlling administrative entities of groups of non-public schools. The listing or changes in the listing will be provided to agencies at least two weeks prior to the beginning of scheduled notifications.

2) The Department will maintain the registry and conduct audits of criminal justice agencies affected by this Part to ensure the integrity of data. The Department will maintain LEADS as the primary mechanism for registration and communication relating to violent offenders against youth.

3) The Department will confer with the State Board of Education, the Department of Children and Family Services, and the Board of Higher Education concerning the implementation of this Part. Procedures to evaluate the notification process will be developed jointly. Periodic meetings will be scheduled to address issues and identify potential problems.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1283.50 Requirements

a) Registration Period
A violent offender against youth required to register under the Act shall be required to register for a period of 10 years after the conviction or adjudication if not confined to a penal institution, hospital, or any other institution or facility, or, if confined, for a period of 10 years after parole, discharge or release from any such facility. Liability for registration terminates at the expiration of 10 years

from the date of conviction or adjudication if not confined to a penal institution, hospital, or any other institution or facility, or, if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing the person does not, during that period, again become liable to register under the Act. Reconfinement (due to violation of parole or other circumstances) that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. Failure to comply with any provision of the Act shall extend the period of registration by 10 years beyond the period otherwise required. A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961 [720 ILCS 5/9-1], against a person under 18 years of age, shall register in person annually within one year after his or her last registration for the period of his or her natural life. Transfer from the Sex Offender Registry to the Murderer and Violent Offender Against Youth Registry will not extend the registration period for offenders who were registered under the Sex Offender Registration Act.

b) Confidentiality

1) The secondary dissemination of murder and violent offender against youth information is not prohibited. Secondary dissemination is defined as dispersing the information beyond law enforcement officials.

2) Information regarding an adjudicated juvenile delinquent violent offender against youth shall not be available to the public, except that information may be provided to a person when the Department or any law enforcement agency determines that the person's safety may be compromised for some reason related to the juvenile violent offender against youth.

c) ~~Child~~ Murderer and Violent Offender Against Youth Registration Form
The Registration Form shall contain all the information necessary to comply with the requirements of this Part and shall also provide descriptive information necessary to identify the person registering.

d) ~~Child~~ Murderer and Violent Offender Against Youth Notification Form
The Notification Form shall be used to notify the violent offender against youth regarding responsibilities under the Act. The form shall, at a minimum, include the violent offender against youth's name, date of birth, sex, race, SID (State identification number), county of conviction, date of conviction, and intended

address. The form must be initialed and signed by the violent offender against youth. The form is not required for violent offenders against youth who were convicted and sentenced to probation or who were released from confinement prior to January 1, 1996.

e) Out-of-State Student
Out-of-state students must register with the agency of jurisdiction where they attend school in Illinois.

f) Out-of-State Employee
Out-of-state employees must register with the agency of jurisdiction where they are employed in Illinois. Out-of-state employees whose employment involves work in more than one location shall register in the location in which the greatest time of employment is spent. Out-of-state employees are required to register no later than the day on which they qualify as an out-of-state employee as defined in Section 5(g) of the Act.

g) Electronic Transmission of Information
Any of the Department's communications and transfer of information described in this Part may be accomplished by electronic means. Publicly accessible communication networks, such as the Internet, may be used when technically feasible.

h) Public Access

1) Discretionary Access
The Department and any law enforcement agency having jurisdiction may provide any information contained in the registry, including photographs but excluding information that would help identify the victim, on any violent offender against youth to any individual or entity likely to encounter the offender. However, information on an adjudicated juvenile delinquent violent offender against youth shall only be disseminated when related to personal safety.

2) Public Inspection
Any individual or entity shall, upon request to the local agency of jurisdiction, be provided an opportunity by that jurisdiction to inspect a listing of all names, addresses, dates of birth, and offenses or adjudications of violent offenders against youth required to register or registered with

that jurisdiction. The jurisdiction has the discretion to provide any additional information contained in the registry, including photographs but excluding information that would help identify the victim, for the purposes of public inspection. The jurisdiction has the discretion to provide the requester with the list of all violent offenders against youth required to register within the county, or in any other Illinois county. The jurisdiction may either allow the requester to inspect the list and take notes, as appropriate, or provide a copy of the list to the requester. Secondary dissemination of violent offender against youth information is not prohibited. However, information on an adjudicated juvenile delinquent violent offender against youth shall only be disseminated when related to personal safety.

i) Violent Offender Against Youth Information
The name, address, date of birth and offense of the violent offender against youth will be provided to all persons or entities receiving information from the registry pursuant to this Part. General violent offender against youth information can be obtained on the Illinois State Police Website at www.isp.state.il.us. Law enforcement agencies have the discretion to provide any additional information contained in the registry, including photographs, that will help identify the violent offender against youth. Information that would help identify the victim may not be disclosed.

j) Juvenile Registration
A person who has been adjudicated a juvenile delinquent for an act that, if committed by an adult, would be a violent offense against youth shall register as an adult violent offender against youth within 10 days after attaining 17 years of age. Upon registering as an adult, the juvenile offender will be placed on the Illinois State Police Violent Offender Against Youth Registry website after an authorization letter is signed by the offender and received by the Illinois State Police.

(Source: Amended at 46 Ill. Reg. _____, effective _____)

Section 1283.60 Extension of Registration Period

a) Extension
Whenever a murderer or violent offender against youth fails to register for the period of time as required by Section 40 of the Murderer and Violent Offender

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Against Youth Registration Act (730 ILCS 154/40), the Director shall extend for 10 years the registration period of any sex offender.

b) Notice

1) The Department shall send a registered letter to the law enforcement agency where the murderer or violent offender against youth resides within 3 days after the extension of the registration period.

2) The murderer or violent offender against youth shall obtain a copy of the letter from the law enforcement agency where the murderer or violent offender against youth resides.

3) When a murderer or violent offender against youth signs for the letter notifying them of the extension, the law enforcement agency shall ensure the date received is indicated with the signature, and then shall retain one copy and return one to the Department.

c) Petition for Review

1) Upon receipt of notice that the registration period has been extended pursuant to Section 40 of the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/40), the murderer or violent offender against youth shall have 10 business days to petition the Department to investigate the circumstances surrounding the extension of the registration.

2) The murderer or violent offender against youth shall complete any forms prescribed by the Department and provide any additional documentation requested that is relevant and necessary to investigate the circumstances surrounding the extension of the registration.

3) As the result of such investigation,

a) If there is sufficient information to determine whether substantial justice has been done, the Director shall issue a decision regarding the extension of the registration;

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b) If there is insufficient evidence to determine whether substantial justice has been done, the Director shall provide notice to the petitioner that they may request a hearing before an administrative law judge.

d) Administrative Hearing

1) The administrative law judge for contested hearings shall be the Director or an attorney licensed to practice law in Illinois appointed by the Director. The administrative law judge may be disqualified for bias or conflict of interest.

2) The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the administrative law judge.

3) Upon conclusion of the hearing, the administrative law judge shall issue a recommended decision.

4) The Director shall be provided with a copy of the entire record, including but not limited to the recommendation of the administrative law judge and shall issue a decision regarding the extension of the registration.

e) Decisions rendered under this process are not subject to the Administrative Review Law [50 ILCS 100/10-50].

(Source: Added at 46 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing of Radioactive Material

2) Code Citation: 32 Ill. Adm. Code 330

3)

Section Numbers:	Adopted Actions:
330.20	Amendment
330.220	Amendment
330.240	Amendment
330.260	Amendment
330.270	Amendment
330.280	Amendment
330.310	Amendment
330.340	Amendment
330.900	Amendment
330.APPENDIX D	Amendment

4) Statutory Authority: Implementing and authorized by Section 10 and 11of the Radiation Protection Act of 1990 [420 ILCS 40].

5) Effective Date of Rulemaking: December 21, 2021

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference is on file 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*: 45 Ill. Reg. 10497; August 20, 2021

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

11) Differences between Proposal and Final Version: Several grammatical and stylistic changes were made in accordance with JCAR's recommendation.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

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: IEMA is proposing to amend Part 330 to meet compatibility with U.S. Nuclear Regulatory Commission (USNRC) regulations including adding a definition for Associate Radiation Safety Officer and Preceptor; clarifying transfer and registration requirements; and adding training and experience requirements related to the Associate Radiation Safety Officer and Nuclear Pharmacist.

In addition, IEMA is proposing to add language indicating deadlines to submit responses to IEMA in Section 330.220; eliminate the requirement for submitting applications in duplicate in Section 330.240; add a sealed source storage limitation in Section 330.310(i) so that no sealed source can be stored without use for longer than 2 years unless additional oversight is provided; add a time limitation in Section 330.310(c) for submittal of information for transfer of ownership for licenses; add language regarding the need for a written request 90 days prior to transfer in order to ensure all licensing requirements are met and the new owner is legally bound to adhere to those requirements; and eliminate duplicative language and outdated cross-references.

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

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

(217) 720-8242
(217) 524-3698 (fax)

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 330
LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

SUBPART B: TYPES OF LICENSES

SUBPART C: SPECIFIC AND GENERAL LICENSES

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SUBPART D: TRANSPORTATION

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; amended at 40 Ill. Reg. 12971, effective August 25, 2016; amended at 46 Ill. Reg. 866, effective December 21, 2021.

SUBPART A: GENERAL PROVISIONS

Section 330.20 Definitions

"Associate Radiation Safety Officer" means an individual, who for this Part only:

Meets the requirements in Sections 330.260(c)(17) and (c)(21); and

Is currently identified as an Associate Radiation Safety Officer for the types of use of radioactive material for which the individual has been assigned duties and tasks by the Radiation Safety Officer on a specific license that authorizes medical use or the practice of nuclear pharmacy issued by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State; or a permit that authorizes medical use or the practice of nuclear pharmacy issued by a U.S. Nuclear Regulatory Commission master material licensee.

"*Authorized nuclear pharmacist"* means a pharmacist who:

Meets the requirements in Section 330.260(c)(18), (19) and (21); or

Is identified as an authorized nuclear pharmacist on:

A specific license issued by the Nuclear Regulatory Commission or Agreement State that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission master material licensee that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission or Agreement State broad scope medical use licensee that authorizes medical use or the practice of nuclear pharmacy; or

A permit issued by a Nuclear Regulatory Commission master material license broad scope medical use permittee that authorizes medical use or the practice of nuclear pharmacy; or

Is identified as an authorized nuclear pharmacist by a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists; or

Is designated as an authorized nuclear pharmacist in accordance with Section 330.260(c)(16).

"Consortium" means an association of medical use licensees and a PET radionuclide production facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium must be located at an educational institution or a medical facility.

"General license" *means a license,* as set forth in this Part and 32 Ill. Adm. Code 341, which is *effective without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, radioactive material* [420 ILCS 40/4(d)], although the filing of a certificate with the Agency

may be required by the particular general license. The general licensee is subject to all other applicable portions of 32 Ill. Adm. Code: Chapter II and any limitations of the general license.

"Nationally tracked source" is a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix F. In this context, a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded in a solid form and is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the Category 2 threshold but less than the Category 1 threshold.

"Preceptor" means an individual who provides, directs or verifies training and experience required for an individual to become an authorized user, an authorized medical physicist, an authorized nuclear pharmacist, a Radiation Safety Officer, or an Associate Radiation Safety Officer.

"Protective actions" means actions taken by members of the public to protect themselves from radiation from an incident involving radioactive material, which may include sheltering, evacuation, relocation, control of access, administration of radiation-protective drugs, decontamination of persons, decontamination of land or property, or control of food or water.

"Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, radioactive materials [420 ILCS 40/4(m)]. The licensee is subject to all applicable portions of 32 Ill. Adm. Code: Chapter II, as well as any limitations specified in the licensing document.

(Source: Amended at 46 Ill. Reg. 866, effective December 21, 2021)

SUBPART B: TYPES OF LICENSES

Section 330.220 General Licenses − Radioactive Material Other Than Source Material

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a) Certain Measuring, Gauging or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere

1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business and State or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections (a)(2) through (9), radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

2) The general license provided by subsection (a)(1) applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Agency pursuant to Section 330.280(d) or in accordance with the specifications contained in an equivalent specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that authorizes distribution of devices to persons generally licensed by NRC, an Agreement State or a former Licensing State. The devices shall have been received from a specific licensee described in this subsection (a)(2) or through a transfer made under subsection (a)(3)(L).

AGENCY NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling that is found in 21 CFR 179.21.

3) Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (a)(1):

A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained on the device and shall comply with all instructions and precautions provided by such labels;

B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified on the device labels; however:

i) A device containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and

ii) A device containing only tritium or not more than 3.7 MBq (100 µCi) of other beta and/or gamma emitting material or 370 kBq (10 µCi) of alpha emitting material or a device held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

C) Shall assure that the tests required by subsection (a)(3)(B) and other testing ~~(including testing required by subsection (a)(3)(B))~~, installation, servicing and removal from installation involving the radioactive material, its shielding or containment is performed:

i) In accordance with the instructions provided by the labels; or

ii) By a person holding an applicable specific license from the Agency, NRC or an Agreement State to perform such activities;

D) Shall maintain records showing compliance with the requirements of subsections (a)(3)(B), (C), ~~and~~ (H) and, as applicable, (a)(6)(B). The records shall show the results of tests. The records shall also show the dates of performance of, and the names of persons performing, physical inventories, testing, installation, servicing and removal from installation of radioactive material or its shielding or containment. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license provided by subsection (a)(1) shall retain these records as follows:

i) A record of a test of an on-off mechanism and indicator or a test for leakage or contamination performed in accordance with subsection (a)(3)(B) shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of; and

ii) A record of testing, installation, servicing or removal from installation performed in accordance with subsection (a)(3)(C) shall be retained for 5 years from the date of the recorded event or until the device is transferred or disposed of; and

iii) A record of transfer or disposal of a device in accordance with subsection (a)(3)(H) shall be retained for 5 years from the date of the recorded event; and

AGENCY NOTE: Note that this record must be retained after transfer of the device.

iv) A record of a quarterly physical inventory, performed for those devices in storage and not in use in accordance with subsection (a)(6)(B), shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of;

E) Shall immediately suspend operation of the device if there is a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 Bq (5 nCi) or more removable radioactive material. The device shall not be operated until it has been repaired by the manufacturer or other person holding an applicable specific license from the Agency, NRC or an Agreement State to repair such devices. The device and any radioactive material from the device shall be disposed of only by transfer to a person authorized by an applicable specific license to receive the radioactive material in the device or as otherwise approved by the Agency. A report containing a brief description of the event and the remedial action taken shall be furnished to the Agency within 30 days. As applicable, the

following shall also be furnished to the Agency:

i) A report within 5 days (as required by 32 Ill. Adm. Code 340.1260) if detection of 185 Bq (5 nCi) or more removable radioactive material indicates that a sealed source is leaking or contaminated; and

ii) A plan within 30 days for ensuring that the person's premises and environs are acceptable for unrestricted use if 185 Bq (5 nCi) or more removable radioactive material is detected on the device or failure of or damage to a source is likely to result in contamination of the premises or the environs;

F) Shall not abandon the device containing radioactive material;

G) Shall not export the device containing radioactive material except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008, exclusive of subsequent amendments or editions;

H) Shall transfer or dispose of the device containing radioactive material only:

i) By export as provided by subsection (a)(3)(G);

ii) By transfer to another general licensee as provided by subsection (a)(3)(L);

iii) By transfer to a person authorized to receive the device by a specific license issued by the Agency pursuant to Section 330.280(d) or an equivalent specific license issued by NRC or an Agreement State;

iv) By transfer to a person authorized to perform waste collection by a specific license issued by the Agency, NRC or an Agreement State; or

v) As approved under subsection (a)(3)(K);

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I) Shall furnish a written report to the Agency within 30 days after transferring or~~,~~ disposing of ~~or redesignating~~ the device containing radioactive material. The notification shall include:

i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;

ii) The name, address and license number of the transferee (license number not applicable if exported);

iii) The date of the transfer;

iv~~iii~~) A receipt from the transferee showing the serial number of the device and the date that it was received (not applicable if exported ~~or redesignated~~);

~~AGENCY NOTE: Subsection (a)(3)(O) provides information about redesignation of administrative control over a device.~~

J) Shall respond to written requests from the Agency to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information to the Agency, by an appropriate method listed in 32 Ill. Adm. Code 310.110.~~Shall maintain a record of the transfer or disposal of the device as required by subsection (a)(3)(D)(iii)~~;

K) Shall obtain written approval from the Agency before transferring the device to any other specific licensee~~a transferee~~ not authorized~~identified~~ in subsections (a)(3)(H)(i) through (iv); however, a holder of a specific license may transfer a device for possession and use under its own specific license without prior approval, if, the holder:

i) Verifies that the specific license authorizes the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;

ii) Removes, alters, covers, or clearly and unambiguously augments the existing label (otherwise required by subsection (a)(3)(A)) so that the device is labeled in compliance with 32 Ill. Adm. Code 340.940; however the manufacturer, model number, and serial number must be retained;

iii) Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and

iv) Reports the transfer under subsection (a)(3)(I).

L) Shall transfer the device to another general licensee only if:

i) The device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (a), a copy of 32 Ill. Adm. Code 310.40, ~~310.80,~~ 330.310, 330.500, 340.1210, 340.1220, 340.1260 and any safety documents identified in the device labels; or

ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee;

M) Shall furnish a report to the Agency within 30 days after transferring a device containing radioactive material as provided by subsection (a)(3)(L)(i). The notification shall include:

i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;

ii) The transferee's name and mailing address;

iii) The address of the transferee's location of use or storage of the device; and

iv) The name, title and phone number of the responsible individual identified by the transferee in accordance with subsection (a)(3)(N) to have knowledge of, and authority to take actions to ensure compliance with, the appropriate regulations and requirements;

N) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.~~;~~

~~O) May redesignate a device to be possessed and used under its own specific license without prior approval if the person:~~

~~i) Verifies that the specific license authorizes possession and use of the device or applies for and obtains an amendment to the license authorizing the possession and use;~~

~~ii) Removes, alters, covers or clearly and unambiguously augments the existing label required by subsection (a)(3)(A) so that the device is labeled in compliance with 32 Ill. Adm. Code 340.910; however, the manufacturer, model number and serial number shall be retained;~~

~~iii) Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and~~

~~iv) Reports the new designation as required by subsection (a)(3)(I).~~

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4) Any person who receives, acquires, possesses or uses a device identified in subsection (a)(4)(A) shall register with the Agency in accordance with subsection (a)(4)(B):

A) A person shall register devices (i.e., an electron capture detector, gauge, x-ray fluorescence analyzer, or other measuring, gauging or controlling device) containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, 3.7 MBq (0.1 mCi) of radium-226, or 37 MBq (1 mCi) of americium-241, or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label;~~with the Agency if the person receives, acquires, possesses or uses any of the following devices pursuant to the general license described in subsection (a)(1):~~

~~i) Devices (i.e., an electron capture detector, gauge, x-ray fluorescence analyzer, or other measuring, gauging or controlling device) containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material, based on the activity indicated on the label, other than strontium-90, radium-226 or polonium-210; or~~

~~ii) A device containing a sealed source equal to or greater than 3.7 MBq (100 µCi) of strontium-90 or radium-226;~~

B) A person shall register with the Agency no later than 30 days after receiving a device identified in subsection (a)(4)(A). Registration information shall be in a format prescribed by the Agency and furnished in accordance with subsection (a)(4)(C);

C) When registering with the Agency, a person shall furnish the following and any other information requested by the Agency to track the location and use of a device:

i) The name and mailing address of the general licensee~~person~~;

ii) The name, title and phone number of the responsible individual designated as a representative of the general

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licenseeby the person in accordance with subsection (a)(3)(N) as having knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements;

iii) Information about each device meeting the criteria of subsection (a)(4)(A). This information shall include the manufacturer (or initial transferor), model, serial number, radionuclide and activity as indicated on the labels, the location of the device within the radiation installation, and the calendar quarter and year the person received the device;

iv) The address oraddresses of the locations at which the devices are used or storedof use or storage of the devices reported under subsection (a)(4)(C)(iii);

AGENCY NOTE: For portable devices, these are the addresses of the primary places of storage.

v) Certification by the responsible individual that the information about devices was verified through a physical inventory and examination of label information; and

vi) Certification by the responsible individual that the general licensee is aware of the requirements of the general license;

AGENCY NOTE: Fee requirements for general licenses are in 32 Ill. Adm. Code 331. Reporting requirements are in Section 330.310(b), and bankruptcy notification requirements are in Section 330.310(j).

D) Any person who is required by subsection (a)(4) to register with the Agency shall report a change in mailing address or address of location of use or storage. This report shall be furnished to the Agency within 30 days after the change.

AGENCY NOTE: For portable devices, this is the address of the primary place of storage.

5) A person from out of state who is generally licensed by NRC or an Agreement State with respect to a device identified in subsection (a)(4)(A) is exempt from the registration requirement in subsection (a)(4) if the device is used in areas subject to Agency jurisdiction for a period less than 180 days in any calendar year.

6) Any person who receives, acquires, possesses or uses radioactive material in a device under the general license described in subsection (a)(1) shall limit storage of a device that is not in use to a maximum of 2 years.

A) If a device with a shutter is not being used, the shutter shall be locked in the closed position. Testing for leakage of, or contamination by, radioactive material and for proper operation of the on-off mechanism and indicator is not required during the storage period. However, the testing required in subsection (a)(3)(B)~~on-off mechanism and indicator~~ shall be conducted~~checked~~ before the device is returned to service if the device has not been tested within the required test interval. ~~Tests for leakage of, or contamination by, radioactive material shall be conducted during the storage interval as required by subsection (a)(3)(B).~~

B) A device kept in standby for future use is exempt from the 2-year storage limit if the person performs a quarterly physical inventory of the device while it is in standby. The requirements and exemption of subsection (a)(6)(A) shall apply.

AGENCY NOTE: Record keeping requirements are contained in subsection (a)(3)(D).

7) Failure of any person to comply with the requirements of this subsection (a) may cause the Agency to impose civil penalties in accordance with 420 ILCS 40/36 and 32 Ill. Adm. Code 200.

8) The general license described in subsection (a)(1) does not authorize the manufacture or import of devices containing radioactive material.

9) The general license described in subsection (a)(1) is subject to the

provisions of 32 Ill. Adm. Code 310~~.40 through 310.90~~, 326, 331, 340.1210, 340.1220, 340.1260, and 341 and Sections 330.310 and 330.500 ~~of this Part~~. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (a)(1)~~ of this Section~~ is exempt from the requirements of 32 Ill. Adm. Code 400 and 340 except for the Sections of 32 Ill. Adm. Code 340 specifically identified in subsections (a)(3)(E) and (a)(9)~~ of this Section~~.

b) Luminous Safety Devices for Aircraft

1) A general license is hereby issued to receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

A) Each device contains not more than 370 GBq (10 Ci) of tritium or 11.1 GBq (300 mCi) of promethium-147; and

B) Each device has been manufactured, assembled or initially transferred~~imported~~ in accordance with a specific license issued under the provisions of Section 330.280(e) or manufactured or assembled in accordance with a specific license issued by NRC or an Agreement State which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the Agency~~, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in 10 CFR 32.53, published at 43 FR 6923, February 17, 1978, exclusive of subsequent amendments or editions~~.

2) Persons who receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection (b)(1)~~ of this Section~~ are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except that they shall comply with the provisions of 32 Ill. Adm. Code 340.1210 and 340.1220.

3) This general license does not authorize the manufacture, assembly, ~~or~~

repair, or import of luminous safety devices containing tritium or promethium-147.

4) This general license does not authorize the receipt, acquisition, possession or use of promethium-147 contained in instrument dials.

5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90 and 341 and Sections 330.310, 330.400 and 330.500 of this Part.

c) Ownership of Radioactive Material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession, or use, import, or export of byproductradioactive material.

d) Calibration and References Sources

1) A general license is hereby issued to those persons listed below to receive, acquire, possess, use and transfer, in accordance with the provisions of subsections (d)(4) and (5), americium-241 in the form of calibration or reference sources:

A) Any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material; and

B) Any person who holds a specific license issued by NRC that authorizes the licensee to receive, possess, use and transfer special nuclear material.

2) A general license is hereby issued to receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of subsections (d)(4) and (5) to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material.

3) A general license is hereby issued to receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance

with the provisions of subsections (d)(4) and (5) to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material.

4) The general licenses in subsections (d)(1) through (3) apply only to calibration or reference sources that have been manufactured or initially transferred in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by NRC pursuant to 10 CFR 32.57~~, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive of subsequent amendments or additions,~~ or 70.39, ~~published at 43 Fed. Reg. 6925, February 17, 1978, exclusive of subsequent amendments or additions,~~ or that have been manufactured in accordance with the specifications contained in a specific license issued by the Agency, or an Agreement State ~~or a former Licensing State~~ pursuant to licensing requirements equivalent to those contained in 10 CFR 32.57~~, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive of subsequent amendments or additions,~~ or 70.39~~, published at 43 Fed. Reg. 6925, February 17, 1978, exclusive of subsequent amendments or editions~~.

5) The general licenses provided in subsections (d)(1) through (3) are subject to the provisions of 32 Ill. Adm. Code 310~~.40 through 310.90~~, 340, 341 and 400 and Sections 330.310, 330.400 and 330.500 ~~of this Part~~. In addition, persons who receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5 µCi) of americium-241, 185 kBq (5 µCi) of plutonium or 185 kBq (5 µCi) of radium-226 in such sources;

B) Shall not receive, possess, use or transfer such source unless the source or the storage container bears a label that includes the following statement or a statement that contains the information called for in this statement:

> The receipt, possession, use and transfer of this source, Model ___ , Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has

entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM) (RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

Name of Manufacturer or Importer

AGENCY NOTE: Showing only the name of the appropriate material.

C) Shall not transfer, abandon or dispose of the source except by transfer to a person authorized by a license from the Agency, NRC or an Agreement State to receive the source;

D) Shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium or radium-226 that might otherwise escape during storage; and

E) Shall not use the source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

6) These general licenses do not authorize the manufacture, import, or export of calibration or reference sources containing americium-241, plutonium or radium-226.

e) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing

AGENCY NOTE: The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs

in interstate commerce.

1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections (e)(2) through (6), the following radioactive materials in prepackaged units for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:

   A) Carbon-14, in units not exceeding 370 kBq (10 µCi) each.

   B) Cobalt-57, in units not exceeding 370 kBq (10 µCi) each.

   C) Hydrogen-3 (tritium), in units not exceeding 1.85 MBq (50 µCi) each.

   D) Iodine-125, in units not exceeding 370 kBq (10 µCi) each.

   E) Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.

   F) Iodine-131, in units not exceeding 370 kBq (10 µCi) each.

   G) Iron-59, in units not exceeding 740 kBq (20 µCi) each.

   H) Selenium-75, in units not exceeding 370 kBq (10 µCi) each.

2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (e)(1) until he or she has filed the Agency form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License", with the Agency and received from the Agency a validated copy of the form with certification number assigned. No person shall transfer a validated copy of the form to another person without prior written consent of the Agency. The following information shall be furnished to the Agency on the form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License":

A) Name and address of the physician, veterinarian, clinical laboratory or hospital;

B) The location of use; and

C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (e)(1) and that the tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (e)(1) shall comply with the following:

A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (e)(1), at any one location of storage, or use a total amount of iodine-125, iodine-131, selenium-75, iron-59 and/or cobalt-57 in excess of 7.4 MBq (200 μCi).

B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

C) The general licensee shall use the radioactive material only for the uses authorized by subsection (e)(1).

D) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Agency, NRC or an Agreement State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

E) The general licensee shall dispose of the mock iodine-125 reference or calibration sources described in subsection (e)(1)(E) as required by 32 Ill. Adm. Code 340.1010(a).

4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (e)(1):

A) Except as prepackaged units that are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) or in accordance with the provisions of a specific license issued by NRC or an Agreement State that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57 or mock iodine-125 to persons generally licensed under this subsection (e) or its equivalent; and

B) Unless one of the following statements, as appropriate, or a statement that contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

> This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.
>
> _____
> Name of Manufacturer or Importer
>
> _____

5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (e)(1)

shall report in writing to the Agency, any changes in the information furnished by the licensee in the "Certificate – In Vitro Testing with Radioactive Material Under General License", Agency Form KLM.006. The report shall be furnished within 30 days after the effective date of the change.

6) Any person using radioactive material pursuant to the general license of subsection (e)(1) is exempt from the requirements of 32 Ill. Adm. Code 400 and 340, with respect to byproduct materials covered by that general license, except that such persons using the Mock Iodine-125 described in subsection (e)(1)(E) shall comply with the provisions of Sections 340.1010, 340.1210, and 340.1220. ~~This general license is subject to the provisions of 32 Ill. Adm. Code 310 and 331.~~

f) Ice Detection Devices

1) A general license is hereby issued to receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 MBq (50 µCi) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by NRC or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Agency or an Agreement State to the manufacturer of the device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.

2) Persons who receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (f)(1):

A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired by a person holding a specific license from NRC or an Agreement State to manufacture or service those devices; or shall dispose of the device pursuant to the provisions of 32 Ill. Adm. Code 340.1010(a);

B) Shall assure that all labels affixed to the device at the time of

receipt, and that bear a statement that prohibits removal of the labels, are maintained on the device; and

C) Are exempt from the requirements of 32 Ill. Adm. Code 340 and 400 except that such persons shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1210, 340.1220 and 340.1260.

3) This general license does not authorize the manufacture, assembly, disassembly, ~~or~~ repair, or import of strontium-90 in ice detection devices.

4) This general license is subject to the provisions of 32 Ill. Adm. Code 310~~.40 through 310.90~~ and 341 and Sections 330.310, 330.400 and 330.500 ~~of this Part~~.

g) Certain Items and Self-Luminous Products Containing Radium-226

1) A general license is hereby issued to any person to acquire, receive, possess, use or transfer, in accordance with the provisions of this subsection (g), radium-226 contained in the following products manufactured prior to November 30, 2007:

A) Antiquities originally intended for use by the general public. For the purposes of this subsection (g)(1)(A), antiquities means products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts and healing pads;

B) Intact timepieces containing greater than 37 kBq (1 µCi), nonintact timepieces and timepiece hands and dials no longer installed in timepieces;

C) Luminous items installed in air, marine or land vehicles;

D) All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time; and

E) Small radium sources containing no more than 37 kBq (1 µCi) of radium-226. For the purposes of this subsection (g)(1)(E), "small

radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources such as cloud chambers and spinthariscopes used in educational demonstrations, electron tubes, lightning rods, ionization sources, static eliminators or sources otherwise designated by the Agency.

2) Any person who acquires, receives, possesses, uses or transfers radioactive material under the general license in subsection (g)(1) is exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that the receipt, possession, use or transfer of radioactive material is within the terms of the general license. This exemption does not apply to any person specifically licensed under this Part.

3) Any person who acquires, receives, possesses, uses or transfers radioactive material in accordance with the general license in subsection (g)(1):

A) Shall notify the Agency within 30 days if there is any indication of possible damage to a product that could result in loss of radioactive material. The report shall provide a brief description of the event and the remedial action taken;

B) Shall not abandon a product containing radium-226. The product and any radioactive material from the product shall only be disposed of in accordance with subsection (g)(3)(D);

C) Shall not export a product containing radium-226, except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008, exclusive of subsequent amendments or editions; and

D) Shall dispose of a product containing radium-226 only in accordance with 32 Ill. Adm. Code 340.1010(a), or by transfer to a person specifically licensed under this Part to receive the radium-226 in the product, or as otherwise approved by the Agency in writing.

4) The general license in subsection (g)(1) does not authorize the manufacture, assembly, disassembly, repair or import of a product

containing radium-226, except that timepieces may be disassembled and repaired.

(Source: Amended at 46 Ill. Reg. 866, effective December 21, 2021)

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 submitted~~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 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 the 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~~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 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 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 signed acknowledgement from~~A copy of a certified letter sent to~~ the facility owner or authorized representative of the owner that~~informing~~ the owner is aware~~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 aware that radioactive material is being used or will be used or stored at the facility.

AGENCY NOTE: Subsection 10(11) of the~~The~~ Radiation Protection Act of 1990, 420 ILCS 40, 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 to the municipality, or county where appropriate, where the facility is located.

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 or amendment request. When evaluating an application or an amendment request ~~for amendment~~, the Agency shall consider:

1) The completeness of the application or amendment request;

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; and

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 and the requirements of the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 46 Ill. Reg. 866, effective December 21, 2021)

Section 330.260 Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials

a) Specific Licenses to Medical Institutions for Human Use of Radioactive Material. A specific license allowing a medical institution to use radioactive material for medical diagnosis, medical therapy, or medical research involving humans shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 335.

b) Specific Licenses to Individual Physicians for Human Use of Radioactive Material. An application by an individual physician or group of physicians for a specific license for human use of radioactive material shall be approved only if:

1) The applicant satisfies the general requirements specified in this Part;

2) The application is for use in the applicant's practice in an office outside a medical institution; and

3) The applicant has met the requirements of 32 Ill. Adm. Code 335.

c) Specific Licenses for Distribution or Transfer of Radiopharmaceuticals. In addition to the requirements set forth in this Part, persons licensed by the Agency for manufacture, preparation, or transfer for commercial distribution of radiopharmaceuticals containing radioactive material for medical use under 32 Ill. Adm. Code 335 shall meet the following additional requirements:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant submits evidence that the applicant is at least one of the following:

A) Compliant with the U.S. Food and Drug Administration (FDA) registration requirements as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding, or processing of a drug under 21 CFR Part 207;~~Registered with the U.S. Food and Drug Administration (FDA) as the owner or operator of a drug establishment that engages in the manufacture, preparation, propagation, compounding or processing of a drug under 21 CFR 207.20(a);~~

B) Registered or licensed with a state agency as a drug manufacturer;

C) Licensed as a pharmacy by a state Board of Pharmacy;

D) Operating as a nuclear pharmacy within a federal~~Federal~~ medical institution; or

E) A PET drug production facility registered with a state agency;

3) The applicant submits information showing that:

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A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or

B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

4) The applicant submits information on the radionuclide; the chemical and physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the shielding provided by the packaging to show it is appropriate for the safe handling and storage of the radioactive drugs by medical use licensees;

5) The applicant commits to~~satisfies~~ the following labeling requirements:

A) A label is affixed to each transport radiation shield, whether it is constructed of lead, glass, plastic, or other material, of a radioactive drug to be transferred for commercial distribution. The label shall include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL"; the name of the radioactive drug or its abbreviation; and the quantity of radioactivity at a specified date and time. For radioactive drugs with a half-life~~half life~~ greater than 100 days, the time may be omitted.

B) A label is affixed to each syringe, vial, or other container used to hold a radioactive drug to be transferred for commercial distribution. The label shall include the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL" and an identifier that ensures that the syringe, vial, or other container can be correlated with the information on the transport radiation shield label;

6) A licensee described by subsection (c)(2)(C) or (D):

A) May prepare radioactive drugs for medical use, as defined in 32 Ill. Adm. Code 335.20, provided that the radioactive drug is prepared

by either an authorized nuclear pharmacist, as specified in subsections (c)(6)(B) and (C), or an individual under the supervision of an authorized nuclear pharmacist as specified in subsection (c)(15).

B) May allow a pharmacist to work as an authorized nuclear pharmacist if the following conditions are met:

i) The individual qualifies as an authorized nuclear pharmacist as defined in Section 330.20;

ii) The individual meets the requirements specified in subsections (c)(18)(B) and (c)(21), and the licensee has received an approved license amendment identifying the individual as an authorized nuclear pharmacist; or

iii) The individual is designated as an authorized nuclear pharmacist in accordance with subsection (c)(6)(C).

C) May designate a pharmacist (as defined in 32 Ill. Adm. Code 310~~Section 330.20~~) as an authorized nuclear pharmacist if:

i) The individual was a nuclear pharmacist preparing only radioactive drugs containing accelerator-produced radioactive material; and

ii) The individual practiced at a pharmacy at a government agency or federally recognized Indian Tribe before November 30, 2007 or at all other pharmacies before August 8, 2009, or an earlier date as noticed by the U.S. Nuclear Regulatory Commission.

D) Shall provide to the Agency, no later than 30 days after the date a licensee allows an~~Prior to allowing the~~ individual to work as an authorized nuclear pharmacist under subsections (c)(6)(B)(i) or~~and~~ (iii), ~~shall provide to the Agency~~ a copy of the individual's State of Illinois pharmacist license and:

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i) A copy of each~~the~~ individual's certification by a specialty board whose certification process has been recognized by the U.S. Nuclear Regulatory Commission or an Agreement State as specified in subsection (c)(18)(A) ~~with the written attestation signed by a preceptor as required by subsection (c)(18)(B)(iii)~~; or

ii) U.S. Nuclear Regulatory Commission or Agreement State license listing the individual as an authorized nuclear pharmacist; or

iii) A U.S. Nuclear Regulatory Commission master materials licensee permit listing the individual as an authorized nuclear pharmacist; or

iv) A permit issued by a licensee or U.S. Nuclear Regulatory Commission master material permittee of broad scope or authorization from a commercial nuclear pharmacy authorized to list its own authorized nuclear pharmacist; or

v) Documentation that only accelerator-produced radioactive materials were used in the practice of nuclear pharmacy at a government agency or federally recognized Indian Tribe before November 30, 2007 or at all other locations of use before August 8, 2009, or an earlier date as noticed by the U.S. Nuclear Regulatory Commission;

7) A licensee shall possess and use instrumentation to measure the radioactivity of radioactive drugs. The licensee shall have procedures for use of the instrumentation. The licensee shall measure, by direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of alpha-, beta-, or photon-emitting radioactive drugs prior to transfer for commercial distribution. In addition, the licensee shall:

A) Perform tests, before initial use, periodically, and following repair, on each instrument for accuracy, linearity, and geometry dependence as appropriate for the use of the instrument and make adjustments when necessary; and

B) Check each instrument for constancy and proper operation at the beginning of each day of use;

8) Nothing in this Section relieves the licensee from complying with applicable FDA or other Federal or State requirements governing radioactive drugs;

9) Radiopharmaceuticals dispensed, distributed or transferred for human use shall be either:

A) Repackaged from prepared radiopharmaceuticals that have been approved by the FDA for medical use as defined in 32 Ill. Adm. Code 335.20; or

B) Prepared from generators and reagent kits that have been approved by the FDA for medical use, or are subject to the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] or the Pharmacy Practice Act of 1987 [225 ILCS 85];

10) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, in accordance with 32 Ill. Adm. Code 335.4020. The licensee shall record the results of each test and retain each record for 3 years after the record is made. The licensee shall report the results of any test that exceeds the permissible concentration listed in Section 335.4020(a) at the time of generator elution, in accordance with Section 335.4020(d)~~The licensee shall adhere to the concentration limits and other requirements of 32 Ill. Adm. Code 335.4020~~;

11) The licensee may distribute in vitro test kits to customers but shall neither remove any package insert nor violate the packaging;

12) The licensee shall report to the Agency, within 10 days after occurrence, any irregularities pertaining to identification, labeling, quality or assay of any radiopharmaceuticals received under the authority of this license;

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13) A licensee such as a nuclear pharmacy that is authorized to distribute~~dispense~~ radiopharmaceuticals shall ensure that radiopharmaceuticals are dispensed only under the prescription of a physician who is authorized by 32 Ill. Adm. Code 335~~in a specific license~~ to use the radiopharmaceuticals. The licensee shall ~~maintain a copy of the recipient's radioactive material license and shall~~ verify that the physician is authorized to receive the prescribed radiopharmaceutical prior to transfer;

AGENCY NOTE: In accordance with 32 Ill. Adm. Code 335.40(b), licensees authorized for medical use of radiopharmaceuticals may permit work as an authorized user in limited circumstances without first obtaining an amendment. Therefore, possession of the recipient's latest radioactive material license may not list all authorized users.

14) A licensee shall apply for and shall receive a license amendment before it receives, prepares or uses radioactive material for a type of use that is permitted under this Part but that is not authorized on the licensee's current license issued under this Part;

15) Individuals Under Supervision of an Authorized Nuclear Pharmacist

A) A licensee that permits the preparation of radioactive material for medical use by an individual under the supervision of an authorized nuclear pharmacist as allowed by 32 Ill. Adm. Code 335.30(b)(2)~~who is an authorized user~~ shall:

i) In addition to the requirements in 32 Ill. Adm. Code 400.120, instruct the supervised individual in the preparation of radiopharmaceutical material for medical use as appropriate to that individual's involvement with radioactive material; and

ii) Require the supervised individual to follow the instructions of the supervising authorized user or authorized nuclear pharmacist regarding the preparation of radioactive material for medical use, written radiation protection procedures established by the licensee, the regulations of this Section, and license conditions.

B) A licensee that permits supervised activities under this subsection (c)(15) is responsible for the acts and omissions of the supervised individual;

16) Authority and responsibilities for the radiation protection program.

A) In addition to the radiation protection program requirements in 32 Ill. Adm. Code 340.110, a licensee's management shall approve in writing:

i) Requests for a license application, renewal, or amendment before submittal to the Agency;

ii) Any individual before allowing that individual to work as an authorized nuclear pharmacist; and

iii) Radiation protection program changes that do not require a license amendment.

B) A licensee's management shall appoint a Radiation Safety Officer who agrees, in writing, to be responsible for implementing the radiation protection program. The licensee, through the Radiation Safety Officer, shall ensure that radiation safety activities are being performed in accordance with licensee-approved procedures and regulatory requirements. A licensee's management may appoint, in writing, one or more Associate Radiation Safety Officers to support the Radiation Safety Officer. The Radiation Safety Officer, with written agreement of the licensee's management, must assign the specific duties and tasks to each Associate Radiation Safety Officer. These duties and tasks are restricted to the types of use for which the Associate Radiation Safety Officer is listed on a license. The Radiation Safety Officer may delegate duties and tasks to the Associate Radiation Safety Officer but shall not delegate the authority or responsibilities for implementing the radiation protection program.

C) For up to 60 days each year, a licensee may permit an individual qualified to be a Radiation Safety Officer, under subsections

(c)(17) and (c)(21), to function as a temporary Radiation Safety Officer and to perform the functions of a Radiation Safety Officer, as provided in subsection (G), if the licensee takes the actions required in subsections (B), (D), (E), and (F) and notifies the Agency no later than 30 days after allowing the individual to function as a temporary Radiation Safety Officer.

D) A licensee shall establish the authority, duties, and responsibilities of the Radiation Safety Officer in writing.

E) A licensee shall provide the Radiation Safety Officer sufficient authority, organizational freedom, time, resources, and management prerogative, to:

i) Identify radiation safety problems;

ii) Initiate, recommend or provide corrective actions;

iii) Stop unsafe operations; and

iv) Verify implementation of corrective actions.

F) A licensee shall retain a record of actions taken under subsections (A), (B), and (D) as follows:

i) A licensee shall retain a record of actions taken by the licensee's management in accordance with subsection (c)(16)(A) for 5 years. The record must include a summary of the actions taken and a signature of licensee management.

ii) The licensee shall retain a copy of both authority, duties, and responsibilities of the Radiation Safety Officer as required by subsection (c)(16)(E), and a signed copy of each Radiation Safety Officer’s agreement to be responsible for implementing the radiation safety program, as required by subsection (c)(16)(B), for the duration of the license. The records must include the signature of the Radiation Safety Officer and licensee management.

iii) For each Associate Radiation Safety Officer appointed under subsection (c)(16)(B), the licensee shall retain, for 5 years after the Associate Radiation Safety Officer is removed from the license, a copy of the written document appointing the Associate Radiation Safety Officer signed by the licensee's management~~A licensee shall apply for and shall receive a license amendment identifying an authorized nuclear pharmacist as defined in Section 330.20 of this Part before it allows the individual to work as an authorized nuclear pharmacist. The individual shall meet the requirements in subsections (c)(18) and (21). An experienced nuclear pharmacist shall meet the requirements in subsection (c)(20);~~.

17) Training for Radiation Safety Officer and Associate Radiation Safety Officer. Except as provided in subsection (c)(20), the~~The~~ licensee shall require an individual fulfilling the responsibilities of Radiation Safety Officer, or an individual assigned duties and tasks as an Associate Radiation Safety Officer provided in subsection (c)(16), at a nuclear pharmacy to be an individual who:

A) Is certified by a specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State and who meets the requirements in subsection (c)(17)(D)~~subsections (c)(17)(B)(i) and (ii)~~. To have its certification process~~be~~ recognized, a specialty board shall require all candidates for certification to~~ meet the following requirements~~:

i) Hold a bachelor's or graduate degree from an accredited college or university in physical science, engineering or biological science with a minimum of 20 college credits in physical science; and

• Have 5 or more years of professional experience in health physics (graduate training may be substituted for no more than 2 years of the required

experience), including at least 3 years in applied health physics; and

• Pass an examination administered by diplomates of the specialty board that evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology and radiation dosimetry; or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

ii) Hold a master's or doctor's degree in physics, medical physics, or other physical science, engineering, or applied mathematics from an accredited college or university;

• Have 2 years of full-time practical training or supervised experience in medical physics under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State or in clinical nuclear medicine facilities providing diagnostic or therapeutic services under the direction of physicians who meet the requirements for authorized users in Section 335.9160, 335.9040, or 335.9050; and

• Pass an examination, administered by diplomates of the specialty board, that assesses knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety; or

~~ii)~~ ~~Have 5 or more years of professional experience in health physics (graduate training may be substituted for no more~~

~~than 2 years of the required experience), including at least 3 years in applied health physics; and~~

~~iii)~~ ~~Pass an examination administered by diplomate of the specialty board that evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology and radiation dosimetry; or~~

B) Has ~~met the requirements of subsections (c)(17)(B)(i) and (ii) and~~ completed a structured educational program consisting of:

i) 200 hours of classroom and laboratory~~didactic~~ training in the following areas: radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology and radiation dosimetry;

ii) 1 year of full-time radiation safety experience under the supervision of the individual identified as the Radiation Safety Officer on an Agency, U.S. Nuclear Regulatory Commission, or Agreement State ~~or former Licensing State~~ license or a permit issued by a U.S. Nuclear Regulatory Commission master material licensee that authorizes similar types and uses of radioactive material. An Associate Radiation Safety Officer may provide supervision for those areas for which the Associate Radiation Safety Officer is authorized on a U.S. Nuclear Regulatory Commission or an Agreement State license or permit issued by a U.S. Nuclear Regulatory Commission master material licensee. The full-time radiation safety experience shall involve the following:

- Shipping, receiving and performing related radiation surveys;

- Using and performing checks for proper operation of instruments used to determine the activity of

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dosages, survey meters, and instruments used to measure radionuclides;

- Securing and controlling radioactive material;
- Using administrative controls to avoid mistakes in the administration of radioactive material;
- Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;
- Using emergency procedures to control radioactive material; and
- Disposing of radioactive material; and~~involving shipping, receiving and performing related radiation monitoring;~~

~~iii) Using and performing checks for proper operation of instruments used to determine the activity of dosages, instruments used to measure radionuclides and survey meters;~~

~~iv) Securing and controlling radioactive material;~~

~~v) Using administrative controls to avoid mistakes in the administration of radioactive material;~~

~~vi) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;~~

~~vii) Using emergency procedures to control radioactive material; and~~

~~viii) Disposing of radioactive material; or~~

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iii) Written attestation, signed by a preceptor Radiation Safety Officer or Associate Radiation Safety Officer who has experience with the radiation safety aspects of similar types of use of byproduct material for which the individual is seeking approval as a Radiation Safety Officer. The written attestation must state that the individual has satisfactorily completed the requirements in subsections (B)(i), (B)(ii) and (D), and is able to independently fulfill the radiation safety-related duties as a Radiation Safety Officer or Associate Radiation Safety Officer for a nuclear pharmacy license; or

C) Meets the training requirements in subsection (D); and

i) Is a medical physicist who has been certified by a specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State under 32 Ill. Adm. Code 335.9150(a), has experience with the radiation safety aspects of similar types of use of radioactive material for which the licensee seeks the approval of the individual as Radiation Safety Officer or an Associate Radiation Safety Officer; or

ii) Is an authorized nuclear pharmacist identified on a specific nuclear pharmacy license issued by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State; a nuclear pharmacy use permit issued by a U.S. Nuclear Regulatory Commission master material licensee; a permit issued by a U.S. Nuclear Regulatory Commission or an Agreement State broad scope medical use licensee; or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee; and has experience with the radiation safety aspects of similar types of use of radioactive material for which the licensee seeks the approval of the individual as the Radiation Safety Officer or Associate Radiation Safety Officer; or

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iii) Has experience with the radiation safety aspects of the types of use of radioactive material for which the individual is seeking simultaneous approval both as the Radiation Safety Officer and the authorized user on the same new nuclear pharmacy license.

~~Is an authorized nuclear pharmacist identified on the licensee's license, meets the requirements of subsections (c)(17)(B)(i) and (ii) and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has Radiation Safety Officer responsibilities; and~~

~~D)~~ ~~Obtained written attestation, signed by a preceptor authorized nuclear pharmacist Radiation Safety Officer, that the individual has satisfactorily completed the requirements in subsections (c)(17)(B)(ii) and (c)(17)(A)(i) first and second points or subsection (c)(17)(A)(ii) or (iii) and has achieved a level of radiation safety knowledge sufficient to function independently as an authorized nuclear pharmacist Radiation Safety Officer; and~~

D~~E~~) Has training~~Trained~~ in the radiation safety, regulatory issues, and emergency procedures for the types of use for which a licensee seeks approval. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer, Associate Radiation Safety Officer, or authorized nuclear pharmacist, as appropriate, who is authorized for the types of use for which the licensee is seeking approval.~~;~~

18) Training for an authorized nuclear pharmacist. Except as provided in subsection (c)(19),~~Before a licensee permits an individual to work as an authorized nuclear pharmacist under his or her license,~~ the licensee shall require the authorized nuclear pharmacist~~individual~~ to be a State of Illinois licensed pharmacist who:

A) Is certified as a nuclear pharmacist by a specialty board whose certification process has been recognized by the U.S. Nuclear Regulatory Commission or an Agreement State~~ and who meets the~~

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~~requirements in subsection (c)(18)(B)(iii)~~. To be recognized, a specialty board shall require a candidate for certification to:

i) Graduate from a pharmacy program accredited by the American Council of Pharmaceutical Education (ACPE) or pass the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination;

ii) Hold a current, active license to practice pharmacy;

iii) Provide evidence of having acquired at least 4000 hours of training/experience in nuclear pharmacy practice. Academic training may be substituted for no more than 2000 hours of the required training and experience; and

iv) Pass an examination in nuclear pharmacy, administered by diplomate of the specialty board, that evaluates knowledge and competency in procurement, compounding, quality assurance, dispensing, distribution, health and safety, radiation safety, provision of information and consultation, monitoring patient outcomes, ~~and~~ research, and development; or

B) Has completed 700 hours in a structured educational program consisting of ~~both didactic training in radiation physics and instrumentation or radiation protection with~~:

i) 200 hours of classroom and laboratory~~didactic~~ training in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, chemistry of radioactive material for medical use and, radiation biology; and

ii) Supervised practical experience in a nuclear pharmacy involving shipping, receiving and performing related radiation surveys; using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters and, if appropriate, instruments used to measure alpha- or beta-emitting radionuclides;

calculating, assaying and safely preparing dosages for patients or human research subjects; use of administrative controls to avoid medical events in the administration of radioactive material; use of procedures to prevent or minimize radioactive contamination and use of proper decontamination procedures; and

iii) Has obtained written~~Written~~ attestation, signed by a preceptor authorized nuclear pharmacist, that the individual has satisfactorily completed the requirements in subsections (c)(18)(B)(i) and (ii)~~subsection (c)(18)(B) or subsections (c)(18)(A)(i) through (iii) and has achieved a level of competency sufficient to function~~ and is able to independently fulfill the radiation safety-related duties as an authorized nuclear pharmacist;

~~AGENCY NOTE: The requirements in this subsection (c)(18) do not apply to an individual who meets the requirements of subsection (c)(19).~~

19) An individual identified as an authorized nuclear pharmacist on an Agency, U.S. Nuclear Regulatory Commission, or Agreement State ~~or former Licensing State~~ license or a permit issued by an Agency, U.S. Nuclear Regulatory Commission or Agreement State broad scope licensee or master materials license permit or by a master materials license permittee of broad scope on or before January 14, 2022 need not comply with the training requirements in subsection (c)(18);

20) Training for Experienced Radiation Safety Officer, nuclear pharmacist, or authorized nuclear pharmacist~~Nuclear Pharmacist~~.

A) An individual identified on an Agency, U.S. Nuclear Regulatory Commission, or an Agreement State license or a permit issued by an Agency, U.S. Nuclear Regulatory Commission, or an Agreement State broad scope licensee or master material license permit or by a master material license permittee of broad scope as a Radiation Safety Officer, a nuclear pharmacist or an authorized nuclear pharmacist on or before January 14, 2022, need not comply with the training requirements of 32 Ill. Adm. Code 335.9010, 335.9150, or subsection (c)(18), respectively, except the Radiation

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Safety Officers identified in this subsection shall meet the training requirements in 32 Ill. Adm. Code 335.9010(e) or 335.9150(d) for any material or uses for which they were not authorized prior to this date.

B) Any individual certified by the American Board of Health Physics in Comprehensive Health Physics, American Board of Radiology, American Board of Nuclear Medicine, American Board of Science in Nuclear Medicine, Board of Pharmaceutical Specialties in Nuclear Pharmacy, American Board of Medical Physics in radiation oncology physics, Royal College of Physicians and Surgeons of Canada in nuclear medicine, American Osteopathic Board of Radiology, or American Osteopathic Board of Nuclear Medicine on or before October 24, 2005, need not comply with the training requirements of subsection (c)(17) to be identified as a Radiation Safety Officer or as an Associate Radiation Safety Officer on an Agency license for those materials and uses that these individuals performed on or before October 24, 2005.

C) A Radiation Safety Officer or a nuclear pharmacist, who used only accelerator-produced radioactive materials, discrete sources of radium-226, or both, for medical uses or in the practice of nuclear pharmacy at a government agency or federally recognized Indian tribe before November 30, 2007, or at all other locations of use before August 8, 2009, or an earlier date as recognized by NRC, need not comply with the training requirements of subsection (c)(17) or (c)(18), respectively, when performing the same uses. A nuclear pharmacist, who only prepared radioactive drugs containing accelerator-produced radioactive material at the locations and during the time period identified in this subsection, qualifies as an authorized nuclear pharmacist for those materials and uses performed before these dates, for the purposes of this Section.

D) Individuals who need not comply with training requirements as described in this Section may serve as preceptors for, and supervisors of, applicants seeking authorization on Agency licenses for the same uses for which these individuals are authorized. ~~A State of Illinois licensed pharmacist who has~~

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~~completed a structured educational program as specified in subsection (c)(18)(B) before October 24, 2007 and who is working in a nuclear pharmacy would qualify as an experienced nuclear pharmacist. An experienced nuclear pharmacist need not comply with the requirements for a preceptor statement and recentness of training to qualify as an authorized nuclear pharmacist;~~

21) Recentness of Training. The training and experience specified in subsections (c)(17) and (c)(18)~~subsection (c)(18)~~ shall have been obtained within the 7 years preceding the date of application or the individual shall have had related continuing education and experience since the required training and experience was completed;

22) Resolution of Conflicting Requirements During Transition Period. If this Part conflicts with the licensee's radiation safety program as identified in its license, this Part shall apply unless the statements, representations, conditions and procedures in the license are more restrictive. However, if the licensee exercises its privilege to amend its license, the portion amended must comply with the requirements of this Part.

23) Licensing the production of PET radioactive drugs for noncommercial distribution within a consortium. An application from a medical facility or educational institution to produce PET radioactive drugs for noncommercial distribution within its consortium for use under 32 Ill. Adm. Code 335 or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State shall include:

A) A request for authorization to produce PET radionuclides or evidence of an existing license issued under this Part or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement State; and

B) Evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting one of the criteria in subsection (c)(2); and

C) If the applicant is a nuclear pharmacy:

i) Verification that the applicant satisfies the requirements of this Section that apply to nuclear pharmacies; and

ii) Identification of each individual authorized to prepare the PET radioactive drugs and documentation that each meets the requirements of an authorized nuclear pharmacist; and

D) The information required by subsection (c)(4~~3~~) for each PET radioactive drug to be noncommercially distributed within the consortium; and

E) Verification that the applicant is in compliance with:

i) Applicable FDA and other Federal and State requirements governing radioactive drugs; and

ii) The labeling requirements of subsection (c)(5) for each PET radioactive drug transport radiation shield and each syringe, vial or other container used to hold a PET radioactive drug intended for noncommercial distribution to members of its consortium; and

iii) The requirements of subsections (c)(7), (12), (13), (14), (17), and (22).

AGENCY NOTE: Subsection (c)(7) contains requirements for measuring the radioactivity of radioactive drugs.

24) A licensee shall satisfy the labeling requirements in subsection (c)(5).

d) Use of Sealed Sources in Industrial Radiography. A specific license for use of sealed sources in industrial radiography shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 350 and 405.

e) Use of Radioactive Materials in Wireline Service Operations and Subsurface Tracer Studies. A specific license for use of radioactive material in wireline operations shall be issued only if the applicant has met the requirements of this Part and 32 Ill. Adm. Code 351.

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AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on NRC's website.

(Source: Amended at 46 Ill. Reg. 866, effective December 21, 2021)

Section 330.270 Special Requirements for Specific Licenses of Broad Scope

This Section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material and certain regulations governing holders of those licenses.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

a) The different types of broad scope licenses are:

1) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in multiples of gigabecquerels or curies.

2) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Appendix D, for any authorized purpose. The possession limit for a Type B license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column I of Appendix D. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column I of Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

3) A "Type C specific license of broad scope" is a specific license

authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in Appendix D, for any authorized purpose. The possession limit for a Type C license of broad scope, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column II of Appendix D. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column II of Appendix D for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

b) An application for a Type A specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant has engaged in a reasonable number of activities involving the use of radioactive material;

3) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The establishment of a Radiation Safety Committee composed of such persons as a Radiation Safety Officer, a representative of management and persons trained and experienced in the safe use of radioactive material;

i) The Committee shall meet at least once each calendar quarter.

ii) To establish a quorum and to conduct business, at least one-half of the Committee membership must be in attendance and shall include, at a minimum, the management's representative, an authorized user and the Radiation Safety Officer. However, no more than once per year, the Radiation Safety Officer's designee may substitute for the Radiation Safety Officer, provided the designee has

been given a written report. The report shall include all information necessary for that meeting, such as the minutes of the previous Committee meeting and reports by the Radiation Safety Officer. Reports by the Radiation Safety Officer shall include reports of investigations and information necessary for the reviews. To maintain membership on the Committee, a member must attend at least one-half of the meetings held in any year.

iii) The minutes of each Radiation Safety Committee meeting shall include:

- The date of the meeting;
- Members in attendance;
- Members absent;
- Summary of deliberations and discussions;
- Recommended actions and the results of all votes; and
- Documentation of the radiation protection program review required by 32 Ill. Adm. Code 340.110(c).

iv) The Committee shall provide each member with a copy of the meeting minutes before the next meeting and retain one copy for 5 years from the meeting date.

B) The appointment of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters.

C) The establishment of appropriate administrative procedures to assure:

i) Control of procurement and use of radioactive material;

ii) Completion of safety evaluations of proposed uses of

radioactive material that take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

iii) Review, approval and recording by the Radiation Safety Committee of safety evaluations of proposed uses prepared in accordance with subsection (b)(3)(C)(ii) prior to use of the radioactive material; and

4) The applicant or its predecessor has been a specific licensee of the Agency for 5 years.

c) An application for a Type B specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250; and

2) The applicant has established administrative controls and provisions relating to organization and management, procedures, recordkeeping, material control and accounting and management review that are necessary to assure safe operations, including:

A) The nomination of a Radiation Safety Officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

B) The establishment of appropriate administrative procedures to assure:

i) Control of procurement and use of radioactive material;

ii) Completion of safety evaluations of proposed uses of radioactive material that take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

iii) Review, approval and recording by the Radiation Safety

Officer of safety evaluations of proposed uses prepared in accordance with subsection (c)(2)(B)(ii) prior to use of the radioactive material.

d) An application for a Type C specific license of broad scope will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

A) A college degree at the bachelor level, or equivalent training and experience, in the physical, or biological sciences or in engineering; and

B) At least 40 hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation and biological hazards of exposure to radiation pertinent to the type and forms of radioactive material to be used; and

3) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting and management review necessary to assure safe operations.

e) Specific licenses of broad scope are subject to the following conditions:

1) Unless specifically authorized, persons licensed pursuant to this Section shall not:

A) Conduct tracer studies in the environment involving direct release of radioactive material;

B) Receive, acquire, own, possess, use or transfer devices containing 3.7 PBq (100 kCi) or more of radioactive material in sealed sources used for irradiation of materials;

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C) Conduct activities for which a specific license issued by the Agency under Section 330.260 or 330.280 is required; or

D) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

2) Each Type A specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Committee.

3) Each Type B specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's Radiation Safety Officer.

4) Each Type C specific license of broad scope issued under this Part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (d)(2).

f) A licensee possessing a Type A specific license of broad scope for medical use, issued under this Part, is exempt from:

1) The provisions of 32 Ill. Adm. Code 335.40(b);

2) The provisions of 32 Ill. Adm. Code 335.40(f) regarding additions to or changes in the areas of use at the addresses identified in the application or on the license;

3) The provisions of 32 Ill. Adm. Code 335.45(a);

4) The provisions of 32 Ill. Adm. Code 335.45(b)(1) for an authorized user, an authorized medical physicist, or an ophthalmic physicist; and

5) The provisions of 32 Ill. Adm. Code 335.45(b)(5).

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(Source: Amended at 46 Ill. Reg. 866, effective December 21, 2021)

Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

a) Licensing the Introduction of Radioactive Material into Products in Exempt Concentrations

1) In addition to the requirements set forth in Section 330.250, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the radioactive material to persons exempted from this Part pursuant to Section 330.30 or 330.40(a) will be issued if:

A) The applicant submits:

i) a description of the product or material into which the radioactive material will be introduced;

ii) intended use of the radioactive material and the product or material into which it is introduced;

iii) method of introduction;

iv) initial concentration of the radioactive material in the product or material;

v) control methods to assure that no more than the specified concentration is introduced into the product or material;

vi) estimated time interval between introduction and transfer of the product or material; and

vii) estimated concentration of the radioactive material in the product or material at the time of transfer; and

B) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in Appendix A, that reconcentration of the radioactive material in concentrations exceeding those in Appendix A is not likely, that use of lower concentrations is not feasible and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

2) Each person licensed under this subsection (a) is required to maintain records of transfer of material and shall file a report with the Agency that shall identify the following:

A) Type and quantity of each product or material into which radioactive material has been introduced during the reporting period;

B) Name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction;

C) The radionuclide, activity and activity assay date of radioactive material introduced into each product or material; and

D) The initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee.

3) The licensee shall file the report within 30 days after any of the following events:

A) 5 years have passed since the preceding report was filed; or

B) The licensee has:

i) Filed an application for renewal of the license under Section 330.320; or

ii) Notified the Agency under Section 330.325(c) that the licensee has ended activities authorized under the license issued under this subsection (a).

4) The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (a)(3). If no transfers of radioactive material have been made under this subsection (a) during the reporting period, the report shall so indicate.

5) The licensee shall maintain the record of a transfer for a period of one year after the event has been included in a report to the Agency.

6) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under Section 330.30 or 330.40(a) or the equivalent regulations of NRC (10 CFR 30.14) or of an Agreement State, except in accordance with a specific license issued under this subsection (a).

b) Licensing the Distribution of Radioactive Material in Exempt Quantities

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington DC 20555.

c) Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors.

AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington DC 20555.

d) Licensing the Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(a).

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AGENCY NOTE: Subsection (p) describes requirements for radioactive material transfer reports and records.

1) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Section 330.220(a) or equivalent regulations of NRC or an Agreement State will be approved if:

   A) The applicant satisfies the general requirements of Section 330.250.

   B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions and potential hazards of the device to provide reasonable assurance that:

      i) The device can be safely operated by persons not having training in radiological protection;

      ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device and it is unlikely that any person will receive in one year a dose in excess of 10 percent of the annual limits specified in 32 Ill. Adm. Code 340.210(a); and

      iii) Under accident conditions such as fire and explosion associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

         Whole body; head and trunk; active blood-forming organs; gonads or lens of eye ..... 150 mSv (15 rem)

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Hands and forearms; feet and ankles or localized areas of skin averaged over areas no larger than one square centimeter..... 2 Sv (200 rem)

Other organs ..... 500 mSv (50 rem).

C) Each device bears a durable, legible, clearly visible label or labels approved by the Agency that contains in a clearly identified and separate statement:

i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device. Documents such as operating and service manuals may be identified on the label and used to provide this information;

ii) The requirement, or lack of requirement, for testing for leakage or contamination, or for testing any on-off mechanism and indicator, including the maximum time interval for the testing, and the identification of radioactive material by radionuclide, activity and activity assay date; and

iii) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

The receipt, possession, use and transfer of this device, Model___, Serial No.____, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a state with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

OR

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CAUTION – RADIOACTIVE MATERIAL
Name of Manufacturer or Distributor

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

D) Each device having a separable source housing that provides the primary shielding for the source also bears on the source housing a durable label displaying the device model and serial number, the radionuclide and activity, the words "Caution – Radioactive Material", the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A and the name of the manufacturer or distributor.

E) Each device meeting the criteria of 10 CFR 31.5(c)(13)(i)(73 Fed. Reg. 42673, July 23, 2008) bears a permanent (e.g., embossed, etched, stamped or engraved) label affixed to the source housing, if separable, or the device, if the source housing is not separable, that includes the words "Caution – Radioactive Material"~~,~~ and, if practicable, the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A.

F) The device has been registered in the Sealed Source and Device Registry in accordance with subsection (m)(2).

2) Except as provided in this subsection (d)(2), the interval between tests for proper operation of the on-off mechanism and indicator, if any, shall not exceed six months. The interval between tests for contamination of the device or for leakage of radioactive material from the device or for both shall not exceed three months for devices containing sources designed to emit alpha particles and six months for all other devices. In the event the applicant desires that the device be required to be tested at longer intervals, the applicant shall include in the application sufficient information to demonstrate that those longer intervals are justified. The information shall include a description of the performance characteristics of the device or similar devices and of design features that have a significant bearing on the probability or consequences of contamination of the device or leakage of radioactive material from the device or failure of

the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material or contamination of the device, the Agency will consider information that includes, but is not limited to:

A) Primary containment or source capsule;

B) Protection of primary containment;

C) Method of sealing containment;

D) Containment construction materials;

E) Form of contained radioactive material;

F) Maximum temperature withstood during prototype tests;

G) Maximum pressure withstood during prototype tests;

H) Maximum activity of contained radioactive material;

I) Radiotoxicity of contained radioactive material; and

J) Operating experience with identical devices or similarly designed and constructed devices.

3) In the event the applicant desires that the general licensee under Section 330.220(a), or under equivalent regulations of NRC or an Agreement State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of, or contamination by, radioactive material, service the device, test the on-off mechanism and indicator or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated annual doses associated with the activity or activities and bases for the estimates. The submitted information shall demonstrate that performance of the activity or activities by an individual untrained in radiological protection, in addition to other handling, storage and use of devices under the general license, is unlikely to cause that individual to

receive an annual dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

4) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(4) to each person to whom a device is to be transferred for possession and use under the general license in Section 330.220(a). This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:

A) A copy of Section 330.220(a);

AGENCY NOTE: If certain provisions of Section 330.220(a) do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

B) A copy of 32 Ill. Adm. Code 310.40, 330.310 and 340.1210, 340.1220 and 340.1260;

C) A list of the services that may only be performed by a specific licensee;

D) Information on acceptable disposal options, including estimated costs of disposal; and

E) A statement of the Agency's policy to take escalated enforcement action for improper disposal.

5) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(5) to each person to whom a device is to be transferred for possession and use under a general license equivalent to Section 330.220(a) in the regulations of NRC or an Agreement State. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended

user prior to transfer to the intermediate person. The required information is:

A) A copy of the following regulations of NRC or the equivalent regulations of an Agreement State. NRC regulations are 10 CFR 31.5(73 Fed. Reg. 42673, July 23, 2008), 10 CFR 31.2(65 Fed. Reg. 79187, December 18, 2000), 10 CFR 30.51(61 Fed. Reg. 24673, May 16, 1996), 10 CFR 20.2201(67 Fed. Reg. 3585, January 25, 2002) and 10 CFR 20.2202(63 Fed. Reg. 39483, July 23, 1998). If NRC regulations are provided to a prospective general licensee in lieu of applicable Agreement State regulations, they shall be accompanied by a note explaining that use of the device is regulated by the Agreement State;

AGENCY NOTE: If certain provisions of the regulations do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

B) A list of the services that may only be performed by a specific licensee;

C) Information on acceptable disposal options, including estimated costs of disposal;

D) A statement of the policies of NRC and most Agreement States to take escalated enforcement action for improper disposal; and

E) The name or title, address and phone number of the contact at NRC or Agreement State regulatory agency from whom additional information may be obtained.

6) A person licensed under this subsection (d) may propose, for approval by the Agency, an alternative method of informing customers.

7) Each transferred device ~~transferred after February 19, 2002,~~ shall meet the labeling requirements of subsections (d)(1)(C), (D) and (E).

8) If a license is to be terminated or if notification of bankruptcy is required by Section 330.310(j), a person licensed under this subsection (d) shall, upon request, provide to the Agency, NRC or an Agreement State the records of final disposition required by subsection (p)(8).

e) Special Requirements for the Manufacture, Assembly or Repair of Luminous Safety Devices for Use in Aircraft

1) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft, for distribution to persons generally licensed under Section 330.220(b) will be approved if:

A) The applicant satisfies the general requirements specified in Section 330.250; and

B) The applicant satisfies the requirements of the following regulations of NRC or their equivalent. The regulations are 10 CFR 32.53 (77 Fed. Reg. 43693, July 25, 2012), 10 CFR 32.54 (63 Fed. Reg. 39483, July 23, 1998) and 10 CFR 32.55 (77 Fed. Reg. 43693, July 25, 2012).

2) Each person licensed under this subsection (e) shall file an annual report with the Agency that shall state the total activity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(b) or equivalent regulations of NRC or an Agreement State. The report shall identify each general licensee by name and address, state the kinds and numbers of luminous devices transferred and specify the activity of tritium or promethium-147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the Agency.

3) Each person licensed under this subsection (e) shall also file an annual report with the Director, Office of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/GLTS, U.S. Nuclear Regulatory Commission, Washington DC 20555 by the appropriate method listed in 10 CFR 30.6, ~~by an appropriate method listed in 32 Ill.~~

~~Adm. Code 310.110,~~ which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(b). The report shall~~must~~ identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report shall~~must~~ cover the year ending June 30 and shall~~must~~ be filed by July 30. If no transfers have been made to persons generally licensed under Section 330.220(b) during the reporting period, the report shall~~must~~ so indicate.

f) Special Requirements for License to Manufacture Calibration Sources Containing Americium-241, Plutonium or Radium-226 for Distribution to Persons Generally Licensed Under Section 330.220(d). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under Section 330.220(d) will be approved if:

1) The applicant satisfies the general requirements of Section 330.250; and

2) The applicant satisfies the requirements of 10 CFR 32.57 (77 Fed. Reg. 43693, July 25, 2012) and 10 CFR 70.39 (43 Fed. Reg. 6925, February 17, 1978). The applicant shall also certify that it will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58 and 32.59~~,~~ (77 Fed. Reg. 43694, July 25, 2012).

g) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Section 330.220(e), or equivalent regulations of NRC or an Agreement State, will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250.

2) The radioactive material is to be prepared for distribution in prepackaged units of:

A) Carbon-14 in units not exceeding 370 kBq (10 µCi) each.

B) Cobalt-57 in units not exceeding 370 kBq (10 µCi) each.

C) Hydrogen-3 (tritium) in units not exceeding 1.85 MBq (50 µCi) each.

D) Iodine-125 in units not exceeding 370 kBq (10 µCi) each.

E) Mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.

F) Iodine-131 in units not exceeding 370 kBq (10 µCi) each.

G) Iron-59 in units not exceeding 740 kBq (20 µCi) each.

H) Selenium-75 in units not exceeding 370 kBq (10 µCi) each.

3) Each prepackaged unit bears a durable, clearly visible label:

A) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kBq (10 µCi) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 1.85 MBq (50 µCi) of hydrogen-3 (tritium); 740 kBq (20 µCi) of iron-59; or mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each; and

B) Displaying the radiation caution symbol described in 32 Ill. Adm. Code 340.910(a) and the words~~,~~ "CAUTION – RADIOACTIVE MATERIAL"~~,~~ and "Not for Internal or External Use in Humans or Animals".

4) The following statement, or a statement that contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not

involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of NRC or of a state with which NRC has entered into an agreement for the exercise of regulatory authority.

5) The label affixed to the unit, or the leaflet or brochure that accompanies the package, contains information about the precautions to be followed in handling and storing that radioactive material. In the case of the mock iodine-125 reference or calibration source, the manufacturer shall state in the directions that this item shall be disposed of in compliance with 32 Ill. Adm. Code 340.1010(a) or the equivalent regulations of NRC or an Agreement State.

h) Licensing the Manufacture and Distribution of Ice Detection Devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Section 330.220(f) will be approved if:

1) The applicant satisfies the general requirements of Section 330.250; and

2) The criteria of 10 CFR 32.61 and 32.62(77 Fed. Reg. 43694, July 25, 2012) are met.

i) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Specific Licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Section 330.260(a), (b) or (c) for the uses described in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010 will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant submits information showing that:

A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the

Federal Food, Drug, and Cosmetic Act (21 USC 301) or the Public Health Service Act (42 USC 201 et seq.); or

B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

3) The applicant submits information on the radionuclide; chemical and physical form; maximum activity per vial, syringe, generator or other container of the radioactive drug; and the shielding provided by the packaging to show the packaging is appropriate for safe handling and storage of radiopharmaceuticals by medical use licensees; and

4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, activity and activity assay date and the label affixed to each package, or the leaflet or brochure that accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), (b) or (c) for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of NRC or an Agreement State. The labels, leaflets or brochures required by this subsection (i) are in addition to the labeling required by the FDA and may be separate from, or, with the approval of FDA, may be combined with the labeling required by FDA.

j) Manufacture and Distribution of Generators or Reagent Kits for Preparation of Radiopharmaceuticals Containing Radioactive Material

AGENCY NOTE: Although the Agency does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of those reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have those reagent kits approved by the Agency for use by persons licensed pursuant to Section 330.260(a), (b) or (c) for generators or reagent kits specified in 32 Ill. Adm. Code 335.4010 may submit the pertinent information specified in this subsection (j).

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An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to Section 330.260(a), (b) or (c) for the uses specified in 32 Ill. Adm. Code 335.4010 will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250;

2) The applicant submits evidence that:

   A) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or

   B) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;

3) The applicant submits information on the radionuclide, chemical and physical form, packaging, including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;

4) The label affixed to the generator or reagent kit contains information on the radionuclide, activity and activity assay date; and

5) The label affixed to the generator or reagent kit, or the leaflet or brochure that accompanies the generator or reagent kit, contains:

   A) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and

   B) A statement that the generator or reagent kit, as appropriate, is approved for use by persons licensed by the Agency pursuant to Section 330.260(a), (b) or (c) and 32 Ill. Adm. Code 335.4010 or under equivalent licenses of NRC or an Agreement State. The labels, leaflets or brochures required by this subsection (j) are in

addition to the labeling required by the FDA and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

k) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section 330.260(a) or (b) for use as a calibration, transmission or reference source in 32 Ill. Adm. Code 335.2040 or for the uses listed in 32 Ill. Adm. Code 335.2140, 335.6010, 335.7010 and 335.8010 will be approved if:

1) The applicant satisfies the general requirements in Section 330.250;

2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

A) The radioactive material contained and its chemical and physical form and activity;

B) Details of design and construction of the source or device;

C) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

D) For devices containing radioactive material, the radiation profile of a prototype device;

E) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

F) Procedures and standards for calibrating sources and devices;

G) Legend and methods for labeling sources and devices as to their radioactive content; and

H) Instructions for handling and storing sources or devices from the radiation safety standpoint. These instructions shall be included on a durable label attached to each source or device or attached to a permanent storage container for the source or device; provided, that instructions that are too lengthy for the label may be summarized on the label and printed in detail on a brochure that is referenced on the label;

3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, activity and activity assay date, radiation symbol and/or "CAUTION – RADIOACTIVE MATERIAL", serial number, model, manufacturer name or logo, and a statement that the source or device is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), (b) or (c) and 32 Ill. Adm. Code 335.2040, 335.2140, 335.6010, 335.7010 and 335.8010 or under equivalent licenses of NRC or an Agreement State, provided that the labeling for sources that do not require long-term storage may be on a leaflet or brochure that accompanies the source;

4) In the event the applicant desires that the source or device be required to be tested for leakage of, or contamination by, radioactive material at intervals longer than 6 months, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of radioactive contamination or leakage of radioactive material from the source;

5) In determining the acceptable interval for tests of leakage of, or contamination by, radioactive material, the Agency will consider information that includes, but is not limited to:

A) Primary containment or source capsule;

B) Protection of primary containment;

C) Method of sealing containment;

D) Containment construction materials;

E) Form of contained radioactive material;

F) Maximum temperature withstood during prototype tests;

G) Maximum pressure withstood during prototype tests;

H) Maximum activity of contained radioactive material;

I) Radiotoxicity of contained radioactive material;

J) Operating experience with identical sources or devices or similarly designed and constructed sources or devices; and

K) Proposed use of source; and

6) The source or device has been registered in the Sealed Source and Device Registry in accordance with subsection (m)(2).

l) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications. An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Section 330.210(g) or equivalent regulations of NRC or an Agreement State will be approved if:

1) The applicant satisfies the general requirements specified in Section 330.250.

2) The applicant submits sufficient information relating to the design (including blueprints), manufacture (construction materials and methods), prototype testing (description of testing that will be done and the acceptance criteria), quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to assure that possession, use or transfer of the depleted uranium in the product or device will not cause any individual to receive, in any period of one year, a radiation dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

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3) The applicant submits information assuring that the presence of depleted uranium for a mass-volume application in the product or device will provide a unique benefit to the public, i.e., a benefit that could not be achieved but for the use of depleted uranium. The applicant's methods for use and handling of the product or device will not result in uncontrolled disposal or dispersal of depleted uranium into the environment.

4) The Agency will deny any application for a specific license under this subsection (l) if the end uses of the industrial product or device cannot be reasonably foreseen.

5) Each person licensed pursuant to this subsection (l) shall:

A) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

B) Label or mark each unit to:

i) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium and the activity of depleted uranium in each product or device; and

ii) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of NRC or an Agreement State;

C) Assure that the depleted uranium, before being installed in each product or device, has been impressed with the following legend, clearly legible through any plating or other covering: "Depleted Uranium";

D) Furnish:

i) A copy of the general license contained in Section 330.210(g) and a copy of the form "Registration Certificate

– Use of Depleted Uranium Under General License", to each person to whom the licensee transfers depleted uranium in a product or device for use pursuant to the general license contained in Section 330.210(g); or

ii) A copy of the general license contained in NRC's or Agreement State's regulation equivalent to Section 330.210(g) and a copy of NRC's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Section 330.210(g) and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom he or she transfers depleted uranium in a product or device for use pursuant to the general license of NRC or an Agreement State, with a note explaining that use of the product or device is regulated by NRC or an Agreement State under requirements substantially the same as those in Section 330.210(g);

E) Report to the Agency all transfers of industrial products or devices to persons for use under the general license in Section 330.210(g). The report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Agency and the general licensee, the type and model number of device transferred, and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which the product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Section 330.210(g) during the reporting period, the report shall so indicate;

F) File a report that identifies each general licensee by name and address, an individual by name and/or position who constitutes a point of contact between the Agency and the general licensee, the type and model number of the device transferred, and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar

quarter in which the product or device is transferred to the generally licensed person. The licensee shall report:

i) To NRC, all transfers of industrial products or devices to persons for use under NRC general license in 10 CFR 40.25;

ii) To the responsible state agency, all transfers of devices manufactured and distributed pursuant to this subsection (l) for use under a general license in that state's regulations equivalent to Section 330.210(g);

iii) To NRC, if no transfers have been made by the licensees during the reporting period;

iv) To the responsible Agreement State~~,~~ agency, upon the request of that agency, if no transfers have been made to general licensees within a particular Agreement State during the reporting period; and

G) Keep records showing the name, address and point of contact for each general licensee to whom the licensee transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(g) or equivalent regulations of NRC or an Agreement State. The records shall be maintained for a period of 2 years and shall show the date of each transfer, the activity of depleted uranium in each product or device transferred, and compliance with the report requirements of this subsection (l).

m) Special Requirements for License to Manufacture or Initially Distribute Sealed Sources or Devices Containing Sealed Sources

1) An application for license to manufacture or initially distribute sealed sources or devices containing sealed sources for initial transfer to persons having a specific license to receive those sealed sources or devices will be approved subject to the following conditions:

A) The applicant satisfies the general requirements specified in Section 330.250;

B) The licensee subject to this subsection (m) shall not transfer a sealed source or device containing a sealed source to any person, except in accordance with the requirements of Section 330.400.

2) Any manufacturer or initial distributor of a sealed source or device containing a sealed source may submit a request to the Agency for evaluation of radiation safety information about its product and for filing an evaluation sheet in the NRC "Registry of Radioactive Sealed Sources and Devices".

3) The request for review of a sealed source or a device must include sufficient information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses and leak testing, and, for a device, the request must also include sufficient information about installation, service and maintenance, operating and safety instructions, and the device's potential hazards to provide reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property.

4) The Agency normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the Agency formulates reasonable standards and criteria with the help of the manufacturer or distributor. The Agency shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. Other subsections of this Section have specific criteria that apply to certain products.

5) After completion of the evaluation, the Agency issues a certificate of registration to the person making the request. The certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product, or concerning use under an exemption from licensing or general license, as applicable, for the category of certificate.

6) The person submitting the request for evaluation and registration of safety information about the product shall manufacture and distribute the product in accordance with:

A) The statements and representations, including quality control program, contained in the request; and

B) The provisions of the registration certificate.

7) Authority to manufacture or initially distribute a sealed source or device to specific licensees may be provided in the license without the issuance of a certificate of registration in the following cases:

A) Calibration and reference sources containing no more than:

i) 37 MBq (1 mCi), for beta and/or gamma emitting radionuclides; or

ii) 0.37 MBq (10 µCi), for alpha emitting radionuclides; or

B) The intended recipients are qualified by training and experience, and have sufficient facilities and equipment, to safely use and handle the requested quantity of radioactive material in any form, in the case of unregistered sources, or, for registered sealed sources contained in unregistered devices, are qualified by training and experience and have sufficient facilities and equipment, to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses; and

i) The intended recipients are licensed under Section 330.270 or comparable provisions of NRC or an Agreement State; or

ii) The recipients are authorized for research and development; or

iii) The sources and devices are to be built to the unique

specifications of the particular recipient and contain no more than 740 GBq (20 Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.

8) After the certificate is issued, the Agency may conduct an additional review as it determines is necessary to ensure compliance with current regulatory standards. In conducting its review, the Agency will complete its evaluation in accordance with criteria specified in this Section. The Agency may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information ~~as~~ requested.

9) A certificate holder who no longer manufactures or initially transfers any of the sealed sources or devices covered by a particular certificate issued by the Agency shall request inactivation of the registration certificate. The request must be made to the Agency by an appropriate method listed in 32 Ill. Adm. Code 310.110 and must normally be made no later than two years after initial distribution of all the sources or devices covered by the certificate has ceased. However, if the certificate holder determines that an initial transfer was in fact the last initial transfer more than 2 years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days after this determination and briefly describe the circumstances of the delay.

10) If a distribution license is to be terminated in accordance with Section 330.325, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Agency will terminate the license. A request for inactivation of certificates must indicate that the license is being terminated and include the associated specific license number.

11) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer the sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.

n) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. A specific license authorizing the distribution of radioactive

materials for diagnostic medical use by a physician under a general license shall be issued only if the applicant for the specific license satisfies the requirements of Section 330.250 and:

1) The applicant submits evidence that the radioactive material is to be manufactured, labeled and packaged in accordance with an approval by the commissioner of Food and Drugs, U.S. Food and Drug Administration, or in accordance with an approval for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and

2) The following statement, or a statement that contains the information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure that accompanies the package:

> This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of the NRC or of a state with which NRC has entered into an agreement for the exercise of regulatory authority.

o) Requirements for License to Initially Transfer Source Material for Use Under the "Small Quantities of Source Material" General License

1) An application for a specific license to initially transfer source material for use under Section 330.210 will be approved if:

A) The applicant satisfies the general requirements specified in Section 330.250; and

B) The applicant submits adequate information on the methods to be used for quality control, labeling and providing safety instructions to recipients.

2) Each person licensed under this subsection (o) shall label the immediate container of each quantity of source material with the type and quantity of source material and the words~~,~~ "radioactive material".

3) Each person licensed under this subsection (o) shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.

4) Each person licensed under this subsection (o) shall provide the information specified in this subsection (o)(4) to each person to whom source material is transferred for use under Section 330.210. This information shall be transferred before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:

   A) A copy of Sections 330.210 and 330.400; and

   B) Appropriate radiation safety precautions and instructions relating to handling, use, storage and disposal of the material.

5) Each person licensed under this subsection (o) shall report transfers as follows:

   A) File a report with the Agency that includes the following information:

      i) The name, address and license number of the person who transferred the source material;

      ii) For each general licensee under Section 330.210 to whom greater than 50 grams (0.11 pounds) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form and quantity of source material transferred; and

      iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.

B) File a report with each responsible Agreement State or NRC, as appropriate, that identifies all persons, operating under provisions equivalent to Section 330.210, to whom greater than 50 grams (0.11 pounds) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State or NRC licensees:

i) The name, address and license number of the person who transferred the source material;

ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form and quantity of source material transferred; and

iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients within the Agreement State or NRC jurisdictions.

C) Submit each report by January 31 of each year covering all transfers for the previous calendar year. If no transfers were made to persons generally licensed under Section 330.210, or equivalent Agreement State or NRC provisions, during the current period, a report shall be submitted to the Agency indicating so. If no transfers have been made to general licensees in a particular Agreement State during the reporting period, this information shall be reported to each responsible Agreement State agency or NRC upon request.

6) Each person licensed under this subsection (o) shall maintain all information that supports the reports required by subsection (o)(5) concerning each transfer to a general licensee for a period of one year after the event is included in a report to the Agreement State agency or NRC.

p) Material Transfer Reports and Records

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Each person licensed under subsection (d) to distribute devices to generally licensed persons shall comply with the requirements of this subsection (p).

1) The person shall report:

   A) To the Agency and to the responsible regulatory agency all transfers of devices to persons for use under the general license in Section 330.220(a) or the equivalent regulations of NRC or an Agreement State;

   B) To the Agency and to the responsible regulatory agency all receipts of devices from persons generally licensed under Section 330.220(a) or the equivalent regulations of NRC or an Agreement State;

   C) To the Agency if no transfers were made to or from general licensees during the reporting period; and

   D) To the responsible regulatory agency upon the request of the agency if no transfers during the reporting period were made to or from general licensees in the agency's area of jurisdiction.

2) The report shall be on NRC Form 653, "Transfers of Industrial Devices Report", or in a clear and legible format containing all of the information required by the form. The report shall cover each calendar quarter, shall be filed within 30 days after the end of the calendar quarter, and shall clearly indicate the period covered.

3) For a transfer to a general licensee, the report shall provide:

   A) The identity of the general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted, along with information on the actual location of use;

   B) The name, title and phone number of the individual identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

C) The date of transfer;

D) The type, model and serial number of the device transferred; and

E) The radionuclide and activity contained in the device.

4) If one or more intermediate persons will temporarily possess a device at the intended place of use before its possession by the user, the report shall include the same information for both the intended user and each intermediate person and shall clearly designate all intermediate persons.

5) For a device received from a general licensee, the report shall provide the name and address of the general licensee and the type, model and serial number of the device and the date of receipt. For a device not initially transferred by the reporting person, the report shall provide the name of the manufacturer or distributor.

6) If the person makes a change to a device possessed by a general licensee that necessitates a change in the label, the report shall identify the general licensee, the device and the changes to information on the device label.

7) The report shall clearly identify the person licensed under subsection (d) that is furnishing the report and shall include the person's specific license number.

8) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this subsection (p). These records shall be maintained for 5 years following the recorded event.

(Source: Amended at 46 Ill. Reg. 866, effective December 21, 2021)

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 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) Is provided notification, including the identity and technical qualifications of the proposed transferee, not later than 90 days prior to the transfer;

2~~1~~) Finds that the proposed transfer, assignment or disposal is in accordance with the provisions of the Act;

3~~2~~) Consents in writing to the proposed transfer, assignment or disposal; and

4~~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.

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, including sealed sources and devices~~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 properly disposed of the sealed sources or devices~~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.

3) For a device with a shutter that is not being used, the shutter shall be locked in the closed position. Testing for proper operation of the on-off mechanism and indicator is not required during the storage period. However, the on-off mechanism and indicator shall be checked before the device is returned to service if the device has not been tested within the required test interval. Tests for leakage of, or contamination by, radioactive material, as applicable to devices in storage, shall be conducted in accordance with 32 Ill. Adm. Code 340.410.

4) A device kept in standby for future use is exempt from the 2-year storage limit if the person performs a quarterly physical inventory of the device while it is in standby. The requirements of subsection (i)(3) shall apply.

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;

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 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.

l) 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 46 Ill. Reg. 866, effective December 21, 2021)

Section 330.340 Amendment of Licenses at Request of Licensee

a) Applications for amendment of a license shall be filed in accordance with Section 330.240 ~~of this Part~~ and shall specify the purpose for which the licensee desires the license to be amended and the grounds for the amendment.

b) Except as otherwise authorized by the Agency, the licensee shall~~must~~ receive an amendment before the licensee:

1) Receives, uses, or transfers radioactive material for a type of use not authorized on the licensee's current license.

2) Adds or changes the Radiation Safety Officer~~, authorized nuclear pharmacist or authorized user~~.

3) Receives radioactive material in excess of the license possession limits or in a form not stated on the current license.

4) Adds to or changes areas of use or storage locations, including change of address.

5) Revises procedures identified in the current license.

(Source: Amended at 46 Ill. Reg. 866, effective December 21, 2021)

Section 330.900 Reciprocal Recognition of Licenses

a) Subject to this Part, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State~~another state~~ is hereby granted a general license to conduct the activities authorized in such licensing document within this State, in areas not under exclusive federal jurisdiction, for a

period not in excess of 180 days in any 12-month period, provided that:

1) A current copy of the licensing document is on file with the Agency and activities authorized by the document are not limited to specified installations or locations.

2) The out-of-state licensee notifies the Agency by telephone, facsimile, or as otherwise provided in 32 Ill. Adm. Code 310.110~~letter~~ prior to engaging in such activities. Notification shall indicate the following:

   A) Contact person

   B) Phone number of contact

   C) Company name and address

   D) Company contact person on-site

   E) License number of applicant or registrant

   F) Licensing authority

   G) Expiration date of applicant's or registrant's license

   H) Dates of work at temporary job site

   I) Client or facility name and address

   K) Client or facility contact person and phone number

   L) Proposed use and names of authorized users, their ~~social security numbers or other~~ unique identification that can be independently verified (e.g., driver's license number, employee ID, work permit number, etc.), or if no other identification is available, the social security number of the individual; and

   M) Device manufacturer, model, radionuclide, source model, and activity.

3) If initial notification was by telephone ~~or telegraph~~, the out-of-state licensee shall submit to the Agency, within 10 days following notification, a letter containing the information as specified in subsection (a)(2). Upon receipt from the out-of-state licensee of a written request containing a schedule of activities to be conducted within Illinois, the Agency shall waive the requirement for additional notifications of activities on that schedule during the 12-month period following the receipt of the initial notification from a person engaging in activities under the general license provided in this Section.

4) The out-of-state licensee complies with 32 Ill. Adm. Code: Chapter II and with all the terms and conditions of the licensing document, except any terms and conditions that may be inconsistent with 32 Ill. Adm. Code: Chapter II.

5) The out-of-state licensee supplies other information as the Agency may request to show compliance with 32 Ill. Adm. Code: Chapter II.

6) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this Section, except by transfer to a person:

A) Specifically licensed by the Agency, the U.S. Nuclear Regulatory Commission or another state to receive such material; or

B) Exempt from the requirements for a license for such material under Section 330.40(a) ~~of this Part~~.

b) In addition to the provisions of subsection (a) ~~of this Section~~, any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State ~~another state~~ authorizing the holder to manufacture, transfer, install or service a device described in Section 330.220(a) ~~330.220(b)(1) of this Part~~ within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service the device in this State, provided that:

1) The device has been manufactured, labeled, installed and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or another state;

2) The person shall assure that any labels required to be affixed to the device under regulations of the authority that licensed manufacture of the device bear a statement that "Removal of this label is prohibited".

c) The Agency may withdraw, limit or qualify its acceptance of any specific license issued by the U.S. Nuclear Regulatory Commission or another state, or any product distributed pursuant to the license, if the Agency determines that had the person been licensed in Illinois by the Agency, the license would have been subject to action under Section 330.500 ~~of this Part or 32 Ill. Adm. Code 310.90~~.

(Source: Amended at 46 Ill. Reg. 866, effective December 21, 2021)

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Section 330.APPENDIX D Limits for ~~Broad~~ Licenses of Broad Scope (Section 330.270~~330.27~~)

Radioactive Material	Column I		Column II	
	GBq	Ci	GBq	Ci
Antimony-122	37	1	0.37	0.01
Antimony-124	37	1	0.37	0.01
Antimony-125	37	1	0.37	0.01
Arsenic-73	370	10	3.7	0.1
Arsenic-74	37	1	0.37	0.01
Arsenic-76	37	1	0.37	0.01
Arsenic-77	370	10	3.7	0.1
Barium-131	370	10	3.7	0.1
Barium-140	37	1	0.37	0.01
Beryllium-7	370	10	3.7	0.1
Bismuth-210	3.7	0.1	0.037	0.001
Bromine-82	370	10	3.7	0.1
Cadmium-109	37	1	0.37	0.01
Cadmium-115m	37	1	0.37	0.01
Cadmium-115	370	10	3.7	0.1
Calcium-45	37	1	0.37	0.01
Calcium-47	370	10	3.7	0.1
Carbon-14	3,700	100	37	1.
Cerium-141	370	10	3.7	0.1
Cerium-143	370	10	3.7	0.1
Cerium-144	3.7	0.1	0.037	0.001
Cesium-131	3,700	100	37	1
Cesium-134m	3,700	100	37	1
Cesium-134	3.7	0.1	0.037	0.001
Cesium-135	37	1	0.37	0.01
Cesium-136	370	10	3.7	0.1
Cesium-137	3.7	0.1	0.037	0.001
Chlorine-36	37	1	0.37	0.01
Chlorine-38	3,700	100	37	1.
Chromium-51	3,700	100	37	1.
Cobalt-57	370	10	3.7	0.1
Cobalt-58m	3,700	100	37	1.
Cobalt-58	37	1	0.37	0.01

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Radioactive Material	Column I GBq	Column I Ci	Column II GBq	Column II Ci
Cobalt-60	3.7	0.1	0.037	0.001
Copper-64	370	10	3.7	0.1
Dysprosium-165	3,700	100	37	1.
Dysprosium-166	370	10	3.7	0.1
Erbium-169	370	10	3.7	0.1
Erbium-171	370	10	3.7	0.1
Europium-152 (9.2 h)	370	10	3.7	0.1
Europium-152 (13 y)	3.7	0.1	0.037	0.001
Europium-154	3.7	0.1	0.037	0.001
Europium-155	37	1	0.37	0.01
Fluorine-18	3,700	100	37	1.
Gadolinium-153	37	1	0.37	0.01
Gadolinium-159	370	10	3.7	0.1
Gallium-72	370	10	3.7	0.1
Germanium-71	3,700	100	37	1.
Gold-198	370	10	3.7	0.1
Gold-199	370	10	3.7	0.1
Hafnium-181	37	1	0.37	0.01
Holmium-166	370	10	3.7	0.1
Hydrogen-3	3,700	100	37	1.
Indium-113m	3,700	100	37	1.
Indium-114m	37	1	0.37	0.01
Indium-115m	3,700	100	37	1.
Indium-115	37	1	0.37	0.01
Iodine-125	3.7	0.1	0.037	0.001
Iodine-126	3.7	0.1	0.037	0.001
Iodine-129	3.7	0.1	0.037	0.001
Iodine-131	3.7	0.1	0.037	0.001
Iodine-132	370	10	3.7	0.1
Iodine-133	37	1	0.37	0.01
Iodine-134	370	10	3.7	0.1
Iodine-135	37	1	0.37	0.01
Iridium-192	37	1	0.37	0.01
Iridium-194	370	10	3.7	0.1
Iron-55	370	10	3.7	0.1
Iron-59	37	1	0.37	0.01

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Radioactive Material	Column I GBq	Column I Ci	Column II GBq	Column II Ci
Krypton-85	3,700	100	37	1.
Krypton-87	370	10	3.7	0.1
Lanthanum-140	37	1	0.37	0.01
Lutetium-177	370	10	3.7	0.1
Manganese-52	37	1	0.37	0.01
Manganese-54	37	1	0.37	0.01
Manganese-56	370	10	3.7	0.1
Mercury-197m	370	10	3.7	0.1
Mercury-197	370	10	3.7	0.1
Mercury-203	37	1	0.37	0.01
Molybdenum-99	370	10	3.7	0.1
Neodymium-147	370	10	3.7	0.1
Neodymium-149	370	10	3.7	0.1
Nickel-59	370	10	3.7	0.1
Nickel-63	37	1	0.37	0.01
Nickel-65	370	10	3.7	0.1
Niobium-93m	37	1	0.37	0.01
Niobium-95	37	1	0.37	0.01
Niobium-97	3,700	100	37	1.
Osmium-185	37	1	0.37	0.01
Osmium-191m	3,700	100	37	1.
Osmium-191	370	10	3.7	0.1
Osmium-193	370	10	3.7	0.1
Palladium-103	370	10	3.7	0.1
Palladium-109	370	10	3.7	0.1
Phosphorus-32	37	1	0.37	0.01
Platinum-191	370	10	3.7	0.1
Platinum-193m	3,700	100	37	1.
Platinum-193	370	10	3.7	0.1
Platinum-197m	3,700	100	37	1.
Platinum-197	370	10	3.7	0.1
Polonium-210	0.37	0.01	0.0037	0.0001
Potassium-42	37	1	0.37	0.01
Praseodymium-142	370	10	3.7	0.1
Praseodymium-143	370	10	3.7	0.1
Promethium-147	37	1	0.37	0.01

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	Column I		Column II	
Radioactive Material	GBq	Ci	GBq	Ci
Promethium-149	370	10	3.7	0.1
Radium-226	0.37	0.01	0.0037	0.0001
Rhenium-186	370	10	3.7	0.1
Rhenium-188	370	10	3.7	0.1
Rhodium-103m	37,000	1,000	370	10.
Rhodium-105	370	10	3.7	0.1
Rubidium-86	37	1	0.37	0.01
Rubidium-87	37	1	0.37	0.01
Ruthenium-97	3,700	100	37	1.
Ruthenium-103	37	1	0.37	0.01
Ruthenium-105	370	10	3.7	0.1
Ruthenium-106	3.7	0.1	0.037	0.001
Samarium-151	37	1	0.37	0.01
Samarium-153	370	10	3.7	0.1
Scandium-46	37	1	0.37	0.01
Scandium-47	370	10	3.7	0.1
Scandium-48	37	1	0.37	0.01
Selenium-75	37	1	0.37	0.01
Silicon-31	370	10	3.7	0.1
Silver-105	37	1	0.37	0.01
Silver-110m	3.7	0.1	0.037	0.001
Silver-111	370	10	3.7	0.1
Sodium-22	3.7	0.1	0.037	0.001
Sodium-24	37	1	0.37	0.01
Strontium-85m	37,000	1,000	370	10
Strontium-85	37	1	0.37	0.01
Strontium-89	37	1	0.37	0.01
Strontium-90	0.37	0.01	0.0037	0.0001
Strontium-91	370	10	3.7	0.1
Strontium-92	370	10	3.7	0.1
Sulfur-35	370	10	3.7	0.1
Tantalum-182	37	1	0.37	0.01
Technetium-96	370	10	3.7	0.1
Technetium-97m	370	10	3.7	0.1
Technetium-97	370	10	3.7	0.1
Technetium-99m	3,700	100	37	1.

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Radioactive Material	Column I GBq	Column I Ci	Column II GBq	Column II Ci
Technetium-99	37	1	0.37	0.01
Tellurium-125m	37	1	0.37	0.01
Tellurium-127m	37	1	0.37	0.01
Tellurium-127	370	10	3.7	0.1
Tellurium-129m	37	1	0.37	0.01
Tellurium-129	3,700	100	37	1.
Tellurium-131m	370	10	3.7	0.1
Tellurium-132	37	1	0.37	0.01
Terbium-160	37	1	0.37	0.01
Thallium-200	370	10	3.7	0.1
Thallium-201	370	10	3.7	0.1
Thallium-202	370	10	3.7	0.1
Thallium-204	37	1	0.37	0.01
Thulium-170	37	1	0.37	0.01
Thulium-171	37	1	0.37	0.01
Tin-113	37	1	0.37	0.01
Tin-125	37	1	0.37	0.01
Tungsten-181	37	1	0.37	0.01
Tungsten-185	37	1	0.37	0.01
Tungsten-187	370	10	3.7	0.1
Vanadium-48	37	1	0.37	0.01
Xenon-131m	37,000	1,000	370	10.
Xenon-133	3,700	100	37	1.
Xenon-135	3,700	100	37	1.
Ytterbium-175	370	10	3.7	0.1
Yttrium-90	37	1	0.37	0.01
Yttrium-91	37	1	0.37	0.01
Yttrium-92	370	10	3.7	0.1
Yttrium-93	37	1	0.37	0.01
Zinc-65	37	1	0.37	0.01
Zinc-69m	370	10	3.7	0.1
Zinc-69	3,700	100	37	1.
Zirconium-93	37	1	0.37	0.01
Zirconium-95	37	1	0.37	0.01
Zirconium-97	37	1	0.37	0.01
Any radioactive				

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Radioactive Material	Column I GBq	Column I Ci	Column II GBq	Column II Ci
material other than source material, special nuclear material, or alpha emitting radioactive material not listed above.	3.7	0.1	0.037	0.001

(Source: Amended at 46 Ill. Reg. 866, effective December 21, 2021)

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1) Heading of the Part: Medical Use of Radioactive Material

2) Code Citation: 32 Ill. Adm. Code 335

3)

Section Numbers:	Adopted Actions:
335.20	Amendment
335.35	New Section
335.40	Amendment
335.45	New Section
335.1040	Amendment
335.1060	Amendment
335.1080	Amendment
335.1100	Amendment
335.1110	Amendment
335.1120	Amendment
335.2010	Amendment
335.2040	Amendment
335.2080	Amendment
335.2110	Amendment
335.2140	Amendment
335.2150	New Section
335.4020	Amendment
335.5010	Amendment
335.6010	Amendment
335.7010	Amendment
335.7070	Amendment
335.7100	New Section
335.8010	Amendment
335.8040	Amendment
335.8150	Amendment
335.8220	Repealed
335.8230	Amendment
335.9010	Amendment
335.9030	Amendment
335.9040	Amendment
335.9050	Amendment
335.9060	Amendment
335.9070	Amendment
335.9080	Amendment

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335.9100	Amendment
335.9120	Amendment
335.9130	Amendment
335.9140	Amendment
335.9150	Amendment
335.9160	Amendment

4) Statutory Authority: Implementing and authorized by Sections 10 and 11of the Radiation Protection Act of 1990 [420 ILCS 40].

5) Effective Date of Rulemaking: December 21, 2021

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference is on file 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*: 45 Ill. Reg. 10598; August 20, 2021

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

11) Differences between Proposal and Final Version: Several grammatical and stylistic changes were made in accordance with JCAR's recommendation.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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

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

15) Summary and Purpose of Rulemaking: IEMA is proposing amendments to Part 335 to meet compatibility with the U.S. Nuclear Regulatory Commission (NRC) as provided in RATS IDs 2018-1, 2020-2 and 2020-3. Amendments include increasing eluate sampling for radiopharmaceuticals with agency reporting requirements; adding the position of

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Associate Radiation Safety Officer to assist with radiation safety duties; adding the position of Ophthalmic Physicist to assist with treatment planning for eye treatments; amending written directives and event reporting for permanent brachytherapy to give physicians latitude in establishing treatment parameters; amending physician training requirements for third party attestations; and, adding exemptions for certain board-certified individuals from training and experience requirements. IEMA is aligning with NRC by removing certain requirements for receiving a license amendment prior to utilizing a board-certified physician under a license when the physician meets applicable training, experience and recentness of training requirements.

In addition, IEMA is proposing to delete language in Section 335.1060 regarding authorized users named on the licensee and other grammatical changes are being made for clarity and to match the U.S. Nuclear Regulatory Commission's regulations.

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

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

(217) 720-8242
(217) 524-3698 (fax)

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 335
MEDICAL USE OF RADIOACTIVE MATERIAL

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335.15 Incorporations by Reference
335.20 Definitions
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Section
335.6010 Use of Sealed Sources for Diagnosis

SUBPART H: MANUAL BRACHYTHERAPY

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335.7010 Use of Sealed Sources for ~~Manual~~ Brachytherapy
335.7020 Safety Instruction
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335.7040 Accountability and Security of Brachytherapy Sources
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335.7060 Surveys After Source Implant and Removal
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SUBPART I: REMOTE AFTERLOADER UNITS,
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Section
335.8010 Use of a Sealed Source in Remote ~~Afterloader~~ Units, ~~Intravascular Brachytherapy Units,~~ Teletherapy Units or Gamma Stereotactic Radiosurgery Units
335.8020 Installation, Maintenance, Adjustment and Repair Restrictions
335.8030 Amendments to Teletherapy Licenses (Repealed)
335.8040 Safety Procedures and Instructions for Remote Afterloader Units, ~~Intravascular Brachytherapy Units,~~ Teletherapy Units and Gamma Stereotactic Radiosurgery Units
335.8050 Safety Precautions for Remote Afterloader Units, Teletherapy Units and Gamma

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SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

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AUTHORITY: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10].

SOURCE: Adopted at 15 Ill. Reg. 10763, effective July 15, 1991; emergency amendment at 17 Ill. Reg. 9099, effective June 8, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 7308, effective May 2, 1994; emergency amendment at 26 Ill. Reg. 4434, effective March 8, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10517, effective July 1, 2002; amended at 27 Ill. Reg. 10057, effective June 30, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 9029, effective April 28, 2006; amended at 32 Ill. Reg. 9247, effective June 13, 2008; amended at 35 Ill. Reg. 884, effective December 30, 2010; amended at 37 Ill. Reg. 12406, effective July 19, 2013; recodified at 45 Ill. Reg. 10286; amended at 46 Ill. Reg. 966, effective December 21, 2021.

SUBPART A: GENERAL INFORMATION

Section 335.20 Definitions

"Area of use" means a portion of a physical structure that has been set aside for the purpose of receiving, using or storing radioactive material.

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"Associate Radiation Safety Officer" means an individual who, for this Part only, meets the requirements in Sections 335.9010 and 335.9180 and is currently identified as an Associate Radiation Safety Officer for the types of use of radioactive material for which the individual has been assigned duties and tasks by the Radiation Safety Officer on a specific medical use license issued by the Agency, U.S. Nuclear Regulatory Commission or an Agreement State or on medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee.

"Authorized user" means a physician, dentist or podiatrist who meets the requirements in Subpart J ~~of this Part~~ or is identified as being authorized to use radioactive material on a specific medical use license issued by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State ~~or a Licensing State~~; a medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee; a permit issued by a U.S. Nuclear Regulatory Commission or~~,~~ Agreement State ~~or Licensing State~~ broad scope medical use licensee; or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee.

"Authorized medical physicist" means an individual who meets the requirements in Sections 335.9150(a) and 335.9180 ~~of this Part~~; or is identified as an authorized medical physicist or teletherapy physicist on a specific medical use license issued by the U.S. Nuclear Regulatory Commission or~~,~~ an Agreement State ~~or Licensing State~~, a medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee, a permit issued by a U.S. Nuclear Regulatory Commission or an~~,~~ Agreement State ~~or Licensing State~~ broad scope medical use licensee, or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee.

"Case" means the performance of a clinical procedure on a patient.

"Classroom and laboratory training" means planned instruction outlined in a syllabus and offered by an individual or organization. It is comprised of lectures, demonstrations, hands-on laboratory exercises and tests.

"Client's address" means the area of use or a temporary job site for the purpose of providing mobile medical service in accordance with Section 335.2120 ~~of this Part~~.

"Clinical procedure" means a method of using radioactive material for patient care in which the material or its radiation is administered to the patient. A specific clinical procedure specifies, either explicitly or in context, the indication for the procedure, the purpose (diagnosis or therapy), the radionuclide and its chemical and physical form, the dosage or dose and method of administration and patient follow-up. Diagnostic clinical procedures also include the method of collecting raw data, manipulating the data and interpreting the final results, which may be images, graphs or numbers.

"Dentist" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to practice dentistry.

"Gamma stereotactic radiosurgery" means the use of external radiation in conjunction with a stereotactic guidance device to very precisely deliver a therapeutic dose to a tissue volume.

"High dose rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate in excess of 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed.

"Intravascular brachytherapy" means a type of brachytherapy in which the brachytherapy sources are placed into blood vessels at the point where the dose is prescribed for the treatment of in-stent restenosis.

"Low dose rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate of less than or equal to 2 gray (200 rads) per hour at the point or surface where the dose is prescribed.

"Management" means the chief executive officer or other individual having the authority to manage or administer the licensee's activities, or those individuals' delegates.

"Manual brachytherapy" means a type of brachytherapy in which the brachytherapy sources (e.g., seeds, ribbons) are manually placed topically on or inserted either into the body cavities that are in close proximity to a treatment site or directly into the tissue volume.

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"Medical event" means an event that meets the criteria in Section 335.1080 ~~of this Part~~.

"Medical institution" means:

An organization, other than a medical clinic, private medical practice or mobile nuclear medicine service, that holds a specific license issued by the Agency and that practices more than two medical disciplines; or

A medical clinic, private practice or mobile nuclear medicine service that holds a specific license issued by the Agency and is authorized under Section 335.2140, 335.5010 (for therapy procedures only), 335.7010 or 335.8010 ~~of this Part~~ to use radioactive material.

"Medical use" means the intentional internal or external administration of radioactive material or the radiation from radioactive material to patients or human research subjects under the supervision of an authorized user.

"Medium dose rate remote afterloader" means a brachytherapy device that remotely delivers a dose rate of greater than 2 gray (200 rads) per hour, but less than or equal to 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed.

"Mobile medical service" means the transportation of radioactive material to, and its medical use at, the client's address.

"Ophthalmic physicist" means an individual who meets the requirements in Sections 335.7100(b) and 335.9180; and is identified as an ophthalmic physicist on a specific medical use license issued by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State; a medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee; a permit issued by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State broad scope medical use licensee; or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope medical use permittee.

"Output" means the exposure rate, dose rate or a quantity related in a known manner to these rates from a brachytherapy source or a teletherapy, remote afterloader or gamma stereotactic radiosurgery unit for a specified set of exposure

conditions.

"Patient intervention" means actions by the patient or human research subject, whether intentional or unintentional, such as dislodging or removing treatment devices or prematurely terminating the administration.

"Physically present" means within audible range and in such proximity that immediate assistance can be given if required.

"Podiatrist" means an individual licensed by a state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to practice podiatry.

"Preceptor" means an individual who provides, directs, or verifies training and experience required for an individual to become an authorized user, an authorized medical physicist, an authorized nuclear pharmacist, ~~or~~ a Radiation Safety Officer, or an Associate Radiation Safety Officer.

"Prescribed dosage" means the specified activity or range of activity of unsealed radioactive material as documented:

in a written directive; or

in accordance with the directions of the authorized user for procedures pursuant to Sections 335.3010 and 335.4010 ~~of this Part~~.

"Prescribed dose" means:

for gamma stereotactic radiosurgery, the total dose as documented in the written directive;

for teletherapy, the total dose and dose per fraction as documented in the written directive;

for manual brachytherapy and intravascular brachytherapy, either the total dose or the total source strength and exposure time, as documented in the written directive; or

for remote brachytherapy afterloaders, the total dose and dose per fraction as documented in the written directive.

"Pulsed dose rate remote afterloader" means a special type of remote afterloading brachytherapy device that uses a single source capable of delivering dose rates in the "high dose rate" range, and:

is approximately one-tenth of the activity of typical high dose rate remote afterloader sources; and

is used to simulate the radiobiology of a low dose rate treatment by inserting the source for a given fraction of each hour.

"Radiation Safety Officer" means an individual who:

meets the requirements in Sections 335.9010~~, 335.9160~~ and 335.9180 ~~of this Part~~; or

is identified as a Radiation Safety Officer on:

a specific medical use license issued by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State ~~or a Licensing State~~; or

a medical use permit issued by a U.S. Nuclear Regulatory ~~the Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State broad scope licensee or master material license permit or by a master material license permittee of broad scope~~ Commission master material licensee.

"Structured educational program" means an educational program designed to impart particular knowledge and practical education through interrelated studies and supervised training.

"Teletherapy" means a method of radiation therapy in which collimated gamma rays are delivered at a distance from the patient or human research subject.

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"Therapeutic dosage" means a dosage of unsealed radioactive material that is intended to deliver a radiation dose to a patient or human research subject for palliative or curative treatment.

"Therapeutic dose" means a radiation dose delivered from a source containing radioactive material to a patient or human research subject for palliative or curative treatment.

"Treatment site" means the anatomical description of the tissue intended to receive a radiation dose, as described in a written directive.

"Type of use" means use of radioactive material under Section 335.2140, 335.3010, 335.4010, 335.5010, 335.6010, 335.7010 or 335.8010 ~~of this Part~~.

"Unit dosage" means a dosage prepared for medical use for administration as a single dosage to a patient or human research subject without any further manipulation of the dosage after it is initially prepared.

"Visiting authorized user" means a temporary (i.e., less than 60 days each year) authorized user who is not identified on the license of the licensee being visited and who has been approved by the Radiation Safety Committee in accordance with Section 335.1060(b) ~~of this Part~~.

"Written directive" means an authorized user's written order for the administration of radioactive material or radiation from radioactive material to a specific patient or human research subject, as specified in Section 335.1110 ~~of this Part~~.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.35 Suppliers for Sealed Sources or Devices for Medical Use

For medical use, a licensee shall only use:

a) Sealed sources or devices manufactured, labeled, packaged, and distributed in accordance with a license issued under 32 Ill. Adm. Code 330 or equivalent requirements of the U.S. Nuclear Regulatory Commission or an Agreement State.

b) Sealed sources or devices non-commercially transferred from an Agency, U.S. Nuclear Regulatory Commission or an Agreement State medical use licensee.

c) Teletherapy sources manufactured and distributed in accordance with a license issued under 32 Ill. Adm. Code 330 or equivalent requirements of the U.S. Nuclear Regulatory Commission or an Agreement State.

(Source: Added at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.40 License Amendments

For specific licenses issued pursuant to 32 Ill. Adm. Code 330.260(a) or 330.260(b), a licensee's management shall apply for and shall receive a license amendment:

a) Before using radioactive material for any use not permitted by the license;

b) Before permitting anyone to work as an authorized user, authorized medical physicist, or ophthalmic physicist under the license, except: ~~under the license;~~

1) For a visiting authorized user, as described in Section 335.1060;

2) For an authorized user, an individual who meets:

A) The requirements in 335.9180; and

B) The applicable board certification requirements in subsections 335.9030(a), 335.9040(a), 335.9050(a), 335.9060(a), 335.9070(a), 335.9100(a), 335.9130(a), and 335.9140(a);

3) For an authorized medical physicist, an individual who meets the requirements in subsection 335.9150(a) and Section 335.9180;

4) An individual who is identified as an authorized user, an authorized medical physicist, or an ophthalmic physicist on an Agency, U.S. Nuclear Regulatory Commission, or Agreement State license or other equivalent permit recognized by the Agency that authorizes the use of byproduct material in medical use, on a permit issued by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State specific license of broad scope that is authorized to permit the use of byproduct material in medical use, or on a permit issued by the U.S. Nuclear Regulatory Commission master material licensee that is authorized to permit the use

of byproduct material in medical use;

c) Before changing the Radiation Safety Officer, except as provided in subsection 335.1040(c) ~~or authorized medical physicist. If the authorized medical physicist named on the license is no longer performing his or her duties, the Radiation Safety Committee may have the duties performed by an individual who is listed by name as an authorized medical physicist on an Agency, U.S. Nuclear Regulatory Commission, Agreement State or Licensing State license, and who meets the training criteria listed in Section 335.9150 of this Part, for up to 90 days while an amendment is being obtained~~;

d) Before permitting anyone to work as an Associate Radiation Safety Officer or before the Radiation Safety Officer assigns duties and tasks to an Associate Radiation Safety Officer that differ from those for which this individual is authorized on the license;

e~~d~~) Before receiving radioactive material in excess of the amount, in a different form, or a different radionuclide than is authorized on the license;

f~~e~~) Before adding to or changing any area of use identified on the license, including changing the shielding in any area approved on the license. This includes areas used in accordance with Section 335.3010 or 335.4010 if the change includes addition or relocation of an area where PET radionuclides are used, administered, produced, or stored. Other areas of use where radioactive material is used only in accordance with either Section 335.3010 or 335.4010 are exempt;

g) Before changing the addresses of use identified in the license;

h~~f~~) Before changing statements, representations and procedures that are incorporated into the license; ~~and~~

~~g) Within 30 days after a Radiation Safety Officer or authorized medical physicist permanently discontinues performance of duties under the license, or after changing the name or the mailing address of the licensee as it appears on the license.~~

i) Before receiving a sealed source from a different manufacturer or of a different model number than authorized by the license, unless the sealed source is used for manual brachytherapy, listed in the Sealed Source and Device Registry, and is in

a quantity and for an isotope authorized by the license.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.45 Notifications

a) For specific licenses issued pursuant to 32 Ill. Adm. Code 330.260(a) or (b), a licensee shall provide the Agency, no later than 30 days after the date that the licensee permits an individual to work under the provisions of subsection 335.40(b) as an authorized user, authorized medical physicist, or ophthalmic physicist:

1) A copy of the board certification and, as appropriate, verification of completion of:

A) Training for the authorized medical physicist under subsection 335.9150(d);

B) Any additional case experience required in subsection 335.9050(b)(2)(F) for an authorized user under Section 335.5010; or

C) Device specific training in subsection 335.9140(d) for the authorized user under Section 335.8010; or

2) A copy of the Agency, U.S. Nuclear Regulatory Commission or Agreement State license, the permit issued by a U.S. Nuclear Regulatory Commission master material licensee, the permit issued by the Agency, U.S. Nuclear Regulatory Commission or Agreement State licensee of broad scope, or the permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope permittee for each individual whom the licensee permits to work under the provisions of this Part.

b) A licensee shall notify the Agency no later than 30 days after:

1) An authorized user, Radiation Safety Officer, Associate Radiation Safety Officer, authorized medical physicist, or ophthalmic physicist permanently

discontinues performance of duties under the license or has a name change;

2) The licensee permits an individual qualified to be a Radiation Safety Officer under Sections 335.9010 and 335.9180 to function as a temporary Radiation Safety Officer and to perform the functions of a Radiation Safety Officer in accordance with subsection 335.1040(c);

3) The licensee's mailing address changes;

4) The licensee's name changes, but the name change does not constitute a transfer of control of the license as described in 32 Ill. Adm. Code 330.310(c);

5) The licensee has added to or changed the areas of use identified in the license where byproduct material is used in accordance with either Section 335.3010 or 335.4010 if the change does not include an area where PET radionuclides are used, administered, produced, or stored; or

6) The licensee obtains a sealed source for use in manual brachytherapy from a different manufacturer or with a different model number than authorized by its license for which it did not require a license amendment as provided in subsection 335.40(i). The notification must include the manufacturer and model number of the sealed source, the isotope, and the quantity per sealed source.

(Source: Added at 46 Ill. Reg. 966, effective December 21, 2021)

SUBPART B: GENERAL ADMINISTRATIVE REQUIREMENTS

Section 335.1040 Authorities and Responsibilities for the Radiation Protection Program

a) In addition to the radiation protection program requirements of 32 Ill. Adm. Code 340.110, a licensee's management shall approve in writing:

1) Requests for a license application, renewal or amendment before submittal to the Agency.

2) Any individual before allowing that individual to work as an authorized

user or authorized medical physicist.

b) A licensee's management shall appoint a Radiation Safety Officer who agrees, in writing, to be responsible for implementing the radiation protection program. The licensee, through the Radiation Safety Officer, shall ensure that radiation safety activities are being performed in accordance with licensee-approved procedures and regulatory requirements. A licensee's management may appoint, in writing, one or more Associate Radiation Safety Officers to support the Radiation Safety Officer. The Radiation Safety Officer, with written agreement of the licensee's management, shall assign the specific duties and tasks to each Associate Radiation Safety Officer. These duties and tasks are restricted to the types of use for which the Associate Radiation Safety Officer is listed on a license. The Radiation Safety Officer may delegate duties and tasks to the Associate Radiation Safety Officer but shall not delegate the authority or responsibilities for implementing the radiation protection program.

c) For up to 60 days each year, a~~A~~ licensee may permit an ~~authorized user or an~~ individual qualified to be a Radiation Safety Officer, under Sections 335.9010 and 335.9180~~, 335.9160, 335.9180 and 335.9190 of this Part~~, to function as a temporary Radiation Safety Officer ~~designee~~ and to perform the functions of a Radiation Safety Officer, as provided in subsection (g)~~ of this Section~~, if the licensee takes the actions required in subsections (b), (e), (g), (h) and (i)~~ of this Section~~. The licensee shall provide notification to the Agency in accordance with subsection 335.45(b).

d) A licensee may simultaneously appoint more than one temporary Radiation Safety Officer in accordance with subsection (c)~~ of this Section~~, if needed to ensure that the licensee has a temporary Radiation Safety Officer that satisfies the requirements to be a Radiation Safety Officer for each of the different types of uses of radioactive material permitted by the license.

e) A licensee shall establish the authority, duties and responsibilities of the Radiation Safety Officer in writing.

f) Licensees that are authorized for two or more different types of uses of radioactive material under Subparts~~ E,~~ F, H and I or Section 335.2140~~ of this Part~~ for emerging technologies, or two or more types of units under Subpart I~~ of this Part~~, shall establish a Radiation Safety Committee to oversee all uses of radioactive material permitted by the license. The Committee shall include an

authorized user of each type of use permitted by the license, the Radiation Safety Officer, a representative of the nursing service, and a representative of management who is neither an authorized user nor a Radiation Safety Officer. The Committee may include other members the licensee considers appropriate.

g) A licensee shall provide the Radiation Safety Officer sufficient authority, organizational freedom, time, resources and management prerogative to:

1) Identify radiation safety problems;

2) Initiate, recommend or provide corrective actions;

3) Stop unsafe operations; and

4) Verify implementation of corrective actions.

h) A licensee shall retain a record of actions taken by the licensee's management in accordance with subsection (a) ~~of this Section~~ for 5 years. The record shall include a summary of the actions taken and a signature of licensee's management.

i) The licensee shall retain a copy of the authority, duties and responsibilities of the Radiation Safety Officer as required by subsection (e) ~~of this Section~~ and a signed copy of each Radiation Safety Officer's agreement to be responsible for implementing the radiation safety program, as required by subsection (b) ~~of this Section~~, for the duration of the license. The records shall include the signature of the Radiation Safety Officer and licensee's management.

j) For each Associate Radiation Safety Officer appointed under subsection (b), the licensee shall retain a copy of the written document appointing the Associate Radiation Safety Officer, signed by the licensee's management, for 5 years after the Associate Radiation Safety Officer is removed from the license.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.1060 Authorized User and Visiting Authorized User

a) A licensee shall assure that only authorized users of radioactive material:

1) Select or establish written criteria for the selection of the patients to

receive radioactive material or radiation therefrom; and

2) Prescribe the radiopharmaceutical dosage or radiation dose to be administered.~~; and~~

~~3) Interpret the results of tests, studies or treatments.~~

b) A licensee may permit any visiting authorized user to use licensed material for medical use under the terms of the licensee's license for up to 60 days each year without applying for a license amendment if:

1) The physician is licensed in accordance with the Medical Practice Act of 1987;

2) The visiting authorized user has the prior written permission of the licensee's management and, if the use occurs on behalf of an institution, the institution's Radiation Safety Committee;

3) The licensee has a copy of a license issued by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that identifies the visiting authorized user by name as an authorized user; and

4) The visiting authorized user performs only those procedures for which the visiting authorized user is specifically authorized by a license described in subsection (b)(3) ~~of this Section~~.

c) A licensee shall retain copies of the records specified in subsection (b) ~~of this Section~~ for 5 years.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.1080 Report and Notification of a Medical Event

a) A licensee shall report any event as a medical event, except for an event that results from patient intervention, in which ~~the administration of radioactive material or radiation from radioactive material results in~~:

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1) The administration of a radioactive material or radiation from radioactive material, except permanent implant brachytherapy, results in:

A~~1~~) A dose that differs from the prescribed dose or dose that would have resulted from the prescribed dosage by more than 0.05 Sv (5 rem) effective dose equivalent, 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin; and

i~~A~~) The total dose delivered differs from the prescribed dose by 20 percent or more;

ii~~B~~) The total dosage delivered differs from the prescribed dosage by 20 percent or more or falls outside the prescribed dosage range; or

iii~~C~~) The fractionated dose delivered differs from the prescribed dose~~,~~ for a single fraction, by 50 percent or more.

B~~2~~) A dose that exceeds 0.05 Sv (5 rem) effective dose equivalent, 0.5 Sv (50 rem) to an organ or tissue, or 0.5 Sv (50 rem) shallow dose equivalent to the skin from any of the following:

i~~A~~) An administration of a wrong radioactive drug containing radioactive material or the wrong radionuclide for a brachytherapy procedure;

ii~~B~~) An administration of a radioactive drug containing radioactive material by the wrong route of administration;

iii~~C~~) An administration of a dose or dosage to the wrong individual or human research subject;

iv~~D~~) An administration of a dose or dosage delivered by the wrong mode of treatment; or

v~~E~~) A leaking sealed source.

C~~3~~) A dose to the skin or an organ or tissue other than the treatment site that exceeds: ~~by 0.5 Sv (50 rem) to an organ or tissue and 50~~

~~percent or more of the dose expected from the administration defined in the written directive (excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site).~~

i) By 0.5 Sv (50 rem) or more the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration; and

ii) By 50 percent or more of the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration.

2) For permanent implant brachytherapy, the administration of radioactive material or radiation from radioactive material (excluding sources that were implanted in the correct site but migrated outside the treatment site) that results in:

A) The total source strength administered differing by 20 percent or more from the total source strength documented in the post-implantation portion of the written directive;

B) The total source strength administered outside of the treatment site exceeding 20 percent of the total source strength documented in the post-implantation portion of the written directive; or

C) An administration that includes any of the following:

i) The wrong radionuclide;

ii) The wrong individual or human research subject;

iii) Sealed sources implanted directly into a location discontiguous from the treatment site, as documented in the post-implantation portion of the written directive; or

iv) A leaking sealed source resulting in a dose that exceeds 0.5

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Sv (50 rem) to an organ or tissue.

b) A licensee shall report any event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results or will result in unintended permanent functional damage to an organ or a physiological system, as determined by a physician.

c) The licensee shall notify by telephone the Agency no later than the next calendar day after discovery of the medical event.

d) By an appropriate method listed in 32 Ill. Adm. Code 310.110, the~~The~~ licensee shall submit a written report to the Agency within 15 days after discovery of the medical event.

1) The written report shall include:

A) The licensee's name;

B) The name of the prescribing physician;

C) A brief description of the event;

D) Why the event occurred;

E) The effect, if any, on the individual who received the administration;

F) What actions, if any, have been taken or are planned to prevent recurrence; and

G) Certification that the licensee notified the individual (or the individual's responsible relative or guardian) and, if not, why not.

2) The report may not contain the individual's name or any other information that could lead to identification of the individual.

e) The licensee shall provide notification of the event to the referring physician and also notify the individual who is the subject of the medical event no later than 24 hours after its discovery, unless the referring physician personally informs the

licensee either that he or she will inform the individual or that, based on medical judgment, telling the individual would be harmful. The licensee is not required to notify the individual without first consulting the referring physician. If the referring physician or the affected individual cannot be reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter. The licensee may not delay any appropriate medical care for the individual, including any necessary remedial care as a result of the medical event, because of any delay in notification. To meet the requirements of this subsection, the notification of the individual who is the subject of the medical event may be made instead to that individual's responsible relative or guardian. If a verbal notification is made, the licensee shall inform the individual, or appropriate responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee shall provide such a written description if requested.

f) Aside from the notification requirement, nothing in this Section affects any rights or duties of licensees and physicians in relation to each other, to individuals affected by the medical event, or to those individuals' responsible relatives or guardians.

g) A licensee shall:

1) Annotate a copy of the report provided to the Agency with the:

A) Name of the individual who is the subject of the event; and

B) Identification number, or if no other identification number is available the social~~Social~~ security number ~~or other identification number, if one has been assigned~~, of the individual who is the subject of the event; and

2) Provide a copy of the annotated report to the referring physician, if other than the licensee, no later than 15 days after the discovery of the event.

h) A licensee shall report to the Agency immediately upon discovery of any irregularities pertaining to identification, labeling, quality or assay of any radiopharmaceutical received under the authority of the license.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

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Section 335.1100 Report and Notification of a Dose to an Embryo/Fetus or a Nursing Child

a) A licensee shall report any dose to an embryo/fetus that is greater than 50 mSv (5 rem) dose equivalent that is a result of an administration of radioactive material or radiation from radioactive material to a pregnant individual unless the dose to the embryo/fetus was specifically approved, in advance, by the authorized user.

b) A licensee shall report any dose to a nursing child that is a result of an administration of radioactive material to a breast-feeding individual that:

1) Is greater than 50 mSv (5 rem) total effective dose equivalent; or

2) Has resulted in unintended permanent functional damage to an organ or a physiological system of the child, as determined by a physician.

c) The licensee shall notify by telephone the Agency no later than the next calendar day after discovery of a dose to the embryo/fetus or nursing child that requires a report in subsection (a) or (b) ~~of this Section~~.

d) The licensee shall submit a written report to the Agency within 15 days after discovery of a dose to the embryo/fetus or nursing child that requires a report in subsection (a) or (b) ~~of this Section~~.

1) The written report shall include:

A) The licensee's name;

B) The name of the prescribing physician;

C) A brief description of the event;

D) Why the event occurred;

E) The effect, if any, on the embryo/fetus or the nursing child;

F) What actions, if any, have been taken or are planned to prevent recurrence; and

G) Certification that the licensee notified the pregnant individual or mother (or the mother's or child's responsible relative or guardian) and, if not, why not.

2) The report shall not contain the individual's or child's name or any other information that could lead to identification of the individual or child.

e) The licensee shall provide notification of the event to the referring physician and also notify the pregnant individual or mother, both hereafter referred to as the mother, no later than 24 hours after discovery of an event that would require reporting under subsection (a) or (b) ~~of this Section~~, unless the referring physician personally informs the licensee either that he or she will inform the mother or that, based on medical judgment, telling the mother would be harmful. The licensee is not required to notify the mother without first consulting with the referring physician. If the referring physician or mother cannot be reached within 24 hours, the licensee shall make the appropriate notifications as soon as possible thereafter. The licensee may not delay any appropriate medical care for the embryo/fetus or for the nursing child, including any necessary remedial care as a result of the event, because of any delay in notification. To meet the requirements of this subsection (e), the notification may be made to the mother's or child's responsible relative or guardian instead of the mother. If a verbal notification is made, the licensee shall inform the mother, or the mother's or child's responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee shall provide a written description if requested.

f) A licensee shall:

1) Annotate a copy of the report provided to the Agency with the:

A) Name of the pregnant individual or the nursing child who is the subject of the event; and

B) Identification number, or if no other identification number is available the social~~Social~~ security number ~~or other identification number, if one has been assigned~~, of the ~~pregnant~~ individual ~~or the nursing child~~ who is the subject of the event; and

2) Provide a copy of the annotated report to the referring physician, if other than the licensee, no later than 15 days after the discovery of the event.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.1110 Written Directives

a) A written directive shall be dated and signed by an authorized user before the administration of I-131 sodium iodide greater than 1.11 MBq (30 μCi), any therapeutic dosage of unsealed radioactive material or any therapeutic dose of radiation from radioactive material. If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive is acceptable. The information contained in the oral directive shall be documented as soon as possible in writing in the patient's record. A written directive shall be prepared within 48 hours after the oral directive.

b) The written directive shall contain the patient's or human research subject's name and the following information:

1) For any administration of quantities greater than 1.11 MBq (30 μCi) of sodium iodide I-131, the dosage.

2) For an administration of a therapeutic dosage of unsealed radioactive material other than sodium iodide I-131, the radioactive drug, dosage and route of administration.

3) For gamma stereotactic radiosurgery, the total dose, treatment site, and values for the target coordinate settings per treatment for each anatomically distinct treatment site.

4) For teletherapy, the total dose, dose per fraction, number of fractions and treatment site.

5) For high dose-rate remote afterloading brachytherapy, the radionuclide, treatment site, dose per fraction, number of fractions and total dose.

6) For permanent implant brachytherapy:

A) Before implantation: the treatment site, the radionuclide, and the total source strength; and

B) After implantation but before the patient leaves the post-treatment recovery area: the treatment site, the number of sources implanted, the total source strength implanted, and the date; or

7~~6~~) For all other brachytherapy, including low, medium and pulsed dose rate remote afterloaders:

A) Before implantation:~~,~~ treatment site, the radionuclide and dose; and

B) After implantation but before completion of the procedure:~~,~~ the radionuclide, treatment site, number of sources,~~ and~~ total source strength, and exposure time (or the total dose) and date.

c) A written revision to an existing written directive may be made if the revision is dated and signed by an authorized user before the administration of the dosage of unsealed radioactive material, the brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose or the next fractional dose. If, because of the patient's condition, a delay in order to provide a written revision to an existing written directive would jeopardize the patient's health, an oral revision to an existing written directive is acceptable. The oral revision shall be documented as soon as possible in the patient's record. A revised written directive shall be signed by the authorized user within 48 hours after the oral revision.

d) A licensee shall retain a copy of each written directive as required by subsections (a) and (c)~~ of this Section~~ for 5 years.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.1120 Procedures for Administrations Requiring a Written Directive

a) For any administration requiring a written directive, the licensee shall develop, implement, and maintain written procedures to provide high confidence that:

1) The patient's or human research subject's identity is verified before each administration; and

2) Each administration is in accordance with the written directive.

b) At a minimum, the procedures required by subsection (a) ~~of this Section~~ shall address the following items that are applicable to the licensee's use of radioactive material:

1) Verifying the identity of the patient or human research subject;

2) Verifying that the administration is in accordance with the treatment plan, if applicable, and the written directive;

3) Checking both manual and computer-generated dose calculations; ~~and~~

4) Verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical units authorized by Section 335.2140 or 335.8010 ~~of this Part~~;~~.~~

5) Determining if a medical event, as described in Section 335.1080, has occurred;

6) Determining, for permanent implant brachytherapy, within 60 calendar days from the date the implant was performed, the total source strength administered outside of the treatment site compared to the total source strength documented in the post-implantation portion of the written directive, unless a written justification of patient unavailability is documented; and

7) Determining, for administrations of I-131 in quantities greater than 1.11 MBq (30 µCi), the criteria to be used to identify patients required to be tested for pregnancy in accordance with subsection 335.5010(b), including type of pregnancy testing permitted, time in advance of I-131 administration in which the tests shall be conducted, age range of patients to be tested, and criteria a physician may use to determine that a patient is not capable of childbirth.

c) A licensee shall retain a copy of the procedures required by subsection (a) ~~of this Section~~ for the duration of the license.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

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SUBPART C: GENERAL TECHNICAL REQUIREMENTS

Section 335.2010 Possession, Use and Calibration of Instruments Used to Measure the Activity of Unsealed Radioactive Material

a) For ~~licensees performing~~ direct measurements performed in accordance with Section 335.2030, the licensee shall possess and use ~~appropriate~~ instrumentation to measure the activity of unsealed byproduct material before it is administered to each patient or human research subject~~radioactivity of radiopharmaceuticals~~.

b) A licensee shall calibrate the instrumentation required in subsection (a) ~~Perform tests on each instrument for constancy, accuracy, linearity and geometry dependence,~~ in accordance with nationally recognized standards or the manufacturer's instructions.

c) A licensee shall maintain a record of instrument calibrations required by subsection (b) ~~of this Section~~ for 5 years. The records shall include the model and serial number of the instrument, the date of the calibration, the results of the calibration, the name of the individual who performed the calibration and a copy of the national standard or manufacturer's instructions used to perform the calibration.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.2040 Authorization for Calibration, Transmission, Attenuation Correction and Reference Sources

Any person authorized by Section 335.30 ~~of this Part~~ for medical use of radioactive material may receive, possess and use the following radioactive material for check, calibration, transmission, attenuation correction and reference use.~~:~~ Reference sources containing radioactive material authorized under this Part shall not be used for medical use except in accordance with the requirements in Section 335.6010. Sealed sources shall not be combined (i.e. bundled or aggregated) to create an activity greater than the maximum activity of any single sealed source authorized under this Section. Sealed sources are authorized as follows:

a) Sealed sources not exceeding 1.11 GBq (30 mCi) each, manufactured and distributed by a person licensed under Section 335.30 ~~of this Part~~ or equivalent U.S. Nuclear Regulatory Commission or Agreement State regulations.

b) Sealed sources, not exceeding 1.11 GBq (30 mCi) each, redistributed by a licensee authorized to redistribute the sealed sources manufactured and distributed by a person licensed under Section 335.30 or equivalent U.S. Nuclear Regulatory Commission or Agreement State regulations~~of this Part~~, providing the redistributed sealed sources are in the original packaging and shielding and are accompanied by the manufacturer's approved instructions.

c) Any radioactive material with a half-life not greater than 120 days in individual amounts not to exceed 0.56 GBq (15 mCi).

d) Any radioactive material with a half-life longer than 120 days in individual amounts not to exceed the smaller of 7.4 MBq (200 μCi) or 1000 times the quantities in Appendix B of 32 Ill. Adm. Code 330.

e) Technetium-99m in amounts as needed.

f) Yttrium-90 in individual amounts not to exceed 4.6 GBq (125 mCi).

g) Gadolinium-153 in individual amounts not to exceed 22.2 GBq (600 mCi).

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.2080 Monitoring for Contamination and Ambient Radiation Dose Rate

a) In addition to the monitoring required by 32 Ill. Adm. Code 340, the licensee shall measure~~monitor~~ with a radiation detection survey instrument ~~capable of detecting dose rates over the range 1 μSv(100 μrem) per hour to 500 μSv (50 mrem) per hour~~ all areas where unsealed radioactive material was~~liquid radiopharmaceuticals were~~ prepared for use or administered at the end of use each day~~ of use~~. However, the licensee does not need to perform the monitoring required by this Section in areas where patients or human research subjects are confined until release~~when they cannot be released~~ under Section 335.2110~~ of this Part~~. The instrument shall be operable and calibrated in accordance with the requirements of 32 Ill. Adm. Code 340.510(b) and (c).

b) At least once each week, a licensee shall measure with a radiation detection survey~~measurement~~ instrument ~~capable of measuring dose rates over the range 10μSv(1 mrem) per hour to 10 mSv (1 rem) per hour~~ all areas where

radiopharmaceuticals or radioactive wastes are stored to ensure compliance with 32 Ill. Adm. Code 340.210 and 340.310. The instrument shall be operable and calibrated in accordance with the requirements of 32 Ill. Adm. Code 340.510(b) and (c).

c) At least once each week, a licensee shall measure for removable contamination in all areas where unsealed radioactive materials are prepared for use, administered or stored.

d) A licensee shall conduct the measurements required by subsections (b) and (c) ~~of this Section~~ in a manner that permits detection of both external exposure rates and removable contamination that would give rise to exposures in excess of the limits specified in 32 Ill. Adm. Code 340.210 and 340.310~~on each wipe sample of 2000 dpm per 100 square centimeters of surface area~~.

e) A licensee shall retain a record of each survey~~all monitoring and surveys~~ required by this Section for 5 years. The record shall include the monitoring date, a description~~sketch~~ of each area monitored, the measurement results~~measured dose rate at several points in each area expressed in units, multiples or subunits of sieverts or rem per hour or the removable contamination in each area expressed in units, multiples or subunits of becquerels or curies per 100 square centimeters of surface area or in disintegrations (transformations) per minute per 100 square centimeters of surface area~~, the manufacturer, model and serial number of the instruments,~~instrument used to perform the monitoring or analyze the samples~~ and the identity of the individual who performed the monitoring.

AGENCY NOTE: For the purposes of this Section, 2000 dpm (disintegrations per minute) per 100 square centimeters of surface area may be utilized as a sufficiently sensitive detection limit for removable contamination unless the licensee has developed alternate removable contamination limits which take into consideration the unsealed radionuclides in use, their respective contribution to the dose limits in 32 Ill. Adm. Code 340.210 and 340.310, and the detection capability of the radiation detection survey instruments in use. Measurement of removable contamination shall only be performed with a survey instrument, in lieu of wipes, if the instrument is sufficiently sensitive to detect the contamination at the limits specified in this Section~~A detection instrument means an uncompensated Geiger Mueller type instrument. A measurement instrument means an ion chamber or compensated Geiger Mueller instrument~~.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

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Section 335.2110 Release of Individuals Containing Unsealed Radioactive Material or Implants Containing Radioactive Material

a) A licensee may authorize the release from its control of any individual who has been administered unsealed radioactive material or implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 mSv (0.5 rem) following assessment of the patient's medical, living and working conditions.

AGENCY NOTE: NUREG-1556, Vol. 9, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Medical Licenses," published September 2019~~October 2002~~, exclusive of subsequent amendments or editions, describes methods for calculating doses to other individuals and contains tables of activities not likely to cause doses exceeding 5 mSv (0.5 rem).

b) If the total effective dose equivalent to any other individual is likely to exceed 1 mSv (0.1 rem), the licensee shall provide the released individual and, as determined appropriate by the authorized physician user, the individual's spouse, parent, guardian or other primary caregiver with verbal and written instructions on actions recommended to maintain doses to other individuals as low as is reasonably achievable. If the total effective dose equivalent to a minor, pregnant individual or nursing infant or child could exceed 1 mSv (0.1 rem), assuming there were no interruptions of breast-feeding, the instructions shall also include:

1) Guidance on the interruption or discontinuation of breast-feeding;

2) Guidance on minimizing close or extended contact; and

3) Information on the potential consequences, if any, of failure to follow the guidance.

c) Release of the patient pursuant to this Section shall be approved by an authorized physician user who is approved for the applicable use of radioactive material under Subpart F or H. The authorized user physician shall state in writing that he or she is satisfied that patient compliance with necessary instructions is likely and that the patient is suitable for release.

d) A licensee shall retain a record for 5 years after the release of the individual for the following:

1) The basis for authorizing the release of an individual in accordance with subsections (a) and (b) of this Section to include the assessment and evaluation criteria for the patient's medical, living and working conditions, activities of radioactive material used (i.e., retained or administered activity), occupancy factors, biological or effective half-life of radioactive material, shielding by tissue, and means of estimating doses to any other individual and the physicians.

2) The instructions for each patient required by subsection (b) of this Section.

3) The physician's certification for patient release required by subsection (c) of this Section.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.2140 Other Medical Uses of Radioactive Material or Radiation from Radioactive Material (Emerging Technologies)

A licensee may use radioactive material or a radiation source that is not specifically addressed in Subparts D through I ~~of this Part~~, or if the use is inconsistent with those Subparts, if:

a) The licensee has submitted the information required by 32 Ill. Adm. Code 330.250 and any other necessary information consistent with 32 Ill. Adm. Code 330;

b) The application contains at least the following:

1) A request signed by management that is consistent with the requirements of 32 Ill. Adm. Code 340.310(b);

2) A description of:

A) The facilities, with a diagram;

B) The necessary equipment and its calibration or maintenance; and

C) Training and experience qualifications of the Radiation Safety Officer, Associate Radiation Safety Officers, authorized users, ~~and~~ authorized medical physicists, and ophthalmic physicists, if not already previously submitted;

3) Procedures, as applicable, that describe:

A) The radionuclide, form and activity;

B) The expected levels of contamination and the procedures to control them;

C) The general safety precautions;

D) The safety instructions to be provided to staff that are specific to the proposed use; and

E) The methodology for measurement of dosages or doses to be administered to patients or human research subjects;

4) If applicable, a description of the sealed source and/or device as per 32 Ill. Adm. Code 330.280(i) and (k), as applicable, or, alternately, identification of the product in the Sealed Source and Device Registry.

c) In addition to the requirements in subsection (b)(2) ~~of this Section~~, an application for a license or amendment for medical use of radioactive material as described in this Section shall also include information regarding any ~~radiation safety~~ aspects of the medical use of radioactive~~the~~ material that are applicable to radiation safety that is not addressed in Subparts A through C ~~of this Part~~.

d) The applicant or licensee has provided any other information requested by the Agency in its review of the application.

e) The licensee has received written approval from the Agency in the form of a license amendment and uses the material in accordance with the regulations and specific conditions the Agency considers necessary for the safe use of the material.

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AGENCY NOTE: The FDA accepted protocols may be submitted as partial application towards the information requested in this Section.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.2150 Additional Technical Requirements for Intravascular Brachytherapy Units

In addition to other provisions required by this Part, the licensee authorized to use an intravascular brachytherapy unit for medical use shall:

a) Have a treatment team consisting of, at a minimum, an interventional cardiologist, an authorized user and an authorized medical physicist and that, at a minimum, an interventional cardiologist and an authorized user will be physically present in the treatment suite during all radioactive procedures.

AGENCY NOTE: The requirements of 32 Ill. Adm. Code 401 regarding radiation therapists must also be met.

b) Independently verify source strength and uniformity. Dwell time at the treatment location must be monitored and recorded. Source uniformity or strength must not differ by more that 10 percent of the expected values.

c) For devices requiring additional shielding, demonstrate compliance with 32 Ill. Adm. Code 340.210 and 340.310 requirements.

d) Inspect sealed sources, source trains or ribbons after each use and ensure sources are removed from service at intervals established by the manufacturer (i.e., confirm that source trains will not be used after the "use by" date, at intervals not to exceed 2 months from the date of shipment, or when evidence of degradation is observed, whichever comes first).

e) Inspect and service devices containing sealed sources at intervals established by the manufacturer, and ensure that maintenance and repair of the device is performed only by the manufacturer or persons specifically authorized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such service.

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f) Prohibit cuts, alterations or splicing of the sealed sources, source trains or ribbons, except in situations involving an emergency where the source wire cannot be returned to its normal safe position. If such cuts, alterations or splicing are necessary, notification in accordance with Section 335.1080 or 32 Ill. Adm. Code 340.1220 shall be made to the Agency.

g) Use only manufacturer provided inducer sheaths, catheters and accessories to ensure their demonstrated equivalents will be used with the devices.

h) Ensure the daily operational checks will be performed prior to patient treatment. At a minimum, they should include position verification, source uniformity, dwell time function, indicator lamps and other status/operational displays, and visual inspection for integrity of all applicators and catheters to be used for the treatment.

i) Perform tests following source or device exchange in accordance with the manufacturer's instruction manual for:

1) Timer accuracy/constancy, if appropriate;

2) Calibration of the source output following the manufacturer's instructions; and

3) Interlock/interrupt checks (i.e., interrupt test, cartridge lock test, emergency retraction test and catheter connection test), if appropriate.

j) The licensee shall retain a record of each item in subsections (b), (d), (e), (h) and (i) for intravascular brachytherapy units for 5 years. The records shall include:

1) The date of the verification, inspection or check.

2) The manufacturer's name, model and serial number of the intravascular brachytherapy unit.

3) Results of the verification, inspection or check.

4) Notations indicating the operability of each component.

5) The identity of the individual who performed the check.

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(Source: Added at 46 Ill. Reg. 966, effective December 21, 2021)

SUBPART E: UNSEALED RADIOACTIVE MATERIAL FOR IMAGING AND LOCALIZATION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED

Section 335.4020 Permissible Concentrations of Molybdenum-99, Strontium-82 and Strontium-85

a) A licensee shall not administer to humans a radiopharmaceutical that contains more than:

1) 0.15 kBq of molybdenum-99 per MBq of technetium-99m (0.15µCi of molybdenum-99 per mCi of technetium-99m);

2) 0.02 kBq of strontium-82 per MBq of rubidium-82 chloride injection (0.02 µCi of strontium-82 per mCi of rubidium-82); or

3) 0.2 kBq of strontium-85 per MBq of rubidium-82 chloride injection (0.2 µCi of strontium-85 per mCi of rubidium-82.

b) To demonstrate compliance with subsection (a) ~~of this Section~~, a licensee shall measure:

1) The concentration of molybdenum-99 in each ~~the first~~ eluate from ~~after receipt of~~ a molybdenum-99/technetium-99m generator; and

2) The concentration of strontium-82 and strontium-85 before ~~for~~ the first patient use of the day on each day that a strontium-82/rubidium-82 generator is used.

c) A licensee shall maintain a record of the concentration tests required by subsection (b) ~~of this Section~~ for 5 years. The record shall include for each measurement, the time and date of the measurement, the name of the individual who made the measurement and, for the corresponding measurement in subsection (b) ~~of this Section~~:

1) The ratio of the measure expressed as kBq of molybdenum per MBq of technetium-99m (or µCi of molybdenum per mCi of technetium); or

2) The ratios of the measures expressed as kBq of strontium-82 per MBq of rubidium-82 and kBq of strontium-85 per MBq of rubidium-82 (or µCi of strontium per mCi of rubidium).

d) A licensee shall notify the Agency and the distributor of the generator for ~~report immediately to the Agency~~ each occurrence of a concentration exceeding the limits specified in subsection (a) ~~of this Section~~ as follows:~~.~~

1) Notification by telephone within 7 days after the discovery that an eluate exceeded the permissible concentration. The notification shall include the manufacturer, model number, and serial number (or lot number) of the generator; the results of the measurement; the date of the measurement; whether dosages were administered to patients or human research subjects, when the distributor was notified, and the action taken.

2) By an appropriate method listed in 32 Ill. Adm. Code 310.110, the licensee shall submit a written report to the Agency within 30 days after discovery that an eluate exceeded the permissible concentration at the time of generator elution. The written report shall include the action taken by the licensee; the patient dose assessment; the methodology used to make this dose assessment if the eluate was administered to patients or human research subjects; and the probable cause and assessment of failure in the licensee's equipment, procedures or training that contributed to the excessive readings if an error occurred in the licensee's breakthrough determination; and the information in the telephone report as required by subsection (d)(1).

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

SUBPART F: UNSEALED RADIOACTIVE MATERIAL – WRITTEN DIRECTIVE REQUIRED

Section 335.5010 Use of Unsealed Radioactive Material for Which a Written Directive is Required

a) A licensee may use any unsealed radioactive material identified in subsection 335.9050(b)(2)(F) prepared for medical use and for which a written directive is required that is:

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1) Obtained from a person specified in Section 335.30 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements;

2) Excluding production of PET radionuclides, prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in Section 335.9040, ~~or a combination of Sections~~ 335.9050, ~~and 335.9040(c)(1)(B)(vii)~~ or an individual under the supervision of either as specified in Section 335.1050; or

3) Obtained from and prepared by an Agency, U.S. Nuclear Regulatory Commission or Agreement State licensee for use in research in accordance with a protocol accepted by FDA; or

4) Prepared by the licensee for use in research in accordance with an application or a protocol accepted by FDA.

b) Prior to any administration of quantities greater than 1.11 MBq (30 µCi) of sodium iodide I-131 to a patient~~female~~ capable of childbirth, the licensee shall conduct a pregnancy test and obtain those results to determine pregnancy. If the delay caused by conducting a pregnancy test would jeopardize the patient's health, the test may be forgone provided that action is noted by the authorized user on the written directive required by Section 335.1110. The written directive must also indicate the patient was informed of the decision to forego the pregnancy test or the reason for omission of the patient notification. Nothing in this Section relieves the licensee from meeting the requirements of Section 335.1100 regarding reporting of exposures to a fetus/embryo.

c) Records of the pregnancy test in subsection (b) shall contain the patient's name, identification number if one has been assigned, the type of test performed, results of the test, the date of the test, date the results became available if different from the test date, and identity of the licensee's staff interpreting~~administering~~ the test or, as applicable, the determination by a physician that pregnancy test was not required.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

SUBPART G: SEALED SOURCES FOR DIAGNOSIS

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Section 335.6010 Use of Sealed Sources for Diagnosis

A licensee shall use only sealed sources for diagnostic medical uses that are:

a) Obtained from a person specified in Section 335.35~~335.30 of this Part~~, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

b) Approved ~~and used~~ in ~~accordance with~~ the Sealed Source and Device Registry for diagnostic medicine. The sealed sources may be used for diagnostic medical uses that are not explicitly listed in the Sealed Source and Device Registry, but shall be used in accordance with the radiation safety conditions and limitations described in the Sealed Source and Device Registry~~and the manufacturer's instruction manual~~.

c) A licensee shall only use medical devices containing sealed sources for diagnostic medical uses if both the sealed sources and medical devices are approved in the Sealed Source and Device Registry for diagnostic medical uses. The diagnostic medical devices may be used for diagnostic medical uses that are not explicitly listed in the Sealed Source and Device Registry, but shall be used in accordance with the radiation safety conditions and limitations described in the Sealed Source and Device Registry.

d) Sealed sources and devices for diagnostic medical uses may be used in research in accordance with an active Investigational Device Exemption (IDE) application accepted by the U.S. Food and Drug Administration provided the requirements of Section 335.35 are met.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

SUBPART H: MANUAL BRACHYTHERAPY

Section 335.7010 Use of Sealed Sources for ~~Manual~~ Brachytherapy

A licensee shall use only brachytherapy sources for therapeutic medical uses:

a) That are:

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1) Obtained from a person specified in Section 335.35~~335.30 of this Part~~, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; and

2) Approved in~~and used in accordance with~~ the Sealed Source and Device Registry for manual brachytherapy medical use. The manual brachytherapy sources may be used for manual brachytherapy uses that are not explicitly listed in the Sealed Source and Device Registry, but must be used in accordance with the radiation safety conditions and limitations described in the Sealed Source and Device Registry~~and the manufacturer's instruction manual~~; or

b) That are used in research to deliver therapeutic doses for medical use in accordance with an active Investigational Device Exemption (IDE) application accepted by the U.S. Food and Drug Administration~~protocol accepted by the FDA~~ provided the requirements of Section 335.35~~335.30 of this Part~~ are met.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.7070 Calibration Measurements of Brachytherapy Sources

a) Before the first medical use of a brachytherapy source~~on or after October 24, 2006~~, a licensee shall have:

1) Determined the source output or activity using a dosimetry system that meets the requirements of subsection 335.8080(a)~~Section 335.8080 of this Part~~;

2) Determined source positioning accuracy within applicators; and

3) Used published protocols currently accepted by nationally recognized bodies to meet the requirements of subsections (a)(1) and (a)(2)~~of this Section~~. Copies of these protocols shall be maintained on file by the licensee for 5 years after the discontinuation of use of brachytherapy sources.

b) A licensee may use measurements provided by the source manufacturer or by a calibration laboratory accredited by the American Association of Physicists in

Medicine or other calibration laboratory approved by the Agency that are made in accordance with subsection (a) ~~of this Section~~.

c) A licensee shall mathematically correct the outputs or activities determined in subsection (a) ~~of this Section~~ for physical decay at intervals consistent with 1 percent physical decay.

d) A licensee shall maintain a record of the calibrations of brachytherapy sources required by this Section for 5 years after the last use of the source. The record shall~~must~~ include the:

1) Date~~The date~~ of the calibration;

2) Manufacturer's~~The manufacturer's~~ name, model number, and serial number for the source, and the instruments used to calibrate the source;

3) Source~~The source~~ output or activity;

4) Source~~The source~~ positioning accuracy within the applicators; and

5) Name of the individual, source manufacturer, or the calibration laboratory that performed the calibration~~The signature of the authorized medical physicist~~.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.7100 Strontium-90 Sources for Ophthalmic Treatments

Licensees who use strontium-90 for ophthalmic treatments must ensure that certain activities as specified in subsection (c) are performed by either:

a) An authorized medical physicist; or

b) An individual who:

1) is identified as an ophthalmic physicist on a specific medical use license issued by the Agency, U.S. Nuclear Regulatory Commission, or Agreement State; a permit issued by the Agency, U.S. Nuclear Regulatory Commission, or Agreement State broad scope medical use licensee; a

medical use permit issued by a U.S. Nuclear Regulatory Commission master material licensee; or permit issued by a U.S. Nuclear Regulatory Commission master material licensee broad scope medical use permittee; and

2) holds a master's or doctor's degree in physics, medical physics, other physical sciences, engineering, or applied mathematics from an accredited college or university; and

3) has successfully completed one year of full-time training in medical physics and an additional year of full-time work experience under the supervision of a medical physicist; and

4) Has documented training in:

A) The creation, modification, and completion of written directives;

B) Procedures for administrations requiring a written directive; and

C) Performing the calibration measurements of brachytherapy sources as detailed in Section 335.7070.

c) The individuals who are identified in subsections (a) and (b) shall:

1) Calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The decay shall be based on the activity determined under Section 335.7070; and

2) Assist the licensee in developing, implementing, and maintaining written procedures to provide high confidence that the administration is in accordance with the written directive. These procedures shall include the frequencies that the individual meeting the requirements in subsection (a) or (b) will observe treatments, review the treatment methodology, calculate treatment time for the prescribed dose, and review records to verify that the administrations were in accordance with the written directives.

d) Licensees must retain a record of the activity of each strontium-90 source. The record shall include:

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1) The date and initial activity of the source as determined under Section 335.7070; and

2) For each decay calculation, the date and the source activity as determined under this section.

(Source: Added at 46 Ill. Reg. 966, effective December 21, 2021)

SUBPART I: REMOTE AFTERLOADER UNITS, TELETHERAPY UNITS AND GAMMA STEREOTACTIC RADIOSURGERY UNITS

Section 335.8010 Use of a Sealed Source in Remote Afterloader Units, ~~Intravascular Brachytherapy Units,~~ Teletherapy Units or Gamma Stereotactic Radiosurgery Units

a) A licensee shall only use sealed sources ~~in remote afterloader units, intravascular brachytherapy units, teletherapy units or gamma stereotactic radiosurgery units for therapeutic medical uses that are~~:

1~~a~~) Obtained from a person specified in Section 335.35~~335.30 of this Part~~, or equivalent U.S. Nuclear Regulatory Commission~~,~~ or Agreement State ~~or Licensing State~~ requirements; or

2~~b~~) Approved and as provided for in ~~used in accordance with~~ the Sealed Source and Device Registry , in photon-emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units to deliver therapeutic doses for medical uses~~and the manufacturer's instruction manual~~; or

3~~c~~) In research involving photon-emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units~~Used in research~~ in accordance with an active Investigational Device Exemption (IDE) application accepted by the U.S. Food and Drug Administration~~FDA~~, provided the requirements of Section 335.35~~335.30 of this Part~~ are met.

b) A licensee shall use photon-emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units:

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1) Approved in the Sealed Source and Device Registry to deliver a therapeutic dose for medical use. These devices may be used for therapeutic medical treatments that are not explicitly provided for in the Sealed Source and Device Registry, but must be used in accordance with radiation safety conditions and limitations described in the Sealed Source and Device Registry; or

2) In research in accordance with an active Investigational Device Exemption (IDE) application accepted by the U.S. Food and Drug Administration provided the requirements of Section 335.35 are met.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.8040 Safety Procedures and Instructions for Remote Afterloader Units, ~~Intravascular Brachytherapy Units,~~ Teletherapy Units and Gamma Stereotactic Radiosurgery Units

a) A licensee using sealed sources in remote afterloader units, ~~intravascular brachytherapy units,~~ teletherapy units or gamma stereotactic radiosurgery units for therapeutic medical uses shall:

1) Secure the unit, the console, the console keys and the treatment room when not in use or unattended, if applicable;

2) Permit only individuals approved by the authorized user, Radiation Safety Officer or authorized medical physicist to be present in the treatment room during treatment or emergencies with the sources;

3) Prevent dual operation of more than one radiation producing device in a treatment room, if applicable; and

4) Develop, implement and maintain written procedures for responding to an abnormal situation when the operator is unable to place the sources in the shielded position, or remove the patient or human research subject from the radiation field with controls from outside the treatment room. These procedures shall include:

A) Instructions for responding to equipment failures and the names of the individuals responsible for implementing corrective actions;

B) The process for restricting access to and posting of the treatment area to minimize the risk of inadvertent exposure; and

C) The names and telephone numbers of the authorized users, the authorized medical physicist and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.

b) A copy of the procedures required by subsection (a)(4) ~~of this Section~~ and the manufacturer's instruction manual shall be physically located at the unit console.

c) A licensee shall post instructions at the unit console to inform the operator of:

1) The procedures located there as required by subsection (b) ~~of this Section~~; and

2) The names and telephone numbers of the authorized users, the authorized medical physicist and the Radiation Safety Officer to be contacted if the unit or console operates abnormally.

d) Operational and Safety Training

1) Prior to the first use for patient treatment of a new unit or an existing unit with a manufacturer upgrade that affects the operation and safety of the unit, the licensee shall ensure that vendor operational and safety training is provided to all individuals who will operate the unit. The vendor operational and safety training must be provided by the device manufacturer or by an individual certified by the device manufacturer to provide the operational and safety training.

2) Initially and at least annually, the licensee shall provide operational and safety instructions to all individuals who operate the unit at the facility, as appropriate to the individual's assigned duties, in:

A) The procedures identified in subsection (a)(4); and

B) The operating procedures for the unit.

~~A licensee shall provide instruction, initially and at least annually, to all individuals who operate the unit, as appropriate to the individual's assigned duties, in:~~

~~1) The procedures identified in subsection (a)(4) of this Section; and~~

~~2) The operating procedures for the unit.~~

e) A licensee shall ensure that operators, authorized medical physicists and authorized users participate in drills of the emergency procedures, initially and at least annually.

f) A licensee shall retain a record of the instruction required by subsection (d) ~~of this Section~~. The record shall be retained for five years and include a list of the topics covered, the date of the instruction, the names of the attendees and the names of the individuals who provided instruction.

g) A licensee shall retain a copy of the procedures required by subsections (a)(4) and (d)(2)(B) ~~of this Section~~ until the licensee no longer possesses the remote afterloader, intravascular brachytherapy unit, teletherapy unit or gamma stereotactic radiosurgery unit.

h) A licensee shall maintain a copy of the record documenting results of the drills of emergency procedures required by subsection (e) ~~of this Section~~ for 5 years.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.8150 Full-Inspection Servicing~~5-Year Inspection~~ for Teletherapy and Gamma Stereotactic Radiosurgery Units

a) A licensee shall have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during each source replacement to assure proper functioning of the source exposure mechanism and other safety components. The interval between each full-inspection servicing shall not~~or at intervals not to~~ exceed 5 years for each teletherapy unit and shall not exceed 7 years for each gamma stereotactic radiosurgery unit~~, whichever comes first, to assure proper functioning of the source exposure mechanism~~.

b) This inspection and servicing may only be performed by persons specifically

licensed to do so by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State ~~or a Licensing State~~.

c) A licensee shall maintain a record of the inspection and servicing~~5-year inspections~~ for teletherapy and gamma stereotactic radiosurgery units required by this Section for the duration of use of the unit.

d) The record shall~~must~~ contain:

1) The inspector's radioactive materials license number;

2) The date of the inspection;

3) The manufacturer's name and model number and serial number of both the treatment unit and source;

4) A list of components inspected and serviced~~, services~~ and the type of service; and

5) The signature of the inspector.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.8220 Additional Technical Requirements for Intravascular Brachytherapy Units (Repealed)

~~In addition to other provisions required by this Part, the licensee authorized to use an intravascular brachytherapy unit for medical use shall:~~

~~a)~~ ~~Have a treatment team consisting of, at a minimum, an interventional cardiologist, an authorized user and an authorized medical physicist and that, at a minimum, an interventional cardiologist and an authorized user will be physically present in the treatment suite during all radioactive procedures.~~

~~AGENCY NOTE: The requirements of 32 Ill. Adm. Code 401 regarding radiation therapists must also be met.~~

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~~b) Independently verify source strength and uniformity. Dwell time at the treatment location must be monitored and recorded. Source uniformity or strength must not differ by more that 10 percent of the expected values.~~

~~c) For devices requiring additional shielding, demonstrate compliance with 32 Ill. Adm. Code 340.210 and 340.310 requirements.~~

~~d) Inspect sealed sources, source trains or ribbons after each use and ensure sources are removed from service at intervals established by the manufacturer (i.e., confirm that source trains will not be used after the "use by" date, at intervals not to exceed 2 months from the date of shipment, or when evidence of degradation is observed, whichever comes first).~~

~~e) Inspect and service devices containing sealed sources at intervals established by the manufacturer, and ensure that maintenance and repair of the device is performed only by the manufacturer or persons specifically authorized by the Agency, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State to perform such service.~~

~~f) Prohibit cuts, alterations or splicing of the sealed sources, source trains or ribbons, except in situations involving an emergency where the source wire cannot be returned to its normal safe position. If such cuts, alterations or splicing is necessary, notification in accordance with Section 335.1080 of this Part or 32 Ill. Adm. Code 340.1220 must be made to the Agency.~~

~~g) Use only manufacturer provided inducer sheaths, catheters and accessories to ensure their demonstrated equivalents will be used with the devices.~~

~~h) Ensure the daily operational checks will be performed prior to patient treatment. At a minimum, they should include position verification, source uniformity, dwell time function, indicator lamps and other status/operational displays, and visual inspection for integrity of all applicators and catheters to be used for the treatment.~~

~~i) Perform tests following source or device exchange in accordance with the manufacturer's instruction manual for:~~

~~1) Timer accuracy/constancy, if appropriate;~~

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~~2) Calibration of the source output following the manufacturer's instructions; and~~

~~3) Interlock/interrupt checks (i.e., interrupt test, cartridge lock test, emergency retraction test and catheter connection test), if appropriate.~~

~~j) The licensee shall retain a record of each item in subsections (b), (d), (e), (h) and (i) of this Section for intravascular brachytherapy units for 5 years. The records must include:~~

~~1) The date of the verification, inspection or check.~~

~~2) The manufacturer's name, model and serial number of the intravascular brachytherapy unit.~~

~~3) Results of the verification, inspection or check.~~

~~4) Notations indicating the operability of each component.~~

~~5) The signature of the individual who performed the check.~~

(Source: Repealed at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.8230 Therapy-related Computer Systems for Remote Afterloader Units, ~~Intravascular Brachytherapy Units,~~ Teletherapy Units and Gamma Stereotactic Units

The licensee shall perform acceptance testing on the treatment planning system of therapy-related computer systems in accordance with published protocols accepted by nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

a) The source-specific input parameters required by the dose calculation algorithm;

b) The accuracy of dose, dwell time and treatment time calculations at representative points;

c) The accuracy of isodose plots and graphic displays;

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d) The accuracy of the software used to determine sealed source positions from radiographic images; and

e) The accuracy of electronic transfer of the treatment delivery parameters to the treatment delivery unit from the treatment planning system.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

SUBPART J: TRAINING AND EXPERIENCE REQUIREMENTS

Section 335.9010 Training for Radiation Safety Officer and Associate Radiation Safety Officer

Except as provided in Section 335.9160, the licensee shall require an individual fulfilling the responsibilities of the Radiation Safety Officer or an individual assigned duties and tasks as an Associate Radiation Safety Officer under the requirement in subsection 335.1040(b) to be an individual who:

a) Is certified by a specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State and who meets the requirements ~~has obtained the attestation and training~~ described in subsection (f)~~subsections (e) and (f) of this Section~~. To have its certification process ~~be~~ recognized, a specialty board shall require all candidates for certification to meet the following requirements:

1) The candidate shall:

A) Hold a bachelor's or graduate degree from an accredited college or university in physical science or engineering or biological science with a minimum of 20 college credits in physical science;

B) Have 5 or more years of professional experience in health physics (graduate training may be substituted for no more than 2 years of the required experience) including at least 3 years in applied health physics; and

C) Pass an examination administered by diplomates~~diplomate~~ of the specialty board that evaluates knowledge and competence in radiation physics and instrumentation, radiation protection,

mathematics pertaining to the use and measurement of radioactivity, radiation biology and radiation dosimetry; or

2) The candidate shall:

A) Hold a master's or doctorate degree in physics, medical physics, other physical science, engineering, or applied mathematics from an accredited college or university;

B) Have 2 years of full-time practical training or supervised experience in medical physics:

i) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Commission or an Agreement State; or

ii) In clinical nuclear medicine facilities providing diagnostic or therapeutic services under the direction of physicians who meet the requirements for authorized users in Sections 335.9040, 335.9050 or 335.9160; and

iii) Pass an examination administered by diplomates~~diplomate~~ of the specialty board that evaluates knowledge and competence in clinical diagnostic radiological or nuclear medicine physics and in radiation safety; or

b) Has successfully~~obtained the attestation and training described in subsections (e) and (f) of this Section and has~~ completed a structured educational program consisting of both subsections (b)(1) and (b)(2):

1) 200 hours of classroom and laboratory training in the following areas:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

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D) Radiation biology; and

E) Radiation dosimetry; and

2) One~~1~~ year of full-time radiation safety experience under the supervision of the individual identified as the Radiation Safety Officer on an Agency, U.S. Nuclear Regulatory Commission, or Agreement State license or permit issued by a U.S. Nuclear Regulatory Commission master material licensee that authorizes similar types and uses of radioactive material. An Associate Radiation Safety Officer may provide supervision for those areas for which the Associate Radiation Safety Officer is authorized on an Agency, U.S. Nuclear Regulatory Commission, or Agreement State license or permit issued by a master material licensee. The full-time radiation safety experience shall involve the following ~~involving the following~~:

A) Shipping, receiving and performing related radiation monitoring;

B) Using and performing checks for proper operation of instruments used to determine the activity of dosages, instruments used to measure radionuclides and survey meters;

C) Securing and controlling radioactive material;

D) Using administrative controls to avoid mistakes in the administration of radioactive material;

E) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;

F) Using emergency procedures to control radioactive material;

G) Disposing of radioactive material; and~~or~~

3) This individual must obtain a written attestation, signed by a preceptor Radiation Safety Officer or Associate Radiation Safety Officer who has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual is seeking approval as a Radiation Safety Officer or an Associate Radiation Safety Officer, that the

individual has satisfactorily completed the requirements in subsections (b)(1), (b)(2) and (f) and is able to independently fulfill the radiation safety-related duties as a Radiation Safety Officer or as an Associate Radiation Safety Officer for a medical use license; or

c) Is a medical physicist who has been certified by a specialty board whose certification process has been recognized by the Agency under subsection 335.9150(a) or the U.S. Nuclear Regulatory Commission or an Agreement State and has experience with the~~in~~ radiation safety aspects of~~for~~ similar types of use of radioactive material for which approval of the individual as Radiation Safety Officer or Associate Radiation Safety Officer is sought and meets the requirements in subsection (f)~~who has obtained the attestation and training described in subsections (e) and (f) of this Section~~; or

d) Is an authorized user or authorized medical physicist identified on an Agency, U.S. Nuclear Regulatory Commission, or Agreement State license, a permit issued by a U.S. Nuclear Regulatory Commission master material licensee, a permit issued by an Agency, U.S. Nuclear Regulatory Commission, or an Agreement State licensee of broad scope, or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope permittee;~~the licensee's license and~~ has experience with the radiation safety aspects of similar types of use of radioactive material for which the licensee seeks the approval of the individual as~~has~~ Radiation Safety Officer or an Associate Radiation Safety Officer; and meets the requirements in subsection (f); or~~responsibilities; and~~

e) Has experience with the radiation safety aspects of the types of use of radioactive material for which the individual is seeking simultaneous approval both as the Radiation Safety Officer and the authorized user on the same new medical use license. The individual must also meet the requirements in paragraph (f) of this Section.

~~e) Has obtained written attestation signed by a preceptor Radiation Safety Officer, that the individual has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee; and~~

~~1) Has satisfactorily completed the requirements described in:~~

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~~A)~~ ~~Subsection (f) of this Section and subsections (a)(1)(A) and (B) of this Section; or~~

~~B)~~ ~~Subsection (f) of this Section and subsections (a)(2)(A) and (B) of this Section; or~~

~~C)~~ ~~Subsections (b) and (f) of this Section; or~~

~~2)~~ ~~Meets the criteria of subsection (c) or (d) of this Section and has received the training required by subsection (f) of this Section.~~

f) Has received training in radiation safety, regulatory issues and emergency procedures for the types of use for which approval is sought. This training requirement may be satisfied by completing training that is supervised by a Radiation Safety Officer, Associate Radiation Safety Officer, authorized medical physicist, authorized nuclear pharmacist, or authorized user, as appropriate, who is authorized for the types of use for which the licensee is seeking approval ~~is sought~~.

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State will be posted on the NRC's website.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9030 Training for Uptake, Dilution or Excretion Studies

Except as provided in Section 335.9160, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.3010 not requiring a written directive to be a physician who:

a) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State ~~and who has obtained the attestation required by subsection (d) of this Section~~. To have its certification process ~~be~~ recognized, a specialty board shall require all candidates for certification to meet the following requirements:

1) Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of

unsealed radioactive material for uptake, dilution and excretion studies as described in subsections (c)(1) and (2) ~~of this Section~~; and

2) Pass an examination administered by diplomates~~diplomate~~ of the specialty board, that evaluates knowledge and competence in radiation safety, radionuclide handling and quality control; or

b) Is an authorized user who meets the requirements of Section 335.9040 or 335.9050 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

c) Has successfully~~obtained the attestation described in subsection (d) of this Section and has~~ completed a structured educational program consisting of:

1) 60 hours of training and experience, including a minimum of 8 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution and excretion studies. The classroom and laboratory training shall include, at a minimum:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

2) Work experience under the supervision of an authorized user who meets the requirements in this Section, Section 335.9040, 335.9050 or 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements involving~~-~~:

A) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation monitoring;

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B) Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and

F) Administering dosages of radioactive drugs to patients or human research subjects; and.

3) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (c) and is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized by Section 335.3010. The attestation shall be obtained from either:

A) A preceptor authorized user who meets the requirements in this Section or Section 335.9040, 335.9050 or 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

B) A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, Sections 335.9040, 335.9050 or 335.9160, or equivalent Agreement State requirements, and concurs with the attestation provided by the residency program director. The residency training program shall be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association

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and shall include training and work experience specified in subsections (c)(1) and (c)(2).

~~d) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (a)(1) or (c) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the uses authorized by Section 335.3010. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section or Section 335.9040, 335.9050 or 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements.~~

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9040 Training for Imaging and Localization Studies

Except as provided in Section 335.9160, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.4010 not requiring a written directive to be a physician who:

a) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, or an Agreement State ~~and who has obtained the attestation described in subsection (d) of this Section~~. To have its certification process~~be~~ recognized, a specialty board shall require all candidates for certification to meet the following requirements:

1) Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for imaging and localization studies as described in subsection (c) ~~of this Section~~; and

2) Pass an examination administered by diplomates~~diplomate~~ of the specialty board, that evaluates knowledge and competence in radiation safety, radionuclide handling and quality control; or

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b) Is an authorized user who meets the requirements of Section 335.9050 and meets the requirements in subsection (c)(1)(B)(vii)~~(c)(2)(G) of this Section~~ or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

c) Has successfully completed~~obtained the attestation described in subsection (d) of this Section and has completed a structured educational program consisting of~~ 700 hours of training and experience, including 80 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies.~~ The training and experience shall include at a minimum~~:

1) The training and experience shall include at a minimum:

A) Classroom and laboratory training in the following areas:

i) Radiation physics and instrumentation;

ii) Radiation protection;

iii) Mathematics pertaining to the use and measurement of radioactivity;

iv) Chemistry of radioactive material for medical use;

v) Radiation biology; and

B) Work experience under the supervision of an authorized user who meets the requirements in this Section, Section 335.9160 or Section 335.9050, together with subsection (c)(1)(B)(vii), or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements, involving:

i) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;

ii) Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;

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iii) Calculating, measuring and safely preparing patient or human research subject dosages;

iv) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;

v) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

vi) Administering dosages of radioactive drugs to patients or human research subjects;

vii) Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring, and testing the eluate for radionuclidic purity and processing the eluate with reagent kits to prepare labeled radioactive drugs; and

2) Has obtained written attestation that the individual has satisfactorily completed the requirements described in subsection (c)(1) and is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under Sections 335.3010 and 335.4010. The attestation shall be obtained from either:

A) A preceptor authorized user who meets the requirements in this Section, Section 335.9160 or Section 335.9050 together with subsection (c)(1)(B)(vii) or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

B) A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, Section 335.9160 or Section 335.9050, together with subsection (c)(1)(B)(vii) or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements, and concurs with the attestation provided by the residency program director. The residency training program shall be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal

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College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association and shall include training and experience specified in subsections (c) and (c)(1).

~~Classroom and laboratory training in the following areas:~~

~~A)~~ ~~Radiation physics and instrumentation;~~

~~B)~~ ~~Radiation protection;~~

~~C)~~ ~~Mathematics pertaining to the use and measurement of radioactivity;~~

~~D)~~ ~~Chemistry of radioactive material for medical use;~~

~~E)~~ ~~Radiation biology; and~~

~~2)~~ ~~Work experience under the supervision of an authorized user who meets the requirements in this Section, Section 335.9160 or Section 335.9050 together with subsection (c)(2)(G) of this Section, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements, involving:~~

~~A)~~ ~~Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;~~

~~B)~~ ~~Performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey instruments;~~

~~C)~~ ~~Calculating, measuring and safely preparing patient or human research subject dosages;~~

~~D)~~ ~~Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;~~

~~E)~~ ~~Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;~~

~~F)~~ ~~Administering dosages of radioactive drugs to patients or human research subjects;~~

~~G)~~ ~~Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring, and testing the eluate for radionuclidic purity and processing the eluate with reagent kits to prepare labeled radioactive drugs.~~

~~d)~~ ~~Has obtained written attestation that the individual has satisfactorily completed the requirements described in subsection (a)(1), (b) or (c) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Sections 335.3010 and 335.4010. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9160 or Section 335.9050 together with subsection (c)(2)(G) of this Section or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements~~

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9050 Training for Use of Unsealed Radioactive Material for Which a Written Directive is Required

Except as provided in Sections 335.9060, 335.9070, 335.9080 and 335.9160, a licensee shall require the authorized user of unsealed radioactive material for the uses authorized under Section 335.5010 to be a physician who:

a) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State and who meets the requirements in~~has the work experience required by~~ subsection (b)(2)(F)~~ of this Section and has obtained the attestation described in subsection (c) of this Section~~. To be recognized, a specialty board shall require all candidates for certification to meet the following requirements:

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1) Successfully complete residency training in a radiation therapy or nuclear medicine training program or a program in a related medical specialty that includes 700 hours of training and experience as described in subsection (b)(1) through (b)(2)(E) ~~of this Section~~. Eligible training programs shall be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the ~~or~~ Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral ~~Committee on Post-Graduate~~ Training of the American Osteopathic Association;

2) Pass an examination administered by diplomates~~diplomate~~ of the specialty board that evaluates knowledge and competence in radiation safety, radionuclide handling, quality assurance and clinical use of unsealed radioactive materials; or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

b) Has successfully~~obtained the attestation described in subsection (c) of this Section and has~~ completed 700 hours of training and experience, including a minimum of 200 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience shall include:

1) Classroom and laboratory training in the following areas:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

2) Work experience under the supervision of an authorized user who meets

the requirements in this Section, Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements. A supervising authorized user who meets the requirements in subsection (b) ~~of this Section~~ shall have experience in administering dosages in the same dosage category or categories (i.e., subsection (b)(2)(F) ~~of this Section~~) as the individual requesting authorized user status. The work experience shall involve:

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:

i) Oral administration of less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131 for which a written directive is required;

ii) Oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131;

AGENCY NOTE: Experience with at least 3 cases described in subsection (b)(2)(F)(ii) ~~of this Section~~ satisfies the requirement in subsection (b)(2)(F)(i) ~~of this Section~~.

iii) Parenteral administration of any radioactive drug that contains a radionuclide that is primarily used for its electron emission, beta radiation characteristics, alpha radiation characteristics, or ~~beta emitter or a photon-emitting radionuclide with a~~ photon energy of less than 150 keV, for which a written directive is required; and ~~or~~

3) Written attestation that the individual has satisfactorily completed the requirements in subsections (b)(1) and (b)(2) and is able to independently fulfill the radiation safety-related duties as an authorized user for the medical uses authorized under Section 335.5010 for which the individual is requesting authorized user status. The attestation shall be signed by either:

A) A preceptor authorized user who meets the requirements in this Section, Section 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements and has experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status; or

B) A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements, has experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status, and concurs with the attestation provided by the residency program director. The residency training program shall be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association and shall include training and experience specified in subsections (b)(1) and (b)(2).

~~iv) Parenteral administration of any other radionuclide for which a written directive is required.~~

~~c) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (b) of this Section or subsection (a)(1) of this Section together with subsection (b)(2)(F) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements. The preceptor authorized user who meets the requirements in subsection (b) of this Section shall have experience in administering dosages in the same dosage category or categories (i.e., subsection (b)(2)(F) of this Section) as the individual requesting authorized user status.~~

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9060 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Less Than or Equal to 1.22 GBq (33 mCi)

Except as provided in Section 335.9160, the licensee shall require the authorized user for oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 GBq (33 mCi) to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsections (c)(1) and (c)(2)~~subsection (c) of this Section~~ and whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State ~~and who has obtained the attestation described in subsection (d) of this Section~~; or

b) Is an authorized user who meets the requirements of Section 335.9070 or Section 335.9050 for the uses identified in subsection 335.9050(b)(2)(F)(i) or (ii) or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

c) Has successfully completed a structured educational program consisting of~~obtained the attestation described in subsection (d) of this Section and has~~:

1) ~~Successfully completed~~ 80 hours of classroom and laboratory training applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include~~-~~:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

2) Work experience under the supervision of an authorized user who meets the requirements of this Section, Section 335.9050, 335.9070, 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements. A supervising authorized user who meets the requirements of subsection 335.9050(b) shall have experience in administering the dosages identified in subsection 335.9050(b)(2)(F)(i) or (ii). The work experience shall involve:

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a medical event involving the use of radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Administering dosages to patients or human research subjects and shall include at least 3 cases involving the oral administration of

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less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131; and.

3) Written attestation that the individual has satisfactorily completed the requirements in subsections (c)(1) and (c)(2) and is able to independently fulfill the radiation safety-related duties as an authorized user for oral administration of less than or equal to 1.22 GBq (33 mCi) of sodium iodide I-131 for medical uses authorized under Section 335.5010. The attestation shall be obtained from either:

A) A preceptor authorized user who meets the requirements in this Section, Section 335.9050, 335.9070, 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements and has experience in administering the dosages identified in subsection 335.9050(b)(2)(F)(i) or (ii); or

B) A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in Section 335.9050, 335.9070, 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements and has experience in administering the dosages identified in subsection 335.9050(b)(2)(F)(i) or (ii) and concurs with the attestation provided by the residency program director. The residency training program shall be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association and shall include training and experience specified in subsections (c)(1) and (c)(2).

~~d) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (a) or (c) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9050, 335.9070, 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements. The preceptor authorized user who meets the requirements in Section 335.9050(b) shall have experience in~~

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~~administering the dosages identified in subsection 335.9050(b)(2)(F)(i) or (ii).~~

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9070 Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive in Quantities Greater Than 1.22 GBq (33 mCi)

Except as provided in Section 335.9160, the licensee shall require the authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 GBq (33 mCi) to be a physician who:

a) Is certified by a medical specialty board whose certification process includes all of the requirements in subsections (c)(1) and (c)(2) ~~subsection (c) of this Section~~ and whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State ~~and who has obtained the attestation described in subsection (d) of this Section~~; or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

b) Is an authorized user who meets the requirements of Section 335.9050 for the uses identified in subsection 335.9050(b)(2)(F)(ii), or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

c) Has successfully completed a structured educational program consisting of~~obtained the attestation described in subsection (d) of this Section and has~~:

1) ~~Successfully completed~~ 80 hours of classroom and laboratory training applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training shall include~~.~~:

A) Radiation physics and instrumentation;

B) Radiation protection;

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C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use;

E) Radiation biology; and

2) Work experience under the supervision of an authorized user who meets the requirements in this Section, Section 335.9050, 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements. A supervising authorized user who meets the requirements of Section 335.9050(b) shall have experience in administering the dosages identified in subsection 335.9050(b)(2)(F)(ii). The work experience shall involve:

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation monitoring;

B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey instruments;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a medical event involving the use of radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;

F) Administering dosages to patients or human research subjects and shall include at least 3 cases involving the oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131; and.

3) Written attestation that the individual has satisfactorily completed the requirements in subsections (c)(1) and (2) and is able to independently fulfill the radiation safety-related duties as an authorized user for oral administration of greater than 1.22 GBq (33 mCi) of sodium iodide I-131

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for medical uses authorized under Section 335.5010. The attestation shall be obtained from either:

A) A preceptor authorized user who meets the requirements in this Section, Section 335.9050, 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements and has experience in administering the dosages identified in subsection 335.9050(b)(2)(F)(ii); or

B) A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, Section 335.9050, 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements, has experience in administering the dosages identified in subsection 335.9050(b)(2)(F)(ii), and concurs with the attestation provided by the residency program director. The residency training program shall be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association and shall include training and experience specified in subsections (c)(1) and (c)(2).

~~d) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (a) or (c) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under Section 335.5010. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9050, 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements. The preceptor authorized user who meets the requirements in Section 335.9050(b) shall have experience in administering the dosages identified in subsection 335.9050(b)(2)(F)(ii).~~

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9080 Training for the Parenteral Administration of Unsealed Radioactive Material Requiring a Written Directive

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Except as provided in Section 335.9160, the licensee shall require an authorized user for the parenteral administration requiring a written directive to be a physician who:

a) Is an authorized user who meets the requirements of Section 335.9050 for a use identified in subsection 335.9050(b)(2)(F)(iii) ~~or (iv)~~ or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

b) Is an authorized user under Section 335.9100 or 335.9140 ~~or 335.9160~~ or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements and who meets the requirements in subsection (d) ~~of this Section and has obtained the attestation described in subsection (c) of this Section~~; or

c) Is certified by a medical specialty board whose certification process has been recognized by the Agency under Section 335.9100 or 335.9140 or by the U.S. Nuclear Regulatory Commission or an Agreement State and who meets~~. The individual shall meet~~ the requirements in subsection (d)~~. of this Section and have obtained the attestation described in subsection (c) of this Section; or~~

d) The physician shall have~~Has obtained the attestation described in subsection (e) of this Section and has~~:

1) Successfully completed 80 hours of classroom and laboratory training applicable to parenteral administrations listed in subsection 335.9050(b)(2)(F)(iii)~~administration of radioactive material for which a written directive is required. The training shall apply to any beta emitter or any photon-emitting radionuclide with a photon energy less than 150 keV or parenteral administration of any other radionuclide for which a written directive is required~~. The training shall include:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Chemistry of radioactive material for medical use; and

E) Radiation biology.~~; and~~

2) Work experience under the supervision of an authorized user who meets the requirements in this Section, Section 335.9050, 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements in the parenteral administrations listed in subsection 335.9050(b)(2)(F)(iii)~~administration of radioactive material for which a written directive is required. The experience shall include administration of any beta emitter, any photon-emitting radionuclide with a photon energy less than 150 keV or parenteral administration of any other radionuclide for which a written directive is required~~. A supervising authorized user who meets the requirements in this Section, Section 335.9050, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements shall have experience in administering dosages in the same category or categories as the individual requesting authorized user status~~as identified in Section 335.9050(b)(2)(F)(iii) or (iv)~~. The work experience shall involve:

A) Ordering, receiving and unpacking radioactive materials safely, and performing the related radiation surveys;

B) Performing quality control procedures on instruments used to determine the activity of dosages, and performing checks for proper operation of survey meters;

C) Calculating, measuring and safely preparing patient or human research subject dosages;

D) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;

E) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and

F) Administering dosages to patients or human research subjects that include at least 3 cases of~~involving~~ the parenteral administrations as specified in subsection 335.9050(b)(2)(F)(iii); and ~~administration of radioactive material for which a written directive is required. This experience shall include administration of any beta emitter, any photon-emitting radionuclide with a photon~~

~~energy less than 150 keV or at least 3 cases involving the parenteral administration of any other radionuclide for which a written directive is required.~~

3) Obtained written attestation that the individual has satisfactorily completed the requirements in subsections (d)(1) and (d)(2) and is able to independently fulfill the radiation safety-related duties as an authorized user for the parenteral administration of unsealed radioactive material requiring a written directive. The attestation shall be obtained from either:

A) A preceptor authorized user who meets the requirements in this Section, Section 335.9050, 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements. A preceptor authorized user who meets the requirements in this Section or Section 335.9050, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements, shall have experience in administering dosages in the same category or categories as the individual requesting authorized user status; or

B) A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, Section 335.9050, 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements, has experience in administering dosages in the same dosage category or categories as the individual requesting authorized user status, and concurs with the attestation provided by the residency program director. The residency training program shall be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association and shall include training and experience specified in subsection (d)(1) and (d)(2).

~~e) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (b), (c) or (d) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the parenteral administration of unsealed~~

~~radioactive material requiring a written directive. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9050, 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements. The preceptor authorized user who meets the requirements in Section 335.9050 shall have experience in administering dosages identified in subsections 335.9050(b)(2)(F)(iii) or (iv).~~

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9100 Training for Use of Manual Brachytherapy Sources

Except as provided in Section 335.9160, the licensee shall require the authorized user of a manual brachytherapy source under the provisions and requirements of Subpart H to be a physician who:

a) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State ~~and who has obtained the attestation described in subsection (c) of this Section~~. To have its certification process~~be~~ recognized, a specialty board shall require all candidates for certification to:

1) Successfully complete a minimum of 3 years of residency training in a radiation oncology program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, ~~or~~ the Royal College of Physicians and Surgeons of Canada, or the Council~~the Committee~~ on Postdoctoral~~Post-Graduate~~ Training of the American Osteopathic Association; and

2) Pass an examination administered by diplomates~~diplomate~~ of the specialty board that evaluates knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance, and clinical use of manual brachytherapy sources; or

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AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

b) The physician~~Has obtained the attestation described in subsection (c) of this Section and~~ has:

1) Completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:

A) 200 hours of classroom and laboratory training in the following areas:

i) Radiation physics and instrumentation;

ii) Radiation protection;

iii) Mathematics pertaining to the use and measurement of radioactivity;

iv) Radiation biology; and

B) 500 hours of work experience~~, at a medical institution~~ under the supervision of an authorized user who meets the requirements in this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements, at a medical facility authorized to use radioactive material under Subpart H. The work experience shall include:

i) Ordering, receiving and unpacking radioactive materials safely and performing the related radiation monitoring;

ii) Checking survey instruments for proper operation;

iii) Preparing, implanting and removing brachytherapy sources;

iv) Maintaining running inventories of material on hand;

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v) Using administrative controls to prevent medical events involving radioactive material;

vi) Using emergency procedures to control radioactive material; and

2) Completed 3 years of supervised clinical experience in radiation oncology under an authorized user who meets the requirements in this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements. The experience shall be obtained as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council~~the Committee~~ on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (b)(1)(B); and ~~of this Section~~.

3) Obtained written attestation that the individual has satisfactorily completed the requirements in subsections (b)(1) and (b)(2) and is able to independently fulfill the radiation safety-related duties as an authorized user of manual brachytherapy sources under Subpart H. The attestation shall be obtained from either:

A) A preceptor authorized user who meets the requirements in this Section, Section 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

B) A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, Section 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements and concurs with the attestation provided by the residency program director. The residency training program shall be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association

and shall include training and experience specified in subsections (b)(1) and (b)(2).

~~c)~~ ~~Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (a)(1) or (b) of this Section and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources under Subpart H. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements.~~

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9120 Training for Ophthalmic Use of Strontium-90

Except as provided in Section 335.9160, the licensee shall require the authorized user using only strontium-90 for ophthalmic radiation therapy to be a physician who:

a) Is an authorized user who meets the requirements of Section 335.9100 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

b) Has ~~obtained the attestation described in subsection (c)of this Section and has~~:

1) Completed 24 hours of classroom and laboratory training applicable to the medical use of strontium-90 for ophthalmic radiation therapy. The training shall include:

A) Radiation physics and instrumentation;

B) Radiation protection;

C) Mathematics pertaining to the use and measurement of radioactivity;

D) Radiation biology; and

2) Completed clinical training in ophthalmic radiation therapy under the supervision of an authorized user at a medical institution, clinic, or private

practice that includes the use of strontium-90 for the ophthalmic treatment of 5 individualspatients. The supervised clinical training shall include:

A) Examination of each individualpatient to be treated;

B) Calculation of the dose to be administered;

C) Administration of the dose; and

D) Follow-up and review of each individual'spatient's case history; and.

3) Obtained written attestation that the individual has satisfactorily completed the requirements in subsections (b)(1) and (b)(2) and is able to independently fulfill the radiation safety-related duties as an authorized user of strontium-90 for ophthalmic use. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9100, 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements.

c) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (b) of this Section and has achieved a level of competency sufficient to function independently as an authorized user of strontium-90 for ophthalmic use. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section, Section 335.9100, 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9130 Training for Use of Sealed Sources for Diagnosis

Except as provided in Section 335.9160 of this Part, the licensee shall require the authorized user of a diagnostic sealed source for diagnostic use in or a device authorized in Section 335.6010 of this Part to be a physician, dentist or podiatrist who:

a) Is certified by a specialty board whose certification process includes all of the requirements in subsection (cb) of this Section and whose certification has been recognized by the Agency, the U.S. Nuclear Regulatory Commission, or an

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Agreement State ~~or a Licensing State~~; or

b) Is an authorized user for uses listed in Section 335.4010 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements; or

c~~b~~) Has completed 8 hours of classroom and laboratory training in basic radionuclide handling techniques specifically applicable to the use of the device. The training shall include:

1) Radiation physics and instrumentation;

2) Radiation protection;

3) Mathematics pertaining to the use and measurement of radioactivity;

4) Radiation biology; and

5) Training in the use of the device for the uses requested; and~~.~~

d) Has completed training in the use of the device for the uses requested.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9140 Training for Use of Remote Afterloader Units, ~~Intravascular Brachytherapy Units,~~ Teletherapy Units and Gamma Stereotactic Radiosurgery Units

Except as provided in Section 335.9160, the licensee shall require the authorized user of a sealed source under the provisions and requirements of Subpart I to be a physician who:

a) Is certified by a medical specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State and who meets the requirements in~~has obtained the attestation described in subsection (c) of this Section and the training required by~~ subsection (d)~~ of this Section~~. To have its certification process~~be~~ recognized, a specialty board shall require all candidates for certification to:

1) Successfully complete a minimum of 3 years of residency training in a radiation therapy program approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, ~~or~~ the

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Royal College of Physicians and Surgeons of Canada, or the Council~~the Committee~~ on Postdoctoral~~Post-Graduate~~ Training of the American Osteopathic Association; and

2) Pass an examination administered by diplomates~~diplomate~~ of the specialty board that evaluates knowledge and competence in radiation safety, radionuclide handling, treatment planning, quality assurance and clinical use of stereotactic radiosurgery, remote afterloaders and external beam therapy; or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

b) Has ~~obtained the attestation described in subsection (c) of this Section, the training required by subsection (d) of this Section and has~~:

1) Completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:

A) 200 hours of classroom and laboratory training in the following areas:

i) Radiation physics and instrumentation;

ii) Radiation protection;

iii) Mathematics pertaining to the use and measurement of radioactivity;

iv) Radiation biology; and

B) 500 hours of work experience, under the supervision of an authorized user who meets the requirements in this Section, Section 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements, at a medical institution that is authorized to use radioactive materials under Subpart I~~under the supervision of an authorized user who meets the~~

~~requirements in this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements~~. The work experience shall include:

i) Reviewing full calibration measurements and periodic spot-checks;

ii) Preparing treatment plans and calculating treatment doses and times;

iii) Using administrative controls to prevent a medical event involving the use of radioactive material;

iv) Implementing emergency procedures to be followed in the event of the abnormal operation of the medical unit or console;

v) Checking and using survey instruments;

vi) Selecting the proper dose and how it is to be administered; and

2) Completed 3 years of supervised clinical experience in radiation therapy under an authorized user who meets the requirements of this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State or requirements. The experience shall be obtained as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council~~the Committee~~ on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by subsection (b)(1)(B); and ~~of this Section.~~

3) Obtained written attestation that the individual has satisfactorily completed the requirements in subsections (b)(1), (b)(2), and (c) and is able to independently fulfill the radiation safety-related duties as an authorized user for the type of therapeutic medical unit for which the

individual is requesting authorized user status. The attestation shall be obtained from either:

A) A preceptor authorized user who meets the requirements in this Section, Section 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements for each type of therapeutic medical unit for which the individual is requesting authorized user status; or

B) A residency program director who affirms in writing that the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this Section, Section 335.9160, or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements for the types of therapeutic medical unit for which the individual is requesting authorized user status and concurs with the attestation provided by the residency program director. The residency training program shall be approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, or the Council on Postdoctoral Training of the American Osteopathic Association and shall include training and experience specified in subsections (b)(1) and (b)(2).

~~c) Has obtained written attestation that the individual has satisfactorily completed the requirements in subsection (a)(1) and (d) or (b) and (d) of this Section and has achieved a level of competency sufficient to function independently as an authorized user for the type of therapeutic medical unit for which the individual is requesting authorized user status. The attestation shall be signed by a preceptor authorized user who meets the requirements in this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements for each type of therapeutic medical unit for which the individual is requesting authorized user status.~~

c~~d~~) Has received training in device operation, safety procedures and clinical use for the types~~type~~ of therapeutic medical unit for which authorization is sought. This training requirement may be met by satisfactory completion of a training program provided by the vendor for new users ~~by the equipment supplier~~ or by receiving training supervised by an authorized user or authorized medical physicist, as

appropriate, who is authorized for the types of use for which the individual is seeking authorization.

AGENCY NOTE: The term "type of therapeutic medical unit" refers to a type of use identified in this Section. It applies to this Section only. Training for therapeutic medical units is not manufacturer-specific. Training for one brand of therapeutic medical unit is acceptable for another brand of the same type of unit.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9150 Training for Authorized Medical Physicist

Except as provided in Section 335.9160, the licensee shall require the authorized medical physicist to be an individual who:

a) Is certified by a specialty board whose certification process has been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State and who meets the requirements in ~~has obtained the attestation described in subsection (c) of this Section and the training required by~~ subsection (d) ~~of this Section~~. To be recognized, a specialty board shall require all candidates for certification to:

1) Hold a master's degree or doctorate in physics, medical physics, other physical science, engineering or applied mathematics from an accredited college or university;

2) Have 2 years of full-time practical training or supervised experience in medical physics:

A) Under the supervision of a medical physicist who is certified in medical physics by a specialty board recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State; or

B) In clinical radiation facilities providing high energy, external beam therapy (photons and electrons with energies greater than or equal to 1 million electron volts) and brachytherapy~~brachytheraphy~~ services under the direction of physicians who meet the

requirements for authorized users in Section 335.9100, 335.9140 or 335.9160;

3) Pass an examination administered by diplomates~~diplomate~~ of the specialty board that evaluates knowledge and competence in clinical radiation therapy, radiation safety, calibration, quality assurance, and treatment planning for external beam therapy, brachytherapy and stereotactic radiosurgery; or

AGENCY NOTE: Specialty boards whose certification processes have been recognized by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State will be posted on the NRC's website.

b) Holds a master's degree or doctorate in physics, medical physics or other physical science, engineering or applied mathematics from an accredited college or university and has~~Has~~ completed one~~1~~ year of full-time training in medical physics and an additional year of full-time work experience under the supervision of an individual who meets the requirements for an authorized medical physicist for the types of use for which the individual is seeking authorization. This training and work experience shall be conducted in clinical radiation facilities that provide high energy, external beam therapy and brachytherapy services and shall include:

1) Performing sealed source leak tests and inventories;

2) Performing decay corrections;

3) Performing full calibration and periodic spot checks of external beam treatment units, stereotactic radiosurgery units and remote afterloading units as applicable;

4) Conducting radiation monitoring around external beam treatment units, stereotactic radiosurgery units and remote afterloading units, as applicable; and

c) Has obtained written attestation that the individual has satisfactorily completed the requirements in ~~subsections (a)(1), (a)(2) and (d) or~~ subsections (b) and (d) ~~of this Section~~ and is able to independently fulfill the radiation safety-related duties~~has achieved a level of competency sufficient to function independently~~ as

an authorized medical physicist for each type of use for which the individual is requesting authorized medical physicist status. The attestation shall be signed by a preceptor authorized medical physicist who meets the requirements of this Section or Section 335.9160 or equivalent U.S. Nuclear Regulatory Commission or Agreement State requirements for an authorized medical physicist for each type of use for which the individual is requesting authorized medical physicist status.

d) Has training in the type of use for which authorization is sought that includes hands-on device operation, safety procedures, clinical use and the operation of a treatment planning system. This training requirement may be satisfied by satisfactorily completing either a training program provided by an equipment supplier or by training supervised by an authorized medical physicist authorized for the type of use for which the individual is seeking authorization.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

Section 335.9160 Training for Experienced Radiation Safety Officer, Authorized Medical Physicist or Authorized User

a) For experienced Radiation Safety Officers and Authorized Medical Physicists:

1~~a~~) An individual identified as a Radiation Safety Officer or an authorized medical physicist on an Agency, U.S. Nuclear Regulatory Commission or Agreement State license or a permit issued by an Agency, U.S. Nuclear Regulatory Commission or Agreement State broad scope licensee or master material license permit or by a master material license permittee of broad scope on or before January 14, 2022~~October 24, 2007~~ need not comply with the training requirements of Sections 335.9010 and 335.9150, respectively, except the Radiation Safety Officers and authorized medical physicists identified in this subsection shall meet the training requirements in subsections 335.9010(e) and 335.9150(d), as appropriate, for any material or uses for which they were not authorized prior to this date.

2) Any individual certified by the American Board of Health Physics in Comprehensive Health Physics, the American Board of Radiology, the American Board of Nuclear Medicine, the American Board of Science in Nuclear Medicine, the Board of Pharmaceutical Specialties in Nuclear Pharmacy, the American Board of Medical Physics in radiation oncology

physics, the Royal College of Physicians and Surgeons of Canada in nuclear medicine, the American Osteopathic Board of Radiology, or the American Osteopathic Board of Nuclear Medicine on or before October 24, 2007 need not comply with the training requirements of Section 335.9010 to be identified as a Radiation Safety Officer or as an Associate Radiation Safety Officer on a U.S. Nuclear Regulatory Commission or an Agreement State license or U.S. Nuclear Regulatory Commission master material license permit for those materials and uses that these individuals performed on or before October 24, 2007.

3) Any individual certified by the American Board of Radiology in therapeutic radiological physics, Roentgen ray and gamma ray physics, x-ray and radium physics, or radiological physics, or certified by the American Board of Medical Physics in radiation oncology physics, on or before October 24, 2007 need not comply with the training requirements for an authorized medical physicist described in Section 335.9150, for those materials and uses that these individuals performed on or before October 24, 2007.

b) For physicians, dentists or podiatrists:

1~~b~~) Physicians, dentists or podiatrists~~,~~ identified as authorized users for the medical use of radioactive material on a license issued by the Agency, U.S. Nuclear Regulatory Commission or Agreement State, a permit issued by a U.S. Nuclear Regulatory Commission master material licensee, a permit issued by an Agency, U.S. Nuclear Regulatory Commission or Agreement State broad scope licensee, or a permit issued by a U.S. Nuclear Regulatory Commission master material license broad scope permittee on or before January 14, 2022~~October 24, 2007~~ who perform only those medical uses for which they were authorized on or before that date need not comply with the training requirements of Sections 335.9030 through 335.9140.

2) Physicians, dentists or podiatrists not identified as authorized users for the medical use of radioactive material on a license issued by the Agency, U.S. Nuclear Regulatory Commission or Agreement State, a permit issued by the U.S. Nuclear Regulatory Commission master licensee, a permit issued by the Agency, U.S. Nuclear Regulatory Commission or Agreement State broad scope licensee, or a permit issued by a U.S.

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Nuclear Regulatory Commission master material license of broad scope on or before October 24, 2007 need not comply with the training requirements of Sections 335.9030 through 335.9140 for those materials and uses that these individuals performed on or before October 24, 2007, as follows:

A) For uses authorized under Section 335.3010, 335.4010, or oral administration of sodium iodide I-131 requiring a written directive for imaging and localization purposes, a physician who was certified on or before October 24, 2007 in nuclear medicine by the American Board of Nuclear Medicine, diagnostic radiology by the American Board of Radiology, diagnostic radiology or radiology by the American Osteopathic Board of Radiology, nuclear medicine by the Royal College of Physicians and Surgeons of Canada, or the American Osteopathic Board of Nuclear Medicine in nuclear medicine;

B) For uses authorized under Section 335.5010, a physician who was certified on or before October 24, 2007 by the American Board of Nuclear Medicine; the American Board of Radiology in radiology, therapeutic radiology, or radiation oncology; nuclear medicine by the Royal College of Physicians and Surgeons of Canada; or the American Osteopathic Board of Radiology after 1984;

C) For uses authorized under Sections 335.7010 and 335.8010, a physician who was certified on or before October 24, 2007 in radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; radiation oncology by the American Osteopathic Board of Radiology; radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; and

D) For uses authorized under Section 335.6010, a physician who was certified on or before October 24, 2007 in radiology, diagnostic radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; nuclear medicine by the American Board of Nuclear Medicine; diagnostic radiology or radiology by

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the American Osteopathic Board of Radiology; or nuclear medicine by the Royal College of Physicians and Surgeons of Canada.

c) Individuals who are not subject to the training requirements in this Section may serve as preceptors for and supervisors of applicants seeking authorization on Agency licenses for the same uses for which these individuals are authorized.

d) Individuals that qualify under this Section need to comply with Section 335.9180.

(Source: Amended at 46 Ill. Reg. 966, effective December 21, 2021)

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1) Heading of the Part: Firearm Owners Identification Card Act

2) Code Citation: 20 Ill. Adm. Code 1230

3)

Section Numbers:	Adopted Actions:
1230.10	Amendment
1230.20	Amendment
1230.25	New Section
1230.30	Amendment
1230.35	New Section
1230.40	Amendment
1230.50	Amendment
1230.70	Amendment

4) Statutory Authority: Implementing and authorized by the Firearm Owners Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605].

5) Effective Date of Rules: December 21, 2021

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in *Illinois Register*: 45 Ill. Reg. 10938; September 10, 2021

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

11) Differences between Proposal and Final Version: Contact for the agency, proof of disability, and protocol for pending applications as of January 1, 2022 were added to final version. Non-substantive grammatical and formatting changes were made.

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

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

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14) Are there any rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
1230.45	New Section	45 Ill. Reg. 16315; December 27, 2021

15) Summary and Purpose of Rulemaking: These Sections deal with Part 1230 of Title 20 pertaining to the Firearm Owners Identification Card Act (FOID Act) – specifically, definitions, application procedures, renewal procedures, validation issues, minor sponsorship issues, revocation and suspension procedures, appeal procedures.

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

Ms. Maureen B. McCurry
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

(217) 782-7658

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: ILLINOIS STATE POLICE

PART 1230
FIREARM OWNER'S IDENTIFICATION CARD ACT

Section
1230.10 Definitions
1230.20 Application Procedures
1230.25 Electronic Communication
1230.30 Duration, ~~and~~ Renewal, and Expiration of FOID ~~Identification~~ Card
1230.35 Possession and Validity of a FOID Card
1230.40 Sponsorship of a Minor
1230.50 Return of FOID Card – Applicant
1230.60 Return of Revoked FOID Card – Other
1230.70 Request for Relief and Appeals ~~Appeal~~
1230.80 Judicial Review (Repealed)
1230.90 Certification (Repealed)
1230.100 Reduction of Remittance (Repealed)
1230.110 Retention of Remittance
1230.120 Clear and Present Danger Reporting
1230.EXHIBIT A Application for Firearm Owner's Identification Card (Form FOID-1.2) (Repealed)
1230.EXHIBIT B Certification (Repealed)

AUTHORITY: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-120].

SOURCE: Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 16629, effective September 8, 1998; amended at 27 Ill. Reg. 10308, effective June 26, 2003; amended at 38 Ill. Reg. 2301, effective December 31, 2013; emergency amendment at 44 Ill. Reg. 6166, effective April 6, 2020, for a maximum of 150 days; emergency expired September 2, 2020; emergency amendment at 44 Ill. Reg. 15819, effective September 3, 2020, for a maximum of 150 days; emergency expired January 30, 2021; emergency amendment at 45 Ill. Reg. 2763, effective February 19, 2021, for a maximum of 150

days; emergency expired July 18, 2021; amended at 45 Ill. Reg. 11201, effective August 30, 2021; amended at 46 Ill. Reg. 1057, effective December 21, 2021.

Section 1230.10 Definitions

Terms defined in the Firearm Owner's Identification Card Act [430 ILCS 65/1.1] have the same meanings when used in~~is~~ this Part. The following additional definitions also apply to this Part unless the context clearly requires a different meaning:

"Act" means Firearm Owner's Identification Card Act [430 ILCS 65].

"Active" means the Firearm Owner's Identification Card is active in the online FOID/CCL system and valid for purposes of acquiring and possessing firearms and firearms ammunition.

"Antique firearm" shall have the meaning ascribed to it in 18 USC 921(a)(16), i.e.:

any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; or

any replica of any firearm described in the previous paragraph if the replica:

is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or

any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol that is designed to use black powder or a black powder substitute and that cannot use fixed ammunition.

The term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle loading weapon, or any muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any

combination of these.

"Applicant" means a person who has submitted ana ~~a completed~~ application for a Firearm Owner's Identification Card.

"Criminal Justice System Employee" includes law enforcement officials, courts, State's Attorneys, probation officers, parole officers, and federal law enforcement officials.

"Department" means the Illinois ~~Department of~~ State Police.

"Designator" means an indication printed on the face of a FOID Card that the card holder has been issued an FCCL.

"Director" means the Director of the Illinois State Police or the Director's ~~his or her~~ designee.

"FCCL" means Firearm Concealed Carry License pursuant to the Firearm Concealed Carry Act [430 ILCS 66], which may be indicated as a Designator printed on the face of a FOID Card.

"Felony Indictment" shall mean an indictment for a crime punishable by imprisonment for a term exceeding one year pursuant to 18 U.S.C. 922(d)(1) and (n).

"FOID Card" means the Firearm Owner's Identification Card as defined in Section 6 of the Act, which may include an FCCL Designator printed on the face of the card.

"Law enforcement officer" means an employee of a government agency who:

is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

has statutory powers of arrest or custodial detention;

is authorized by the agency to carry a firearm while on duty;

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is not the subject of any disciplinary action by the employing agency that could result in termination;

meets the standards established by the agency that require the employee to regularly qualify in the use of a firearm; and

is not prohibited by federal law from possessing a firearm.

"Law enforcement official", for purposes of clear and present danger reporting, means any peace officer, warden, superintendent or keeper of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of a criminal offense, and employees of police laboratories having a department or section of forensic firearm identification.

"Online FOID/FCCL System" means the Department's applicant and person-to-person portal which allows a person to apply for a FOID Card or FCCL and access their FOID Card/FCCL dashboard, as well as determine whether the applicant's FOID or another person's FOID Card is valid and active where permitted by law.

"Out-of-state resident" means a person who does not qualify for an Illinois driver's license or an Illinois State identification card due to his or her establishment of a primary domicile in another state.

"Protective order" means any orders of protection issued under the Illinois Domestic Violence Act of 1986 [750 ILCS 60], stalking no contact orders issued under the Stalking No Contact Order Act [740 ILCS 21], civil no contact orders issued under the Civil No Contact Order Act [740 ILCS 22], and firearms restraining orders issued under the Firearms Restraining Order Act [430 ILCS 67].

"Purchaser" means any person who is buying or receiving firearms or firearms ammunition as part of a sale or transfer.

"Seller" means any person who is selling or transferring firearms or firearms ammunition as part of a sale or transfer.

"Transfer" means the permanent relinquishment of ownership of a firearm to another person regardless of whether consideration or money is received by the

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seller.

"Unlawful Drug Use" shall mean any unlawful use of or addiction to any controlled substance pursuant to 18 U.S.C. 922(d)(3) and (g)(3).

"Valid" means current and not suspended, revoked, expired, cancelled, invalidated, denied or disqualified.

(Source: Amended at 46 Ill. Reg. 1057, effective December 21, 2021)

Section 1230.20 Application Procedures

a) Application for a FOID Card shall be made by inputting the information as required by Section 4 of the Act on~~completing an application form provided by the Department. These forms will be made available through~~ the Department's website ~~(www.isp.state.il.us/foid/foidapp.cfm)~~.

1) Assistance with completing the application is available at all customer service kiosks. The locations of kiosks are available on the Department's website.

2) Paper applications, which may be obtained by contacting the Firearms Services Bureau Call Center, will only be accepted from applicants with appropriate proof they are unable to apply either on the internet or at a customer service kiosk due to religion or a disability. Proof of disability includes, but is not limited to, documentation from:

A) the Social Security Administration;

B) the Illinois Worker's Compensation Commission;

C) the U.S. Department of Defense;

D) an insurer authorized to transact business in Illinois who is providing disability insurance coverage; or

E) a physician or heath care provider licensed in this State and is in the position to know the applicant's medical condition.

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b) All application forms shall be completed accurately and, in their entirety, accompanied by all fees, ~~the correct fee (see Section 5 of the Act)~~ and a photograph, and submitted as indicated on the application form.

1) Applicants shall pay the fee required by Section 5 of the Act, in full, when submitting their application or reapplying if the application is denied.

2) All application fees shall be collected using the Illinois State Treasurer's E-Pay program, which is linked to the electronic FOID Card application on the Department's website. A processing fee will be charged in accordance with the Illinois State Treasurer's E-Pay program.

3) Application, renewal and replacement fees are non-refundable.

c) Any application form that is not completed accurately and in its entirety, including all fees ~~the correct fee~~ and a photograph, and which contains any deficiencies that cannot be cured in an expeditious manner, will be denied or rejected.

1) An application is complete if it contains all of the information and materials required by Section 4 of the Act, as well as the requisite fee and any associated processing fee.

2) If an application is rejected because it is incomplete, the applicant will not be charged an additional fee upon completing the application process. If an application is rejected and the applicant does not correct deficiencies of which they were notified within 60 days, the application shall be denied.

3) If the application is denied because the applicant has not been found to be qualified under the Act, and then later reapplies, the applicant will be assessed another fee and any associated processing fee.

4) All applications pending on January 1, 2022, will be processed by the Department without further fee to the applicant if all fees as set forth in subsection (b) of this Section have been previously paid. However, if an application is incomplete or inaccurate, the applicant will be subject to subsection (c) of this Section.

d) Except as provided in subsection (e), any requirement for an Illinois driver's license number or Illinois identification card number shall mean a valid Illinois driver's license number or valid Illinois identification card number. A temporary visitor's driver's license (TVDL) will not be accepted.

e) In regard to an applicant who is employed as a law enforcement officer, an armed security officer in Illinois or by the United States military permanently assigned in Illinois and who is not an Illinois resident, any requirement for a driver's license number or State identification card number shall mean the valid driver's license number or valid state identification card number from his or her state of residence.

f) In regard to an applicant who is employed by the United States military permanently assigned in Illinois, the applicant shall also provide valid military identification and assignment orders establishing permanent assignment in Illinois. Only persons with a permanent duty assignment in Illinois qualify for a FOID Card if they are not otherwise an Illinois resident. Military personnel in Illinois on temporary duty assignment are not eligible and do not need a FOID Card.

g) In regard to an applicant who is applying under a non-immigrant visa exception, the applicant shall provide a letter from his or her foreign government stating the purpose for travel to Illinois and the date the applicant's non-immigrant visa expires. The applicant shall also explain the need for the FOID Card or submit a waiver from this Part granted by the U.S. Attorney General. Persons in Illinois on a non-immigrant visa must have permission from their government and the U.S. Attorney General to possess or transport firearms.

h) The Department shall, as part of the application process, ask any questions necessary to determine whether the applicant is qualified~~eligibility under State and federal law~~ to possess or receive a firearm, and deny a FOID application of any applicant who is prohibited by the Act~~under federal law~~ from possessing or receiving a firearm.

i) All FOID Cards issued shall remain the property of the Department.

(Source: Amended at 46 Ill. Reg. 1057, effective December 21, 2021)

Section 1230.25 Electronic Communication

a) Upon development of a system that allows for electronic communication, the Department shall allow a person to elect to receive FOID Card related correspondence via email or text message and to opt out of first-class mail communication.

1) The person will be prompted to indicate how they wish to receive future communications, messages, and alerts using the applicant portal.

2) In order to select email, text messaging, or both, the person must confirm a valid email address and cellular phone number through the applicant portal.

b) The Department will require persons who select to receive FOID related electronic communication to consent to accept service by electronic means of all notices, orders, pleadings, and motions filed in this matter in lieu of service by certified or regular mail.

1) The person will be prompted to accept electronic service using the applicant portal.

2) Service shall be made upon the party's email address provided through the applicant portal.

(Source: Added at 46 Ill. Reg. 1057, effective December 21, 2021)

Section 1230.30 Duration, ~~and~~ Renewal, and Expiration of FOID ~~Identification~~ Card

a) Duration. A FOID Card shall expire 10 years from the date of issuance.

1) The date the FOID Card becomes active within the Department's online FOID/CCL system ~~first day of the month in which the related FOID Card Application was received~~ is designated as the date of issuance for purposes of this Part.

2) If a person who possesses an FCCL or FOID Card with a Designator becomes subject to suspension or revocation under the Firearm Concealed Carry Act, but is otherwise qualified under this Act, their FOID Card will remain valid for its duration without interruption.

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b) Renewal

1) A FOID Cardcard will remain conditionally valid during the processing period provided that a completed renewal application with the required fees, including but not limited to, applicable processing fees, have fee has been submitted to ISP prior to its expiration pursuant to Section 5 of the Act and the FOID Cardcard is not subject to revocation pursuant to Section 8 or 8.2 of the Act. FOID Card holders eligible for a paper application pursuant to subsection 1230.20(a)(2), may contact the Firearms Services Bureau,

2c) Conditional Renewal During a Gubernatorial Disaster Proclamation. COVID-191)FOID Cardscards that expire during a COVID-19 Gubernatorial Disaster Proclamation issued pursuant to Section 7 of the Illinois Emergency Management Act [20 ILCS 3305] shall be considered conditionally renewed if:

A) a completed application for renewal is submitted to the Department pursuant to Section 5 of the Act while a statewide COVID-19 Gubernatorial Disaster Proclamation is in effect; and

B) the FOID Cardcard is not subject to revocation pursuant to the provisions of Section 8 or Section 8.2 of the Act.

C) Conditionally renewed FOID Cards shall remain valid until a new FOID Card is issued.

32) Any conditionally renewed FOID Cardcard shall be deemed valid for the purposes of possessing, transferring, and purchasing ammunition and firearms, unless the FOID Cardcard is subject to revocation or suspension under Section 8 of this Act.

43) AThe validity of a FOID Card holder who is approved for a new or renewed FCCL shall have their FOID Card automatically renewed for 10 years from the time of approval of the FCCL. No additional fee shall be charged for the renewal of the FOID Card.card during the conditional renewal period will be reflected in the Department's on-line FOID system and any federal online firearms tracking system pursuant to the requirements of Section 3.1 of the Act.

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54) If the FOID Card of an FCCL holder expires during the term of the FCCL, the FOID Card shall remain valid and the FCCL holder does not have to renew their FOID Card during the term of the FCCL.~~Conditionally renewed FOID cards shall remain valid for up to 6 months after the expiration of the last issued statewide COVID-19 Gubernatorial Disaster Proclamation, or until a new FOID card is issued, whichever occurs first.~~

65) Effective January 1, 2023, at the time of a Firearm Transfer Inquiry pursuant to Section 3.1 of the Act, a FOID Card holder, who has previously provided a full set of fingerprints to the Department under this Act or the Firearm Concealed Carry Act, shall have their FOID Card remain active and be renewed for a period of 10 years from the date the Firearm Transfer Inquiry was approved so long as the FOID Card holder is not subject to revocation or suspension under the Act.~~This subsection (d) shall remain in effect through the end of the calendar year (December 31, 2021).~~

c) Expiration

1) The status of a FOID Card and FCCL, including but not limited to, the expiration date and whether the FOID Card or FCCL is active will be:

A) maintained by the Department;

B) reflected in the Department's online FOID/FCCL system and any federal online firearms tracking system pursuant to the requirements of Section 3.1 of the Act; and

C) made available electronically to the applicant through the applicant portal; and

D) made available electronically to persons authorized to access such information under either this Act or the Firearm Concealed Carry Act.

2) Persons who surrender their FCCL pursuant to the Firearm Concealed Carry Act but remain qualified for a FOID Card under this Act, shall

remain valid in the online FOID/FCCL system until the FOID Card expires or is cancelled, suspended or revoked.

(Source: Amended at 46 Ill. Reg. 1057, effective December 21, 2021)

Section 1230.35 Possession and Validity of a FOID Card

a) Possession

1) Possession of either a valid FOID Card, FCCL, or FOID Card with Designator shall satisfy the requirements of Section 2(a) of the Act regarding possession of a FOID Card.

2) A Designator will be added to the FOID Card to distinguish between persons with an active FOID Card only and persons with an active FOID Card and an FCCL.

3) Possession of a valid FOID Card or FOID Card with Designator does not relieve the holder of the responsibility to comply with State and federal law as it pertains to acquiring or possessing firearms or firearms ammunition.

4) Upon the development of a system under which an electronic version of a FOID card can be displayed on a mobile telephone or other portable electronic device, the possession of such electronic version shall satisfy the requirements of Section 2(a) of the Act regarding possession of a FOID Card so long as the device contains all security features required by the Department to ensure the electronic version is current and accurate.

b) Validity. Prior to the sale or transfer of any firearms or firearms ammunition, if the FOID Card has no expiration date on its face or the FOID Card is expired, the validity of the purchaser's FOID Card under this Act must be checked on the Department's online FOID/FCCL system except as provided in subsection (b)(7) below.

1) Federally-licensed firearm dealers transferring a firearm are exempt from this requirement but must comply with the provisions set forth in Part 1235, Firearm Transfer Inquiry Program, of this Title.

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2) These inquiry requirements apply equally to transfers involving new, used, and trade-in firearms.

3) Inquiries made to the Department's online FOID/FCCL system do not exempt or otherwise relieve the person making such inquiry from compliance with any other State or federal laws or local ordinances.

4) The seller will perform the inquiry by following the step-by-step instructions provided through the Department's online FOID/FCCL system.

5) The Department shall determine the validity of the purchaser's FOID Card and provide a transaction approval number if the FOID Card is active.

A) The seller shall not complete the sale or otherwise transfer the firearm until a transaction approval number is provided by the Department.

B) The seller must complete the transfer of all firearms within 30 days after the transaction approval number has been provided by the Department.

C) If the purchaser's FOID Card is not active, the Department shall advise the seller.

6) The purchaser and seller are required to comply with the requirements of Section 3b of the Act [430 ILCS 65/3(b)].

A) Purchasers and/or sellers who elect to provide the Department with a record of the transfer, shall do so by completing the form available on the Department's website for this purpose.

B) Completed transfer record forms will be attached to the purchaser's account within the Department's online FOID/FCCL system and retained for a period of not less than 20 years.

7) If the FOID Card has an expiration date printed on its face and the card has not yet expired, the card shall be considered active for purposes of sale or transfer of firearms ammunition only and need not be checked in the

Department's online FOID/FCCL system. All FOID Cards must be checked in the Department's online FOID/FCCL system for the sale or transfer of firearms as provided in this subsection (b).

(Source: Added at 46 Ill. Reg. 1057, effective December 21, 2021)

Section 1230.40 Sponsorship of a Minor

a) Except as provided by Section 65/4(a)(2)(i-5) of the Act, applicants~~Every applicant~~ for a FOID Card under the age of 21 shall have the written consent of the applicant's~~his/her~~ parent or legal guardian to possess and acquire firearms and firearm ammunition, prior to issuance of a FOID Card. If the consent is given by a legal guardian, a certified copy of the guardianship court order must be submitted with the application. The parent or legal guardian providing consent shall file an affidavit with the Department, as prescribed by the Department (using the form available on the Department's website), stating that the parent/guardian is not prohibited~~an individual prohibited by Section 4(2) of the Act~~ from having a FOID Card under the Act.

b) No applicant under age 21 will be granted a FOID Card if the applicant~~he or she~~ is prohibited from having a FOID Card under the Act~~by State or federal law~~.

c) If the minor is not physically capable of signing the application because of age, disability or other cause, the parent or legal guardian providing consent must submit a copy of the minor's birth certificate.

(Source: Amended at 46 Ill. Reg. 1057, effective December 21, 2021)

Section 1230.50 Return of FOID Card – Applicant

a) Suspension

1) The Department will suspend the FOID Card pursuant to Section 8.3 of the Act, whenever the Department finds that a person to whom a FOID Card was previously issued is disqualified pursuant to:

A) Section 8.2 of the Act as the result of a Protective Order and the duration of the disqualification is expected to be less than one year;

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B) Section 8(n) of the Act as the result of Felony Indictment; or

C) Section 8(d) of the Act because the person is an Unlawful Drug Use if the person is prohibited under Illinois law from possessing firearms.

2) Upon receiving notice of suspension, the FOID Card holder must comply with the Firearms Disposition Record (FDR) provisions of Section 9.5 of the Act but shall surrender the FOID Card to the law enforcement agency or person listed on the FDR regardless of whether the FOID Card holder owns or possesses firearms.

3) The suspended FOID Card shall be invalid for the duration of the disqualification and suspension, including but not limited to, prohibiting the possession, purchase, sale, transfer or exchange of firearms and firearms ammunition.

4) The FOID Card holder shall provide written notification to the Department upon conclusion of the disqualification.

5) After verifying the conclusion of the disqualification, the Department will provide written notice and reinstate the FOID Card.

6) The FOID Card holder may appeal the suspension consistent with the provisions of Section 10 of the Act and Section 1230.70 of this Part.

b) Revocation

1) Whenever the Department finds that a person to whom a FOID Card was previously issued is disqualified pursuant to Section 8 or 8.2 of the Act other than as the result of a disqualification as provided in subsection (a)(1), the Department may revoke and seize the FOID Card.

2) Upon receiving notice of revocation, the FOID Card holder must comply with the provisions of Section 9.5 of the Act in its entirety.~~Individuals whose cards have been revoked shall surrender their FOID Cards and complete the Firearm Disposition Record required by Section 9.5 of the Act.~~

A) A copy of the required Firearm Disposition Record can be found on the Department's website ~~at www.isp.state.il.us within the FOID section or at the local law enforcement agency where the individual resides~~.

B) Individuals whose FOID Cards were confiscated by law enforcement or the courts must submit documentation of the confiscation with the Firearm Disposition Record.

3) The FOID Card holder may appeal the revocation consistent with the provisions of Section 10 of the Act and Section 1230.70 of this Part.

c) Cancelled. Pursuant to Section 8.4 of the Act, individuals who are not prohibited by State or federal law from acquiring or possessing a firearm or firearm ammunition may cancel their FOID Cards for administrative purposes.

1) The Department will, at the FOID Card holder's request, cancel a FOID Card whenever an individual reports to the Department that:

A) they have surrendered their Illinois driver's license or Illinois Identification Card to another jurisdiction;

B) their FOID Card has been lost, stolen, or destroyed; or

C) they no longer wish to possess a FOID Card.

2) If an applicant's payment is rejected due to insufficient funds and the applicant fails to pay all required fees, then the Department will cancel the applicant's FOID Card.

3) FOID Cards that are cancelled are not subject to the requirements of Section 9.5 of the Act but must be destroyed or surrendered to law enforcement.

d) Notwithstanding the provisions of this Section, the Department will comply with any court order to the contrary that is not void as a matter of law.

(Source: Amended at 46 Ill. Reg. 1057, effective December 21, 2021)

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Section 1230.70 Request for Relief and Appeals~~Appeal~~

Any person who wishes to file a request for relief or an appeal because their FOID application was denied or their FOID Card was suspended or revoked must first submit a Request for FOID Investigation, Relief, and Reinstatement of Rights form, which is available on the Department's website. The following additional requirements apply depending upon the type of request for relief or appeal filed:

a) Commitment to a Mental Health Facility; Expedited Relief Law Enforcement Officers

1) Law enforcement officers who wish to request expedited relief from the Department shall submit an Affidavit for Law Enforcement Expedited Relief, which is available on the Department's Website,~~initiate such a request by providing written notice of this intention to the Department's Firearms Services Bureau, Appeals Unit~~ within 60 days after receipt of the notice that their FOID application is denied or their FOID Card is revoked to begin the appeal process. The ~~officer must also sign an~~ affidavit requires that the officer certify~~provided by the Department certifying~~ that he or she meets the requirements of Section 10(c-5) of the Act for expedited relief.

2) Pursuant to~~In addition to the documents required by~~ Section 10(c-5) of the Act, the petitioner must provide to the Department the following documentation:

A) all information set forth on the Law Enforcement Expedited Requirements Checklist that is available on the Department's Website~~a letter from the petitioner's employer on official letterhead that provides the current status of employment, job title, any records regarding the revocation of petitioner's FOID Card, and the employer's opinion as to the suitability of the petitioner to possess a firearm~~; and

B) any other reasonable documentation requested by the Department related to the determination for granting relief.

3) *If it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that*

granting relief would not be contrary to the public interest, the Director shall grant relief (Section 10(f) of the Act).

b) Commitment to a Mental Health Facility and Clear and Present Danger Designations within the past five years; Relief from Section 8(e), voluntary admissions within the past five years; or from Section 8(f), clear and present danger designations within the past five years.

1) An individual whose application for a FOID Card is denied or whose FOID Card is revoked for a commitment to a mental health facility within the preceding five years may petition the Department for relief.

2) Individuals who wish to request relief from the Department shall provide written notice of this intention to the Office of Firearms Safety~~Firearms Services Bureau, Appeals Unit~~ within 60 days after receipt of the notice that their FOID application is denied or their FOID Card is revoked to begin the appeal process.

3) The petitioner must provide to the Department the following documentation:

A) All information set forth on the Mental Health Admission Less Than 5 Year Prohibitor Requirements Checklist that is available on the Department's website~~a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances requested by the Department surrounding the admission~~;

~~B)~~ ~~two signed, dated and notarized statements from adults who are aware of the circumstances regarding the revocation or denial of the FOID Card, detailing their opinion as to the individual's suitability to possess firearms and the individual's current mental state;~~

~~C)~~ ~~a current forensic evaluation or letter from a psychiatrist, all psychiatric and counseling records from the past five years, and any and all court records that may apply; and~~

B~~D~~) any other reasonable documentation requested by the Department related to the determination for granting relief.

4) *If it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest, the Director* or his or her designee may *grant relief.* (Section 10(a) of the Act)

~~5) If relief is denied by both the Director and through an administrative hearing, in order to be eligible for a FOID Card once five years have passed since the admission, the applicant must have received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5] and received a certification that he or she is not a clear and present danger to himself or herself or others.~~

c) Felony Convictions~~Denials~~; Relief from Section 8(c)~~Petition for Relief~~

1) An individual whose application for a *FOID Card is denied* or whose *FOID Card is revoked* (Section 10(a) of the Act) because of a felony conviction may petition the Department for relief unless the appeal must be directed to the circuit court in the county of the individual's~~his or her~~ residence pursuant to Section 10(a) of the Act.

2) Individuals who wish to request relief from the Department shall provide written notice to the Department to begin the relief~~appeal~~ process.

3) The petitioner must provide to the Department the following documentation:

A) All information set forth on the Felony Prohibitor Requirements Checklist that is available on the Department's website~~a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances requested by the Department surrounding the felony;B)three signed, dated and notarized statements from adults, one of whom lives with the petitioner, detailing their opinions as to the individual's suitability to possess firearms, as well as their knowledge surrounding the felony~~; and

B~~C~~) any other reasonable documentation requested by the Department related to the determination for granting relief.

4) ~~Upon receiving complete documentation for the appeal, the Department will investigate the circumstances surrounding the denial or revocation action.~~ If the Director is satisfied that the appellant meets the standard set forth in Section 10(c) of the Act~~substantial justice has not been done~~, the Director or the Director's~~his or her~~ designee may grant relief.

d) Other Denials or Revocation; Appeals~~Petition for Relief~~ – Individuals who wish to challenge the record upon which the decision to deny or revoke was based as provided in Section 10(a-10) of the Act~~request relief from the Department~~ shall provide written notice to the Office of Firearms Safety~~Services Bureau, Appeals Unit~~ within 60 days after receipt of the notice that their FOID application is denied or their FOID Card is revoked to begin the appeal process.

1) The appellant must provide the Department with all information requested pursuant to the appropriate Firearms Safety Checklist that are available on the Department's website; and~~An individual whose application for a *FOID Card is denied* or whose *FOID Card* is revoked for one or more of the felonies described in subsection (c) of the Act *may petition in writing the circuit court in the county of his or her residence for a hearing on the denial or revocation* (Section 10(a) of the Act).~~

2) any other reasonable documentation requested by the Department related to the determination of the appeal.~~Out-of-state Residents: If a petitioner wishes to appeal the denial or revocation based on his or her status as an out-of-state resident, the petitioner must provide to the Department documentation requested by the Department, which shall include a copy of a valid driver's license or identification card, proof of residency, and a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances regarding the status of his or her residency and the need for a FOID Card. The petitioner must also provide any other documentation requested by the Department relating to the determination for granting relief.~~

~~3)~~ ~~Persons Under 21: If a petitioner wishes to appeal the denial or revocation based on the fact that he or she does not have a parent or legal guardian, the petitioner must provide two signed, dated and notarized personal references regarding his or her suitability to possess firearms and a signed, dated and notarized statement detailing his or her circumstances. If~~

~~applicable, the petitioner must provide death certificates for his or her parents or legal guardians and/or any applicable court documents regarding the petitioner's circumstances.~~

~~4)~~ ~~Persons Unable to Provide a Driver's License or State Identification Card: If a petitioner wishes to appeal the denial or revocation based on the fact that he or she cannot provide a driver's license or State identification card other than for eligibility reasons, the petitioner must provide a signed, dated and notarized statement detailing his or her circumstances, including any medical explanations. If the petitioner is medically unable to obtain a driver's license or state identification card, the petitioner must provide a physician's statement regarding his or her condition. The petitioner must provide any and all other relevant information requested by the Department, including documentation from the Secretary of State.~~

~~5)~~ ~~Persons Revoked as a Clear and Present Danger: If a petitioner wishes to appeal the denial or revocation based upon the fact that he or she has been determined to be a clear and present danger pursuant to the Act and this Part, the petitioner must provide information refuting the finding that he or she presents a clear and present danger as defined by the Act.~~

3~~6~~) Upon receiving complete documentation for the appeal, the Department will investigate the circumstances surrounding the denial or revocation action. If the Director is satisfied that the appellant is not prohibited~~substantial justice has not been done~~, the Director or the Director's~~his or her~~ designee may approve the appeal~~grant relief~~.

e) Applicants who wish to appeal the denial of a FOID Card application or the revocation of a FOID Card pursuant to Section 8(c) or 8(n) of the Act due to either a federal conviction or an out of state conviction must contact the jurisdiction of conviction for relief. The Director may not grant relief for these firearms prohibitors.

f~~e~~) The request for relief and appeal process~~process~~ will not begin until the Department has received all the required~~necessary~~ documentation. If an appellant fails to provide all of the required documentation within 60 days, the request for relief or appeal will be denied and the appeal closed.

g~~f~~) Once five years have passed since a voluntary mental health admission or a clear

and present designation has been made, pursuant to Section 8.1(d) of the Act, the petitioner *must have received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as defined in the Mental Health and Developmental Disabilities Code* [405 ILCS 5] *and received a certification that he or she is not a clear and present danger to himself or herself or others* to receive a FOID Card. Applicants who do not have the required certification may not request relief from the Director. The decision to deny their appeal shall serve as a final administrative decision and shall be subject to judicial review under the provisions of the Administrative Review Law pursuant to Section 11 of the Act. ~~In the event the Director or his or her designee desires additional information concerning the circumstances surrounding the denial or revocation action, the Director may schedule a fact-finding conference with the petitioner or request additional information.~~

h~~g~~) Individuals with felony convictions required to seek relief before the circuit court pursuant to Section 10(a) of the Act may petition in writing the circuit court in the county of his or her residence for a hearing unless they no longer reside in Illinois. Out of State residents may petition in writing the circuit court in the county of conviction. The Director may not grant relief for felony convictions that are within the jurisdiction of the courts pursuant to Section 10(a) of the Act, unless directed to do so by a court with appropriate jurisdiction. ~~The Director or his or her designee may grant or deny relief as a result of the fact-finding conference.~~

~~h)~~ ~~At a fact-finding conference, the petitioner may be represented by counsel or present witnesses who have direct knowledge of the circumstances of the denial or revocation and may present any evidence or information relating to the Department's action.~~

i) If the Director or the Director's designee does not provide relief in response to a request for relief under subsections (a) through (c) ~~as a result of the investigation or a fact-finding conference~~, the petitioner may request an administrative hearing. The request for hearing must be in writing and sent to the Office of Firearms Safety ~~Services Bureau, Appeals Unit~~.

j) The administrative law judge (ALJ) for contested hearings shall be an attorney licensed to practice law in Illinois appointed by the Director. The ALJ will ~~may~~ be disqualified upon showing of ~~for~~ bias or conflict of interest.

k) The procedures for the hearing shall be as described in Article 10 of the

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Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the ALJ.

l) The ALJ shall make a recommendation to the Director who shall render a final administrative decision as set forth in Section 11 of the Act.

m) If the Director or the Director's designee denies an appeal under subsection (d), pursuant to Section 10 (a-10) of the Act, the petitioner cannot request an administrative hearing but rather, the Director shall render a final administrative decision, which shall serve as a final administrative decision and shall be subject to judicial review under the provisions of the Administrative Review Law pursuant to Section 11 of the Act.

n) In the event a final administrative decision is rendered and the request for relief or appeal is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial unless directed to do so by a court with appropriate jurisdiction.

(Source: Amended at 46 Ill. Reg. 1057, effective December 21, 2021)

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1) Heading of the Part: Firearm Concealed Carry Act Procedures

2) Code Citation: 20 Ill. Adm. Code 1231

3)

Section Numbers:	Adopted Actions:
1231.10	Amendment
1231.60	Amendment
1231.100	Amendment
1231.120	Amendment
1231.130	Amendment
1231.160	Amendment
1231.170	Amendment

4) Statutory Authority: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act, as well as Section 13.4 of the Firearm Owner's Identification Card Act [430 ILCS 65/13.4].

5) Effective Date of Rules: December 21, 2021

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in *Illinois Register*: 45 Ill. Reg. 10961; September 10, 2021

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

11) Differences between Proposal and Final Version: Contact for the agency, proof of disability, and protocol for pending applications as of January 1, 2022 were added to final version. Non-substantive grammatical and formatting changes were made.

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

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

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

15) Summary and Purpose of Rulemaking: This Section deals with Part 1231 of Title 20 pertaining to the Firearm Concealed Carry Act (FCCA) – specifically, definitions, application procedures, renewal procedures, validation issues, revocation and suspension procedures, appeal procedures.

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

Ms. Maureen B. McCurry
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

(217) 782-7658

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: ILLINOIS STATE POLICE

PART 1231
FIREARM CONCEALED CARRY ACT PROCEDURES

SUBPART A: DEFINITIONS

Section
1231.10 Definitions

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

1231.20 Instructor Approval
1231.30 Instructor Approval Revocation
1231.40 Curriculum Approval
1231.50 Training Certification

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

1231.60 Issuance of License
1231.70 Objections
1231.80 Review Board
1231.90 Qualifications for License
1231.100 Application
1231.110 Non-Resident Application
1231.120 Renewal
1231.130 Change Requests
1231.140 Fees
1231.150 Prohibited Areas
1231.160 FCCL Suspension, Revocation and Cancellation~~Invalidation~~
1231.170 Appeals

SUBPART D: MISCELLANEOUS

1231.180 Law Enforcement Fingerprinting Registration

1231.APPENDIX A Prohibited Area Posting
1231.APPENDIX B Prior Training Credit

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1231.APPENDIX C Concealed Carry Firearm Training Certification Form (Repealed)

AUTHORITY: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

SOURCE: Adopted by emergency rulemaking at 37 Ill. Reg. 15146, effective August 30, 2013, for a maximum of 150 days; adopted at 38 Ill. Reg. 2322, effective December 31, 2013; emergency amendment at 38 Ill. Reg. 9703, effective April 16, 2014, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 38 Ill. Reg. 13410, effective June 10, 2014, for the remainder of the 150 days; emergency amendment at 38 Ill. Reg. 16010, effective July 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 19282, effective September 12, 2014; emergency amendment at 44 Ill. Reg. 6170, effective April 6, 2020, for a maximum of 150 days; emergency expired September 2, 2020; emergency amendment at 44 Ill. Reg. 15823, effective September 3, 2020, for a maximum of 150 days; emergency expired January 30, 2021; emergency amendment at 45 Ill. Reg. 2767, effective February 19, 2021; for a maximum of 150 days; emergency expired July 18, 2021; amended at 45 Ill. Reg. 11206, effective August 30, 2021; amended at 46 Ill. Reg. 1081, effective December 21, 2021.

SUBPART A: DEFINITIONS

Section 1231.10 Definitions

In addition to the definitions included in this Section, any additional definitions created in Section 5 of the Act apply.

"Act" means the Firearms Concealed Carry Act [430 ILCS 66].

"Active" means the Firearm Concealed Carry License is active in the online FOID/FCCL system and valid for purposes of carrying a concealed firearm.

"All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of Firearms Instruction" means, at a minimum, instruction on the Act in its entirety, with emphasis on Sections 10(h) and 65 of the Act; the Firearm Owner Identification Card Act [430 ILCS 65]; relevant portions of the Criminal Code of 2012, including but not limited to, use of force in defense of a person [720 ILCS 5/7-1], use of force in defense of dwelling [720 ILCS 5/7-2], use of force in defense of other property [720 ILCS 5/7-3], and unlawful use of a weapon [720 ILCS 5/Art. 24].

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"Application Verification Document" means the documents electronically generated by the Department upon submission of a completed Firearms Instructor Approval Application, which authorizes the Department to verify the answers given and confirm the validity of the information provided.

"B-27 Silhouette Target" means any target that complies with the National Rifle Association of America B-27 50 Yard Target Specifications.

"Basic Principles of Marksmanship Instruction" means, at a minimum, instruction on stance, grip, sight alignment, sight picture and trigger control.

"Care, Cleaning, Loading and Unloading of a Concealable Firearm Instruction" means, at a minimum, instruction on gun identification, ammunition identification and selection, safety and cleaning protocols, cleaning equipment, and firearms loading and unloading.

"CCLRB" means the Concealed Carry Licensing Review Board.

"Department" means the Illinois ~~Department of~~ State Police.

"Designator" means an indication printed on the face of a FOID Card signaling that the card holder has been issued an FCCL.

"FCCL" means Firearms Concealed Carry License issued pursuant to the Act, which may be indicated as a Designator printed on the face of a FOID Card.

"Firearms Safety Instruction" means, at a minimum, instruction on the four basic firearms handling safety rules, home storage, vehicle storage and public storage.

"FOID Act" means the Firearm Owner's Identification Card Act [430 ILCS 65].

"FOID Card" means the Firearm Owner's Identification Card as defined in Section 6 of the FOID Act, which may include an FCCL Designator printed on the face of the card.

"Four Basic Firearms Handling Safety Rules" means:

Keep the firearm pointed in a safe direction and never at anything the shooter is not willing to destroy;

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Keep finger off the trigger until the sights are aligned on target and the shooter is ready to shoot and do not press on the trigger unless the shooter intends to fire;

Treat all guns as though they are always loaded; and

Know the target and what lies beyond the target.

For purposes of Section 75(e) of the Act, "hit the target" shall mean hit the scoring area of the B-27 Silhouette Target.

"Illinois Resident" means a person who qualifies for an Illinois driver's license, other than a Temporary Visitor's Driver's License (TVDL), or an Illinois State identification card due to his or her establishment of a primary domicile in Illinois.

"In Person" means during a live, face-to-face interaction and not via video conference, webinar or any other electronic media, except that pre-recorded materials may be used by an instructor during a live presentation.

"Law Enforcement Official" means an employee of a government agency who:

is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

has statutory powers of arrest or custodial detention;

is authorized by the agency to carry a firearm while on duty;

is not the subject of any disciplinary action by the employing agency that could result in termination;

meets the standards established by the agency that require the employee to regularly qualify in the use of a firearm; and

is not prohibited by federal law from possessing a firearm.

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"LEADS" means the Illinois Law Enforcement Agencies Data System maintained by the Department. It is a statewide, computerized telecommunications system designed to provide services, information and capabilities to the Illinois law enforcement and criminal justice community.

"NICS" means the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation.

"NLETS" means the National Law Enforcement Telecommunications System.

"Online FOID/FCCL System" means the Department's applicant and person-to-person portal which allows a person to apply for a FOID Card or FCCL and access their FOID Card/FCCL dashboard, as well as determine whether the applicant's FOID Card or another person's FOID Card is valid and active where permitted by law.

"Public Storage" means storage at publicly-owned location, for example in a storage locker provided by a public or government facility, which may or may not have its own storage rules or protocols.

"Purchaser" means any person who is buying or receiving firearms or firearms ammunition as part of sale or transfer.

"Reset" means the Department takes action to ensure the applicant may reapply with its online FOID/FCCL system.

"Seller" means any person who is selling or transferring firearms or firearms ammunition as part of a sale or transfer.

"Transfer" means the permanent relinquishment of ownership of a firearm to another person regardless of whether consideration or money is received by the seller.

"Substantially Similar" means the comparable state regulates who may carry firearms, concealed or otherwise, in public; prohibits all who have involuntary mental health admissions, and those with voluntary admissions within the past 5 years, from carrying firearms, concealed or otherwise, in public; reports denied persons to NICS; and participates in reporting persons authorized to carry firearms, concealed or otherwise, in public through NLETs.

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"United States Armed Forces" shall, for purposes of Section 75 of the Act, include all branches of the U.S. Military (Army, Air Force, Coast Guard, Marine Corps and Navy), as well as the Federal Reserve Components (Army, Navy, Air Force, Marine Corps and Coast Guard) and National Guard (Army and Air).

"Valid Driver's License" or "Valid State Identification Card" means current and not suspended, revoked, expired, cancelled, invalidated, denied or disqualified. It does not include a temporary visitor's driver's license (TVDL).

"Valid Firearms Instructor Certification" means certification as:

a Law Enforcement Firearms Instructor; or

a Firearms Instructor qualified to teach either handgun safety or a handgun training course that requires in-person classroom or lecture sessions totaling at least 3 hours and a live handgun firing component that was issued by:

a law enforcement entity;

a State or federal government entity (e.g., Military, Coast Guard, etc.);

the Illinois Law Enforcement Training Standards Board;

the National Rifle Association of America (NRA); or

any other entity recognized by at least 3 state or federal government agencies as being qualified to provide education and training in the safe and proper use of firearms that maintains a program or process to certify instructors.

"Weapons Handling Instruction" means, at a minimum:

handgun fundamentals;

handgun concealment;

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live fire qualification instruction; and

live fire qualification with a concealable firearm using a B-27 silhouette target consisting of a minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards and 10 rounds from a distance of 10 yards.

"Within a Vehicle" means within the passenger compartment of a passenger or recreational vehicle or within a lockable container secured to a motorcycle.

(Source: Amended at 46 Ill. Reg. 1081, effective December 21, 2021)

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

Section 1231.60 Issuance of License

a) An FCCL shall expire 5 years after the date of issuance.

b) The Department shall, 180 days~~at least 60 days~~ prior to the expiration of an FCCL, forward to the last known address of each person whose FCCL is set to expire a notification of the expiration and instructions for renewal. If the person whose FCCL is set to expire has opted to receive electronic communications from the Department in accordance with Section 100(d)(1), then this notification will be sent via e-mail or text message.

c) The Department shall make applications available via its website no later than January 5, 2014. No later than January 1, 2022~~July 1, 2014~~, the Department will provide an alternative to the web-based application process for Illinois residents who have limited or no access to the web-based application process by providing customer service kiosks at designated locations throughout the State.

1) Assistance with completing the application is available at all customer service kiosks. The locations of kiosks are available on the Department's website or by contacting the Firearm Services Bureau Call Center at (217) 782-7180.

2) Paper applications, which may be obtained by contacting the Firearm Services Bureau Call Center, will only be accepted from applicants with appropriate proof they are unable to apply either on the internet or at a

customer service kiosk due to religion or disability. Proof of disability includes, but is not limited to, documentation from:

A) the Social Security Administration;

B) the Illinois Workers' Compensation Commission;

C) the U.S. Department of Defense;

D) an insurer authorized to transact business in Illinois who is providing disability insurance coverage; or

E) a physician or health care provider licensed in this State and is in the position to know the applicant's medical condition.

~~d) FCCL applicants must obtain a digital signature through the Department of Central Management Services (see 14 Ill. Adm. Code 105) before applying for an FCCL. The Department will provide a link to the digital signature application through its website.~~

de) Applicants submitting fingerprints shall do so electronically by submitting a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.

e~~f~~) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the licensed Live Scan vendor or law enforcement agency, the applicant shall electronically complete and submit the FCCL to the Department.

f~~g~~) The TCN for FCCL applicants will have a unique purpose code for the FCCL application process. Concealed Carry Firearm Instructors may use the TCN previously obtained for the instructor application process. No other previously obtained TCNs may be used unless the ~~as they will not have the appropriate~~ purpose code is approved for FOID or FCCL use under federal law.

g~~h~~) The database of FCCL applicants maintained by the Department pursuant to Section 10(i) of Act shall be exempt from FOIA pursuant to FOIA Section 7.5(v) [5 ILCS 140/7.5(v)].

1) Persons authorized to access the database shall register with the Department to obtain a unique password granting them secure access to the database.

2) The entity employing persons requesting access to the database shall appoint a person to act as the entity's point of contact and shall enter into an agreement with the Department defining the security protocols of the database and access to the database.

h) Upon the development of a system under which an electronic version of an FCCL can be displayed on a mobile telephone other portable electronic device, the possession of that electronic version shall satisfy the requirements of Section 10(c) of the Act regarding possession of an FCCL so long as the device contains all security features required by the Department to ensure electronic version is current and accurate.

(Source: Amended at 46 Ill. Reg. 1081, effective December 21, 2021)

Section 1231.100 Application

a) The application shall include the information required in Sections 25 and 30 of the Act, as well as the information required in Sections 4, ~~and~~ 8, and 8.2 of the FOID Act. The application shall also include the FCCL applicant's citizenship, race, gender, phone number, e-mail address (if available) and state of residence. For Illinois residents, the application shall include the FCCL applicant's driver's license or identification card number and its expiration date.

b) As part of the application process and pursuant to Section 30(b)(10) of the Act, FCCL applicants must electronically upload proof of compliance (e.g., training certificates; official documentation from the employing agency demonstrating that the applicant is an active law enforcement or corrections officer, has completed required firearms training, and is authorized to carry a firearm; official documentation from the Department approving the Concealed Carry Firearm Instructor's application that includes the Instructor Number; official documentation from the Illinois Law Enforcement Training and Standards Board; printouts from the Illinois Department of Financial and Professional Regulations' "License Look-up" that includes the licensee's name, license number and license status; etc.) with the training requirements of Section 75 of the Act. For every

certificate submitted, FCCL applicants must include the Instructor's name and contact number and the name of the approved curriculum, as well as the unique identification numbers assigned by the Department to the instructor and the curriculum.

c) All information~~documentation~~ required pursuant to Section 30 of the Act as made available by the Department on its website shall be submitted ~~to the Department~~ electronically as part of~~by uploading it as an attachment to~~ the FCCL application, including but not limited to, any certifications regarding qualifications for a license under penalty of perjury.

1) All applications pending on January 1, 2022, will be processed by the Department without further fee to the applicant if all fees as set forth in Section 1231.140 have been previously paid.

2) However, if an application is incomplete or inaccurate, the applicant will be subject to subsections (f) and (g).

d) FCCL applicants shall select whether they prefer to receive Department FCCL related notifications ~~notification~~ via e-mail, text message, or written notification.

1) Applicants will be prompted to indicate how they wish to receive future communications, messages, and alerts using the applicant portal.

2) If selecting e-mail or text messaging notifications, applicants shall opt out of first-class mail communication and provide a current e-mail address or cellular phone number to the Department as part of the application process and are responsible for checking the e-mail address and cellular phone number provided for correspondence from the Department regarding the application.

3) The Department will require persons who select electronic communication to consent to accept service by electronic means of all notes, orders, pleadings, and motions filed in this matter in lieu of service by certified or regular mail.

A) The person will be prompted to accept electronic service through the application portal.

B) Service shall be made upon the party's email address provided through the applicant portal.

e) If any of the FCCL applicant's contact information changes, including but not limited to the applicant's~~his or her~~ e-mail address or cellular number, the FCCL applicant shall amend the applicant's~~his or her~~ application to notify the Department of the corrected contact information.

f) An application is complete if it contains all of the information and materials required by this Act, as well as the requisite fee which shall include a processing fee. Upon receipt of an incomplete application, the Department shall notify the FCCL applicant and advise the applicant as to what information is missing. The application shall not be deemed complete and the provisions of Section 10(e) of the Act shall not apply until the FCCL applicant provides a complete application including the requested missing information.

g) If an FCCL applicant has not provided the missing information in response to the Department's notification within 60 days after notice from the Department, the application shall be denied.

(Source: Amended at 46 Ill. Reg. 1081, effective December 21, 2021)

Section 1231.120 Renewal

~~a)~~All information~~documentation~~ required pursuant to Section 50 of the Act as made available by the Department on its website shall be submitted~~ to the Department~~ electronically as a part of~~by uploading it as an attachment to~~ the FCCL renewal application, including but not limited to, any certifications regarding qualifications for a license under penalty of perjury. Licensees eligible for a paper application pursuant to 1230.20(a)(2), may contact the Firearms Services Bureau Call Center. A renewal application is complete if it contains all of the information and materials required by the Act, as well as the requisite fee which shall include a processing fee.

a~~b~~) FCCL renewal applicants may submit a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department if the renewal applicant did not do so at the time of the applicant's~~his or her~~ original FCCL application.

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1) Renewal fingerprints must comply with the provisions set forth in Section 1231.60.

2) FCCL renewal applicants who submitted fingerprints at the time of their original FCCL application need not submit additional sets of fingerprints upon renewal.

bc) The~~Unless otherwise specified in this Section, the~~ Department will~~shall~~ grant or deny an FCCL renewal application no later than 90 days after receipt of a completed application, except that the Department is granted by Section 30(b)(8) of the Act 30 days in addition to the 90 days if the applicant has not previously submitted a full set of fingerprints in electronic format.

cd) Conditional Renewal During a Gubernatorial Disaster Proclamation ~~COVID-19~~

1) Any FCCL that expires during a ~~COVID-19~~ Gubernatorial Disaster Proclamation issued pursuant to Section 7 of the Illinois Emergency Management Act [20 ILCS 3305] shall be considered conditionally renewed provided that the:

A) application is submitted for renewal pursuant to the requirements of Sections 30, 40 and 50 of the Act while a statewide ~~COVID-19~~ Gubernatorial Disaster Proclamation is in effect;

B) applicant has an active~~a valid~~ FOID card pursuant to the requirements of Sections 4, 5, 8 and 8.2 of the FOID Act; and

C) applicant's FCCL card is not subject to revocation pursuant to the provisions of Section 70 of the Act.

2) Any conditionally renewed FCCL card shall be deemed valid for the purposes of possessing and carrying firearms, unless the FCCL card is subject to revocation or suspension under Section 70 of the Act.

3) The validity of a FCCL card during a conditional renewal period will be reflected in any inquiry into the Department's database of license applicants and licensees that is available to all federal, state, and local law enforcement agencies, State's Attorneys, the Attorney General, and authorized court personnel.

4) Conditionally renewed licenses shall remain active~~valid for up to 6 months after the expiration of last issued statewide COVID-19 Gubernatorial Disaster Proclamation, or~~ until a new FCCL card is issued~~, whichever occurs first~~.

~~5)~~ ~~This subsection (d) shall remain in effect through the end of the calendar year (December 31, 2021).~~

d~~e~~) Any renewed FCCL card expires 5 years from the date of issuance.

(Source: Amended at 46 Ill. Reg. 1081, effective December 21, 2021)

Section 1231.130 Change Requests

The notification requirements of Section 55 of the Act shall be made by the licensee through an online process established by the Department and available on its website. Licensees eligible for a paper application pursuant to 1230.20(a)(2), may contact the Firearms Services Bureau for assistance with Change Requests.

a) The acknowledgement that the FCCL is no longer in the licensee's possession~~notarized statements~~ required by the Act shall be made through the online FOID/CCL system that is available ~~by the Department~~ on the Department's~~its~~ website.

b) Any information required pursuant to Section 55 of the Act, as made available by the Department on its website, including but not limited to, any certifications regarding qualifications for a license under penalty of perjury, shall be submitted electronically.~~Any required attachment or attachments shall be submitted to the Department electronically by uploading them as an attachment.~~

c) Where required, submission of the acknowledgement and any information via the online FOID/CCL system shall serve as a record of the required notification~~The original statements with notary stamp must be retained by the licensee and provided to the Department upon request~~.

d) Upon receipt of an incomplete change request, the Department shall notify the FCCL applicant and advise what information is missing. If an FCCL applicant has not provided the missing information in response to the Department's

notification within 60 days after notice from the Department, the request shall be denied.

(Source: Amended at 46 Ill. Reg. 1081, effective December 21, 2021)

Section 1231.160 FCCL Suspension, Revocation and Cancellation~~Invalidation~~

a) Section 70 of the Act specifies violations resulting in suspension, revocation or cancellation~~invalidation~~ of an FCCL.

1) Whenever a FOID Card is suspended pursuant to 20 Ill. Adm. Code 1230.50 (Return of FOID Card – Applicant) and the FOID Card holder has an FCCL, the FCCL shall be suspended for the duration of the FOID Card suspension.

2) Upon reinstatement of a previously suspended FOID Card, the FCCL shall be reinstated as well.

3) Whenever a FOID Card is expired and the Department has not received a renewal application from a licensee, the FCCL shall not be renewed and shall be placed in a suspended status for a period of up to one year to allow the licensee to renew their FOID Card.

b) The Department will provide written notice to the licensee of a suspension, revocation or cancellation~~invalidation~~.

c) The license of a person in violation of Section 70(d) or (e) of the Act will be suspended for a period of 6 months upon conviction of the second violation and shall be permanently revoked for a third violation.

d) Surrender/Seizure of an FCCL

1) A person whose FCCL has been revoked or suspended shall surrender the FCCL to the local law enforcement agency where the person resides within 48 hours after receiving notice of the revocation or suspension except as provided in this subsection (d)(1).

A) If the revoked or suspended licensee has been issued a combined FOID card with FCCL Designator, the licensee does not need to

surrender licensee's combined FOID card if the FOID card remains active.

B) If the licensee's FCCL is suspended because the licensee's FOID card has been suspended and the licensee has not been issued a combined FOID card with FCCL Designator, the licensee shall surrender the FCCL to the law enforcement agency or person listed on the Firearm Disposition Record consistent with 20 Ill. Adm. Code 1230.50 (Return of FOID Card – Applicant) regardless of whether the person issued the FOID card owns or possesses firearms.

2) The FCCL revocation or suspension will be reflected in the Illinois State Police's online FOID/FCCL system.

32) If the licensee whose FCCL has been revoked or suspended fails to comply with the requirements of this subsection, the law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the FCCL.

43) Upon receipt of a surrendered FCCL, the~~The~~ local law enforcement agency shall confirm that the license is~~provide the licensee a receipt for the~~ revoked or suspended and destroy it. If the license has not been revoked or suspended, it shall be returned to the licensee~~FCCL and transmit the FCCL license to the Department of State Police, within 10 business days~~.

(Source: Amended at 46 Ill. Reg. 1081, effective December 21, 2021)

Section 1231.170 Appeals

a) Appeals to CCLRB
An individual whose application for an FCCL is denied or whose FCCL is suspended or revoked may petition the Department for relief unless the denial is based upon a determination of the CCLRB. A denial based upon a determination of the CCLRB may be appealed through petition to the circuit court in the county of the applicant's residence, pursuant to Section 87(a) of the Act.

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1) In the event relief is denied by the circuit court in the county of the applicant's residence, a new application from the petitioner will not be accepted for two years after the date of the last denial unless directed to do so by a court with appropriate jurisdiction.

2) If the applicant does not appeal to a circuit court within 35 days from the date the denial was served, 60 days after the date of denial, the applicant may request that the Department reset the application one time within two years after the date of the denial.

A) No additional request to reset the application will be permitted.

B) If no appeal is made and a request to reset the application is not received, the application will automatically be reset once within two years after the date of the denial.

b) Informal Relief Proceeding

1) Individuals who wish to request relief from the Department shall provide written notice to the Department within 60 days after receipt of the notice that their FCCL application is denied or their FCCL is revoked to begin the appeal process.

2) The petitioner must provide to the Department any reasonable documentation requested by the Department related to the determination for granting relief.

3) Upon receiving complete documentation for the appeal, the Department will investigate the circumstances surrounding the denial or revocation. If the Director is satisfied that substantial justice has not been done through the denial or revocation and that it is not likely that the applicant or any other party will be injured by the granting of the relief, the Director or the Director's~~his or her~~ designee may grant relief.

4) The appeal process shall not begin until the Department has received all the necessary documentation.

5) In the event the Director or the Director's~~his or her~~ designee desires additional information concerning the circumstances surrounding the

denial or revocation action, the Director may schedule a fact-finding conference with the petitioner or request additional information.

6) The Director or the Director's~~his or her~~ designee may grant or deny relief as a result of the fact-finding conference.

7) In an informal relief proceeding, the petitioner may be represented by counsel or present witnesses who have direct knowledge of the circumstances of the denial or revocation and may present any evidence or information relating to the Department's action.

c) Formal Administrative Hearing

1) If the Director does not provide relief as a result of the investigation or a fact-finding conference, the petitioner may request a formal administrative hearing. The request for hearing must be in writing and sent to the Department's Office of Firearms Safety~~DSP Firearms Services Bureau, Appeals Unit~~.

2) The administrative law judge (ALJ) for contested hearings shall be an attorney licensed to practice law in Illinois appointed by the Director. The ALJ will~~may~~ be disqualified upon showing of~~for~~ bias or conflict of interest.

3) The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the ALJ.

4) In the event a final administrative decision is rendered and the relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial unless directed to do so by a court with appropriate jurisdiction.~~In the event relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial.~~

d) Administrative Review Law
All final administrative decisions of the Department or the CCLRB shall be subject to judicial review under the Administrative Review Law.

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(Source: Amended at 46 Ill. Reg. 1081, effective December 21, 2021)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Licensing Standards for Child Welfare Agencies

2) Code Citation: 89 Ill. Adm. Code 401

3)

Section Numbers:	Emergency Actions:
401.310	Amendment
401.311	New Section
401.312	New Section
401.313	New Section
401.314	New Section
401.315	New Section
401.Appendix G	Repealed

4) Statutory Authority: 225 ILCS 10/7

5) Effective Date of Emergency Rule: December 22, 2021

6) If this emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: None

7) Date filed with the Index Department: December 22, 2021

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

9) Reason for Emergency: COVID-19 has created an acute shortage of persons qualified for the child welfare supervisor position under current qualification in Section 401.310. To alleviate the shortage, the Department has amended Part 401 to broaden the qualifications to enlarge the pool of eligible candidates for the child welfare supervisor position. Child welfare supervisors play a pivotal role in ensuring the welfare and safety of children in the child welfare system by monitoring case activities and progress as well as the quality and effectiveness of services delivered. Child welfare supervisors are the only personnel within a child welfare agency authorized to make critical decisions in a case that have a lifelong impact on children and families. Examples of such decisions include removing a child from his/her home, placement of a child in substitute care, returning a child home, visitations and permanency goals.

10) A Complete Description of the Subjects and Issues Involved: The amendments broaden the qualifications for the child welfare supervisor position; create a new review and

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approval process for the revised qualifications; create and establish functions of the Workforce and Educational Transcript Review Committee; and list acceptable qualifying degrees.

11) Are there any other amendments pending to this Part? No

12) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

(217) 524-1983
TDD: (217) 524-3715
DCFS.Policy@illinois.gov

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 401
LICENSING STANDARDS FOR
CHILD WELFARE AGENCIES

Section

SUBPART A: INTRODUCTION AND DEFINITIONS

Section

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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SUBPART E: SERVICES TO CHILDREN

SUBPART F: AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES

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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 9151, effective July 1, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 13929 and 14379; emergency expired on November 26, 1997; amended at 22 Ill. Reg. 10329, effective May 26, 1998; amended at 24 Ill. Reg. 9340, effective July 7, 2000; emergency amendment at 26 Ill. Reg. 6857, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill.

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Reg. 494, effective January 15, 2003; amended at 28 Ill. Reg. 10588, effective August 1, 2004; emergency amendment at 29 Ill. Reg. 15562, effective September 30, 2005, for a maximum of 150 days; emergency expired February 26, 2006; amended at 30 Ill. Reg. 2699, effective February 27, 2006; amended at 36 Ill. Reg. 2157, effective January 30, 2012; amended at 37 Ill. Reg. 19115, effective November 30, 2013; emergency amendment at 46 Ill. Reg. 1101, effective December 22, 2021, for a maximum of 150 days.

SUBPART D: PERSONNEL REQUIREMENTS

Section 401.310 Qualifications of Child Welfare Supervisors
EMERGENCY

All persons employed as child welfare supervisor are required to be in full compliance with Rule 412, Licensure of Direct Child Welfare Service Employees and Supervisors and all other applicable requirements in Department laws and regulations. In addition, a person must possess the following qualifications to work as a child welfare supervisor:

a) ~~Child welfare supervisors shall have a~~ Master's of Social Work degree from an accredited school of social work or an academically equivalent Master's degree in a human services field from an accredited school and 2~~two~~ years of full-time supervisory~~supervised~~ experience in a social work setting~~. (See Section 401.Appendix G for the list of degrees which are accepted as human service degrees.)~~; or

1) Child welfare supervisors who were employed as a child welfare supervisor as of July 1, 1997, who have a Master's degree and child welfare experience equivalent to the requirements of this Section, continue to be qualified as a child welfare supervisor for the child welfare agency where they are employed as of July 1, 1998.

2) At minimum 70% of the agency's child welfare supervisors shall meet the standards in Section 401.310(a).

b) Master's degree that has not been approved as academically equivalent to social work or human services related degree and 3 years of child welfare experience; or

c) Bachelor's degree in social work or human services or an academically equivalent to a social work or human services related degree with 3 years of experience in a child welfare and/or human/social services setting, and apply in 6 months and

enroll within 18 months of employment as a child welfare supervisor in a graduate social work or human services program or a graduate program approved as academically equivalent to a graduate social work or human services program, and complete the course work in 3 years from enrollment to acquire a graduate degree in social work or an approved human services field; or

d) Bachelor's degree that has not been approved as academically equivalent to a social work or human services related degree with 5 years of experience in a child welfare and/or social services setting, and apply in 6 months and enroll within 18 months of employment as a child welfare supervisor in a graduate social work or human services program or a graduate program approved as academically equivalent to a graduate social work or human services program, and complete the course work in 3 years from enrollment to acquire a degree in social work or an approved human services field.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1101, effective December 22, 2021, for a maximum of 150 days)

Section 401.311 Request for Approval of Applicants under Section 401.310(b)-(d) EMERGENCY

When a child welfare agency wants to select for the child welfare supervisor position an applicant with qualifications under Section 401.310(b)-(d), the Workforce and Educational Transcript Review Committee shall make a recommendation and the Associate Deputy of Agencies and Institutions Licensing or designee shall approve the applicant before the offer of employment can be made.

a) The child welfare agency's Administrator or Human Resources Director shall submit, using a State of Illinois email account if one exists, to the Workforce and Educational Transcript Review Committee at DCFS.Licwrkforedu@illinois.gov the following documentation:

1) Official or certified copy of undergraduate and/or graduate level educational transcripts;

2) Resume and/or application submitted by the applicant that details employment history by identifying all past employers, positions, responsibilities and respective dates related to applicant's experience in child welfare;

3) An action plan specific to the applicant being considered for employment as a child welfare supervisor. The plan shall include:

A) 90-day probationary period;

B) Measurable objectives to strengthen the person's knowledge and skills in conducting the responsibilities as a child welfare supervisor;

C) Training, including but not limited to:

i) Virtual Training Center (VTC) Curriculum;

ii) Mentoring;

iii) Job shadowing; or

iv) Additional time in supervision with a child welfare supervisor who meets the criteria under Section 401.310(a);

D) Additional education through individual college course and/or pursuit of a degree in social work or an approved human services field; and

4) Current copy of the child welfare agency's accreditation standards addressing educational credentials and experience requirements for human resources.

b) Child welfare agency's recruitment shall focus on recruiting candidates for the child welfare supervisor position that meet the requirements of Section 310(a). The agency must provide to the Workforce and Educational Transcript Review Committee as part of its request for approval the following documentation to show their recruitment efforts.

1) Child welfare supervisor job posting:

A) Posting shall state that a candidate with the qualifications listed in Section 401.310(a) is preferred; and

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B) Posting may indicate that a candidate with the qualifications listed in Section 401.310 (b)-(d) is acceptable only if it is approved by the Associate Deputy of Agencies and Institutions Licensing or designee subsequent to a recommendation from the Workforce and Educational Transcript Review Committee.

2) A summary of recruitment efforts other than a job posting;

3) An employee roster of all child welfare supervisors with the following information:

A) Current title;

B) Educational credentials;

C) Work experience; and

D) Hire date.

4) If an applicant with the qualifications listed in Section 401.310(a) applied for the child welfare supervisor position but was not selected, the agency must provide a written statement indicating the reasons for not selecting the candidate.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1101, effective December 22, 2021, for a maximum of 150 days)

Section 401.312 Workforce and Educational Transcript Review Committee EMERGENCY

a) The Department's Central Office of Licensing shall establish a Workforce and Educational Transcript Review Committee whose purpose shall be as follows:

1) For applicants with qualifications under Section 401.310(b)-(d) review the documentation submitted pursuant to Section 401.311 and recommend approving or denying the request.

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2) For applicants with a Master's degree in another field who have completed significant course work that may qualify as human services course work, the committee shall review all transcripts and course information and make a decision on the equivalency of the degree to a human services degree.

3) For applicants with a Bachelor's degree in another field who have completed significant course work that may qualify as human services course work, the committee shall review all transcripts and course information and make a decision on the equivalency of the degree to a human services degree.

b) The committee's membership shall consist of seven members.

1) Two permanent members and on alternate member shall be representatives of the child welfare agencies selected by the DCFS Director or designee.

2) Five permanent members and one alternate member shall be DCFS employees selected by the DCFS Director or designee.

c) The committee's chair person shall be a DCFS employee selected by the Deputy Director of Licensing and have the following responsibilities:

1) The chairperson or designee shall view the committee's mailbox DCFS.Licwrkforedu@illinois.gov on a daily basis.

2) The chair person shall review all documents received, develop a written summary of the applicant's qualifications and forward the summary with the supporting documents to all Workforce and Educational Transcript Review Committee members via their respective State of Illinois e-mail addresses before the scheduled review by the committee.

3) The chair person shall schedule a meeting of the Workforce and Educational Transcript Review Committee on the 1st and 3rd Fridays of every month. If a holiday falls on the scheduled date, the committee will meet the following business day. Based on the number of requests for approval and availability of the committee members, the DCFS Committee Chair may schedule additional meetings. The purpose of the meeting is for the members to review, discuss and recommend by majority

of members present to approve or deny the request. For purposes of this subsection, 4 members present constitutes a majority. The chair person shall not vote unless to break a tie.

4) Within 5 business days following the meeting, the chair person shall send the following documentation to the Associate Deputy of Agencies and Institutions Licensing, Deputy Director of Licensing and all of the committee members:

A) Documentation received under Section 401.311; and

B) Written memorandum which states the committee's recommendation and the reasons supporting the recommendation.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1101, effective December 22, 2021, for a maximum of 150 days)

Section 401.313 Final Administrative Decision
EMERGENCY

a) The Associate Deputy of Agencies and Institutions Licensing or designee shall make the final administrative decision whether to approve or deny a request to approve an applicant with the qualifications under Section 401.310(b)-(d) for a child welfare supervisor position. The Associate Deputy of Agencies and Institutions Licensing or designee shall review the documentation received under Section 401.311 and the written memorandum with the Workforce and Educational Transcripts Review Committee's recommendation and shall issue a final written administrative decision within 5 business days of receiving the documentation for review under Section 401.312(c)(4).

b) The final written administrative decision of the Associate Deputy of Agencies and Institutions Licensing or designee is not appealable.

c) Upon issuance, the final written administrative decision shall be sent to the following:

1) Child welfare agency Administrator or Human Resources Director making the initial request;

2) Deputy Director of Licensing;

3) Chair person of the Workforce and Educational Transcripts Review Committee; and

4) The assigned Agencies and Institutions Licensing staff for requesting agency.

d) A final written administrative decision shall be issued within 10 business days from the meeting at which the Workforce and Educational Transcripts Review Committee reviewed the request. The request will not be considered automatically approved if the final written administrative decision is not reached within ten business days from the meeting at which the Workforce and Educational Transcripts Review Committee reviewed the request. A written notification for an extension shall be sent to the child welfare agency's Administrator or Human Resources Director making the initial request if an extension is needed to process the request.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1101, effective December 22, 2021, for a maximum of 150 days)

Section 401.314 Progress and Compliance Review
EMERGENCY

a) An applicant with qualifications under Section 401.310 (c) or (d) approved for the child welfare supervisor position shall be subject to progress review towards his or her compliance with time frames for application, enrollment and completion of course work.

b) The assigned Agencies and Institutions Licensing staff for the requesting agency shall conduct the review. The child welfare agency shall make available for inspection and review documentation listed in Section 401.314(c)-(d) at the request of the assigned Agencies and Institutions Licensing staff.

c) The child welfare agency shall maintain in the applicant's personnel file documentation proving that the applicant:

1) Applied in 6 months and enrolled within 18 months of employment as a child welfare supervisor in a graduate social work or human services

program to acquire a graduate degree in social work or an approved human services field; and

2) Is on track with completing the required human services course work within 3 years of enrollment and acquiring a graduate degree in social work or an approved human services field.

d) Proof of application, enrollment and completed course work shall include but not be limited to:

1) Written statement from the college/university's office of admissions confirming receipt of application for admission; and

2) Official undergraduate transcript; or

3) Enrollment verification statement from the college/university's office of the registrar with the following information:

A) Applicant's Name

B) Degree program

C) Enrollment status and start/end dates for each semester

D) Course work and credits

e) Failure of the applicant to apply in 6 months and enroll within 18 months of employment as a child welfare supervisor in a graduate social work or human services program or a graduate program approved as academically equivalent to a graduate social work or human services program, and complete the course work in 3 years from enrollment to acquire a graduate degree in social work or an approved human services field shall result in the person serving in the child welfare supervisor position to be determined unqualified to continue serving in the position.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1101, effective December 22, 2021, for a maximum of 150 days)

Section 401.315 Acceptable Degrees

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

a) The following degrees shall be accepted as human services degrees:

1) Child, Family and Community Services

2) Early Childhood Development

3) Guidance and Counseling

4) Home Economics - Child and Family Services

5) Human Development Counseling

6) Human Services Administration

7) Human Services

8) Master of Divinity

9) Pastoral Care

10) Pastoral Counseling

11) Psychiatric Nursing

12) Psychiatry

13) Psychology

14) Public Administration

15) Social Science

16) Social Services

17) Sociology

b) The following degrees shall be accepted as academically equivalent to human services degrees:

1) Criminal Justice

2) Health Care Administration

3) Health and Wellness

4) Public Health Administration

5) Health and Human Services

6) Youth/Family Services and Administration

7) Human Services Administration

8) Applied Behavioral Sciences

9) Behavioral Analysis and Therapy

10) Child and Adolescent Development

11) Child Development

12) Communicative Disorders with a specialization in Rehabilitation Counseling

13) Community Counseling

14) Counseling

15) Counseling for Child Welfare Specialist

16) Correctional Counseling

17) Education - Counseling Major

18) Education - Counseling and Human Development

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19) Education - Guidance and Counseling

20) Counseling and Organizational Psychology

21) Counseling Studies

22) Education Curriculum development - coursework in early childhood psycho-pathology, pre-school child

23) Alcoholism and Drug Abuse

24) Family and Consumer Sciences

25) Human Behavior

26) Human Development

27) Human Ecology with specialization in Human Development and Family Studies

28) Human Services and Counseling

29) Leadership and Human Services Administration

30) Not-for-profit Management

31) Professional Counseling

32) Public Management

33) Rehabilitation Counseling

34) Social and Behavioral

35) Social Psychology

36) Urban Education Community Counseling

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(Source: Added by emergency rulemaking at 46 Ill. Reg. 1101, effective December 22, 2021, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Section 401.APPENDIX G Acceptable Human Services Degrees (Repealed)
EMERGENCY

~~The following degrees may be accepted as human services degrees.~~

~~Child, Family and Community Services~~
~~Early Childhood Development~~
~~Guidance and Counseling~~
~~Home Economics - Child and Family Services~~
~~Human Development Counseling~~
~~Human Service Administration~~
~~Human Services~~
~~Master of Divinity~~
~~Pastoral Care~~
~~Pastoral Counseling~~
~~Psychiatric Nursing~~
~~Psychiatry~~
~~Psychology~~
~~Public Administration~~
~~Social Science~~
~~Social Services~~
~~Sociology~~

~~Individuals who have a Master's degree in another field who have completed significant course work that may qualify as human services course work may submit a certified transcript of their educational experience, along with the college or university's catalogue or other description of the contents of the course work, to the Department's Central Office of Licensing for consideration of academic equivalency. The Central Office of Licensing will convene a five person panel to review all transcripts and course information and make a decision on the equivalency of the college degree to a human services degree. All decisions of the Central Office of Licensing on the equivalency of any degree shall be final and are not appealable.~~

(Source: Repealed by emergency rulemaking at 46 Ill. Reg. 1101, effective December 22, 2021, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Licensing Standards for Group Homes

2) Code Citation: 89 Ill. Adm. Code 403

3)

Section Numbers:	Emergency Actions:
403.17	Amendment
403.30	New Section
403.31	New Section
403.32	New Section
403.33	New Section
403.34	New Section
403.35	New Section
403.36	New Section

4) Statutory Authority: 225 ILCS 10/7

5) Effective Date of Emergency Rule: December 22, 2021

6) If this emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: None

7) Date filed with the Index Department: December 22, 2021

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

9) Reason for Emergency: COVID-19 has created an acute shortage of persons qualified for the child care supervisor position under current qualification in Section 403.17. To alleviate the shortage, the Department has amended Part 403 to broaden the qualifications to enlarge the pool of eligible candidates for the child care supervisor position. Child care supervisors play a pivotal role in ensuring the welfare and safety of children in the group homes by monitoring case activities and progress as well as the quality and effectiveness of services delivered. It is their responsibility to ensure that children in group homes receive all necessary services such as education, medical care, mental health care, safe and comfortable living environment and are prepared for next phase of their post-discharge life.

10) A Complete Description of the Subjects and Issues Involved: The amendments broaden the qualifications for the child care supervisor position; create a new review and approval

process for the revised qualifications; create and establish functions of the Workforce and Educational Transcript Review Committee; and list acceptable qualifying degrees.

11) Are there any other amendments pending to this Part? No

12) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

(217) 524-1983
TDD: (217) 524-3715
DCFS.Policy@illinois.gov

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 403
LICENSING STANDARDS FOR GROUP HOMES

Section

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] the Children's Product Safety Act [430 ILCS 125], the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act (42 USC 670 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 13147, effective November 30, 1981; amended at 7 Ill. Reg. 3454, effective April 4, 1983; amended at 11 Ill. Reg. 1489, effective January 15, 1987; amended at 11 Ill. Reg. 17523, effective October 15, 1987; amended at 21 Ill. Reg. 4587, effective April 1, 1997; amended at 24 Ill. Reg. 17062, effective November 1, 2000; amended at 34 Ill. Reg. 6054, effective May 1, 2010; amended at 36 Ill. Reg. 13051, effective August 15, 2012; amended at 42 Ill. Reg. 20337, effective October 31, 2018; emergency amendment at 46 Ill. Reg. 1120, effective December 22, 2021, for a maximum of 150 days.

Section 403.17 Agency Supervision of the Group Home
EMERGENCY

a) The supervising child welfare agency shall designate a program administrator ~~qualified supervisors~~ to provide ongoing program administration, personnel administration and monitoring of the group home's operation. The program administrator shall possess a Master's degree in social work from an accredited school of social work or an academically equivalent Master's degree in a human services field from an accredited school and 2 years of full-time supervisory experience in a social work setting.

b) Supervision shall include on-site visitation and on-site conferences with personnel employed at the home at least twice a month. Visits at the home shall include

contact with children to determine the child's view of the program.

~~b) Child care supervisors shall:~~

~~1) be at least 25 years of age;~~

~~2) have 60 semester hours of college credits;~~

~~3) have 2 years of full-time experience in a residential child care program;~~

~~4) demonstrate skill in working with and managing children of the type served in the program; and~~

~~5) demonstrate ability to work cooperatively with administration staff and persons external to the program.~~

c) The supervising child welfare agency shall be responsible for providing and maintaining qualified staff as specified in this Part~~part~~.

d) The supervising child welfare agency shall assure that all persons connected in any way with the group home are of reputable character.

e) The child care supervisor position, the group home case management supervisor position and the program administrator position are distinct and separate from each other.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1120, effective December 22, 2021, for a maximum of 150 days)

Section 403.30 Group Home Case Management Supervisors
EMERGENCY

a) Each group home may establish a group home case management supervisor position.

b) Group home case management supervisors shall have the following duties:

1) Provide case management support and oversight that encompasses culturally appropriate and meaningful activities to the children using

person-centered approaches and strategies that fully engage and include the children in each aspect of their daily life, have maximum choice and control, and gain independence;

2) Schedule and attend coordinated service planning meetings;

3) Assess effectiveness of authorized hours through service delivery and staff performance; and

4) Respond to and advise multiple oversight agencies on corrective and recommended actions.

c) All persons employed as group home case management supervisors are required to be in full compliance with Rule 412, Licensure of Direct Child Welfare Service Employees and Supervisors and all other applicable requirements in Department laws and regulations. In addition, a person must possess the following qualifications to work as a group home case management supervisor:

1) Bachelor's degree in social work or human/social services with 1 year of experience in a child welfare and/or human/social services setting; or

2) Bachelor's degree that has been approved as academically equivalent to a social work or human services related degree with 1 year of experience in a child welfare and/or social services setting.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1120, effective December 22, 2021, for a maximum of 150 days)

Section 403.31 Child Care Supervisors
EMERGENCY

a) A group home shall employ at least one child care supervisor.

b) Child care supervisors shall have the following duties:

1) Coordinate proper coverage and oversee the daily operations of the group home;

2) Provide direct supervision to child care staff and children in the group home;

3) Monitor activities of children and timely medication delivery;

4) Schedule appointments for children's activities;

5) Plan and implement weekly skills groups;

6) Co-lead groups and activities;

7) Assist with rotating on-call duties;

8) Coach children on independent living skills such as housekeeping, shopping, meal preparation, and personal hygiene and activity planning; and

9) Engage with children about the children's goals and interests.

c) All persons employed as child care supervisors are required to be in full compliance with Rule 412, Licensure of Direct Child Welfare Service Employees and Supervisors and all other applicable requirements in Department laws and regulations. In addition, a person must possess the following qualifications to work as a child care supervisor:

1) Be at least 25 years of age; have 60 semester hours of college credits; 2 years of full-time experience in a residential child care program; demonstrate skill in working with and managing children of the type served in the program; and demonstrate ability to work cooperatively with administration staff and persons external to the program. A minimum of 70% of the group home's child care supervisors shall meet the standards in this subsection; or

2) Bachelor's degree in social work or related human services field or an academically equivalent Bachelor's degree in social work or related human services field and 1 year of experience in a congregate care milieu; or

3) Bachelor's degree that has not been approved as academically equivalent to social work or human services related degree and 3 years in a congregate care milieu; or

4) High school diploma or a General Education Development Test (GED) with 3 years of experience in a congregate care milieu. The person shall apply in 6 months and enroll within 12 months of employment as a child care supervisor in a college program where at least 30 credit hours in human services course work is required, and complete the 30 credit hours in human services course work within 2 years of enrollment.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1120, effective December 22, 2021, for a maximum of 150 days)

Section 403.32 Request for Approval of Applicants under Section 403.31(c)(2)-(4) EMERGENCY

When a child welfare agency wants to select for the child care supervisor position an applicant with qualifications under Section 403.31(c)(2)-(4), the Workforce and Educational Transcript Review Committee shall make a recommendation and the Associate Deputy of Agencies and Institutions Licensing or designee shall approve the applicant before an offer of employment can be made.

a) The child welfare agency's Administrator or Human Resources Director shall submit, using a State of Illinois email account if one exists, to the Workforce and Educational Transcript Review Committee at DCFS.Licwrkforedu@illinois.gov the following documentation:

1) Official or certified copy of high school or undergraduate level educational transcripts;

2) Resume and/or application submitted by the applicant that details employment history by identifying all past employers, positions, responsibilities and respective dates related to applicant's experience in child welfare;

3) An action plan specific to the applicant being considered for employment as a child care supervisor. The plan shall include:

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A) 90-day probationary period;

B) Measurable objectives to strengthen the person's knowledge and skills in conducting the responsibilities as a child care supervisor;

C) Training, including but not limited to:

i) Virtual Training Center (VTC) Curriculum;

ii) Mentoring;

iii) Job shadowing; or

iv) Additional time in supervision with a child care supervisor who meets the criteria under Section 403.31(c)(1);

D) Additional education through individual college course and/or pursuance of a degree in social work or an approved human services field; and

4) Current copy of the child welfare agency's accreditation standards addressing educational credentials and experience requirements for human resources.

b) Child welfare agency's recruitment shall focus on attracting candidates for the child care supervisor position that meet the requirements of Section 403.31(c)(1). The agency must provide the Workforce and Educational Transcript Review Committee as part of its request for approval the following documentation to show its recruitment efforts.

1) Child care supervisor job posting.

A) Posting shall state that a candidate with the qualifications listed in Section 403.31(c)(1) is preferred;

B) Posting may indicate that a candidate with the qualifications listed in Section 403.31(c)(2)-(4) is acceptable only if it is approved by the Associate Deputy of Agencies and Institutions Licensing or

designee subsequent to a recommendation from the Workforce and Educational Transcript Review Committee.

2) A summary of recruitment efforts other than a job posting;

3) An employee roster of all child care supervisors with the following information:

A) Current title;

B) Educational credentials;

C) Work experience; and

D) Hire date.

4) If an applicant with the qualifications listed in Section 403.31(c)(1) applied for the child care supervisor position but was not selected, the agency must provide a written statement indicating the reasons for not selecting the candidate.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1120, effective December 22, 2021, for a maximum of 150 days)

Section 403.33 Workforce and Educational Transcript Review Committee EMERGENCY

a) For purposes of this Part, the Workforce and Educational Transcript Review Committee established in Part 401 shall, in addition to any other duties listed in Parts 401 and 404, perform the following functions:

1) For applicants with qualifications under Section 403.31(c)(2)-(4) review the documentation submitted pursuant to Section 403.32 and recommend approving or denying the request.

2) For applicants with a Bachelor's degree in another field who have completed significant course work that may qualify as human services course work, the committee shall review all transcripts and course

information and make a decision on the equivalency of the degree to a human services degree.

b) The Workforce and Educational Transcript Review Committee shall follow the same review and approval process enumerated in Parts 401 and 404. Specifically:

1) The chair person or designee shall view the committee's mailbox DCFS.Licwrkforedu@illinois.gov on daily basis.

2) The chair person shall review all documents received, develop a written summary of the applicant's qualifications and forward the summary with supporting documents to all Workforce and Educational Transcript Review Committee members via their respective State of Illinois e-mail addresses before the scheduled review by the committee.

3) The chair person shall schedule a meeting of the Workforce and Educational Transcript Review Committee on the 1st and 3rd Fridays of every month. If a holiday falls on the scheduled date, the committee will meet the next following business day. Based on the number of requests for approval and availability of the committee members, the DCFS Committee Chair may schedule additional meetings. The purpose of the meeting is for the members to review, discuss and recommend by majority of members present to approve or deny the request. For purposes of this subsection, 4 members present constitutes a majority. The chair person shall not vote unless to break a tie.

4) Within 5 business days following the meeting, the chair person shall send the following documentation to the Associate Deputy of Agencies and Institutions Licensing, Deputy Director of Licensing and all the committee members:

A) Documentation received under Section 403.32; and

B) Written memorandum which states the committee's recommendation and the reasons supporting the recommendation.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1120, effective December 22, 2021, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Section 403.34 Final Administrative Decision
EMERGENCY

a) The Associate Deputy of Agencies and Institutions Licensing shall make the final administrative decision whether to approve or deny a request to approve an applicant with qualifications under Section 403.31(c)(2)-(4) for a child care supervisor position. The Associate Deputy of Agencies and Institutions Licensing or designee shall review the documentation received under Section 403.32 and the written memorandum with the Workforce and Educational Transcripts Review Committee's recommendation and shall issue a final written administrative decision within 5 business days of receiving the documentation for review under Section 403.33(b)(4).

b) The final written administrative decision of the Associate Deputy of Agencies and Institutions Licensing or designee is not appealable.

c) Upon issuance, the final written administrative decision shall be sent to the following:

1) Child welfare agency Administrator or Human Resources Director making the initial request;

2) Deputy Director of Licensing;

3) Chairperson of the Workforce and Educational Transcript Review Committee; and

4) The assigned Agencies and Institutions Licensing staff for requesting agency.

d) A final written administrative decision shall be issued within 10 business days from the meeting at which the Workforce and Educational Transcript Review Committee reviewed the request. The request will not be considered automatically approved if the final written administrative decision is not reached within ten business days from the from meeting at which the Workforce and Educational Transcript Review Committee reviewed the request. A written notification of an extension shall be sent to the child welfare agency Administrator or Human Resources Director making the initial request if an extension is needed to process the request.

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(Source: Added by emergency rulemaking at 46 Ill. Reg. 1120, effective December 22, 2021, for a maximum of 150 days)

Section 403.35 Progress and Compliance Review
EMERGENCY

a) An applicant with qualifications under Section 403.31(c)(2)-(4) approved for the child care supervisor position shall be under the direct supervision of a program administrator and/or group home case management supervisor.

b) An applicant with qualifications under Section 403.31(c)(4) approved for the child care supervisor shall be subject to progress review towards his or her compliance with time frames for application, enrollment and completion of course work.

c) The assigned Agencies and Institutions Licensing staff for the requesting agency shall conduct the review. The child welfare agency shall make available for inspection and review documentation listed in Section 403.35(d)-(e) at the request of the assigned Agencies and Institutions Licensing staff.

d) The child welfare agency shall maintain in the applicant's personnel file documentation proving that the applicant:

1) Applied in 6 months and enrolled within 12 months of employment as a child care supervisor in a college program with at least 30 credit hours in human services course work; and

2) Is on track with completing the required 30 credit hours in human services course work within 2 years of enrollment.

e) Proof of application, enrollment and completed course work shall include but not be limited to:

1) Written statement from the college/university's office of admissions confirming receipt of application for admission; and

2) Official undergraduate transcript; or

3) Enrollment verification statement from the college/university's office of the registrar with the following information:

A) Applicant's Name;

B) Degree program;

C) Enrollment status and start/end dates for each semester; and

D) Course work and credits.

f) Failure of the applicant to apply in 6 months and enroll within 12 months of employment as a child care supervisor in a college program where at least 30 credit hours in human services course work is required, and complete the 30 credit hours in human services course work within 2 years of enrollment shall result in the person serving in the child care supervisor position to be determined unqualified to continue serving in the position.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1120, effective December 22, 2021, for a maximum of 150 days)

Section 403.36 Acceptable Degrees
EMERGENCY

a) The following degrees shall be accepted as human services degrees:

1) Child, Family and Community Services

2) Early Childhood Development

3) Guidance and Counseling

4) Home Economics - Child and Family Services

5) Human Development Counseling

6) Human Service Administration

7) Human Services

8) Master of Divinity

9) Pastoral Care

10) Pastoral Counseling

11) Psychiatric Nursing

12) Psychiatry

13) Psychology

14) Public Administration

15) Social Science

16) Social Services

17) Sociology

b) The following degrees shall be accepted as academically equivalent to human services degrees:

1) Criminal Justice

2) Health Care Administration

3) Health and Wellness

4) Public Health Administration

5) Health and Human Services

6) Youth/ Family Services and Administration

7) Human Services Administration

8) Applied Behavioral Services

9) Behavioral Analysis and Therapy

10) Child and Adolescent Development

11) Child Development

12) Communicative Disorders with a specialization in Rehabilitation Counseling

13) Community Counseling

14) Counseling

15) Counseling for Child Welfare Specialist

16) Correctional Counseling

17) Education - Counseling Major

18) Education - Counseling and Human Development

19) Education- Guidance and Counseling

20) Counseling and Organizational Psychology

21) Counseling Studies

22) Education Curriculum development-coursework in early childhood, childhood psycho-pathology, pre-school child

23) Alcoholism and Drug Abuse

24) Family and Consumer Sciences

25) Human Behavior

26) Human Development

27) Human Ecology with specialization in Human Development and Family Studies

28) Human Services and Counseling

29) Leadership and Human Services Administration

30) Not-for-profit Management

31) Professional Counseling

32) Public Management

33) Rehabilitation Counseling

34) Social and Behavioral

35) Social Psychology

36) Urban Education Community Counseling

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1120, effective December 22, 2021, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Licensing Standards for Child Care Institutions and Maternity Centers

2) Code Citation: 89 Ill. Adm. Code 404

3)

Section Numbers:	Emergency Actions:
404.13	Amendment
404.51	New Section
404.52	New Section
404.53	New Section
404.54	New Section
404.55	New Section
404.56	New Section
404.57	New Section

4) Statutory Authority: 225 ILCS 10/7

5) Effective Date of Emergency Rule: December 22, 2021

6) If this emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: None

7) Date filed with the Index Department: December 22, 2021

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

9) Reason for Emergency: COVID-19 has created an acute shortage of persons qualified for the child care supervisor position under current qualification in Section 404.13. To alleviate the shortage, the Department has amended Part 404 to broaden the qualifications to enlarge the pool of eligible candidates for the child care supervisor position. Child care supervisors play a pivotal role in ensuring the welfare and safety of children in child care institutions and maternity centers by monitoring case activities and progress as well as the quality and effectiveness of services delivered. It is their responsibility to ensure that children in child care institutions and maternity centers receive all necessary services such as education, medical care, mental health care, safe and comfortable living environment and are prepared for next phase of their post-discharge life.

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NOTICE OF EMERGENCY AMENDMENTS

10) A Complete Description of the Subjects and Issues Involved: The amendments broaden the qualifications for the child care supervisor position; create a new review and approval process for the revised qualifications; create and establish functions of the Workforce and Educational Transcript Review Committee; and list acceptable qualifying degrees.

11) Are there any other amendments pending to this Part? No

12) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

(217) 524-1983
TDD: (217) 524-3715
DCFS.Policy@illinois.gov

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 404
LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS
AND MATERNITY CENTERS

Section

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children's Product Safety Act [430 ILCS 125], the Children and Family Services Act [20 ILCS 505/7.3a], and Title IV-E of the Social Security Act [42 USC 670 et seq.].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SOURCE: Adopted and codified at 5 Ill. Reg. 13070, effective November 30, 1981; amended at 7 Ill. Reg. 3424, effective April 4, 1983; amended at 8 Ill. Reg. 22870, effective November 15, 1984; amended at 9 Ill. Reg. 19712, effective December 20, 1985; amended at 11 Ill. Reg. 17504, effective October 15, 1987; amended at 21 Ill. Reg. 4488, effective April 1, 1997; amended at 24 Ill. Reg. 17031, effective November 1, 2000; emergency amendment at 26 Ill. Reg. 6868, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 508, effective January 15, 2003; amended at 29 Ill. Reg. 9976, effective July 1, 2005; amended at 31 Ill. Reg. 4704, effective March 19, 2007; amended at 42 Ill. Reg. 20351, effective October 31, 2018; emergency amendment at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days.

Section 404.13 Child Care Workers~~Staff~~
EMERGENCY

~~a)~~ ~~There shall be at least one child care supervisor who shall be a full-time employee. The administrator or another person qualified as a child care supervisor may fill the position. The child care supervisor supervises those persons whose primary responsibility is daily care of children, known as child care staff.~~

~~b)~~ ~~Child care supervisors shall have the following qualifications:~~

~~1)~~ ~~be at least 25 years of age;~~

~~2)~~ ~~have two years of college credits;~~

~~3)~~ ~~have two years of full-time experience in a residential child care program;~~

~~4)~~ ~~demonstrate skill in working with and managing children of the type served in the program; and~~

~~5)~~ ~~demonstrate ability to work cooperatively with administration, staff, and persons external to the program.~~

a~~c~~) Child care workers' primary responsibility is the daily care of children.

b) Child care workers shall work under the supervision of a child care supervisor and shall have the following qualifications:

1) Be~~be~~ at least 18 years of age, if there is an on-site supervisor. If there is no on-site supervisor, child care staff must be at least 21 years of age;

2) Hold~~hold~~ a high school diploma or GED certificate;

3) Be~~be~~ in good physical and mental health;

4) Have~~have~~ the capacity to accept the supervision within the child care program and to relate constructively to authority; and

5) Demonstrate~~demonstrate~~ the ability to work cooperatively with other staff and a variety of persons external to the program, including representatives of other institutions and agencies and parents of the children.

c~~d~~) Child care workers ~~and supervisors~~ employed as of November 30, 1981, by facilities which are licensed shall be deemed qualified.

d~~e~~) At least one-half of the child care workers shall be full-time employees.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days)

Section 404.51 Residential Case Management Supervisors
EMERGENCY

a) Each child care institution or a maternity center may establish a residential case management supervisor position.

b) Residential case management supervisors shall have the following duties:

1) Set up and maintain case files in accordance with proper standards.

2) Develop treatment plans.

3) Conduct treatment plan reviews.

4) Conduct admissions and discharges.

5) Serve as liaison with social workers, family members and other parties.

6) Conduct and document monthly wellness checks.

7) Coordinate arrangements for all medical care.

8) Assist with supervision of residents, as needed.

9) Provide after care services on a scheduled basis and as needed.

c) All persons employed as residential case management supervisors are required to be in full compliance with Rule 412, Licensure of Direct Child Welfare Service Employees and Supervisors and all other applicable requirements in Department laws and regulations. In addition, a person must possess the following qualifications to work as a residential case management supervisor:

1) Bachelor's degree in social work or human/social services with 1 year of experience in a residential care setting; or

2) Bachelor's degree that has been approved as academically equivalent to a social work or human services related degree with 1 year of experience in a residential care setting.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days)

Section 404.52 Child Care Supervisors
EMERGENCY

a) There shall be at least one child care supervisor who shall be a full-time employee. The administrator or another person qualified as a child care supervisor may fill the position. Child care supervisors employed as of November 30, 1981 by facilities which are licensed, shall be deemed qualified.

b) Child care supervisors shall have the following duties:

1) Provide direct supervision to child care workers and children in a child care institution or maternity center.

2) Coordinate proper coverage and oversee the daily operations of the child care institution or maternity center.

3) Coach children on independent living skills such as housekeeping, shopping, meal preparation, and personal hygiene and activity planning.

4) Plan and implement weekly skills groups.

5) Co-leads group and activities.

6) Engage with children about children's goals and interests.

7) Assist with rotating on-call duties.

c) All persons employed as child care supervisors are required to be in full compliance with Rule 412, Licensure of Direct Child Welfare Service Employees and Supervisors and all other applicable requirements in Department laws and regulations. In addition, a person must possess the following qualifications to work as a child care supervisor:

1) Be at least 25 years of age; have 2 years of college credits; 2 years of full-time experience in a residential child care program; demonstrate skill in working with and managing children of the type served in the program; and demonstrate ability to work cooperatively with administration staff and persons external to the program. A minimum of 70% of the child care institution's or maternity center's child care supervisors shall meet the standards in this subsection; or

2) Bachelor's degree in social work or related human services field or an academically equivalent Bachelor's degree in social work or related human services field and 1 year of experience in a congregate care milieu; or

3) Bachelor's degree that has not been approved as academically equivalent to social work or human services related degree and 3 years in a congregate care milieu; or

4) High school diploma or a General Education Development Test (GED) with 3 years of experience in a congregate care milieu. The person shall

apply in 6 months and enroll within 12 months of employment as a child care supervisor in a college program where at least 30 credit hours in human services course work is required, and complete the 30 credit hours in human services course work within 2 years of enrollment.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days)

Section 404.53 Request for Approval of Applicants under Section 404.52(c)(2)-(4) EMERGENCY

When a child care institution or a maternity center wants to select for the child care supervisor position an applicant with qualifications under Section 404.52(c)(2)-(4), the Workforce and Educational Transcript Review Committee shall make a recommendation and the Associate Deputy of Agencies and Institutions Licensing or designee shall approve the applicant before an offer of employment can be made.

a) The child care institution's or a maternity center's Administrator or Human Resources Director shall submit, using a State of Illinois email account if one exists, to the Workforce and Educational Transcript Review Committee at DCFS.Licwrkforedu@illinois.gov the following documentation:

1) Official or certified copy of high school or undergraduate level educational transcripts;

2) Resume and/or application submitted by the applicant that details employment history by identifying all past employers, positions, responsibilities and respective dates related to applicant's experience in child welfare;

3) An action plan specific to the applicant being considered for employment as a child care supervisor. The plan shall include:

A) 90-day probationary period;

B) Measurable objectives to strengthen the person's knowledge and skills in conducting the responsibilities as a child care supervisor;

C) Training, including but not limited to:

i) Virtual Training Center (VTC) Curriculum;

ii) Mentoring;

iii) Job shadowing; or

iv) Additional time in supervision with a child care supervisor who meets the criteria under Section 403.52(c)(1);

D) Additional education through individual college course and/or pursuit of a degree in social work or an approved human services field; and

4) Current copy of the child care institution's or maternity center's accreditation standards addressing educational credentials and experience requirements for human resources.

b) Child care institution's and maternity center's recruitment shall focus on attracting candidates for the child care supervisor position that meet the requirements of Section 404.52(c)(1). The child care institution or maternity center must provide to the Workforce and Educational Transcript Review Committee as part of its request for approval the following documentation to show its recruitment efforts.

1) Child care supervisor job posting.

A) Posting shall state that a candidate with the qualifications listed in Section 404.52(c)(1) is preferred.

B) Posting may indicate that a candidate with the qualifications listed in Section 404.52(c)(2)-(4) is acceptable only if it is approved by the Associate Deputy of Agencies and Institutions Licensing or designee subsequent to a recommendation from the Workforce and Educational Transcript Review Committee.

2) A summary of recruitment efforts other than a job posting.

3) An employee roster of all child care supervisors with the following information:

A) Current title;

B) Educational credentials;

C) Work experience; and

D) Hire date.

4) If an applicant with the qualifications listed in Section 404.52(c)(1) applied for the child care supervisor position but was not selected, the child care institution or maternity center must provide a written statement indicating the reasons for not selecting the candidate.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days)

Section 404.54 Workforce and Educational Transcript Review Committee EMERGENCY

a) For purposes of this Part, the Workforce and Educational Transcript Review Committee established in Part 401 shall, in addition to any other duties listed in Parts 401 and 403, perform the following functions:

1) For applicants with qualifications under Section 404.52(c)(2)-(4) review the documentation submitted pursuant to Section 404.53 and recommend approving or denying the request.

2) For applicants with a Bachelor's degree in another field who have completed significant course work that may qualify as human services course work, the committee shall review all transcripts and course information and make a decision on the equivalency of the degree to a human services degree.

b) The Workforce and Educational Transcript Review Committee shall follow the same review process enumerated in Parts 401 and 403. Specifically:

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1) The chair person or designee shall view the committee's mailbox DCFS.Licwrkforedu@illinois.gov on daily basis.

2) The chair person shall review all documents received, develop a written summary of the applicant's qualifications and forward the summary with supporting documents to all Workforce and Educational Transcript Review Committee members via their respective State of Illinois e-mail addresses before the scheduled review by the committee.

3) The chair person shall schedule a meeting of the Workforce and Educational Transcripts Review Committee on the 1st and 3rd Fridays of every month. If a holiday falls on the scheduled date, the committee will meet the next following business day. Based on the number of requests for approval and availability of the committee members, the DCFS Committee Chair may schedule additional meetings. The purpose of the meeting is for the members to review, discuss and recommend by majority of members present to approve or deny the request. For purposes of this subsection, 4 members present constitutes a majority. The chair person shall not vote unless to break a tie.

4) Within 5 business days following the meeting, the chair person shall send the following documentation to the Associate Deputy of Agencies and Institutions Licensing, Deputy Director of Licensing and all the committee members:

A) Documentation received under Section 404.53; and

B) Written memorandum which states the committee's recommendation and the reasons supporting the recommendation.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days)

Section 404.55 Final Administrative Decision
EMERGENCY

a) The Associate Deputy of Agencies and Institutions Licensing or designee shall make the final administrative decision whether to approve or deny a request to approve an applicant with qualifications under Section 404.52(c)(2)-(4) for a child

care supervisor position. The Associate Deputy of Agencies and Institutions Licensing or designee shall review the documentation received under Section 404.53 and the written memorandum with the Workforce and Educational Transcripts Review Committee's recommendation and shall issue a final written administrative decision within 5 business days of receiving the documentation for review under Section 404.54(b)(4).

b) The final written administrative decision of the Associate Deputy of Agencies and Institutions Licensing or designee is not appealable.

c) Upon issuance, the final written administrative decision shall be sent to the following:

1) Administrator or Human Resources Director of the child care institution or maternity center making the initial request;

2) Deputy Director of Licensing;

3) Chair person of the Workforce and Educational Transcripts Review Committee; and

4) The assigned Agencies and Institutions Licensing staff for requesting child care institution or maternity center.

d) A final written administrative decision shall be issued within 10 business days from the meeting at which the Workforce and Educational Transcripts Review Committee reviewed the request. The request will not be considered automatically approved if the final written administrative decision is not reached within ten business days from the meeting at which the Workforce and Educational Transcripts Review Committee reviewed the request. A written notification of an extension shall be sent to the Administrator or Human Resources Director of the child care institution or maternity center making the initial request, if an extension is needed to process the request.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days)

Section 404.56 Progress and Compliance Review
EMERGENCY

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a) An applicant with qualifications under Section 404.52(c)(2)-(4) approved for the child care supervisor shall be under the direct supervision of a program administrator or a residential case management supervisor.

b) An applicant with qualifications under Section 404.52(c)(4) approved for the child care supervisor shall be subject to progress review towards his or her compliance with time frames for application, enrollment and completion of course work.

c) The assigned Agencies and Institutions Licensing staff for the requesting child care institution or maternity center shall conduct the review. The child care institution or maternity center shall make available for inspection and review documentation listed in Section 404.56(d)-(e) at the request of the assigned Agencies and Institutions Licensing staff.

d) The child care institution or maternity center shall maintain in the applicant's personnel file documentation proving that the applicant:

1) Applied in 6 months and enrolled within 12 months of employment as a child care supervisor in a college program with at least 30 credit hours in human services course work; and

2) Is on track with completing the required 30 credit hours in human services course work within 2 years of enrollment.

e) Proof of application, enrollment and completed course work shall include but not be limited to:

1) Written statement from the college/university's office of admissions confirming receipt of application for admission; and

2) Official undergraduate transcript; or

3) Enrollment verification statement from the college/university's office of the registrar with the following information:

A) Applicant's Name;

B) Degree program;

C) Enrollment status and start/end dates for each semester; and

D) Course work and credits.

f) Failure of the applicant to apply in 6 months and enroll within 12 months of employment as a child care supervisor in a college program where at least 30 credit hours in human services course work is required, and complete the 30 credit hours in human services course work within 2 years of enrollment shall result in the person serving in the child care supervisor position to be determined unqualified to continue serving in the position.

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days)

Section 404.57 Acceptable Degrees
EMERGENCY

a) The following degrees shall be accepted as human services degrees:

1) Child, Family and Community Services

2) Early Childhood Development

3) Guidance and Counseling

4) Home Economics - Child and Family Services

5) Human Development Counseling

6) Human Service Administration

7) Human Services

8) Master of Divinity

9) Pastoral Care

10) Pastoral Counseling

11) Psychiatric Nursing

12) Psychiatry

13) Psychology

14) Public Administration

15) Social Science

16) Social Services

17) Sociology

b) The following degrees shall be accepted as academically equivalent to human services degrees:

1) Criminal Justice

2) Health Care Administration

3) Health and Wellness

4) Public Health Administration

5) Health and Human Services

6) Youth/ Family Services and Administration

7) Human Services Administration

8) Applied Behavioral Services

9) Behavioral Analysis and Therapy

10) Child and Adolescent Development

11) Child Development

12) Communicative Disorders with a specialization in Rehabilitation Counseling

13) Community Counseling

14) Counseling

15) Counseling for Child Welfare Specialist

16) Correctional Counseling

17) Education- Counseling Major

18) Education- Counseling and Human Development

19) Education- Guidance and Counseling

20) Counseling and Organizational Psychology

21) Counseling Studies

22) Education Curriculum development-coursework in early childhood, childhood psycho-pathology, pre-school child

23) Alcoholism and Drug Abuse

24) Family and Consumer Sciences

25) Human Behavior

26) Human Development

27) Human Ecology with specialization in Human Development and Family Studies

28) Human Services and Counseling

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29) Leadership and Human Services Administration

30) Not-for-profit Management

31) Professional Counseling

32) Public Management

33) Rehabilitation Counseling

34) Social and Behavioral

35) Social Psychology

36) Urban Education Community Counseling

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Claims, Adjudication, Appeals and Hearings

2) Code Citation: 56 Ill. Adm. Code 2720

3)

Section Number:	Emergency Action:
2720.11	Amendment

4) Statutory Authority: Implementing and authorized by Sections 239, 409, 500, 604, 612, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1502.4, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 612, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1502.4, 1700, 1701, 2300, 2301, 2302 and 2304].

5) Effective Date of Emergency Rule: December 27, 2021

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

7) Date filed with the Index Department: December 27, 2021

8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Department of Employment Security's principal office and is available for public inspection.

9) Reason for Emergency: The rules of the Department do not provide for the payment of unemployment insurance benefits by way of paper checks. Beginning December 27, 2021, the financial institution under contract with the Department to make unemployment insurance benefit payments will not make payments by way of debit cards. Instead, for claimants who do not receive benefit payments by direct deposit, benefit payments will be made by paper checks. This rule provides that benefit payments can be made by paper checks in time to meet the change in the method of paying benefits.

10) A Complete Description of the Subjects and Issues Involved: The rules of the Department do not provide for the payment of unemployment insurance benefits by way of paper checks. Beginning December 27, 2021, the financial institution under contract with the Department to make unemployment insurance benefit payments will not make payments by way of debit cards. Instead, for claimants who do not receive benefit

payments by direct deposit, benefit payments will be made by paper checks. This rule provides that benefit payments can be made by paper checks.

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

12) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.

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

Kevin Lovellette
Chief Legal Counsel
Illinois Department of Employment Security
33 S. State St., 9th Floor
Chicago, IL 60603

(312) 793-1224
Kevin.Lovellette@illinois.gov

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2720
CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section

DEPARTMENT OF EMPLOYMENT SECURITY

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SUBPART C: APPEALS TO REFEREE

SUBPART D: APPEALS TO THE BOARD OF REVIEW

DEPARTMENT OF EMPLOYMENT SECURITY

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Section
2720.300 Filing of Appeal
2720.305 Notice of Appeal
2720.310 Request for Oral Argument
2720.315 Submission of Written Argument or Request to Submit Additional Evidence
2720.320 Access To Record
2720.325 Withdrawal of Appeal
2720.330 Consolidation Or Severance Of Appeals
2720.335 Decision of the Board of Review
2720.340 Extensions Of Time In Which To Issue A Board Of Review Decision
2720.345 Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 612, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1502.4, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October 4, 1993; amended at 18 Ill. Reg. 16340, effective October 24, 1994; amended at 21 Ill. Reg. 9441, effective July 7, 1997; amended at 21 Ill. Reg. 12129, effective August 20, 1997; emergency amendment at 27 Ill. Reg. 4217, effective February 15, 2003, for a maximum of 150 days; emergency expired July 15, 2003; amended at 29 Ill. Reg. 1909, effective January 24, 2005; amended at 32 Ill. Reg. 13177, effective July 24, 2008; amended at 33 Ill. Reg. 9623, effective August 1, 2009; amended at 35 Ill. Reg. 6114, effective March 25, 2011; emergency amendment at 43 Ill. Reg. 808, effective January 1, 2019 for a maximum of 150 days; amended at 43 Ill. Reg. 1523, effective January 15, 2019; amended at 43 Ill. Reg. 6385, effective May 14, 2019; emergency amendment at 44 Ill. Reg. 9262, effective May 15, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 14672, effective August 27, 2020; emergency amendment at 44 Ill. Reg. 12656, effective July 10, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 17647, effective October 23, 2020; emergency amendment at 45 Ill. Reg. 2267, effective February 8, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 7134, effective May 27,

DEPARTMENT OF EMPLOYMENT SECURITY

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2021; emergency amendment at 46 Ill. Reg. 1155, effective December 27, 2021, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 2720.11 Methods of Payment
EMERGENCY

a) For purposes of this Section, "benefits" includes payments to a claimant pursuant to the Act; trade readjustment allowances and alternative trade adjustment assistance payable pursuant to the Trade Act of 1974, as amended (19 USC 2101 et seq.); disaster unemployment assistance payable pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 USC 5121 et seq.); and any other payments the Department may make with respect to unemployment.

b) Except as otherwise provided in subsections~~subsection~~ (c) and (d), the Department will pay benefits to a claimant by crediting the benefits to a financial institution account that the Department shall establish for the claimant and against which the claimant may electronically draw funds through the use of a debit card. The issuance of a debit card pursuant to this Section does not entitle a claimant to draw funds unless:

1) the claimant has activated the card in accordance with the instructions of the financial institution with which the account was established; and

2) the account has a positive balance. The claimant's use of a card pursuant to this Section shall be subject to the terms of the cardholder agreement provided by the financial institution with which the claimant's account has been established. The Department may make adjustments to an account established pursuant to this Section when necessary to correct credit or debit entries made in error.

c) Notwithstanding subsection (b), the Department will pay benefits to a claimant by direct deposit into a financial institution account designated by the claimant if the designation is in effect at the time the benefit payment is processed. A designation made pursuant to this subsection shall be made on a Direct Deposit Authorization Form provided by the Department and shall subject the claimant to the terms and conditions set forth on the form. The Department may make

DEPARTMENT OF EMPLOYMENT SECURITY

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adjustments to an account designated pursuant to this Section when necessary to correct credit or debit entries made in error.

d) Notwithstanding subsection (b), if the financial institution contracted by the Department to make benefit payments to claimants does not issue debit cards, then the payment of benefits shall be by way of direct deposit under subsection (c) (which is the preferred method of payment of benefits) or else by issuance of paper checks to claimants. If a claimant had been receiving benefit payments by way of a debit card issued by a financial institution that is no longer the financial institution contracted with the Department to make benefit payments and if that claimant has not notified the Department of his or her election as to how to receive benefit payments, then benefit payments will be made to that claimant by way of paper checks.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1155, effective December 27, 2021, for a maximum of 150 days)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Payment of Benefits

2) Code Citation: 56 Ill. Adm. Code 2830

3)

Section Numbers:	Emergency Actions:
2830.10	Amendment
2830.200	Amendment
2830.300	Amendment
2830.305	New Section
2830.310	Amendment
2830.315	Amendment
2830.325	Amendment

4) Statutory Authority: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701].

5) Effective Date of Emergency Rules: December 27, 2021

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

7) Date filed with the Index Department: December 27, 2021

8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Department of Employment Security's principal office and is available for public inspection.

9) Reason for Emergency: The rules of the Department do not provide for the payment of unemployment insurance benefits by way of paper checks. Beginning December 27, 2021, the financial institution under contract with the Department to make unemployment insurance benefit payments will not make payments by way of debit cards. Instead, for claimants who do not receive benefit payments by direct deposit, benefit payments will be made by paper checks. These rules provide guidance as to how benefit payments can be made by paper checks, and in which situations benefit payments can be made by paper checks, in time to meet the change in the method of paying benefits.

10) A Complete Description of the Subjects and Issues Involved: The rules of the Department do not provide for the payment of unemployment insurance benefits by way

of paper checks. Beginning December 27, 2021, the financial institution under contract with the Department to make unemployment insurance benefit payments will not make payments by way of debit cards. Instead, for claimants who do not receive benefit payments by direct deposit, benefit payments will be made by paper checks. These rules provide guidance as to how benefit payments can be made by paper checks, and in which situations benefit payments can be made by paper checks.

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

12) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.

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

Kevin Lovellette
Chief Legal Counsel
Illinois Department of Employment Security
33 S. State St., 9th Floor
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The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEES

PART 2830
PAYMENT OF BENEFITS

SUBPART A: GENERAL PROVISIONS

Section
2830.10 Mailing Address for Benefit Checks and Debit Cards
EMERGENCY
2830.50 Calculating The "National Average Of This Ratio" Under Section 401 Of The Act (Repealed)

SUBPART B: PAYMENT TO DECEASED CLAIMANTS

Section
2830.200 Payment of Benefits Due a Deceased or Comatose Claimant
EMERGENCY
2830.205 Order Of Payment To Survivors Of A Deceased Claimant (Repealed)
2830.206 Order of Payment on Behalf of a Comatose Claimant (Repealed)
2830.210 Payment to a Minor Survivor of a Deceased Claimant or to a Minor When the Claimant is Comatose (Repealed)
2830.215 Time and Manner for Claiming Benefits Due a Deceased or a Comatose Claimant (Repealed)
2830.220 Right of Appeal (Repealed)

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED PAYMENTS OR LOST OR STOLEN DEBIT CARDS

Section
2830.300 Requests for Reissuance of Checks Or Replacement of Electronic Payments
EMERGENCY
2830.303 Lost Or Stolen Debit Cards
2830.305 Where Original Benefit Check Has Been Processed By The Payor Financial Institution~~Bank Or Where Direct Deposit Has Been Established Without Authorization (Repealed)~~
EMERGENCY

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701].

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 26, filed as amended May 2, 1952, effective May 12, 1952; rule repealed by operation of law, October 1, 1984; new rules adopted at 9 Ill. Reg. 10005, effective June 15, 1985; amended at 14 Ill. Reg. 9101, effective May 23, 1990; amended at 15 Ill. Reg. 16960, effective November 12, 1991; amended at 32 Ill. Reg. 13183, effective July 24, 2008; expedited correction at 32 Ill. Reg. 19178, effective July 24, 2008; amended at 32 Ill. Reg. 18972, effective December 1, 2008; amended at 43 Ill. Reg. 1610, effective January 15, 2019; emergency amendment at 46 Ill. Reg. 1162, effective December 27, 2021, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 2830.10 Mailing Address for Benefit Checks and Debit Cards
EMERGENCY

a) The Department utilizes a third-party vendor to issue, mail and manage all benefit checks and debit cards. Benefit checks and debitDebit cards will be mailed to the address provided by the claimant in accordance with 56 Ill. Adm. Code 2720.35. The vendor will only mail a benefit check or debit card to the address given to the vendor by the Department. It is the claimant's responsibility to ensure the Department has the claimant's correct address.

b) Neither benefit checks nor debitDebit cards shall not be mailed to a Post Office box unless the claimant provides the local office with his or her home address and an explanation of why he or she wants his or her benefit check or debit card sent to a Post Office box.

c) Neither benefit checks nor debit~~Debit~~ cards shall ~~not~~ be mailed to an address outside of the United States or Canada unless the claimant provides a reason that indicates only a temporary absence from this country or Canada.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1162, effective December 27, 2021, for a maximum of 150 days)

SUBPART B: PAYMENT TO DECEASED CLAIMANTS

Section 2830.200 Payment of Benefits Due a Deceased or Comatose Claimant
EMERGENCY

a) In the event that an individual dies or becomes comatose before receiving benefits to which he or she is entitled, the Department will make payment to the account designated by the individual for direct deposit or the debit card assigned to the claimant by the Department. If the Department is unable to make payment to the deceased or comatose claimant's direct deposit account, the Department will make payment by debit card, or, if at the time of such payment, the payment cannot be made by way of debit card then the benefits shall be paid by way of a paper check, which check shall be made payable to the order of "The Estate or Heirs of" the claimant. However, any benefit checks previously issued to the individual that have not been presented for payment must be returned to the Director, or an affidavit must be submitted stating that the benefit checks were lost, stolen, or destroyed. In the event of a benefit payment to a deceased or comatose claimant, under no circumstances will a check be made payable to the order of more than one payee nor to a named individual.

b) In the case of a claimant who became and remains comatose or who died prior to certifying for benefits, a completed certification form must be submitted by an individual with first hand knowledge of the matters asserted in the certification, together with an affidavit attesting that the individual has first hand knowledge and that the matters asserted are true to the best of his or her knowledge. The completed certification form must be submitted within nine months after the date of death or entry into the comatose state. Unless the certification form is received within nine months after the date of death or entry into the comatose state, any benefits due the deceased or comatose claimant shall revert to and be returned to the State's unemployment trust fund. The certification form shall be submitted to a~~the~~ local unemployment office ~~where the deceased or comatose claimant last~~

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~~filed his or her claim for benefits or serving the geographic area in which the claimant resides or resided. The certification form shall be submitted~~ either in person or by certified mail, shall be supported by an affidavit setting forth the relationship to the deceased or comatose claimant, and shall be accompanied by a certified copy of the death certificate for the deceased claimant or, in the case of a comatose claimant, the statement of a licensed and practicing physician indicating the date as of which the claimant became comatose. The forms required to certify for a deceased or comatose claimant are available at local unemployment offices or by calling Claimant Services. The telephone number for Claimant services is available on the Department's website. Under no circumstances shall the claimant's eligibility extend beyond the date that he or she died. Under no circumstances shall a claimant be eligible for benefits for the period during which he or she was in a comatose state.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1162, effective December 27, 2021, for a maximum of 150 days)

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED PAYMENTS OR LOST OR STOLEN DEBIT CARDS

Section 2830.300 Requests for Reissuance of Checks Or Replacement of Electronic Payments
EMERGENCY

a) With respect to benefit payments made by paper check:

1) If the claimant is filing an intrastate claim (see 56 Ill. Adm. Code 2714 for interstate claims) and is seeking the reissuance of a benefit payment check, the claimant shall contact the Department by calling Claimant Services, obtain a required form provided by the Department, provide the Department with such requested documents that prove the claimant's identity, and, on the required Department form, request reissuance of the check. The telephone number for Claimant Services is available on the Department's website.

A) If the original check has been returned to the Department by either the individual or the Post Office, the Department shall promptly cause a replacement check to be issued to the claimant.

B) If the original check has not been processed by the payor financial institution, the Department shall cause payment to not be issued on the check. After confirmation that the stop on the payment of the check has been processed, the Department shall promptly cause a replacement check to be issued to the claimant.

C) If the original check has already been processed by the payor financial institution, the claimant will be sent instructions as outlined in Section 2830.305.

2) Requests by a second endorser for replacement of a benefit check that has not already been processed by the payor financial institution shall be made in writing to Accounting Services Division, Trust Fund Subdivision, 33 S. State St., Chicago, IL 60603.

A) If the original benefit check was lost, mutilated or stale-dated after receipt by the second endorser, and if proof of that action is provided to the Department, disbursement of the funds to cover the check will be made to the second endorser.

B) If the original benefit check was subject to a stop payment order initiated by the claimant pursuant to subsection (a)(1)(B), the matter will be sent to the Benefit Payment Control Division for an investigation pursuant to Section 2830.310.

b) With respect to benefit payments made by way of debit card or direct deposit:

1) Any issue concerning a benefit payment that, in the case of a debit card, was deposited into an account assigned to the claimant or, in the case of direct deposit, was deposited into an account designated by the claimant, must be resolved between the claimant and the financial institution at which the payment was deposited according to the terms and conditions of the cardholder or account agreement.

2) When the claimant alleges that a debit card was mailed to an address that the claimant did not authorize, that a benefit payment was not deposited into an account that the claimant authorized, or that a benefit payment was not credited to the debit card assigned to the claimant, the claimant may file a request for review of the payment at a local office, on a form

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provided by the Department, or by calling Claimant Services (see 56 Ill. Adm. Code 2714 for interstate claims). The telephone number for Claimant Services is available on the Department's website. If a claimant's telephone inquiry cannot be resolved over the phone, the Department will provide the claimant with any forms needed to proceed. All requests for review of payment shall be submitted to the Department's Accounting Services Subdivision to determine if the issue can be resolved by the Department or if the claimant should be referred to the financial institution in which the payment was deposited. If the request is made in person at the local office, the forms needed to request review by the Department's Accounting Services Subdivision shall be forwarded by local office staff. Forms submitted by the claimant directly must be mailed to the Department's address provided on the form. When identity theft has been alleged, the Department's Accounting Services Subdivision shall refer the matter to the Department's Benefit Payment Control Subdivision for an investigation as provided in Section 2830.310.

~~Any issue concerning a benefit payment that, in the case of a debit card, was deposited into an account assigned to the claimant or, in the case of direct deposit, was deposited into an account designated by the claimant, must be resolved between the claimant and the financial institution at which the payment was deposited according to the terms and conditions of the cardholder or account agreement. When the claimant alleges that a debit card was mailed to an address that the claimant did not authorize, that a benefit payment was not deposited into an account that the claimant authorized, or that a benefit payment was not credited to the debit card assigned to the claimant, the claimant may file a request for review of the payment at a local office, on a form provided by the Department, or by calling Claimant Services (see 56 Ill. Adm. Code 2714 for interstate claims). The telephone number for Claimant Services is available at ides.illinois.gov. If a claimant's telephone inquiry cannot be resolved over the phone, the Department will provide the claimant with any forms needed to proceed. All requests for review of payment shall be submitted to the Department's Accounting Services Subdivision to determine if the issue can be resolved by the Department or if the claimant should be referred to the financial institution in which the payment was deposited. If the request is made in person at the local office, the forms needed to request review by the Department's Accounting Services Subdivision shall be forwarded by local office staff. Forms submitted by the claimant directly must be mailed to the Department's address provided on the form. When identity theft has been alleged, the Department's Accounting Services Subdivision shall refer the matter to the Department's Benefit Payment Control Subdivision for an investigation as provided in Section 2830.310.~~

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(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1162, effective December 27, 2021, for a maximum of 150 days)

Section 2830.305 Where Original Benefit Check Has Been Processed By The Payor Financial Institution~~Bank Or Where Direct Deposit Has Been Established Without Authorization (Repealed)~~
EMERGENCY

a) When a request for reissuance of a payment is made by a claimant pursuant to Section 2830.300 and it is determined that the check has already been processed by the payor financial institution, the claimant will be sent a copy of the check and an Affidavit of Non-Endorsement. If the claimant believes that neither the claimant nor the claimant's authorized agent endorsed the check, within 30 days after the mailing of the copy of the check, the claimant must file the completed Affidavit of Non-Endorsement with the Department. Instructions for making the filing appear on the document.

b) When a request for reissuance of a benefit check is made by a second endorser and the original benefit check has been processed by the payor financial institution, the request must be made within 90 days after the date that the check was paid by the payor financial institution.

(Source: Previous Section 2830.305 repealed at 43 Ill. Reg. 1610, effective January 15, 2019; New Section added by emergency rulemaking at 46 Ill. Reg. 1162, effective December 27, 2021, for a maximum of 150 days)

Section 2830.310 Check, Debit Card Or Direct Deposit Authorization Investigation
EMERGENCY

a) When an investigation is to be conducted because the claimant claims he or she did not receive a benefits check or the proceeds of a payment, the claimant must file a completed Affidavit of Non-Endorsement, in the case of a paper check, or a Payment Tracer and Affidavit of Non-Receipt of UI Benefits Form, in the case of an electronic payment, in accordance with the filing instructions stated on the appropriate form. ~~at a local office or by mail or as directed by the local office.~~ Each of these forms will be provided by the Department, and the claimant may request these forms by calling Claimant Services. The telephone number for Claimant Services is available on the Department's website.~~This form is available on the Department's website (ides.illinois.gov).~~ When submitting the appropriate~~a~~

completed Affidavit, ~~of Non-Receipt of UI Benefits,~~ the claimant must also submit proof of identification by including photocopies of requested documents~~a photocopy of a current and valid driver's license or State identification card and a valid Social Security card or other evidence of his or her Social Security number, such as a W-2 form~~. When an Affidavit has been filed at a local office, all materials relevant to the investigation shall be forwarded to the Department's Benefit Payment Control Subdivision.

b) The Department's Benefit Payment Control Subdivision will conduct an investigation, including an interview of the claimant as provided in Section 2830.325, and shall issue a decision either allowing or denying the request for reissuance of payment as provided in Section 2830.335.

c) Prior to the interview required by Section 2830.325, the Department employee who conducted the initial investigation shall record the results of the following in chronological order:

1) Any contact with the second endorser or payor financial institution~~bank~~. Any relevant information or evidence, such as check cashing registration cards or direct deposit information, should be noted and included in the file;

2) Contact with additional witnesses as might be deemed necessary by the Department employee who conducted the investigation; and

3) Any contact with the claimant, including any background information that might have been discovered.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1162, effective December 27, 2021, for a maximum of 150 days)

Section 2830.315 Notice of Interview
EMERGENCY

a) Written notice of the date, time and place of the interview shall be mailed to the claimant, at the address shown on the Affidavit of Non-Endorsement or on the Payment Tracer and Affidavit of Non-Receipt of UI Benefits Form submitted by the claimant, at least 10 days prior to the date of the interview.

b) The notice of interview shall identify the facts and issues to be covered by the interview.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1162, effective December 27, 2021, for a maximum of 150 days)

Section 2830.325 Check, Debit Card Oror Direct Deposit Authorization Interview EMERGENCY

a) The Department employee assigned to the matter shall conduct an interview of the claimant that is limited to the issues set forth in the notice of interview.

b) All testimony at the interview shall be made under oath or affirmation.

c) At the interview, the Department employee assigned to the matter shall:

1) Inform the parties of the purpose of the interview and of their rights under the Act and the rules promulgated thereunder;

2) Present to the claimant all relevant material obtained during the investigation;

3) If the second endorser is present, take any testimony that he or she can offer on the cashing of the benefit check;

43) Provide the claimant with an opportunity to explain any reasons or to present any evidence that would show that the signature on the benefit check, change of address or direct deposit authorization form is not his or hers (or otherwise that one of these forms is not authentic if it was submitted via the internet), and then allow the claimant to cross-examine any witnesses at the hearing or rebut any other evidence presented; and

54) Issue a decision on the available facts, even if the claimant does not appear at the interview (there shall be no defaults for want of prosecution, though the claimant may withdraw his or her request for reissuance).

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1162, effective December 27, 2021, for a maximum of 150 days)

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1) Heading of the Part: Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code

2) Code Citation: 77 Ill. Adm. Code 515

3)

Section Numbers:	Emergency Actions:
515.315	Amendment
515.330	Amendment
515.610	Amendment
515.830	Amendment
515.2030	Amendment
515.2035	Amendment
515.2040	Amendment
515.2045	Amendment
515.APPENDIX D	Amendment

4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

5) Effective Date of Rules: December 27, 2021

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency rulemaking will expire at the end of the 150-day period, upon repeal of the emergency rulemaking, or upon adoption of permanent rulemaking, whichever comes first.

7) Date Filed with the Index Department: December 27, 2021

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

9) Reason for Emergency: These emergency amendments will allow the Department to closely monitor bypass and EMS staff can be immediately notified of hospital bypass requests and status, which has become necessary due to the COVID-19 pandemic. The amendments will assure that patients who are critical are transported to the closest hospital and that multiple hospitals in a geographic location do not go on bypass simultaneously. Some amendments are critical given the EMS personnel shortage. Furthermore, the amendments are critical in order to allow EMS providers to purchase new ambulances in accordance with national standards.

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Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency amendments.

10) A Complete Description of the Subject and Issues Involved: Some emergency amendments to Sections were agreed upon with the Illinois Ambulance Association and/or private ambulance providers, as well as resulting from legislative changes. These amendments will be submitted to the EMS Advisory Council at its January 19, 2022 Council Meeting after which the proposed amendments will be filed.

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

12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

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

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
Lincoln Plaza
524 South 2nd Street, 6th Floor
Springfield, IL 62701

(217)782-1159
dph.rules@illinois.gov

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

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

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

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: EMS REGIONS

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

SUBPART C: EMS SYSTEMS

Section
515.300 Approval of New EMS Systems
515.310 Approval and Renewal of EMS Systems
515.315 Bypass or Resource Limitation Status Review
EMERGENCY

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SUBPART D: EDUCATION OF EMERGENCY MEDICAL TECHNICIANS, ADVANCED EMERGENCY MEDICAL TECHNICIANS, EMERGENCY MEDICAL TECHNICIANS-INTERMEDIATE, PARAMEDICS AND EMS PERSONNEL

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

SUBPART H: TRAUMA CENTERS

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SUBPART I: EMS ASSISTANCE FUND

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

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

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

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SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012; amended at 36 Ill. Reg. 2296, effective January 25, 2012; amended at 36 Ill. Reg. 3208, effective February 15, 2012; amended at 36 Ill. Reg. 11196, effective July 3, 2012; amended at 36 Ill. Reg. 17490, effective December 3, 2012; amended at 37 Ill. Reg. 5714, effective April 15, 2013; amended at 37 Ill. Reg. 7128, effective May 13, 2013; amended at 37 Ill. Reg. 10683, effective June 25, 2013; amended at 37 Ill. Reg. 18883, effective November 12, 2013; amended at 37 Ill. Reg. 19610, effective November 20, 2013; amended at 38 Ill. Reg. 9053, effective April 9, 2014; amended at 38 Ill. Reg. 16304, effective July 18, 2014; amended at 39 Ill. Reg. 13075, effective September 8, 2015; amended at 40 Ill. Reg. 8274, effective June 3, 2016; amended at 40 Ill. Reg. 10006, effective July 11, 2016; recodified at 42 Ill. Reg. 10700; amended at 42 Ill. Reg. 17632, effective September 20, 2018; amended at 43 Ill. Reg. 4145, effective March 19, 2019; emergency amendment at 44 Ill. Reg. 6463, effective April 10, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 15619, effective September 1, 2020; emergency amendment at 45 Ill. Reg. 12108, effective September 17, 2021, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days.

SUBPART C: EMS SYSTEMS

Section 515.315 Bypass or Resource Limitation Status Review
EMERGENCY

a) *The Department shall investigate the circumstances that caused a hospital in an*

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EMS System to go on bypass status to determine whether that hospital's decision to go on bypass status was reasonable. (Section 3.20(c) of the Act)

b) The hospital shall notify the Illinois Department of Public Health, Division of Emergency Medical Services, of any bypass/resource limitation decision, at both the time of its initiation and the time of its termination, through status change updates entered into the Illinois EMResource application, accessed at https://emresource.juvare.com/login. The hospital shall document any inability to access EMResource by contacting IDPH Division of EMS during normal business hours.

c) In determining whether a hospital's decision to go on bypass/resource limitation status was reasonable, the Department shall consider the following:

1) The number of critical or monitored beds available in the hospital at the time that the decision to go on bypass status was made;

2) Whether an internal disaster, including, but not limited to, a power failure, had occurred in the hospital at the time that the decision to go on bypass status was made;

3) The number of staff after attempts have been made to call in additional staff, in accordance with facility policy; and

4) The approved hospital protocols~~Regional Protocols~~ for peak census, surge, and bypass and diversion at the time that the decision to go on bypass status was made, provided that the Protocols include subsections (c)(1), (2) and (3).

5) Bypass status may not be honored or deemed reasonable if three or more hospitals in a geographic area are on bypass status and/or transport time by an ambulance to the nearest facility is identified in the regional bypass plan to exceed 15 minutes.

d) Hospital diversion should be based on a significant resource limitation and may be categorized as a System of Care (STEMI or Stroke), or other EMS transports. The decision to go on bypass (or resource limitation) status shall be based on meeting the following two criteria, and compliance with Subsection (c) (3).

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1) Lack of an essential resource for a given type or class of patient (i.e.Stroke, STEMI, etc.) Examples include, but are not limited to:

A) No available or monitored beds within traditional patient care and surge patient care areas with appropriate monitoring for patient needs;

B) Unavailability of trained staff appropriate for patient needs; and/or

C) No available essential diagnostic and/or intervention equipment or facilities essential for patient needs.

2) All reasonable efforts to resolve the essential resource limitations(s) have been exhausted including, but not limited to:

A) Consideration for using appropriately monitored beds in other areas of the hospital;

B) Limitation or cancellation of elective patient procedures and admissions to make available surge patient care space and redeploy clinical staff to surge patients;

C) Actual and substantial efforts to call in appropriately trained off duty staff; and

D) Urgent and priority efforts have been undertaken to restore existing diagnostic and/or interventional equipment/or backup equipment and/or facilities to availability, including but not limited to seeking emergency repair from outside vendors if in house capability is not rapidly available.

3) The hospital will do constant monitoring to determine when the bypass condition can be lifted. Such monitoring and decision making shall include clinical and administrative personnel with adequate hospital authority. Efforts to resolve issues in #1 above using all available resource under #2 to come off bypass as soon as such patients can be safely accommodated.

e~~d~~) For Trauma Centers only, the following situations would constitute a reasonable

decision to go on bypass status:

1) All staffed operating suites are in use or fully implemented with on-call teams, and at least one or more of the procedures is an operative trauma case;

2) The CAT scan is not working; or

3) The general bypass criteria in subsection (c).

f) During a declared local or state disaster, hospitals may only go on bypass status if they have received prior approval from IDPH. Hospitals must complete or submit the following prior to seeking approval from IDPH for bypass status:

1) EMresource must reflect current bed status;

2) Peak census policy must have been implemented 3 hours prior to the request of bypass;

3) Hospital and staff surge plans must be implemented;

4) The following hospital information shall be provided to IDPH:

A) Number of hours for in-patient holds waiting for bed assignment;

B) Longest number of hours wait time in Emergency Department;

C) Number of patients in waiting area waiting to be seen;

D) In-house open beds that are not able to be staffed;

E) Percent of beds occupied by in-patient holds;

F) Number of potential in-patient discharges; and

G) Number of open ICU beds.

5) The IDPH Regional EMS Coordinator will review the above information along with hospital status in the region and determine whether to approve

bypass for 2 or 4 hours or to deny the bypass request. A hospital may be denied bypass based on regional status or told to come off bypass if an additional hospital in the geographic area requests bypass.

ge) *The Department may impose sanctions, as set forth in Section 3.140 of the Act, upon a Department determination that the hospital unreasonably went on bypass status in violation of the Act.* (Section 3.20(c) of the Act)

hf) Each EMS System shall develop a policy addressing response to a system-wide crisis.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days)

Section 515.330 EMS System Program Plan
EMERGENCY

An EMS System Program Plan shall contain the following information:

a) The name, address and fax number of the Resource Hospital;

b) The names and resumes, and contact information that includes address, phone, and email addresses of the following persons:

1) The EMS MD;

2) The Alternate EMS MD;

3) The EMS Administrative Director;

4) The EMS System Coordinator;

c) The name, address and fax number of each Associate or Participating Hospital (see subsection (i));

d) The name, email, and primary address of each transport and non-transport ambulance provider, as well as vehicle location(s) participating within the EMS System;

e) A map of the EMS System's service area indicating the location of all hospitals, healthcare facilities, and transport and non-transport~~ambulance~~ providers participating in the System;

f) Current letters of commitment from the following persons at the Resource Hospital that describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and that state the writer's understanding of and commitment to any necessary changes, such as emergency department staffing and educational requirements:

1) The Chief Executive Officer of the hospital;

2) The Chief of the Medical Staff; and

3) The Director of the Nursing Services;

g) A letter of commitment from the EMS MD that describes the EMS MD's agreement to:

1) Be responsible for the ongoing education of all System personnel, including didactic and clinical experience;

2) Develop and authorize written standing orders (treatment protocols, standard operating procedures) and certify that all involved personnel will be knowledgeable and competent in emergency care;

3) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;

4) Be responsible for developing or approving a system form and submitting the following to the Department on a monthly basis:

A) Number of EMS patient care complaints including a brief synopsis of the issue;

B) Outcome of the system investigation; and

C) Names and license of the EMS personnel involved for sustained allegations.

5~~4~~) Develop or approve one or more patient care reports covering all types of patient care responses performed by System providers;

6) May develop an EMS short patient care report form to be left at the receiving hospital to include, minimally, the following data elements:

A) Name of patient

B) Age

C) Vital Signs

D) Chief complaint

E) List of current medications

F) List of allergies

G) All treatment rendered

H) Date; and

I) Time

7) Develop a policy to ensure that patient care reports are filed or either faxed or dropped off at the receiving hospital within 2 hours of patient being brought to the receiving hospital;

8~~5~~) Ensure that the Department has access to all records, equipment and vehicles under the authority of the EMS MD during any Department inspection, investigation or site survey;

9~~6~~) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;

10~~7~~) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System;

11~~8~~) Direct the applicant to the IDPH EMS website for access to an independent renewal form for EMS Personnel within the System who have not been recommended for relicensure by the EMS MD; and

12~~9~~) Be responsible for compliance with the provisions of Sections 515.400 and 515.410;

h) A description of the method of providing EMS services, which includes:

1) Single vehicle response and transport;

2) Dual vehicle response;

3) Level of first response vehicle;

4) Level of transport vehicle;

5) A policy identifying transport to any licensed healthcare facility by an EMS provider which may include a licensed mental/behavioral health care facility, licensed drug treatment center, or licensed emergency care center.

6~~5~~) A policy that describes in-field service level upgrade, using advanced level EMS vehicle service providers;

7~~6~~) A policy that describes ambulance service provider and vehicle service provider upgrade – rural population (optional);

8) A policy for Alternative Staffing Models for private ambulance providers consistent with subsection 515.830(k);

9~~7~~) Use of mutual aid agreements; and

10~~8~~) Informing the caller requesting an emergency vehicle of the estimated time of arrival when this information is requested by the caller;

i) A letter of commitment from each Associate Hospital, Participating Hospital or Veterans Health Administration facility within the System that includes the following:

1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of the System;

2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its use of the education and continuing education aspects of the program;

3) Only at an Associate Hospital, a commitment to meet the System's educational standards for ECRNs;

4) An agreement to abide by the system policy regarding the~~provide~~ exchange of all drugs and equipment with all pre-hospital providers participating in the System or other EMS System whose ambulances transport to them;

5) An agreement to use the standard treatment orders as established by the Resource Hospital;

6) An agreement to follow the operational policies and protocols of the System;

7) A description of the level of participation in the education and continuing education of EMS Personnel;

8) An agreement to collect and provide relevant data as determined by the Resource Hospital;

9) A description of the hospital's or facility's data collection and reporting methods and the personnel responsible for maintaining all data;

10) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;

11) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized; and

12) The names, email addresses, and resumes of the Associate Hospital EMS MD and Associate Hospital EMS Coordinator;

j) A letter of commitment from each ambulance provider participating within the System that indicates compliance with Section 515.810;

k) Descriptions and documentation of each communications requirement provided in Section 515.400;

l) The Program Plan shall consist of the EMS System Manual, which shall be made accessible to all System Participants and shall include the following Sections:

1) Education

A) Curricula and standards for all education programs for EMS Personnel offered or authorized within the System shall be consistent with national EMS education standards, including any necessary transitional or bridge education to align System personnel with the current national EMS education standards.

B) Education, testing and credentialing requirements for ECRN, ~~and~~ PHRN, PHPA, and APRN.

C) Continuing education for EMS Personnel, including:

i) System requirements (hours, types of content, etc.);

ii) A plan for measurement of ongoing competency for all System Participants (i.e., quality assurance);

iii) Requirements for approval of academic course work;

iv) Didactic programs offered by the System;

v) Clinical opportunities available within the System; and

vi) Recordkeeping requirements for participants, which must be maintained at the Resource Hospital.

D) Renewal Protocols

i) System examination requirements for EMS Personnel;

ii) Procedures for approval and the renewal of EMS Personnel;

iii) Requirements for submission of transaction cards for EMS Personnel meeting renewal requirements; and

iv) Department renewal application forms for EMS Personnel who have not met renewal requirements according to System records.

E) System Participant education and information, including:

i) Distribution of System Manual amendments;

ii) In-services for policy and protocol changes;

iii) Methods for communicating updates on System and regional activities, and other matters of medical, legal and/or professional interest; and

iv) Locations of library/resource materials, forms, schedules, etc.

F) A plan that describes how Emergency Medical dispatch agencies and EMRs participate within the EMS System Program Plan (see Sections 515.710 and 515.725).

G) A System may require that up to one-half of the continuing education hours that are required toward relicensure, as determined

by the Department, be earned through attendance at System-required courses.

H) A didactic continuing education offering or course that has received a State site code or has been approved by other Department-approved national accrediting bodies shall be accepted by the System, subject only to the requirements of subsection (l)(1)(C).

2) Drugs and Equipment

A) A list of all drugs and equipment required for each type of System vehicle;

B) Procedures for obtaining replacements at System hospitals; and

C) Policies for appropriate storage and security of medications.

3) Personnel Requirements for EMS Personnel

A) Minimum staffing for each type and level of vehicle; and

B) Guidelines for EMS Personnel patient interaction.

4) EMS Protocols, including medical-legal policies, but not limited to:

A) The Regional Standing Medical Orders;

B) Administrative, Legal and EMS Protocols and Guidelines (Appendix D).

5) Communications standards and protocols, including:

A) The information contained in the System Program Plan relating to the requirements of Sections 515.410(a)(1), (2), (3) and (4) and 515.390(b) and (c);

B) Protocols ensuring that physician direction and voice orders to EMS vehicle personnel and other hospitals participating in the

System are provided from the operational control point of the Resource or Associate Hospital;

C) Protocols ensuring that the voice orders via radio and using telemetry shall be given by or under the direction of the EMS MD or the EMS MD's designee, who shall be either an ECRN or physician; ~~and~~

D) Protocols defining when an ECRN should contact a physician; and~~physician.~~

E) A policy requiring that all on-line medical direction calls are to be recorded for Retrospective review for a minimum of 365 days, unless the Hospital's record retention policy requires retention for longer than 365 days in which case such calls shall be maintained consistent with the record retention policy.

6) The EMS System shall have a Quality Improvement Plan which describes How quality indicators and quality benchmarks are selected and how Results and improved processes are communicated to the system participants.

7~~6~~) The plan shall also include quality~~Quality~~ improvement measures for both adult and pediatric patient care shall be performed on a quarterly basis and be available upon Department request; ambulance operation and System educational activities, including, but not limited to, monitoring educational activities to ensure that the instructions and materials are consistent with national EMS education standards for EMTs and Section 3.50 of the Act; unannounced inspections of pre-hospital services; and peer review.

8~~7~~) Data collection and evaluation methods that include:

A) The process that will facilitate problem identification, evaluation, patient care gaps, disease/injury surveillance, and monitoring in reference to patient care and/or reporting discrepancies from hospital and pre-hospital providers;

B) A policy identifying any additional required data elements that the EMS provider shall include in their patient care report;

C) Identified benchmarks or thresholds that should be met;

D~~B~~) A copy of the evaluation tool for the short reporting form, if used, pre-hospital reporting form; and

E~~C~~) A sample of the required information and data submitted by the provider to be reported to the Department summarizing System activity (see Section 515.350).

9~~8~~) Operational policies that delineate the respective roles and responsibilities of all providers in the System regarding the provision of emergency service, including policies identified in Appendix D.

10~~9~~) Each EMS System shall develop an administrative policy that provides the IDPH Division of EMS and Highway Safety and its State Regional EMS Coordinator with notification the next business day when an Illinois licensed EMS crew member is killed in the line of duty.

11~~10~~) The responsibilities of the EMS MD.

12~~11~~) The responsibilities of the Alternate EMS MD.

13~~12~~) The responsibilities of the EMS Administrative Director.

14~~13~~) The responsibilities of the EMS System Coordinator, as designated by the EMS MD and Resource Hospital, including, but not limited to, data evaluation, quality management, complaint investigation, supervision of all didactic education, clinical and field experiences, and physician and nurse education as required by Section 515.320(h);

m) *Written protocols for the bypassing of or diversion to any hospital, trauma center or regional trauma center,* *STEMI center,* Comprehensive Stroke Center, Primary Stroke Center, Acute Stroke-Ready Hospital or Emergent Stroke Ready Hospital, *which provide that a person shall not be transported to a facility other than the nearest hospital, regional trauma center or trauma center,* STEMI center, Comprehensive Stroke Center, Primary Stroke Center, Acute Stroke-Ready Hospital or Emergent Stroke Ready Hospital *unless the medical benefits to the patient reasonably expected from the provision of appropriate medical treatment*

at a more distant facility outweigh the increased risks to the patient from transport to the more distant facility, or the transport is in accordance with the System's protocols for patient choice or refusal. (Section 3.20(c)(5) of the Act) The bypass status policy shall include criteria to address how the hospital will manage pre-hospital patients with life threatening conditions within the hospital's then-current capabilities while the hospital is on bypass status. In addition, a hospital can declare a resource limitation, which is further outlined in the System Plan, for the following conditions:

1) There are no critical or monitored beds available in the hospital; or

2) An internal disaster occurs in the hospital;

n) Bypass status may not be honored or deemed reasonable if multiple~~three or more~~ hospitals in a geographic area are on bypass status and transport time by an ambulance to the nearest facility identified in the regional bypass plan exceeds 15 minutes;

o) Each hospital shall have a policy addressing peak census procedures and a surge capacity plan~~, such as the model policy developed by the Department~~.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days)

SUBPART D: EDUCATION OF EMERGENCY MEDICAL TECHNICIANS, ADVANCED EMERGENCY MEDICAL TECHNICIANS, EMERGENCY MEDICAL TECHNICIANS-INTERMEDIATE, PARAMEDICS AND EMS PERSONNEL

Section 515.610 EMT, A-EMT, EMT-I and Paramedic Reciprocity
EMERGENCY

a) An EMT, A-EMT, EMT-I or Paramedic licensed or certified in another state, territory or jurisdiction of the United States who seeks licensure in Illinois may apply to the Department for licensure by reciprocity on a form prescribed by the Department available on the Department's website: http://dph.illinois.gov/sites/default/files/forms/emsreciprocityapplication.pdf.

b) The reciprocity application shall contain the following information:

1) Verifiable proof of current state, territory or jurisdiction licensure or certification, or current registration with NREMT;

2) A written statement of satisfactory completion of an education program that meets or exceeds the requirements of the Department as set forth in this Subpart;

3) A letter of recommendation from the EMS MD of the EMS System in the state, territory or jurisdiction from which the individual is licensed. The letter should include a statement that the applicant is currently in good standing and up to date with CE hours; and

4) A current CPR for Healthcare Providers card that covers didactic and psychomotor skills that meet or exceed American Heart Association guidelines.

c) The Department will review requests for reciprocity to determine compliance with the applicable provisions of this Part. CE hours from the state of current licensure will be prorated based on the expiration date of the current license.

d) Individuals who meet the requirements for licensure by reciprocity will be State licensed consistent with the expiration date of their current license but not to exceed a period of four years.

e) Following licensure by reciprocity, the individual must comply with the requirements of this Part for relicensure.

f) IDPH shall permit immediate reciprocity to all EMS personnel who hold an unencumbered National Registry of Emergency Medical Technicians certification for EMTs, AEMTs, or Paramedics, allowing such individuals to operate in an EMS System under a provisional system status until an Illinois license is issued:

1) To operate on an EMS System transport or non-transport IDPH licensed Vehicle under provisional system status, an individual must have applied for licensure with the Department and meet all requirements under the Act. All Department-required application materials for submission must be provided to the EMS System for review prior to system provisional reciprocity approval.

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2) The EMS System has the responsibility for validating National Registry Certification of each individual.

3) An individual with a Class X, Class 1 or Class 2 felony conviction or out-of-state equivalent offense, as described in Section 515.190, is not eligible for provisional system status.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days)

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.830 Ambulance Licensing Requirements
EMERGENCY

a) Vehicle Design

1) Each new vehicle used as an ambulance shall comply with the current criteria established by nationally recognized standards such as National Fire Protection Association, Ground Vehicle Standards for Ambulances, or the Federal Specifications for the Star of Life Ambulance~~the Federal Specifications for Ambulance, KKK-A-1822F, United States General Services Administration, with the exception of Section 3.16.2, Color, Paint and Finish~~.

2) *A licensed vehicle* shall be exempt *from subsequent vehicle design standards or specifications required by the Department* in this Part, *as long as* the *vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until* the *vehicle's title of ownership is transferred*. (Section 3.85(b)(8) of the Act)

~~3) The following requirements listed in Specification KKK-A-1822F shall be considered mandatory in Illinois even though they are listed as optional in that publication:~~

~~A) 3.7.7.1 Each vehicle will be equipped with either a battery charger or battery conditioner (see 3.15.3 item 7).~~

~~B)~~ ~~3.8.5.2 Patient compartment checkout lights will be provided (see 3.15.3 item 9).~~

~~C)~~ ~~3.12.1 An oxygen outlet will be provided above the secondary patient (see 3.15.4 M9).~~

~~D)~~ ~~3.15.4M3 Electric clock with sweep second hand will be provided.~~

b) Equipment Requirements – Basic Life Support Vehicles Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:

~~1)~~ ~~Stretchers, Cots, and Litters~~

~~A)~~ ~~Primary Patient Cot~~
~~Shall meet the requirements of sections 3.11.5, 3.11.8.1 of KKK-A-1822F.~~

~~B)~~ ~~Secondary Patient Stretcher~~
~~Shall meet the requirements of sections 3.11.5, 3.11.5.1, 3.11.8.1 of KKK-A-1822F.~~

~~2)~~ ~~Oxygen, Portable~~
~~Shall meet the operational requirements of section 3.12.2 of KKK-A-1822-F.~~

1~~3~~) Suction, Portable

~~A)~~ ~~Shall meet the operational requirements of section 3.12.4 of KKK-A-1822F.~~

A~~B~~) A manually operated suction device is acceptable if approved by the Department.

2~~4~~) Medical Equipment

A) Squeeze bag-valve-mask ventilation unit with adult size transparent mask, and child size bag-valve-mask ventilation unit with child, infant and newborn size transparent masks

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B) Lower-extremity traction splint, adult and pediatric sizes

C) Blood pressure cuff, one each, adult, child and infant sizes and gauge

D) Stethoscopes, two per vehicle

~~E)~~ ~~Pneumatic counterpressure trouser kit, adult size, optional~~

E~~F~~) Long spine board with three sets of torso straps, 72" x 16" minimum

F~~G~~) Short spine board (32" x 16" minimum) with two 9-foot torso straps, one chin and head strap or equivalent vest type (wrap around) per vehicle; extrication device optional

G~~H~~) Airway, oropharyngeal – adult, child, and infant, sizes 0-5

H~~I~~) Airway, nasopharyngeal with lubrication, sizes 14-34F

I~~J~~) Two adult and two pediatric sized non-rebreather oxygen masks per vehicle

J~~K~~) Two infant partial re-breather, or equivalent oxygen masks per vehicle

K~~L~~) Three nasal cannulas, adult and child size, per vehicle

L~~M~~) Bandage shears, one per vehicle

M~~N~~) Extremity splints, adult, two long and short per vehicle

N~~O~~) Extremity splints, pediatric, two long and short per vehicle

O~~P~~) Rigid cervical collars – one pediatric, small, medium, and large sizes or adjustable size collars, or equivalent per vehicle. Shall be made of rigid material to minimize flexion, extension, and lateral

rotation of the head and cervical spine when spine injury is suspected

PQ) Medical grade patientPatient restraints, arm and leg, sets

QR) Pulse oximeter with pediatric and adult sensorsprobes

RS) AED or defibrillator that includes pediatric capability

35) Medical Supplies

A) Trauma dressing – six per vehicle

B) Sterile gauze pads – 20 per vehicle, 4 inches by 4 inches

C) Bandages, soft roller, self-adhering type, 10 per vehicle, 4 inches by 5 yards

D) Vaseline gauze – two per vehicle, 3 inches by 8 inches

E) Adhesive tape rolls – two per vehicle

F) Triangular bandages or slings – five per vehicle

G) Burn sheets – two per vehicle, clean, individually wrapped

H) Sterile solution (normal saline) – four per vehicle, 500 cc or two per vehicle, 1,000 cc plastic bottles or bags

I) Material or device intended to maintain body temperatureThermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one

J) Obstetrical kit, sterile – minimum one, pre-packaged with instruments and bulb syringe

K) Cold packs, three per vehicle

L) Hot packs, three per vehicle, optional

M) Emesis basin – one per vehicle

N) Drinking water – one quart, in non-breakable container; sterile water may be substituted

O) Ambulance emergency run reports – 10 per vehicle, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form as described in Section 515.Appendix E or electronic documentation with paper backup

~~P) Pillows – two per vehicle, for ambulance cot~~

~~Q) Pillowcases – two per vehicle, for ambulance cot~~

P~~R~~) Sheets – two per vehicle, for ambulance cot

Q~~S~~) Blankets – two per vehicle, for ambulance cot

R~~T~~) Opioid antagonist, including, but not limited to, Naloxone, with administration equipment appropriate for the licensed level of care

S~~U~~) Urinal

T~~V~~) Bedpan

U~~W~~) Remains bag, optional

V~~X~~) Nonporous disposable gloves

W~~Y~~) Impermeable red biohazard-labeled isolation bag

X~~Z~~) Face protection through any combination of masks and eye protection and face~~field~~ shields

Y~~AA~~) Suction catheters – sterile, single use, two each, 6, 8, 10, 12, 14 and 18F, plus three tonsil tip semi-rigid pharyngeal suction tip catheters per vehicle; all shall have a thumb suction control port

ZBB) Pediatric specific restraint systems or age/size appropriate car safety seats~~Child and infant or convertible car seats~~

AACC) Current equipment/drug dosage sizing tape or pediatric equipment/drug age/weight chart

BBDD) Flashlight, two per vehicle, for patient assessment

CCEE) Current Illinois Department of Transportation Safety Inspection sticker in accordance with Section 13-101 of the Illinois Vehicle Code

DDFF) Illinois Poison Center telephone number

EEGG) Department of Public Health Central Complaint Registry telephone number posted where visible to the patient

FFHH) Medical Grade Oxygen

GGH) Ten disaster triage tags

HHJJ) State-approved Mass Casualty Incident (MCI) triage algorithms (START/JumpSTART)

c) Equipment Requirements – Intermediate and Advanced Life Support Vehicles
Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsections (b) and (d) and shall also comply with the equipment and supply requirements as determined by the EMS MD in the System in which the ambulance and its crew participate. Drugs shall include both adult and pediatric dosages. These vehicles shall have a current pediatric equipment/drug dosage sizing tape or pediatric equipment/drug dosage age/weight chart.

d) Equipment Requirements – Rescue and/or Extrication
The following equipment shall be carried on the ambulance, unless the ambulance is routinely accompanied by a rescue vehicle:

1) Wrecking bar, 24"

2) Goggles for eye safety

3) Flashlight – one per vehicle, portable, battery operated

4) Fire Extinguisher – two per vehicle, ABC dry chemical, minimum 5-pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment

e) Equipment Requirements – Communications Capability
Each ambulance shall have reliable ambulance-to-hospital radio communications capability and meet the requirements provided in Section 515.400.

f) Equipment Requirements – Epinephrine
An EMT, EMT-I, A-EMT or Paramedic who has successfully completed a Department-approved course in the administration of epinephrine shall be required to carry epinephrine (both adult and pediatric doses) *with him or her* in the ambulance or drug box *as part of the EMS Personnel medical supplies whenever he or she is performing official duties, as determined by the EMS System* within the context of the EMS System plan. (Section 3.55(a-7) of the Act)

g) Personnel Requirements

1) Each Basic Life Support ambulance shall be staffed by a minimum of one System authorized EMT, A-EMT, EMT-I, Paramedic or PHRN, PHPA, PHAPN and one other System authorized EMT, A-EMT, EMT-I, Paramedic, PHRN ,PHPA, PHAPN or physician on all responses.

2) Each ambulance used as an Intermediate Life Support vehicle shall be staffed by a minimum of one System authorized A-EMT, EMT-I, Paramedic or PHRN, PHPA, PHAPN and one other System authorized EMT, A-EMT, EMT-I, Paramedic, PHRN, PHPA, PHAPN or physician on all responses.

3) Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one System authorized Paramedic or PHRN, PHPA, PHAPN and one other System authorized EMT, A-EMT, EMT-I, Paramedic, PHRN, PHPA, PHAPN or physician on all responses.

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h) Alternate Rural Staffing Authorization

1) A Vehicle Service Provider *that serves a rural or semi-rural population of 10,000 or fewer inhabitants and exclusively uses volunteers, paid-on-call* personnel *or a combination* to provide patient care may apply for alternate rural staffing authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle to be staffed by one EMS Personnel licensed at or above the level at which the vehicle is licensed, plus one EMR when two licensed EMTs, A-EMTs, EMT-Is, Paramedics, PHRNs, PHPAs, PHAPNs or physicians are not available to respond. (Section 3.85(b)(3) of the Act)

2) The EMS Personnel licensed at or above the level at which the ambulance is licensed shall be the primary patient care provider in route to the health care facility.

3) The Vehicle Service Provider shall obtain the prior written approval for alternate rural staffing from the EMS MD. The EMS MD shall submit to the Department a request for an amendment to the existing EMS System plan that clearly demonstrates the need for alternate rural staffing in accordance with subsection (h)(4) and that the alternate rural staffing will not reduce the quality of medical care established by the Act and this Part.

4) A Vehicle Service Provider requesting alternate rural staffing authorization shall clearly demonstrate all of the following:

A) That it has undertaken extensive efforts to recruit and educate licensed EMTs, A-EMTs, EMT-Is, Paramedics, or PHRNs, PHPAs, PHAPNs;

B) That, despite its exhaustive efforts, licensed EMTs, A-EMTs, EMT-Is, Paramedics or PHRNs, PHPAs, PHAPNs are not available; and

C) That, without alternate rural staffing authorization, the rural or semi-rural population of 10,000 or fewer inhabitants served will be unable to meet staffing requirements as specified in subsection (g).

5) The alternate rural staffing authorization and subsequent authorizations shall include beginning and termination dates not to exceed 48 months. The EMS MD shall re-evaluate subsequent requests for authorization for compliance with subsections (h)(4)(A) through (C). Subsequent requests for authorization shall be submitted to the Department for approval in accordance with this Section.

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

7) Vehicle Service Providers that cannot meet the alternate rural staffing authorization requirements of this Section may apply through the EMS MD to the Department for a staffing waiver pursuant to Section 515.150.

i) Alternate Response Authorization

1) A Vehicle Service Provider that exclusively uses volunteers or paid-on-call personnel or a combination to provide patient care who are not required to be stationed with the vehicle may apply to the Department for alternate response authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department to travel to the scene of an emergency staffed by at least one licensed EMT, A-EMT, EMT-I, Paramedic, PHRN, PHPA, PHAPN or physician.

2) A Vehicle Service Provider operating under alternate response authorization shall ensure that a second licensed EMS Personnel is on scene or in route to the emergency response location.

3) Unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h), the Vehicle Service Provider shall

demonstrate to the Department that it has written safeguards to ensure that no patient will be transported with:

A) fewer than two EMTs, Paramedics or PHRNs, PHPAs, PHAPNs;

B) a physician; or

C) a combination, at least one of whom shall be licensed at or above the level of the license for the vehicle.

4) Alternate response authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate response authorization presents an immediate threat to the health or safety of the public. After summary suspension, the licensee shall have the opportunity for an expedited hearing (see Section 515.180).

j) Alternate Response Authorization – Secondary Response Vehicles

1) A Vehicle Service Provider that uses volunteers or paid-on-call personnel or a combination to provide patient care, and staffs its primary response vehicle with personnel stationed with the vehicle, may apply for alternate response authorization for its secondary response vehicles. The secondary or subsequent ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department at the BLS, ILS or ALS level, when personnel are not stationed with the vehicle, may respond to the scene of an emergency when the primary vehicle is on another response. The vehicle shall be staffed by at least one System authorized licensed EMT, A-EMT, EMT-I, PHRN, PHPA, PHAPN or physician.

2) A Vehicle Service Provider operating under the alternate response authorization shall ensure that a second System authorized licensed EMT, A-EMT, EMT-I, Paramedic, PHRN, PHPA, PHAPN or physician is on the scene or in route to the emergency response location, unless the Vehicle Service Provider is approved for alternate rural staffing authorization, in which case the second individual may be an EMR or First Responder.

3) Unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h), the Vehicle Service Provider shall demonstrate to the Department that it has written safeguards to ensure that no patient will be transported without at least one EMT who is licensed at or above the level of ambulance, plus at least one of the following: EMT, Paramedic, PHRN, PHPA, PHAPN or physician.

4) Alternate response authorization for secondary response vehicles may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization for secondary response vehicles may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate response authorization for secondary vehicles presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing (see Section 515.180).

k) Alternative Staffing for Private Ambulance Providers, Excluding Local Government Employers

An ambulance provider may request approval from IDPH to use an alternative staffing model for interfacility transfers for a maximum of one year in accordance with the requirements for Vehicle Service Providers in 210 ILCS 50/3.85 of the Act and may be renewed annually.

1) An ambulance provider requesting alternative staffing for BLS ambulance(s) for interfacility transfers will provide the following to IDPH:

A) Assurance that an EMT will remain with the patient at all times and an EMR will act as driver.

B) Certificate of completion of a defensive driver course for the EMR and validation that the EMT has one year of pre-hospital experience.

C) A system plan modification form stating this type of transport will only be for identified interfacility transports or medical appointments excluding dialysis.

D) Dispatch protocols for properly screening and assessing patients appropriate for transports utilizing the alternative staffing models.

E) A quality assurance plan which must include monthly review of dispatch screening and outcome.

2) The EMSMD and the Department shall not approve any request for out of state deployment for any EMS provider utilizing an alternative staffing model.

3) The System modification form and program plan shall be submitted to the EMSMD for approval and forwarded to the REMSC for review and approval. The provider shall not implement the alternative staffing plan until approval by the EMSMD and the Department.

4) Within 30 days, each EMS System must develop an EMS Workforce Development and Retention Committee

A) The Committee shall be representative of the following:

i) At least one individual representing each private ambulance provider.

ii) At least one individual representing each municipal provider;

iii) Two individuals representing the Associate Hospitals

iv) Two individuals representing the Participating Hospitals

v) One individual representing the Resource Hospital; and

vi) The EMS System Medical Director

B) The committee shall:

i) Assess whether there are EMS staffing shortages within the System and the impact of any staffing shortage on response times and other relevant metrics.

ii) Develop recommendations to address such staffing shortages, including, but not limited to, alternative staffing models including the use of EMRs.

C) Within 90 days, of the effective date of these rules (but in no event later than 1/31/2022), the EMSMD shall submit a final report of the Committee to the Department along with any proposed system modifications to address the staffing shortages of the System.

D) Under the approval of the EMSMD, private ambulance providers may submit a plan for alternative staffing models.

i) The alternative staffing model would include expanded scopes of practice as determined by the EMSMD and approved by the Department.

ii) This may include the use of an EMR at the BLS, AEMT/ILS, or ALS levels of care.

iii) If an EMSMD proposes an expansion of the scope of practice for EMRs, such expansion shall not exceed the education standards prescribed by IDPH.

E) The alternative staffing plan shall be renewed annually if the following criteria are met:

i) All system modification forms and supportive planning documentation are submitted, validated, and approved by the EMSMD who shall submit to the Department for final approval.

ii) All plans must demonstrate that personnel will meet the training and education requirements as determined by IDPH for expanding the scope of practice for EMRs,

testing to assure knowledge and skill validation, and a quality assurance plan for monitoring transports utilizing alternative staffing models that include EMRs.

iii) This plan shall be submitted to the REMSC for review and approval.

iv) This plan shall not be implemented without Department approval, which shall not be unreasonably withheld. Deference shall be given to the EMSMD's approval of the plan.

l) Rural population staffing credentialing exemption (5000 or fewer inhabitants) *for volunteer EMS agencies:*

1) *An EMSMD may create an exception to the credentialing process to allow registered nurses, physician assistants and advanced practice nurses to apply to serve as volunteers who perform the same work as EMTs* after completion of the following:

A) Assurance by the EMSMD that the registered nurse, physician assistant or advance practice nurse has a valid license.

B) 20 hours of Continuing Education for each individual to include at a minimum: *airway management, ambulance operation, ambulance equipment, extrication, telecommunication, prehospital cardiac and trauma care.*

C) *8 hours of observation riding time for each individual.*

D) Policy outlining requirements for credentialing, additional CME; requirements and rejecting of a volunteer.

E) The plan for system level recognition will be submitted to the Department for approval and once approved, will be for a period of one year.

m~~k~~) Operational Requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) An ambulance that is transporting a patient to a hospital shall be operated in accordance with the requirements of the Act and this Part.

2) A licensee shall operate its ambulance service in compliance with this Part, 24 hours a day, every day of the year. Except as required in this subsection (k), each individual vehicle within the ambulance service shall not be required to operate 24 hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS vehicle can be used to provide coverage at either an ALS, ILS or BLS level, and the coverage shall meet the requirements of this Section.

A) At the time of application for initial or renewal licensure, and upon annual inspection, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.

i) A current roster shall also be submitted that lists the System authorized EMTs, A-EMTs, EMT-Is, Paramedics, PHRNs, PHPAs, PHAPNs or physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, license expiration date and telephone number, and shall state whether the person is scheduled to be on site or on call.

ii) An actual or proposed four-week staffing schedule shall also be submitted that covers all vehicles, includes staff names from the submitted roster, and states whether each staff member is scheduled to be on site or on call during each work shift.

B) Licensees shall obtain the EMS MD's approval of their vehicles' hours of operation prior to submitting an application to the Department. An EMS MD may require specific hours of operation for individual vehicles to assure appropriate coverage within the System.

C) A Vehicle Service Provider that advertises its service as operating a specific number of vehicles or more than one vehicle shall state

in the advertisement the hours of operation for those vehicles, if individual vehicles are not available 24 hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate 24 hours a day. (See Section 515.800(j).)

3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the information required in Appendix E.

4) A Vehicle Service Provider shall provide emergency service within the service area on a per-need basis without regard to the patient's ability to pay for the service.

5) A Vehicle Service Provider shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. (See Section 515.810(h).)

6) A Vehicle Service Provider shall not operate its ambulance at a level exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless the vehicle is operated pursuant to an EMS System-approved in-field service level upgrade or ambulance service upgrades – rural population.

7) The Department will inspect ambulances each year. If the Vehicle Service Provider has no violations of this Section that threaten the health of safety of patients or the public for the previous five years and has no substantiated complaints against it, the Department will inspect the Vehicle Service Provider's ambulances in alternate years, and the Vehicle Service Provider may, with the Department's prior approval, self-inspect its ambulances in the other years. The Vehicle Service Provider shall use the Department's inspection form for self-inspection. Nothing contained in this subsection (k)(7) shall prevent the Department from conducting unannounced inspections.

n~~l~~) A licensee may use a replacement vehicle for up to 10 days without a Department inspection, provided that the EMS System and the Department are notified of the use of the vehicle by the second working day.

o~~m~~) *Patients, individuals who accompany a patient, and* EMS Personnel *may not smoke while inside an ambulance or SEMSV. The Department of Public Health* shall *impose a civil penalty on an individual who violates this subsection* (m) *in the amount of $100.* (Section 3.155(h) of the Act)

p~~n~~) Any provider may request a waiver of any requirements in this Section under the provisions of Section 515.150.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days)

SUBPART H: TRAUMA CENTERS

Section 515.2030 Level I Trauma Center Designation Criteria
EMERGENCY

a) Level I Trauma Centers, under the direction of Level I Trauma Center Medical Directors, shall be responsible for coordinating and managing trauma care in the EMS Region. This responsibility includes obtaining the cooperation of all Level II Trauma Centers, Participating Hospitals, and EMS Systems in the EMS Region. A Level I Trauma Center Medical Director shall be the chairperson of the Regional Trauma Advisory Committee.

b) The Trauma Center Medical Director shall be a trauma surgeon, board certified in surgery, with at least two years of post-residency experience in trauma care and with 24-hour independent operating privileges.

c) The trauma center shall provide a trauma service, separate from the general surgery service, that is an identified hospital service functioning under the designated director and staffed by trauma surgeons with one year of experience in trauma, and who are available in-house 24 hours a day for immediate response.

1) Trauma surgeons shall have 10 hours of trauma-related CME every two years.

2) The trauma surgeon requirement may be fulfilled by residents with a minimum of four years of general surgery residency training with independent operating room privileges and who have current Advanced Trauma Life Support (ATLS) verification.

3) If the resident is fulfilling the trauma surgeon requirement, the attending physician must be consulted within 30 minutes after the patient's being classified as Category I or II.

4) If the resident is fulfilling the trauma surgeon requirement, it is mandatory that an attending be present 30 minutes after the decision to operate is made.

5) The trauma surgeon, resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after Emergency Department (ED) arrival.

6) A physician with current ATLS verification or who has current competency in the initial resuscitation of the trauma patient as verified by the professional staff competency plan must be present 24 hours per day in the Level I Trauma Center to treat the trauma patient.

7) The hospital's quality improvement program shall monitor compliance with this subsection (c).

8) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) of this Section. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement. The subspecialist is to arrive within the designated time listed in subsection (d) after notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention.

d) The trauma center shall have the following surgical services within the designated times listed below:

1) On call to arrive at the hospital to treat the patient within 30 minutes after notification that their services are needed at the hospital:

A) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a trauma/general surgeon with experience in cardiothoracic surgery for lifesaving procedures; the surgeon must have cardiothoracic privileges;

B) Obstetrics; and

C) Pediatric surgery as designated by Section 515.2035 of this Part or by transfer agreement.

2) On call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed at the hospital:

A) Orthopedic;

B) Vascular;

C) Ophthalmologic;

D) Oral-Dental;

E) Otorhinolaryngologic;

F) Plastic/maxillofacial;

G) Urologic;

H) Reimplantation service, or a transfer agreement; and

I) Neurosurgical. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of the need for operative intervention.

3) Twenty-four hours a day, or a transfer agreement:

A) Burn center staffed by Registered Nurses trained in burn care; and

B) Acute spinal cord injury management.

e) The trauma center shall provide the following nonsurgical services within the designated times:

1) Emergency Medicine staffed 24 hours a day in the ED by:

A) A physician who has competency in trauma as demonstrated by:

i) Board certification or board eligibility by the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM) of the American Osteopathic Association (AOA); and

ii) Ten hours per year of American Medical Association (AMA) or AOA-approved Category I or II trauma-related CME; or

B) A physician who was working in the emergency department of a trauma center prior to January 1, 2000, and who had completed 12 months of internship, followed by at least 7000 hours of hospital-based Emergency Medicine over at least a 60-month period (including 2800 hours within one 24-month period), and CME totaling 50 hours, 10 of which are trauma related, for each post-internship year in which the physician completed any hospital-based Emergency Medicine hours.

2) Anesthesiology Services:

A) The anesthesiology service or department shall be supervised by anesthesiologists. "Supervise", for the purposes of this subsection, means to manage, control and direct the services performed, including being present in the trauma center and immediately available for consultation while the services are being performed.

B) Anesthesiology services shall be available 24 hours a day in-house.

C) Direct patient care services may be performed by an anesthesiologist or a certified registered nurse anesthetist (CRNA) acting under the direct supervision of an anesthesiologist.

3) Radiology staffed by:

A) A technician with the ability to perform a computerized axial tomography (CAT) scan in-house, 24 hours a day.

B) A radiologist with the ability to read CAT scans and perform angiography available within 30 minutes. This requirement may be met by a Post Graduate Year (PGY) II radiology resident with six months experience in CAT and angiography. Teleradiographic equipment may be used to transmit CAT scans to radiologists off site in lieu of the radiologists' response to the trauma center to read CAT scans. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography.

4) Intensive Care Medicine Unit (ICU) having available 24 hours a day in-house:

A) A physician credentialed by the hospital. This requirement may be fulfilled by second and third year residents who have had intensive care training and are under the supervision of a staff physician possessing full intensive care privileges;

B) One Registered Professional Nurse per shift with two years of ICU or critical care experience and four hours of trauma-related critical care continuing education per year; and

C) The following equipment:

i) Airway control and ventilation devices;

ii) Oxygen source with concentration controls;

iii) Cardiac emergency cart;

iv) Electrocardiograph-oscilloscope-defibrillator;

v) Cardiac output monitoring;

vi) Electronic pressure monitoring;

vii) Mechanical ventilator-respirators;

viii) Pulmonary function measuring devices, i.e., pulse oximeter and CO**[**2**]** monitoring;

ix) Temperature control devices;

x) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements (77 Ill. Adm. Code 250.1050, 250.2140, and 250.2710);

xi) Intracranial pressure monitoring devices; and

xii) Intra-aortic balloon pump capability.

5) Laboratory 24 hours a day in-house, providing the following:

A) Standard analysis of blood, urine, and other body fluids;

B) Blood typing and cross-matching;

C) Coagulation studies;

D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements (77 Ill. Adm. Code 250.520));

E) Blood gases and pH determinations;

F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and

G) Drug and alcohol screening.

6) Cardiology -- 60 minutes.

7) Internal Medicine -- 60 minutes.

8) Pediatrics -- 60 minutes.

9) Postanesthetic recovery capabilities 24 hours a day (may be fulfilled by ICU).

10) Acute hemodialysis capability 24 hours a day.

11) The trauma center shall demonstrate an ongoing relationship with its designated organ procurement agency (OPA).

f) The trauma center shall meet the following professional staff requirements:

1) The ED Director shall be a physician board certified by the ABEM or certified by the AOBEM of the AOA;

2) The ED treating the Category I or Category II trauma patient shall be cared for by at least one Registered Professional Nurses who holds a current nationally recognized trauma nursing certification such as Trauma Certified Registered Nurse (TCRN) or Trauma Nursing Core Course (TNCC); or is currently recognized as a Trauma Nurse Specialist (TNS)~~Each shift in the ED will be staffed by at least one Registered Professional Nurse who has completed a Trauma Nurse Specialist (TNS) Course and is currently recognized in good standing as specified in Section 515.750 of this Part. The TNS will serve as a resource to the Registered Professional Nurses caring for the Category I and Category II trauma patients. For multiple concurrent trauma admissions into the ED, the nurse caring for those additional trauma patients must have a minimum of four hours of trauma-related continuing education. A back-up policy shall provide for a nurse with experience evidenced by successful completion of an institution orientation to trauma care in addition to a current TNCC or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained unless a minimum of two TNS-trained RNs are on duty per shift~~;

3) A full-time Trauma Coordinator shall be dedicated solely to the Trauma

Program;

4) An operating room shall be staffed in-house and available 24 hours a day; and

5) Staff shall include occupational therapy, speech therapy, physical therapy, social work, dietary, and psychiatry.

g) The trauma center shall develop a professional staff competency plan, including but not limited to trauma surgeons and emergency medicine physicians treating the trauma patients. Physicians caring for trauma patients in the Level I Trauma Center must demonstrate the following:

1) Board certification/Board eligibility in their specialty;

2) Successful completion of trauma-related CME requirements as specified in this Section;

3) Ongoing clinical involvement in the care of the trauma patient as evidenced by the routine participation in one or more of the following: trauma call rosters, trauma teams, and attendance at trauma rounds/trauma meetings;

4) Physician specific outcome measurements for high volume/high acuity procedures;

5) For trauma surgeons and emergency medicine physicians only, the successful completion of an ATLS provider course.

h) The trauma center shall provide and maintain the following equipment:

1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, mechanical ventilator, pulse oximetry and CO**[**2**]** monitoring;

2) Suction devices and equipment (pulmonary and gastric);

3) Electrocardiograph-oscilloscope-defibrillator;

4) Apparatus to establish central venous pressure monitoring;

5) All standard intravenous fluids and administration devices;

6) Sterile surgical instruments or sets for emergency care, such as cricothyrotomy, tracheostomy, thoracotomy, thoracostomy, cut down, peritoneal lavage, and intraosseous;

7) Drugs and supplies necessary for emergency care;

8) X-ray and CAT scan capability;

9) Spinal immobilization equipment;

10) Temporary pacemaker;

11) Temperature control device; and

12) Specialized pediatric resuscitation cart with measuring device in the emergency area.
AGENCY NOTE: Broselow**(**TM**)** Pediatric Tape will meet this requirement.

i) *The trauma center* must *have helicopter landing capabilities approved by State and federal authorities.* (Section 3.95(i) of the Act) The helicopter landing capabilities shall:

1) Comply with the Aviation Safety Rules of the Illinois Department of Transportation (92 Ill. Adm. Code 14, specifically 14.790, 14.792, and 14.795);

2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14 CFR 157 and 14 CFR 77, Subpart D;

3) Be provided on the campus of the trauma center; and

4) Out-of-state trauma centers are exempt from this subsection but must

provide proof of compliance with their state's rules that govern aviation safety.

j) The trauma center shall perform focused outcome analyses of its trauma services on a quarterly basis, and shall provide on site or upon request all minutes related to these reviews to the Department. The analyses shall consist of at least:

1) Review of all patient deaths, excluding dead on arrival (DOA). Patients must be assigned a status of non-preventable death, potentially preventable death, preventable death, or cannot be determined, using the American College of Surgeons "Performance Improvement" (Chapter 16, from "Resources for Optimal Care of the Injured Patient, 1999"). Factors contributing to the death must be included in the review. A cumulative report of these findings should be kept on site and available to the Department upon request.

2) Review of all morbidities. A morbidity is a negative outcome that is the result of the original trauma and/or treatment rendered or omitted. Factors contributing to the morbidity must be included in the review. A cumulative report of these findings must be presented quarterly to the Region.

3) Review of audit filters. An audit filter is a clinical and/or internal resource indicator used to examine the process of care and to identify potential patient care and/or internal resource problems.

4) *All information contained in or relating to any medical audit performed of a trauma center's trauma services pursuant to the Act or by an EMSMD or his designee of medical care rendered by system personnel, shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure.* (Section 3.110(a) of the Act)

k) Every two years the trauma center shall provide written protocols with the redesignation packet, which shall include the following:

1) Policies for treating patients in the Level I Trauma Center, which include Trauma Category I and Trauma Category II criteria as required in Section 515.Appendices C and F of this Part;

2) Clinical protocols for the management of the trauma patient in basic resuscitation and management of specific injuries, kept on site and available to the Department upon request;

3) The protocols for transferring trauma patients to more specialized care;

4) A policy that a blood alcohol test will be drawn on any motor vehicle crash victim who is believed to have been the driver of the vehicle;

5) A suspension policy for trauma nurse specialists, meeting due process requirements (see Section 515.2200); and

6) A professional staff competency plan in accordance with subsection (g) of this Section.

l) Changes to the Trauma Center Plan must be approved by the Department prior to implementation.

m) The practices of the trauma center shall reflect the protocols and policies of the EMS Region and Trauma Center plan.

n) The resuscitation care of a Trauma Category I or Trauma Category II patient must be documented on a Trauma Flow Sheet, which at minimum contains trauma category classification; time and place of classification (field or in-house); time of arrival of patient to trauma center; notification of surgical specialties and time of arrival to see patient (may exclude isolated injuries for Category II patients).

o) The trauma center shall maintain a job description for the Trauma Center Medical Director that details his/her responsibility and authority for the coordination and management of trauma services.

p) The trauma center shall maintain a job description for the Trauma Coordinator that details his/her responsibility and authority for the coordination and management of trauma services.

q) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator's positions and to provide for the operation of the trauma registry.

r) The trauma center shall develop a policy that identifies resource limitations that would result in the diversion of a trauma patient to another facility. The hospital shall also develop a policy that identifies what measures will be taken to avoid requesting a resource limitation/bypass (see Section 515.315).

1) Such diversion must be reported to the Department by telephone if it occurs during business hours or written notification by fax of diversion must be sent within 24 hours following the diversion.

2) Both forms of notification shall include at minimum:

A) The name of the trauma center;

B) Date and time of resource limitation; and

C) The reason for resource limitation.

s) The trauma center shall develop a plan for implementing a program of public information and education concerning trauma care for adult and pediatric patients.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days)

Section 515.2035 Level I Pediatric Trauma Center
EMERGENCY

a) The Level I Pediatric Trauma Center Director shall advise the Trauma Center Medical Director and shall be a member of the Regional Trauma Advisory Board.

b) The Pediatric Trauma Center Medical Director shall be board certified in pediatric surgery or be a general surgeon, with at least two years of experience in pediatric trauma care, 10 hours per year of trauma-related continuing medical education (CME), and 24-hour independent operating privileges, as evidenced by:

1) care and supervision for 50 pediatric trauma cases per year; and

2) ongoing involvement in pediatric trauma care.

c) The trauma center shall provide a pediatric trauma service separate from the general surgery service. The pediatric trauma service shall be staffed by pediatric trauma surgeons with one year of experience in pediatric trauma or general surgeons with two years of pediatric trauma care experience, who are available in-house 24 hours a day for immediate response.

1) The pediatric trauma surgeon requirement may be fulfilled by residents with a minimum of four years of general surgery residency training with independent operating room privileges for pediatric surgery and who have current Advanced Trauma Life Support (ATLS) verification.

2) If the resident is fulfilling the pediatric trauma surgeon requirement, the attending pediatric trauma surgeon must be consulted within 30 minutes after the patient's being classified as Category I or II.

3) If the resident is fulfilling the pediatric trauma surgeon requirement, it is mandatory that the attending pediatric trauma surgeon be present for patients undergoing operative procedures by the time the surgery begins.

4) The pediatric trauma surgeon, pediatric surgery resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The pediatric trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after the patient arrives in the Emergency Department (ED).

5) A physician with current ATLS verification or who has current competency in the initial resuscitation of the trauma patient as verified by the professional staff competency plan must be present 24 hours per day in the Level I Pediatric Trauma Center to treat the trauma patient.

6) The hospital's quality improvement program shall monitor compliance with this subsection (c).

7) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) of this Section. Any patient meeting the definition of isolated injury requires consultation with the appropriate subspecialist. That subspecialist is to arrive within the time designated in subsection (d) after the notification that his or her services

are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement.

d) The trauma center shall provide the following surgical services within the designated times, by physicians credentialed by the hospital to provide pediatric care:

1) On call to arrive at the hospital to treat the patient within 30 minutes after notification that their services are needed at the hospital:

A) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a pediatric trauma/general surgeon with experience in pediatric cardiothoracic surgery for lifesaving procedures; the surgeon must have pediatric cardiothoracic privileges; and

B) Obstetrics, or a transfer agreement.

2) On call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed at the hospital:

A) Orthopedic;

B) Vascular;

C) Ophthalmologic;

D) Oral-dental;

E) Otorhinolaryngologic;

F) Plastic/maxillofacial;

G) Urologic;

H) Reimplantation service, or a transfer agreement;

I) Neurosurgery.

3) Twenty-four hours a day, or a transfer agreement:

A) Burn center staffed by registered nurses trained in burn care; and

B) Acute spinal cord injury management.

e) The pediatric trauma center shall provide the following nonsurgical services:

1) Department of Pediatrics with a designated Board certified pediatrician in the role of chairman.

2) Emergency Medicine staffed 24 hours a day in the ED by a physician who is board prepared or certified by the ABEM or by the American Board of Pediatrics and Pediatric Emergency Medicine (ABP/PEM) or AOBEM with two year ongoing involvement in daily pediatric trauma care and 10 hours per year of trauma-related CME.

3) Anesthesiology Services:

A) The anesthesiology service or department shall be supervised by pediatric anesthesiologists. "Supervise," for the purposes of this subsection (e)(3)(A), means to manage, control and direct the services performed, including being present in the trauma center and immediately available for consultation while the services are being performed.

B) Pediatric anesthesiology services as credentialed by the hospital available 24 hours a day in-house.

C) Direct patient care services may be performed by a pediatric anesthesiologist or a certified registered nurse anesthetist (CRNA) with experience in pediatric anesthesia acting under the direct supervision of a pediatric anesthesiologist.

4) Radiology staffed by:

A) A technician with the ability to perform a computerized axial tomography (CAT) scan in-house, 24 hours a day.

B) A radiologist with the ability to read CAT scans and perform angiography available within 30 minutes. This requirement may be met by a Post Graduate Year (PGY) II radiology resident with six months experience in CAT and angiography. Teleradiographic equipment may be used to transmit CAT scans to radiologists off site in lieu of the radiologists' response to the trauma center to read CAT scans. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography.

C) A pediatric radiologist on staff to provide a quality improvement process to validate interpretation of pediatric films.

5) Pediatric intensive care unit having available 24 hours a day:

A) A physician credentialed by the hospital. This requirement may be fulfilled by pediatric or general surgery residents at the second or third year level or by pediatric or surgical critical care fellows who have had pediatric intensive care training and are under the supervision of a staff physician possessing full pediatric intensive care privileges;

B) One Registered Professional Nurse per shift with two years of pediatric intensive care or critical care experience and four hours of trauma-related pediatric critical care continuing education per year; and

C) The following pediatric equipment:

i) Airway control and ventilation devices;

ii) Oxygen source with concentration controls;

iii) Cardiac emergency cart;

iv) Electrocardiograph-oscilloscope-defibrillator;

v) Cardiac output monitoring;

vi) Electronic pressure monitoring;

vii) Mechanical ventilator-respirators;

viii) Pulmonary function measuring devices, i.e., pulse oximeter and CO**[**2**]** monitoring;

ix) Temperature control devices;

x) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements (77 Ill. Adm. Code 250.1050, 250.2140, and 250.2710); and

xi) Intracranial pressure monitoring devices.

6) Laboratory 24 hours a day in-house, providing the following:

A) Standard analysis of blood and urine, and other body fluids using micro-sampling techniques;

B) Blood typing and cross-matching;

C) Coagulation studies;

D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements (77 Ill. Adm. Code 250.520));

E) Blood gases and pH determinations;

F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and

G) Toxicology screening.

7) A board-certified pediatrician shall be available within 60 minutes after notification.

8) Pediatric cardiology 60 minutes after notification.

9) Postanesthetic recovery capabilities 24 hours a day (may be fulfilled by a pediatric ICU).

10) Acute hemodialysis capability 24 hours a day.

11) Open heart capability.

f) The trauma center shall meet the following professional staff requirements:

1) The ED Director shall be a physician board certified by the ABEM or ABP/PEM or certified by the AOBEM;

2) The Emergency Department treating the Category I or Category II trauma patient shall be cared for by at least one Registered Professional Nurses who holds a current nationally recognized trauma nursing certification such as Trauma Certified Registered Nurse (TCRN) or Trauma Nursing Core Course (TNCC); or is currently recognized as a Trauma Nurse Specialist (TNS)~~Each shift in the ED shall be staffed by at least one Registered Professional Nurse who has completed a Trauma Nurse Specialist Course and is currently recognized in good standing as specified in Section 515.750 of this Part. The TNS will serve as a resource to the Registered Professional Nurses caring for the Category I and Category II trauma patients. For multiple concurrent trauma admissions into the ED, the nurse caring for those additional trauma patients must have a minimum of four hours of trauma-related continuing education. A back-up policy shall provide for a nurse with experience evidenced by successful completion of an institution orientation to trauma care in addition to a current APLS, Pediatric Advanced Life Support (PALS) or Emergency Nurses Pediatric Course (ENPC) or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained~~;

3) A full-time Trauma Coordinator dedicated solely to the Trauma Program;

4) An operating room shall be staffed in-house and available 24 hours a day; and

5) Staff shall include occupational therapy, speech therapy, physical therapy, social work, child protective services, dietary and pediatric psychiatry.

g) The Trauma Center shall develop a professional staff competency plan including but not limited to trauma surgeons and emergency medicine physicians treating the trauma patients. Physicians caring for trauma patients in the Level I Pediatric Trauma Center must demonstrate the following:

1) Board certification/Board eligibility in their specialty;

2) Successful completion of trauma-related CME requirements as specified in this Section;

3) Ongoing clinical involvement in the care of the trauma patient as evidenced by routine participation in one or more of the following: trauma call rosters, trauma teams, and attendance at trauma rounds/trauma meetings;

4) Physician specific outcome measurements for high volume/high acuity procedures;

5) For trauma surgeons and emergency medicine physicians only, the successful completion of an ATLS provider course.

h) The trauma center shall provide and maintain the following equipment:

1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, mechanical ventilator, CO**[**2**]** monitoring and pulse oximeter;

2) Suction devices and equipment (pulmonary and gastric);

3) Electrocardiograph-oscilloscope-defibrillator, pacemaker;

4) Apparatus to establish central venous pressure monitoring;

5) All standard intravenous fluids and administration devices;

6) Sterile surgical instruments or sets for emergency care, such as cricothyrotomy, tracheostomy, thoracotomy, thoracostomy, cut down, peritoneal lavage, intraosseous;

7) Drugs and supplies necessary for emergency care;

8) X-ray and CAT scan capability;

9) Spinal immobilization equipment;

10) Temperature control devices;

11) Pediatric measuring device;

12) Scale; and

13) Specialized pediatric resuscitation cart with measuring device in the emergency area.
AGENCY NOTE: Broselow**(**TM**)** Pediatric Tape will meet this requirement.

i) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator positions and to provide for the operation of the trauma registry.

j) A level I Pediatric Trauma Center shall meet the requirements of Section 515.2030(i)-(s) of this Part.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days)

Section 515.2040 Level II Trauma Center Designation Criteria
EMERGENCY

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

with the EMS System Program Plan.

b) The Trauma Center Medical Director shall be a trauma surgeon, board certified in surgery, with at least two years of post-residency experience in trauma care and with 24-hour independent operating privileges.

c) The trauma center shall provide a trauma service, separate from the general surgery service, that is an identified hospital service functioning under the designated director and staffed by trauma surgeons with one year of experience in trauma, and who will arrive at the hospital to treat the trauma patient within 30 minutes after the patient's being classified as a Category I trauma patient.

1) The trauma surgeons shall have 20 hours of trauma-related CME every two years.

2) The trauma surgeon requirement may be fulfilled by residents with a minimum of four years of general surgery residency training and current ATLS verification.

3) If the resident is fulfilling the trauma surgeon requirement, the attending physician must be consulted within 30 minutes after the patient's being classified as Category I or II.

4) If the resident is fulfilling the trauma surgeon requirement, it is mandatory that an attending be present for patients undergoing operative procedures by the time the surgery begins.

5) The trauma surgeon, resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after ED arrival.

6) A physician with current ATLS verification or who has current competency in the initial resuscitation of the trauma patient as verified by the professional staff competency plan must be present 24 hours per day in the Level II Trauma Center to treat the trauma patient.

7) The hospital's quality improvement program shall monitor compliance with this subsection (c).

8) The trauma center shall maintain a call schedule that identifies at least a primary and back-up surgeon, each listed by surgeon's name.

9) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) or (e) of this Section. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement. The subspecialist must arrive within the time frame listed in subsection (d) or (e) after notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention.

d) The trauma center shall have the following surgical services on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed:

1) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a trauma/general surgeon with experience in cardiothoracic surgery for lifesaving procedures; the surgeon must have cardiothoracic privileges;

2) Orthopedic;

3) Urologic; and

4) Obstetrics.

e) The trauma center shall have the following surgical specialties on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of the need for operative intervention. The following services may be provided by written transfer agreement. These services must be provided according to subsection (c)(9) of this Section for isolated injuries when the trauma surgeon is not required to respond:

1) Neurosurgical;

2) Ophthalmologic;

3) Oral-Dental;

4) Otorhinolaryngologic;

5) Reimplantation;

6) Plastic/Maxillofacial;

7) Burn center staffed by Registered Professional Nurses trained in burn care;

8) Acute spinal cord injury management; and

9) Pediatric surgery as designated by Section 515.2045 of this Part.

f) The trauma center shall provide the following nonsurgical services within the designated times:

1) Emergency Medicine staffed 24 hours a day in the ED by:

A) A physician who has competency in trauma as demonstrated by:

i) Board certification or board eligibility by the ABEM or the AOBEM; and

ii) Ten hours per year of AMA or AOA-approved Category I or II trauma-related CME; or

B) A physician who was working in the emergency department of a trauma center prior to January 1, 2000, and who had completed 12 months of internship, followed by at least 7000 hours of hospital-based Emergency Medicine over at least a 60-month period (including 2800 hours within one 24-month period), and CME totaling 50 hours, 10 of which are trauma related for each post-internship year in which the physician completed any hospital-

based Emergency Medicine Hours.

2) Anesthesiology Services:

A) Anesthesiology services shall be in compliance with the Hospital Licensing Act and the Hospital Licensing Requirements, 77 Ill. Adm. Code 250.1410. Staff shall be on call to arrive at the hospital to administer anesthesia within 30 minutes after notification that their services are needed at the hospital.

B) Direct patient care services may be performed by an anesthesiologist or a CRNA.

3) Laboratory – 24 hours a day in-house, providing the following:

A) Standard analysis of blood, urine, and other body fluids;

B) Blood typing and cross-matching;

C) Coagulation studies;

D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements (77 Ill. Adm. Code 250.520));

E) Blood gases and pH determinations;

F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and

G) Drug and alcohol screening.

4) Radiology staffed by:

A) A technician with the ability to perform a CAT scan available within 30 minutes; and

B) A radiologist with the ability to read CAT scans and perform angiography available within 60 minutes. This requirement may

be met by a PGY II radiology resident with six months experience in CAT and angiography. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography. Teleradiographic equipment may be used to transmit CAT scans off site in lieu of the radiologist's response to the trauma center to read CAT scans.

5) Cardiology – 60 minutes.

6) Internal Medicine – 60 minutes.

7) Postanesthetic recovery capability staffed and available within 30 minutes may be fulfilled by ICU.

8) Intensive Care Medicine Unit having available the following:

A) A physician credentialed by the hospital and available within 30 minutes. This requirement may be fulfilled by second and third year residents who have had intensive care training and are under the supervision of a staff physician possessing full intensive care privileges;

B) One Registered Professional Nurse per shift with two years of ICU experience and four hours of trauma-related critical care continuing education per year.

C) The following equipment:

i) Airway control and ventilation devices;

ii) Oxygen source with concentration controls;

iii) Cardiac emergency cart;

iv) Electrocardiograph-oscilloscope-defibrillator;

v) Temperature control devices;

vi) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements (77 Ill. Adm. Code 250.1050, 250.2140, and 250.2710);

vii) Mechanical ventilator-respirators;

viii) Pulmonary function measuring devices (i.e., pulse oximeter, CO**[**2**]** monitoring); and

ix) Drugs, intravenous fluids and supplies in accordance with Hospital Licensing Requirements (77 Ill. Adm. Code 250.1050, 250.2140 and 250.2710).

9) Pediatrics – 60 minutes.

10) Acute hemodialysis capability 24 hours a day or a transfer agreement.

g) The trauma center shall meet the following professional staff requirements:

1) The ED Director shall be a physician board certified by the ABEM, or certified by the AOBEM of the AOA;

2) The Emergency Department treating the Category I or Category II trauma patient shall be cared for by at least one Registered Professional Nurses who holds a current nationally recognized trauma nursing certification such as Trauma Certified Registered Nurse (TCRN) or Trauma Nursing Core Course (TNCC); or is currently recognized as a Trauma Nurse Specialist (TNS)~~Each shift in the ED will be staffed by at least one Registered Professional Nurse who has completed a Trauma Nurse Specialist Course and is currently recognized in good standing as specified in Section 515.750 of this Part. The TNS will serve as a resource to the Registered Professional Nurses caring for the Category I and Category II trauma patients. For multiple concurrent trauma admissions into the ED, the nurse caring for those additional trauma patients must have a minimum of four hours of trauma-related continuing education. A back-up policy shall provide for a nurse with experience evidenced by TNCC or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained unless a minimum of two TNS-trained RNs are on duty per~~

~~shift~~;

3) A full-time Trauma Coordinator dedicated solely to the Trauma program;

4) An operating room shall be staffed and available within 30 minutes 24 hours a day; and

5) Staff shall include occupational therapy, speech therapy, physical therapy, social work, dietary, and psychiatry.

h) The trauma center shall develop a professional staff competency plan including but not limited to trauma surgeons and emergency medicine physicians treating the trauma patients. Physicians caring for trauma patients in the Level II Trauma Center must demonstrate the following:

1) Board certification/Board eligibility in their specialty;

2) Successful completion of trauma-related continuing medical education (CME) requirements as specified in this Section;

3) Ongoing clinical involvement in the care of the trauma patient as evidenced by routine participation in one or more of the following: trauma call rosters, trauma teams, and attendance at trauma rounds/trauma meetings;

4) Physician specific outcome measurements based on the frequency and acuity of procedures or other peer review measures pertinent to the facility trauma patient volume;

5) For trauma surgeons and emergency medicine physicians only, the successful completion of an ATLS provider course.

i) The trauma center shall provide and maintain the following equipment:

1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, mechanical ventilator, pulse oximeter and CO**[**2**]** monitoring;

2) Suction device;

3) Electrocardiograph-oscilloscope-defibrillator;

4) Apparatus to establish central venous pressure monitoring;

5) All standard intravenous fluids and administration devices;

6) Sterile surgical sets of procedures standard for ED, such as cricothyrotomy, tracheostomy, thoracotomy, cut down, peritoneal lavage, and intraosseous;

7) Drugs and supplies necessary for emergency care;

8) X-ray and CAT scan capability, available within 30 minutes;

9) Spinal immobilization equipment;

10) Temporary pacemaker;

11) Temperature control device; and

12) Specialized pediatric resuscitation with measuring device cart in the emergency area.
AGENCY NOTE: Broselow**(**TM**)** Tape will meet this requirement.

j) *The trauma center* must *have helicopter landing capabilities approved by State and federal authorities.* (Section 3.100(j) of the Act) The helicopter landing capabilities shall:

1) Comply with the Aviation Safety Rules of the Illinois Department of Transportation (92 Ill. Adm. Code 14.790, 14.792 and 14.795);

2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14 CFR 157 and 14 CFR 77, Subpart D; and

3) Be provided on the campus of the trauma center.

Out-of-state trauma centers are exempted from this subsection (j) but must comply with their state's rules that govern aviation safety.

k) The trauma center shall perform focused outcome analyses of its trauma services on a quarterly basis and shall provide all minutes related to these reviews on site or at the request of the Department. The analyses shall consist of at least:

1) Review of all patient deaths, excluding dead on arrival (DOA). Patients must be assigned a status of non-preventable death, potentially preventable death, or preventable death, or cannot be determined, using the American College of Surgeons "Performance Improvement" (Chapter 19, from "Resources for the Optimal Care of the Injured Patient, 1999"). Factors contributing to the death must be included in the review. A cumulative report of these findings shall be available on site and upon request by the Department.

2) Review of all morbidities. A morbidity is a negative outcome that is the result of the original trauma and/or treatment rendered or omitted. Factors contributing to the morbidity must be included in the review. A cumulative report of these findings must be presented quarterly to the Region.

3) Review of audit filters. An audit filter is a clinical and/or internal resource indicator used to examine the process of care and to identify potential patient care and/or internal resource problems.

4) *All information contained in or relating to any medical audit performed of a trauma center's trauma services pursuant to* the *Act, or by an EMSMD or his designee of medical care rendered by system personnel, shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure.* (Section 3.110(a) of the Act)

l) Every two years the trauma center shall provide to the Department written protocols concerning the following:

1) Policies for treating patients in the trauma center, which includes Trauma Category I and Trauma Category II criteria as required in Section 515.Appendices C and F of this Part;

2) Clinical protocols for management of the trauma patient in basic resuscitation and management of specific injuries. Protocols are to be kept on site and available to the Department upon request;

3) The transfer of trauma patients to the Level I Trauma Center serving the EMS Region or a more specialized level of care;

4) A policy that blood alcohol will be drawn on a motor vehicle crash victim who is believed to have been the driver of the vehicle;

5) A suspension policy for trauma nurse specialists meeting due process requirements (see Section 515.2200).

6) A professional staff competency plan in accordance with subsection (k) of this Section.

m) Changes to the Trauma Center Plan must be approved by the Department prior to implementation.

n) The practices of the trauma center shall reflect the protocols and policies of the EMS Region and Trauma Center Plan.

o) The resuscitation care of a Trauma Category I or Trauma Category II patient must be documented on a Trauma Flow Sheet, which at minimum contains trauma category classification; time and place of classification (field or in-house); time of arrival of patient to trauma center; notification of surgical specialties and time of arrival to see patient (may exclude isolated injuries for Category II patients).

p) The trauma center shall maintain a job description for the Trauma Center Medical Director, which details his/her responsibility and authority for the coordination and management of trauma services.

q) The trauma center shall maintain a job description for the Trauma Coordinator, which details the responsibility and authority for the coordination and management of trauma services.

r) The trauma service must be identified in the facility's budget with sufficient funds dedicated to support, at a minimum, the trauma director and trauma coordinator

positions and to provide for operation of the trauma registry.

s) The trauma center shall develop a policy that identifies situations that would result in trauma bypass. The hospital shall also develop a policy that identifies what measures will be taken to avoid requesting a resource limitation/bypass (see Section 515.315).

1) Such diversion must be reported to the Department by telephone if it occurs during business hours or written notification by fax of diversion must be sent within 24 hours following the diversion.

2) Both forms of notification shall include at minimum:

A) The name of the trauma center;

B) Date and time of resource limitation; and

C) The reason for resource limitation.

t) The trauma center shall develop a plan for implementing a program of public information and education concerning trauma care for adult and pediatric patients.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days)

Section 515.2045 Level II Pediatric Trauma Center
EMERGENCY

a) The Level II Pediatric Trauma Director shall advise the Trauma Center Medical Director and shall be a member of the Regional Trauma Advisory Board.

b) The Pediatric Trauma Center Medical Director shall be board certified in pediatric surgery or be a general surgeon, with at least two years of experience in pediatric trauma care, and have 10 hours per year of trauma-related CME, and 24-hour independent operating privileges, as evidenced by either:

1) responsibility for 50 pediatric trauma cases per year; or

2) both:

A) responsibility for 10 percent of the total number of pediatric trauma cases at the trauma center per year; and

B) ongoing involvement in pediatric trauma care.

c) The trauma center shall provide a pediatric trauma service separate from the general surgery service. The pediatric trauma service shall be staffed by pediatric trauma surgeons who have one year of experience in trauma, who have 24-hour independent operating privileges, and who will arrive at the hospital to treat the trauma patient within 30 minutes after the patient's being classified as a Category I trauma patient.

1) The pediatric trauma surgeon requirement may be fulfilled by residents with a minimum of four years of pediatric surgery residency training and who have current ATLS verification.

2) If the resident is fulfilling the pediatric trauma surgeon requirement, the attending pediatric trauma surgeon must be consulted within 30 minutes after the patient's being classified as Category I or II.

3) If the resident is fulfilling the pediatric trauma surgeon requirement, it is mandatory that the attending pediatric trauma surgeon be present for Category I patients undergoing operative procedures by the time the surgery begins.

4) The pediatric trauma surgeon, pediatric surgery resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The pediatric trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after ED arrival.

5) A physician with current ATLS verification or who has current competency in the intial resuscitation of the trauma patient as verified by the professional staff competency plan must be present 24 hours per day in the Level II Pediatric Trauma Center to treat the trauma patient.

6) The hospital's quality improvement program shall monitor compliance with this subsection (c).

7) The trauma center shall maintain a call schedule that identifies at least a primary and back-up pediatric surgeon with each surgeon listed by name.

8) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) or (e) of this Section. Any patient meeting the definition of isolated injury requires consultation with the appropriate subspecialist. That subspecialist is to arrive within the time designated in subsection (d) after the notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement.

d) The trauma center shall provide the following surgical services by physicians who are credentialed by the hospital to provide pediatric care, and who are on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed:

1) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a pediatric trauma/general surgeon with experience in pediatric cardiothoracic surgery for lifesaving procedures; the surgeon must have pediatric cardiothoracic privileges;

2) Obstetrics;

3) Orthopedic; and

4) Urologic.

e) The trauma center shall have the following surgical specialties by physicians who are credentialed by the hospital to provide pediatric care and who are on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed. These services may be provided by written transfer agreement. These services must be provided according to subsection (c)(7) of this Section for isolated injuries when the trauma surgeon is not required to respond:

1) Neurosurgical with two years experience in pediatric neurosurgery;

2) Ophthalmologic;

3) Oral-dental;

4) Otorhinolaryngologic;

5) Reimplantation;

6) Plastic/maxillofacial;

7) Burn center staffed by registered nurses trained in burn care; and

8) Acute spinal cord injury management.

f) The pediatric trauma center shall provide the following nonsurgical services within the designated times:

1) Emergency Medicine staffed 24 hours a day in the ED by a physician who is board prepared or certified by the ABEM, ABP/PEM or AOBEM with two-year ongoing involvement in daily pediatric trauma care, and 10 hours per year of trauma-related CME.

2) Anesthesiology Services:

A) Anesthesiology services shall be in compliance with the Hospital Licensing Act and the Hospital Licensing Requirements (77 Ill. Adm. Code 250.1410). Staff shall be on call to arrive at the hospital to administer anesthesia within 30 minutes after notification that their services are needed at the hospital.

B) Direct patient care services may be performed by an anesthesiologist or a CRNA with experience in pediatric anesthesia under the direct supervision of an anesthesiologist.

3) Laboratory 24 hours a day in-house, providing the following:

A) Standard analysis of blood, urine, and other body fluids;

B) Blood typing and cross-matching;

C) Coagulation studies;

D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements (77 Ill. Adm. Code 250.520));

E) Blood gases and pH determinations;

F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and

G) Toxicology screening.

4) Department of Pediatrics with board certified pediatrician in the role of Chairman, and a board certified pediatrician shall be available within 60 minutes after notification that his or her services are needed.

5) Radiology staffed by:

A) A technician with the ability to perform a CAT scan available within 30 minutes after notification;

B) A radiologist with the ability to read CAT scans and perform angiography available within 60 minutes. This requirement may be met by a PGY II radiology resident with six months experience in CAT and angiography. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography. Teleradiographic equipment may be used to transmit CAT scans off site in lieu of the radiologist's response to the trauma center to read CAT scans; and

C) A pediatric radiologist on staff to provide a quality improvement process to validate interpretation of pediatric films.

6) Pediatric cardiology 60 minutes after notification.

7) Postanesthetic recovery capability staffed and available within 30 minutes (may be fulfilled by pediatric ICU).

8) ICU having available the following:

A) A physician credentialed by the hospital and available within 30 minutes. This requirement may be fulfilled by second and third year residents who have had intensive care training and are under the supervision of a staff physician possessing full intensive care privileges;

B) One Registered Professional Nurse per shift in the ICU, with pediatric experience documented by two years in pediatric ICU or critical care and four hours of trauma related pediatric critical care continuing education per year; and

C) The following pediatric equipment 24 hours a day in-house:

i) Airway control and ventilation devices;

ii) Oxygen source with concentration controls;

iii) Pulse oximeter and CO**[**2**]** monitoring;

iv) Cardiac emergency cart;

v) Electrocardiograph-oscilloscope-defibrillator;

vi) Temperature control devices;

vii) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements (77 Ill. Adm. Code 250.1050, 250.2140, and 250.2710); and

viii) Mechanical ventilator-respirators.

9) Acute hemodialysis capability 24 hours a day, or a transfer agreement.

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g) The trauma center shall meet the following professional staff requirements:

1) The ED Director shall be a physician board certified by the ABEM, AOBEM, or ABP/PEM.

2) The ED treating the Category I or Category II trauma patient shall be cared for by at least one Registered Professional Nurses who holds a current nationally recognized trauma nursing certification such as Trauma Certified Registered Nurse (TCRN) or Trauma Nursing Core Course (TNCC); or is currently recognized as a Trauma Nurse Specialist (TNS)~~Each shift in the ED will be staffed by at least one Registered Professional Nurse who has completed a Trauma Nurse Specialist Course as specified in Section 515.750 of this Part and Advanced Pediatric Life Support (APLS). The TNS will serve as a resource to the Registered Professional Nurses caring for the Category I and Category II trauma patients. For multiple concurrent trauma admissions into the ED, the nurse caring for these additional trauma patients must have a minimum of four hours of trauma-related continuing education. A back-up policy shall provide for a nurse with experience evidenced by APLS, Pediatric Advanced Life Support (PALS) or Emergency Nurses Pediatric Course (ENPC) or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained~~.

3) A full-time Trauma Coordinator dedicated solely to the trauma program.

4) An operating room shall be staffed and available within 30 minutes, 24 hours a day.

5) Staff shall include occupational therapy, speech therapy, social work, child protective services and psychiatry.

h) The trauma center shall develop a professional staff competency plan including but not limited to trauma surgeons and emergency medicine physicians treating the trauma patients. Physicians caring for trauma patients in the Level II Pediatric Trauma Center must demonstrate the following:

1) Board certification/Board eligibility in their specialty;

2) Successful completion of trauma-related CME requirements as specified in this Section;

3) Ongoing clinical involvement in the care of the trauma patient as evidenced by routine participation on one or more of the following: trauma call rosters, trauma teams, and attendance at trauma rounds/trauma meetings;

4) Physician specific outcome measurements based on the frequency and acuity of procedures or other peer review measures pertinent to the facility trauma patient volume;

5) For trauma surgeons and emergency medicine physicians only, the successful completion of an ATLS provider course.

i) The trauma center shall provide and maintain the following equipment:

1) Airway control and ventilation equipment, including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, mechanical ventilator, CO**[**2**]** monitoring, and pulse oximeter;

2) Suction device;

3) Electrocardiograph-oscilloscope-defibrillator, pacemaker;

4) Apparatus to establish central venous pressure monitoring;

5) All standard intravenous fluids and administration devices;

6) Sterile surgical sets of procedures standard for ED, such as cricothyrotomy, tracheostomy, thoracotomy, cut down, peritoneal lavage, intraosseous;

7) Drugs and supplies necessary for emergency care;

8) X-ray and CAT scan capability, available within 30 minutes;

9) Spinal immobilization equipment;

10) Temperature control devices;

11) Pediatric measuring device;

12) Scale; and

13) Specialized pediatric resuscitation cart with measuring device in the emergency area.
AGENCY NOTE: Broselow**(**TM**)** Pediatric Tape will meet this requirement.

j) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator positions and to provide for the operation of the trauma registry.

k) For additional requirements for Level II Pediatric Trauma Centers, see Section 515.2040.

l) A Level II Pediatric Trauma Center shall meet the requirements of Section 515.2030(i)-(s) of this Part.

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENTS

Section 515.APPENDIX D Administrative, Legal and EMS Protocols and Guidelines EMERGENCY

Administrative, Legal and EMS Protocols and Guidelines shall include, but not be limited to the following:

1) Administrative and Legal:

- Patient disposition/selection of receiving facility
- Patient choice and refusal regarding treatment, transport or destination
- Patient abandonment
- Do Not Resuscitate (DNR)/Practitioner Orders for Life Sustaining Treatment (POLST)/Advance Directives/Health Care Power of Attorney (POA) status
- When and how to notify a coroner or medical examiner
- Appropriate interaction with law enforcement on the scene
- The duty to perform all services without unlawful discrimination
- Patient confidentiality and release of information/Health Insurance Portability and Accountability Act (HIPAA)
- Appropriate interaction with an independent physician/nurse on the scene
- Offering immediate and adequate information regarding services available to victims of abuse, for any person suspected to be a victim of domestic abuse
- Mandated reporting policy
- Relinquished newborn
- Consent for treatment of minors
- A policy that addresses the EMS System Participant safety, disinfection of EMS vehicles and equipment, and assessment, treatment, transport and follow-up of patients with suspected or diagnosed infectious diseases
- Significant or high risk occupational exposure of EMS System Participants to an infectious disease, including notification to the designated infection control officer of the EMS provider agency following exposure
- A policy concerning the use of latex-free supplies
- Medical records documentation and reporting policy
- Incident reporting/equipment malfunction/sentinel event reporting
- Crisis response and medical surge policy/multiple patient incidents
- Professional ethical standards and behavioral expectations
- Any procedures regarding disciplinary or suspension decisions and the review

of those decisions that the System has elected to follow in addition to those required by the Act

- A policy for notifying another EMS System of an EMT, AEMT, Paramedic, PHRN, APRN, PHPA system suspension when that EMT, AEMT, Paramedic, PHRN, APRN, PHPA is known to have dual participation with another EMS System.
- Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital)
- Protocols for ILS/AEMT and ALS personnel to assess the condition of a patient being initially treated in the field by BLS personnel, for the purpose of determining whether a higher level of care is warranted and transfer of care of the patient to the ILS or ALS personnel is appropriate; the protocols shall include a requirement that neither the assessment nor the transfer of care can be initiated if it appears to jeopardize the patient's condition, and shall require that the activities of the System personnel be under the immediate direction of the EMS MD or designee
- A policy on treatment and transport of law enforcement animals
- A policy on transport of a service/support animal
- Any System policies regarding abuse of controlled substances or conviction of a felony crime by EMS Personnel, whether on or off duty
- A Drug and Equipment Exchange Policy for System Participants
- A policy for use of PPE during patient encounters
- A policy on securing a weapon prior to transport of a patient
- A policy on waste of controlled substance
- Procedure/policy for provider notification when leaving the state for an EMAC or NAC response
- A policy on additional healthcare personnel assisting in the transport of a patient in an ambulance to include but not limited to a R.N., Physician, C.T. tech.
- Requirements for EMS personnel who have identified an EMS system as secondary
- Crisis response and medical surge policy/multiple patient incidents
- Complaint investigation including suspension
- Storage and security of medication
- A policy on identification of type of EMS run reports, including who fills them out for transport and non-transport EMS personnel and submission of data
- CME policy for in system, out of system allowed and types of programs

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- Replacement of drugs and equipment for inter and intra facility transports
- Notification of IDPH Division of EMS when an EMS crew member is killed in the line of duty
- Patient disposition for transporting to licensed mental health care facilities
- Patient disposition for transportation to urgent or immediate care facility

2) EMS Standing Medical Orders/Standard Operating Guidelines/Procedures

- **Cardiovascular:**
  - Adult and Pediatric Syncope and Pre-syncope
  - Chest Pain/Acute Coronary Syndrome (ACS)/ST-segment Elevation Myocardial Infarction (STEMI)
  - Tachycardia with a Pulse
  - Bradycardia with a Pulse
  - Health Failure/Pulmonary Edema/Cardiogenic Shock

- **Resuscitation:**
  - Cardiac Arrest (VF/VT/Asystole/PEA)
  - Adult Post-ROSC (Return of Spontaneous Circulation) Care
  - Determination of Death/Withholding or Termination of Resuscitative Efforts

- **Respiratory:**
  - Airway/Ventilatory Management
  - Acute Respiratory Conditions
  - Chronic Respiratory Conditions

- **Medical:**
  - Agitated or Violent Patient/Behavioral Emergency; Use of Restraints
  - Anaphylaxis and Allergic Reaction
  - Altered Mental Status
  - Hypoglycemia/Hyperglycemia
  - Pain Management
  - Seizures
  - Shock
  - Suspected Stroke/Transient Ischemic Attack
  - Nausea/Vomiting
  - Functional Needs/Special Needs Populations

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NOTICE OF EMERGENCY AMENDMENTS

- **Pediatric Prehospital Protocols (BLS, ILS and ALS):**
  - Initial Medical Care/Assessment
  - Neonatal Resuscitation
  - Pediatric AED
  - Pediatric Allergic Reaction/Anaphylaxis
  - Pediatric Altered Mental Status
  - Pediatric Apparent Life Threatening Event (ALTE)
  - Pediatric Bradycardia
  - Pediatric Burns
  - Pediatric Drowning
  - Pediatric Environmental Hyperthermia
  - Pediatric Hypothermia
  - Pediatric Nerve Agent/Organophosphate Antidote Guidelines
  - Pediatric Pulseless Arrest
    - BLS Pediatric Pulseless Arrest
    - ALS/ILS Asystole/PEA Pathway
    - ALS/ILS VF/VT Pathway
  - Pediatric Respiratory Distress
  - Pediatric Respiratory Distress with a Tracheostomy Tube
  - Pediatric Respiratory Distress with a Ventilator
  - Pediatric Respiratory Failure
  - Pediatric Seizures
  - Pediatric Shock
  - Pediatric Tachycardia
    - BLS Pediatric Tachycardia
    - ALS/ILS Narrow QRS Pathway
    - ALS/ILS Wide QRS Pathway
  - Pediatric Toxic Exposures/Ingestions
  - Pediatric Trauma (with Head Trauma Addendum)
  - Suspected Child Abuse and Neglect

- **GI/GU/Gyne:**
  - Childbirth/Complicated and Uncomplicated Delivery
  - Newborn Care
  - OB Complications/All Trimesters
  - Obstetrical/Gynecological Conditions

- **Trauma:**
  - General Trauma Assessment/Management

- Blast Injuries
- Head/Facial/Neck Injury
- Thoracic
- Abdominal/Pelvic
- Musculoskeletal Trauma/External Hemorrhage Management
- Acute Spine Trauma and Selective Spine Precautions
- Conducted Electrical Weapon (e.g., TASER)
- Blunt, Penetrating and Perforating Injuries

- **Environmental:**
  - Hyperthermia/Heat Exposure
  - Hypothermia/Cold Exposure
  - Submersion Incidents
  - SCUBA Injury/Accidents
  - Altitude Illness

- **Burns:**
  - Electrical
  - Lightening/Lightening Strike Injury
  - Radiation Exposure
  - Thermal
  - Chemical
  - Inhalation

- **Toxins:**
  - Bites and Envenomation
  - Poisoning/Overdose Universal Care
  - Acetylcholinesterase Inhibitors (Carbamates, Nerve Agents, Organophosphates) Exposure
  - Stimulant Poisoning/Overdose
  - Central Nervous System Depressant Poisoning/Overdose
  - Cyanide Exposure
  - Hallucinogenic
  - Beta Blocker Poisoning
  - Calcium Channel Blocker Poisoning/Overdose
  - Carbon Monoxide/Smoke Inhalation
  - Biological Agents

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1173, effective December 27, 2021, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Sexual Assault Survivor Emergency Treatment Code

2) Code Citation: 77 Ill. Adm. Code 545

3)

Section Numbers:	Emergency Actions:
545.36	New Section
545.67	Amendment

4) Statutory Authority: Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]

5) Effective Date of Emergency Rule: January 1, 2022

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency amendment will expire at the end of the 150-day period, upon repeal of the emergency rulemaking, or upon adoption of permanent rulemaking, whichever comes first.

7) Date Filed with the Index Department: December 27, 2021

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

9) Reason for Emergency: This emergency rule is adopted to implement Public Act 102-0674, which adds federally qualified health centers (FQHC) to the list of providers who may provide medical forensic services to sexual assault survivors under the Sexual Assault Survivors Emergency Treatment Act (SASETA), and in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants this emergency amendment.

Furthermore, the provisions for FQHCs added to SASETA by P.A. 102-0022 automatically repeal on December 31, 2021. Implementing P.A. 102-0674 by emergency rules effective January 1, 2022 avoids a break in coverage while identical proposed rules, filed simultaneously, go through the regular rulemaking process.

10) A Complete Description of the Subject and Issues: These emergency amendments

implement P.A. 102-0674, which adds FQHCs to the list of providers who may provide medical forensic services to sexual assault survivors, provided the FQHC has a sexual assault treatment plan, approved by the Department, to provide medical forensic services to sexual assault survivors 13 years old or older. These amendments will allow survivors who do not want to present at a hospital emergency room during the COVID-19 pandemic to still receive medical forensic services.

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

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
545.20	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.25	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.50	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.60	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.61	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.64	Amendment	45 Ill. Reg. 16259; December 27, 2021
545.65	Amendment	45 Ill. Reg. 16259; December 27, 2021

12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

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

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
Lincoln Plaza
524 South 2nd Street, 6th Floor
Springfield, IL 62701

(217)782-1159
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

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

PART 545
SEXUAL ASSAULT SURVIVORS
EMERGENCY TREATMENT CODE

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

545.APPENDIX C Emergency Contraception Protocols

AUTHORITY: Implementing and authorized by the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].

SOURCE: Filed December 30, 1977; rules repealed and new rules adopted at 5 Ill. Reg. 1139, effective January 23, 1981; codified at 8 Ill. Reg. 16334; amended at 11 Ill. Reg. 1589, effective February 1, 1987; amended at 12 Ill. Reg. 20790, effective December 1, 1988; emergency amendment at 26 Ill. Reg. 5151, effective April 1, 2002, for a maximum of 150 days; emergency expired August 28, 2002; amended at 27 Ill. Reg. 1567, effective January 15, 2003; amended at 33 Ill. Reg. 14588, effective October 9, 2009; amended at 34 Ill. Reg. 12214, effective August 4, 2010; amended at 41 Ill. Reg. 14980, effective November 27, 2017; amended at 42 Ill. Reg. 16036, effective August 2, 2018; emergency amendment at 43 Ill. Reg. 1089, effective January 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 4992, effective April 17, 2019; amended at 44 Ill. Reg. 6326, effective April 10, 2020; emergency amendment at 45 Ill. Reg. 5671, effective April 16, 2021, through June 30, 2021; emergency amendment at 45 Ill. Reg. 9188, effective July 1, 2021, for a maximum of 150 days; emergency expired November 27, 2021; amended at 45 Ill. Reg. 12852, effective September 24, 2021; emergency amendment at 45 Ill. Reg. 15387, effective November 28, 2021, through December 31, 2021; emergency amendment at 46 Ill. Reg. 1258, effective January 1, 2022, for a maximum of 150 days.

Section 545.36 Federally Qualified Health Centers
EMERGENCY

a) A federally qualified health center shall comply with the Sexual Assault Survivors Emergency Treatment Act and with Sections 545.40. 545.60, 545.61, 545.66, 545.95, and 545.100 of this Part.

b) *An approved federally qualified health center may provide medical forensic services, in accordance with* this Part, *to all sexual assault survivors 13 years old or older who present for medical forensic services in relation to injuries or trauma resulting from a sexual assault during the duration, and 90 days thereafter, of a proclamation issued by the Governor declaring a disaster, or a successive proclamation regarding the same disaster, in all 102 counties due to a public health emergency*. (Section 2-1(b-5) of the Act)

c) *These services shall be provided by*:

1) *A qualified medical provider, physician, physician assistant, or advanced*

practice registered nurse who has received a minimum of 10 hours of sexual assault training provided by a qualified medical provider on current Illinois legislation, how to properly perform a medical forensic examination, evidence collection, drug and alcohol facilitated sexual assault, and forensic photography and has all documentation and photos peer reviewed by a qualified medical provider; or

2) *Until the federally qualified health care center certifies to the Department, in a form and manner prescribed by the Department, that it employs or contracts with a qualified medical provider in accordance with subsection (a-7) of Section 5-1* of the Act, *whichever occurs first.* (Section 2-1(b-5) of the Act)

d) *A federally qualified health center* shall *participate in or submit an areawide treatment plan under Section 3-1* of the Act *that includes a treatment hospital. If a federally qualified health center does not provide certain medical or surgical services that are provided by hospitals, the areawide sexual assault treatment plan* shall *include a procedure for ensuring a sexual assault survivor in need of these medical or surgical services receives the services at the treatment hospital. The areawide treatment plan may also include a treatment hospital with approved pediatric transfer or an approved pediatric health care facility*. Section 2-1(b-5) of the Act)

e) *A federally qualified health center* shall *not provide medical forensic services to sexual assault survivors 13 years old or older until the Department has approved a treatment plan.* (Section 2-1(b-5) of the Act)

f) *If an approved federally qualified health center is not open 24 hours a day, 7 days a week, it shall post signage at each public entrance to its facility that*:

1) *Is at least 14 inches by 14 inches in size*;

2) *Directs those seeking services as follows: "If closed, call 911 for services or go to the closest hospital emergency department, (insert name) located at (insert address).*";

3) *Lists the approved federally qualified health center's hours of operation*;

4) *Lists the street address of the building*;

5) *Has a black background with white bold capital lettering in a clear and easy to read font that is at least 72-point type, and with "call 911" in at least 125-point type;*

6) *Is posted clearly and conspicuously on or adjacent to the door at each entrance and, if building materials allow, is posted internally for viewing through glass; if posted externally, the sign shall be made of weather-resistant and theft-resistant materials, non-removable, and adhered permanently to the building; and*

7) *Has lighting that is part of the sign itself or is lit with a dedicated light that fully illuminates the sign.*

g) *A copy of the proposed sign* shall *be submitted to the Department and approved as part of the approved federally qualified health center's sexual assault treatment plan.* (Section 2-1(b-5) of the Act)

h) *Each approved federally qualified health center* shall *enter into a memorandum of understanding with a rape crisis center for medical advocacy services, if these services are available to the approved federally qualified health center. With the consent of the sexual assault survivor, a rape crisis counselor shall remain in the exam room during the collection for forensic evidence.* (Section 2-1(c) of the Act)

i) *Every approved federally qualified health center's sexual assault treatment plan shall include procedures for complying with mandatory reporting requirements pursuant to the Abused and Neglected Child Reporting Act, the Abused and Neglected Long Term Care Facility Residents Reporting Act, the Adult Protective Services Act, and the Criminal Identification Act.* (Section 2-1(d) of the Act)

j) *Each approved federally qualified health center shall submit to the Department every six months, in a manner prescribed by the Department, the following information:*

1) *The total number of patients who presented with a complaint of sexual assault. and*

2) *The total number of Illinois Sexual Assault Evidence Collection Kits:*

A) *Offered to all sexual assault survivors pursuant to paragraph (1.5) of subsection (a-5) of Section 5-1 of the Act*;

B) *Completed for all sexual assault survivors; and*

C) *Declined by all sexual assault survivors*. (Section 2-1(e) of the Act)

k) Consent to Jurisdiction

1) *A federally qualified health center that submits a plan to the Department for approval under Section 2-1 of* the *Act consents to the jurisdiction and oversight of the Department, including, but not limited to, inspections, investigations, and evaluations arising out of complaints relevant to* the *Act made to the Department*. (Section 2.06-1 of the Act)

2) *A federally qualified health center that submits a plan to the Department for approval under Section 2-1* of the Act *shall be deemed to have given consent to annual inspections, surveys, or evaluations relevant to the Act by properly identified personnel of the Department or by other properly identified persons, including local health department staff, as the Department may designate*. (Section 2.06-1 of the Act)

3) *Representatives of the Department shall have access to and may reproduce or photocopy any books, records, and other documents maintained by the* federally qualified health center or the center's representatives *to the extent necessary to carry out* the *Act* and this Part. (Section 2.06-1 of the Act)

4) *No representative, agent, or person acting on behalf of the federally qualified health center in any manner shall intentionally prevent, interfere with, or attempt to impede in any way any duly authorized investigation and enforcement of* the *Act* or this Part. (Section 2.06-1 of the Act)

5) *In carrying out oversight of a federally qualified health center, the Department* will *respect the confidentiality of all patient records, including by complying with the patient record confidentiality requirements set out in Section 6.14b of the Hospital Licensing Act*.

DEPARTMENT OF PUBLIC HEALTH

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(Section 2.06-1 of the Act)

(Source: Added by emergency rulemaking at 46 Ill. Reg. 1258, effective January 1, 2022, for a maximum of 150 days)

Section 545.67 Compliance Review
EMERGENCY

a) *The Department will conduct on-site reviews of approved sexual assault treatment plans with hospital, ~~and~~ approved pediatric health care facility, and approved federally qualified health care personnel* at least once during each 3-year approval period *to ensure that the established procedures are being followed.* (Section 2.05-1~~2.05~~(a) of the Act)

b) *If the Department determines that the hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center is not in compliance with its approved plan, the* Department *will provide the hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center with a written list of the specific items of noncompliance within 10 working days after the conclusion of the on-site review. The hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center shall have 10 working days to submit to the Department a plan of correction that contains the hospital's, ~~or~~ approved pediatric health care facility's, or approved federally qualified health center's specific proposals for correcting the items of noncompliance. The Department will review the plan of correction and notify the hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center in writing within 10 working days as to whether the plan is acceptable or unacceptable.* (Section 2.2-1~~2.1~~(a) of the Act)

c) The plan of correction must include the following specific proposals for correcting items of noncompliance:

1) A time frame for implementing corrections;

2) A description of the activity that will be undertaken to correct the items of noncompliance;

3) Identification of the person or persons responsible for implementing the corrections; and

4) A description of how the requirements of the Act and this Part will be met.

d) *If the Department finds the plan of correction unacceptable, the hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center shall have 10 working days to resubmit an acceptable plan of correction. Upon notification that its plan of correction is acceptable, a hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center shall implement the plan of correction within 60 days.* (Section 2.1-1~~2.1~~(a) of the Act)

e) *The failure of a hospital to submit an acceptable plan of correction or to implement the plan of correction, within the time frames required in this Section, will subject a hospital to the imposition of a fine by the Department. The Department* will *impose a fine of up to $500 per day until* the Department has determined that the hospital is in compliance *with the requirements of the Act* and this Section. (Section 2.1(b) of the Act)

f) *If an approved pediatric health care facility or approved federally qualified health center fails to submit an acceptable plan of correction or to implement the plan of correction within the time frames required in the Act* and this Section, *then the Department will notify the approved pediatric health care facility or approved federally qualified health center that the approved pediatric health care facility or approved federally qualified health center may not provide medical forensic services under the Act* and this Part. *The Department*, subject to subsection (g), *may impose a fine of up to $500 per patient provided services in violation of the Act* and this Part. (Section 2.1-1~~2.1~~(b) of the Act)

g) *Before imposing a fine pursuant to the Act* and this Section, *the Department will provide the hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center via certified mail with written notice and an opportunity for an administrative hearing.* A hospital, ~~or~~ approved pediatric health care facility, or approved federally qualified health center shall submit a written hearing request to the Department *within 10 working days after receipt of the Department's notice. All hearings shall be conducted in accordance with the Department's rules,* Practice and Procedure in Administrative Hearings. (Section 2.1-1~~2.1~~(c) of the Act)

h) The Department will maintain the confidentiality of all patient identities and medical information provided during a site survey or otherwise received by the

DEPARTMENT OF PUBLIC HEALTH

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Department pursuant to this Part.

i) *The Department will comply with the patient record confidentiality requirements set out in Section 6.14b of the Hospital Licensing Act*. (Section 2.06 of the Act)

(Source: Amended by emergency rulemaking at 46 Ill. Reg. 1258, effective January 1, 2022, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON BUILDING
ROOM C-1
SPRINGFIELD IL
JANUARY 11, 2022
10:30 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

AGENDA

I. Attendance Roll Call

II. Approval of December 15, 2021 Minutes

III. Consideration of Rulemakings/Issues

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 RULEMAKINGS

Chief Procurement Officer − Higher Education

44-4-21-09686 KK
1. Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement (44 Ill. Adm. Code 4)
   -First Notice Published: 45 Ill. Reg. 9686 –08/06/21
   -Expiration of Second Notice: 1/21/22

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Commerce and Economic Opportunity

14-521-21-02530 BT
2. Data Center Investment Program (14 Ill. Adm. Code 521)
-First Notice Published: 45 Ill. Reg. 2530 – 3/5/21
-Expiration of Second Notice: 1/27/22

14-550-21-11663 BT
3. Local Tourism and Convention Bureau Program (14 Ill. Adm. Code 550)
-First Notice Published: 45 Ill. Reg. 11663 – 9/24/21
-Expiration of Second Notice: 2/2/22

14-691-21-11456 BT
4. Back to Business Grant Program (14 Ill. Adm. Code 691)
-First Notice Published: 45 Ill. Reg. 11456 – 9/17/21
-Expiration of Second Notice: 1/29/22

56-2660-21-12935 BT
5. Job Training and Economic Development Grant Program (Repealer) (56 Ill. Adm. Code 2660)
-First Notice Published: 45 Ill. Reg. 12935 –10/15/21
-Expiration of Second Notice: 2/4/22

56-2660-21-12938 BT
6. Job Training and Economic Development Grant Program (New Part) (56 Ill. Adm. Code 2660)
-First Notice Published: 45 Ill. Reg. 12938 –10/15/21
-Expiration of Second Notice: 2/4/22

Education

23-268-21-10905 JE
7. After-School Grant Program (23 Ill. Adm. Code 268)
-First Notice Published: 45 Ill. Reg. 10905 –09/10/21
-Expiration of Second Notice: 1/21/22

Financial and Professional Regulation

38-160-21-13502 KK

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8. Sales Finance Agency Act (38 Ill. Adm. Code 160)
-First Notice Published: 45 Ill. Reg. 13502 –10/29/21
-Expiration of Second Notice: 2/11/22

38-190-21-13508 KK
9. Illinois Credit Union Act (38 Ill. Adm. Code 190)
-First Notice Published: 45 Ill. Reg. 13508 –10/29/21
-Expiration of Second Notice: 2/11/22

68-1291-21-13149 KK
10. Cannabis Regulation and Tax Act (68 Ill. Adm. Code 1291)
-First Notice Published: 45 Ill. Reg. 13149 –10/22/21
-Expiration of Second Notice: 01/23/22

68-1130-21-13807 KK
11. Administrative Procedures for General Professional Regulation Under the Administrative Code (68 Ill. Adm. Code 1130)
-First Notice Published: 45 Ill. Reg. 13807 –11/5/21
-Expiration of Second Notice: 2/11/22

Housing Development Authority

47-378-21-12941 JE
12. Federal Emergency Rental Assistance Programs (47 Ill. Adm. Code 378)
-First Notice Published: 45 Ill. Reg. 12914 –10/15/21
-Expiration of Second Notice: 1/20/22

Human Services

59-132-21-11735 EMS
13. Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)
-First Notice Published: 45 Ill. Reg. 11735 –10/1/21
-Expiration of Second Notice: 2/4/22

77-2060-21-11737 EMS
14. Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
-First Notice Published: 45 Ill. Reg. 11737 –10/1/21
-Expiration of Second Notice: 2/4/22

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89-730-21-11791 EMS
15. Illinois Center for Rehabilitation and Education/Community Services for the Blind, Visually Impaired and Deafblind (89 Ill. Adm. Code 730)
-First Notice Published: 45 Ill. Reg. 11791 –10/1/21
-Expiration of Second Notice: 2/4/22

89-750-21-11793 EMS
16. Role of Residential Educational Facilities Operated by the Illinois Department of Human Services (89 Ill. Adm. Code 750)
-First Notice Published: 45 Ill. Reg. 11793 –10/1/21
-Expiration of Second Notice: 2/4/22

89-840-21-11795 EMS
17. The Consultative Examination Process (89 Ill. Adm. Code 840)
-First Notice Published: 45 Ill. Reg. 11795 –10/01/21
-Expiration of Second Notice: 1/23/22

Labor

56-210-21-06894 JE
18. Minimum Wage Law (56 Ill. Adm. Code 210)
-First Notice Published: 45 Ill. Reg. 6894 –6/11/21
-Expiration of Second Notice: 1/14/22

Public Health

77-389-21-13152 EMS
19. Authorized Electronic Monitoring in Long-Term Care Facilities Code (77 Ill. Adm. Code 389)
-First Notice Published: 45 Ill. Reg. 13152 –10/22/21
-Expiration of Second Notice: 2/3/22

77-689-21-09530 EMS
20. Immunization Registry Code (77 Ill. Adm. Code 689)
-First Notice Published: 45 Ill. Reg. 9530 – 7/30/21
-Expiration of Second Notice: 1/23/22

Revenue

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86-131-21-13589 BT
21. Leveling the Playing Field for Illinois Retail Act (86 Ill. Adm. Code 131)
-First Notice Published: 45 Ill. Reg. 13589 –10/29/21
-Expiration of Second Notice: 1/30/22

Secretary of State

92-1010-21-11665 JE
22. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
-First Notice Published: 45 Ill. Reg. 11665 – 9/24/21/21
-Expiration of Second Notice: 2/2/22

92-1070-21-12457 JE
23. Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)
-First Notice Published: 45 Ill. Reg. 12457 – 10/8/21
-Expiration of Second Notice: 2/2/22

State Police

20-1244-21-09393 BT
24. Use of Force Reporting (20 Ill. Adm. Code 1244)
-First Notice Published: 45 Ill. Reg. 9393 – 7/23/21
-Expiration of Second Notice: 1/12/22

State Police Merit Board

80-150-21-11555 BT
25. Procedures of the Department of State Police Merit Board (80 Ill. Adm. Code 150)
-First Notice Published: 45 Ill. Reg. 11555 – 9/17/21
-Expiration of Second Notice: 1/12/22

Treasurer

23-2500-21-13169 KK
26. College Savings Pool (23 Ill. Adm. Code 2500)
-First Notice Published: 45 Ill. Reg. 13169 –10/22/21
-Expiration of Second Notice: 2/2/22

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

74-721-21-12499 KK
27. Secure Choice Savings Program (74 Ill. Adm. Code 721)
-First Notice Published: 45 Ill. Reg. 12499 – 10/8/21
-Expiration of Second Notice: 1/12/22

EMERGENCY RULEMAKINGS

Commerce Commission

83-466-21-16330E JE
28. Electric Interconnection of Distributed Generation Facilities (83 Ill. Adm. Code 466)
-Published: 45 Ill. Reg. 16330 – Eff.: 12/14/21
-Expiration: 5/12/22

83-475-21-16338E JE
29. Multi-Year Integrated Grid Plans (83 Ill. Adm. Code 475)
-Published: 45 Ill. Reg. 16338 – Eff.: 12/14/21
-Expiration: 5/12/22

Healthcare and Family Services

89-140-22-00512E EMS
30. Medical Payment (89 Ill. Adm. Code 140)
-Published: 46 Ill. Reg. 512 – Eff.: 12/16/21
-Expiration: 5/14/22

Housing Development Authority

47-302-22-00538E JE
31. Homeowner Assistance Fund Programs (Emergency Amendment to Emergency Rule) (47 Ill. Adm. Code 302)
-Published: 46 Ill. Reg. 538 – Eff.: 12/16/21
-Expiration: 3/4/22

Human Services

89-121-21-16072E EMS

DEPARTMENT OF PUBLIC HEALTH

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32. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)
-Published: 45 Ill. Reg. 16072 – Eff.: 12/17/21
-Expiration: 4/29/22

Public Health

77-689-21-16382E EMS
33. Immunization Registry Code (77 Ill. Adm. Code 689)
-Published: 45 Ill. Reg. 16382 – Eff.: 12/13/21
-Expiration: 5/11/22

Secretary of State

92-1030-22-00554E JE
34. Issuance of Licenses (92 Ill. Adm. Code 1030)
-Published: 46 Ill. Reg. 554 – Eff.: 12/17/21
-Expiration: 5/15/22

EXPEDITED CORRECTION

Public Health

77-300-21-16088CO EMS
35. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300
-Published: 45 Ill. Reg. 16088 –12/17/21

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of December 21, 2021 through December 29, 2021. These rulemakings are scheduled for the January 11, 2022 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.

Second Notice Expires		Agency and Rule		Start of First Notice		JCAR Meeting
2/3/22		Public Health, Authorized Electronic Monitoring in Long-Term Care Facilities Code (77 Ill. Adm. Code 389)		10/22/21 45 Ill. Reg. 13152		1/11/22
2/4/22		Human Services, Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)		10/1/21 45 Ill. Reg. 11735		1/11/22
2/4/22		Human Services , Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)		10/1/21 45 Ill. Reg. 11737		1/11/22
2/4/22		Human Services , Illinois Center for Rehabilitation and Education/Community Services for the Blind, Visually Impaired and Deafblind (89 Ill. Adm. Code 730)		10/1/21 45 Ill. Reg. 11791		1/11/22
2/4/22		Treasurer, College Savings Pool (23 Ill. Adm. Code 2500)		10/22/21 45 Ill. Reg. 13169		1/11/22
2/4/22		Human Services , Role of Residential Educational Facilities Operated by the Illinois Department of Human Services (89 Ill. Adm. Code 750)		10/1/21 45 Ill. Reg. 11793		1/11/22

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

2/4/22		Commerce and Economic Opportunity, Job Training and Economic Development Grant Program (Repealer) (56 Ill. Adm. Code 2660)		10/15/21 45 Ill. Reg. 12935		1/11/22
2/4/22		Commerce and Economic Opportunity, Job Training and Economic Development Grant Program (New Part) (56 Ill. Adm. Code 2660)		10/15/21 45 Ill. Reg. 12938		1/11/22
2/11/22		Financial and Professional Regulation, Sales Finance Agency Act (38 Ill. Adm. Code 160)		10/29/21 45 Ill. Reg. 13502		1/11/22
2/11/22		Financial and Professional Regulation, Illinois Credit Union Act (38 Ill. Adm. Code 190)		10/29/21 45 Ill. Reg. 13508		1/11/22
2/11/22		Financial and Professional Regulation, Administrative Procedures for General Professional Regulation Under the Administrative Code (68 Ill. Adm. Code 1130)		11/5/21 45 Ill. Reg. 13807		1/11/22

DEPARTMENT ON AGING

JANUARY 2022 REGULATORY AGENDA

a) Part (Heading and Code Citation): Americans With Disabilities Act and Civil Rights Program Grievance Procedure (4 Ill. Adm. Code 1725)

1) Rulemaking:

A) Description: In Section 1725.10 and Appendix A, the Department on Aging will correct the address listings for its central office location in Springfield, Illinois. Notifications and service using electronic means, including email, and methods when the department cannot confirm delivery via electronic notification and/or service will also be addressed as set out in the Illinois Administrative Procedure Act (5 ILCS 100).

B) Statutory Authority: 20 ILCS 105/4.01(11); 5 ILCS 100

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271

(217) 524-7945
aging.rulemaking@illinois.gov

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): General Grantmaking (AGE) (44 Ill. Adm. Code 7020)

DEPARTMENT ON AGING

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1) Rulemaking:

A) Description: The Department on Aging has reserved and will add Part 7020 to reflect Grant Accountability and Transparency Act required rulemaking unique to the Department.

B) Statutory Authority: 30 ILCS 708

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: The Department does not anticipate an affect upon small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield, Illinois 62702-1271

(217) 524-7945
aging.rulemaking@illinois.gov

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): General Programmatic Requirements (89 Ill. Adm. Code 220)

1) Rulemaking:

DEPARTMENT ON AGING

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A) Description: Part 220 will be amended or repealed as necessary to: (1) update outdated language or provisions to provide consistency throughout the rulemaking; (2) update outdated language regarding the designation and acquisition of case coordination units, care coordination units, and service providers.

B) Statutory Authority: 20 ILCS 105/4, 4.01(4), 4.01(11), and 4.02; 5 ILCS 100

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: The Department does not anticipate an affect upon small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

James Shovlin
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G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Older Americans Act Programs (89 Ill. Adm. Code 230)

1) Rulemaking:

DEPARTMENT ON AGING

JANUARY 2022 REGULATORY AGENDA

A) Description: Part 230 will be amended or repealed as necessary to: (1) update outdated language and provisions for providers of nutrition services; (2) update outdated language regarding the designation and acquisition of case coordination units, care coordination units, and service providers; (3) include definition section(s) to clarify terms used within the Part.

B) Statutory Authority: 20 ILCS 105/4.01; 5 ILCS 100

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: Entities include congregate meal providers, home-delivered meal providers, and Area Agencies on Aging for the Department.

F) Agency contact person for information:

James Shovlin
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G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Community Care Program (89 Ill. Adm. Code 240)

1) Rulemaking:

A) Description: Part 240 will be amended or repealed as necessary in order to (1) update provisions to reflect federal regulations regarding the 1915(c)

Medicaid Persons who are Elderly Waiver; (2) review and address as needed the issues raised by commenters that were outside of the scope of previous rulemaking; (3) propose amendments to add mobile phone capability option to emergency home response service (EHRS); (4) propose amendments to add falls prevention options to emergency home response service (EHRS); (5) propose updates to the participant financial eligibility criteria; (6) propose amendments to clean up words/phrases for consistency throughout the rules, including outdated citations and language; (7) propose amendments for rate adjustments to maximum payment levels for in-home service and adult day service CCP providers; (8) propose amendments to update training requirements for in home service providers; propose updates to the Person-Centered Planning Process; (9) Notifications and service using electronic means, including email, and methods when the department cannot confirm delivery via electronic notification and/or service will also be addressed as set out in the Illinois Administrative Procedure Act (5 ILCS 100).

B) Statutory Authority: 20 ILCS 105/4.01(11) and 4.02; 5 ILCS 100

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: Entities serving as In-Home Service (INH) Provider Agencies, Care Coordination Units (CCUs), Adult Day Service (ADS) Provider Agencies, Emergency Home Response Service (EHRS) Provider Agencies, Automated Medication Dispenser (AMD) Provider Agencies, and the Area Agencies on Aging (AAAs) for the Department on Aging under the Community Care Program.

F) Agency contact person for information:

James Shovlin
Deputy General Counsel
Illinois Department on Aging

DEPARTMENT ON AGING

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G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Adult Protection and Advocacy Series (89 Ill. Adm. Code 270)

1) Rulemaking:

A) Description: Part 270 will be updated by proposing amendments to: (1) the subject matter that may be reviewed by Fatality Review Teams and Multi-Disciplinary Teams; (2) expand collaboration with law enforcement; (3) notification and registry process; (4) update definitions; (5) time frames for investigative documentation; (6) educational requirements for case workers; (7) implement recommendations from the Elder Abuse Task Force Report 2020; (8) update provisions to reflect changes/additions in the Adult Protective Services Act.

B) Statutory Authority: 20 ILCS 105/4, 4.01(4), and 4.01(11); 320 ILCS 20/3, 4, 6, 7.5, 10, 15(g); 5 ILCS 100

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: The Department does not anticipate an affect upon small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

James Shovlin

DEPARTMENT ON AGING

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G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: Part 270 will be updated by proposing amendments to: (1) Ombudsman emergency response procedures; (2) Ombudsman designation and grievance procedures.

B) Statutory Authority: 20 ILCS 105/4.04, 4.01(4), and 4.01(11); 5 ILCS 100

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department on Aging anticipates filing this proposed rulemaking project during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: The Department does not anticipate an affect upon small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

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DEPARTMENT ON AGING

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN RIGHTS

JANUARY 2022 REGULATORY AGENDA

a) Part (Heading and Code Citation): Procedures Applicable to All Agencies (44 Ill. Adm. Code 750).

1) Rulemaking:

A) Description: The Rulemaking will revise the Department's Rules to clarify that all vendors who seek to do business with the State are required to register and obtain an Illinois Department of Human Rights Eligibility Number.

B) Statutory Authority: Implementing Sections 2-105(A), 7-101(A) and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105(A)].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 15, 2022

E) Effect on small businesses, small municipalities or not for profit corporations: May affect small businesses, small municipalities or not for profit corporations because they will be required to register and obtain an IDHR Number in order to be awarded a contract.

F) Agency contact person for information:

Mary M. (Betsey) Madden
Chief Legal Counsel & Ethics Officer
Illinois Department of Human Rights – Legal Division
555 West Monroe Street, 7th Floor
Chicago, IL 60661

312/814-3386
Fax: 312/814-1436
TTY: 866/740-3953
Betsey.M.Madden@Illinois.gov

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN RIGHTS

JANUARY 2022 REGULATORY AGENDA

b) Part (Heading and Code Citation): Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520).

1) Rulemaking:

A) Description: The Rulemaking will revise the Department's Rule for amending non-housing charges to clarify that the Department may amend an existing charge to cure technical defects and the Department may process a separate charge to allege new harms or bases. Further, the Rulemaking will clarify that a charge or the issues of a charge may be administratively closed when the same or similar allegations are contained in a previously filed charge. Further, the Rulemaking will amend the Department's Rules by removing the references to housing procedures in Section 7B-102(B) of the Act.

B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

C) Scheduled meeting/hearing dates: None

D) Date Agency Anticipates First Notice: May 15, 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Joint Rules of the Department of Human Rights and the Human Rights Commission: Disability Discrimination in Employment (56 Ill. Adm. Code 2500).

1) Rulemaking:

A) Description: The Rulemaking will clarify and update the Department of Human Rights' and the Human Rights Commission's Joint Rules on Disability Discrimination.

B) Statutory Authority: Implementing Section 2-102(A) and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A) and 7-101(A)].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 15, 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary M. (Betsey) Madden
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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN RIGHTS

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d) Part (Heading and Code Citation): Housing Discrimination (71 Ill. Adm. Code 2300)

1) Rulemaking:

A) Description: The Rulemaking will modify the Illinois Department of Human Rights' regulations regarding verified responses and responses to Department charges pursuant to Public Act 100-0492.

B) Statutory Authority: Implementing Articles 3, 6, and 7B of the Act and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A) and 7-101(A)].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 15, 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Mary M. (Betsey) Madden
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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2022 REGULATORY AGENDA

a) Part (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)

1) Rulemaking:

A) Description: This Part is being amended to review fees.

B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40]; Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835]; Section 5 of the State Parks Designation Act [20 ILCS 840]; Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805]; and Section 5 of the Crematory Regulation Act [410 ILCS 18].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citations): General Hunting and Trapping on Department-Owned or -Managed Sites (17 Ill. Adm. Code 510)

1) Rulemaking:

A) Description: This Part is being amended to prohibit the use of cannabis on state sites and update provisions of special hunts conducted for young and novice hunters in order to promote hunter recruitment.

DEPARTMENT OF NATURAL RESOURCES

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B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Nuisance Wildlife Control Permits (17 Ill. Adm. Code 525

1) Rulemaking:

A) Description: This Part will be amended to update statewide rules and regulations.

B) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting (17 Ill. Adm. Code 530)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

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217/782-1809

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat, and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33 and 3.5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat, and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)

DEPARTMENT OF NATURAL RESOURCES

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1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33, 2.33a and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.10, 2.1, 2.2, 2.30, 2.30b, 2.33, 2.33a and 3.5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the

Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8] and Migratory Bird Hunting (50 CFR 20).

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms (17 Ill. Adm. Code 650)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): White-Tailed Deer Hunting By Use of Bow and Arrow (17 Ill. Adm. Code 670)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.5, 2.20, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.5, 2.20, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
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Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Special White-Tailed Deer Season for Disease Control (17 Ill. Adm. Code 675)

1) Rulemaking:

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A) Description: This Part will be amended to make statewide program changes.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
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Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Youth Hunting Seasons (17 Ill. Adm. Code 685)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
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DEPARTMENT OF NATURAL RESOURCES

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217/782-1809

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Squirrel Hunting (17 Ill. Adm. Code 690)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.20, 2.28 and 3.5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

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A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10, 2.11 and 2.20].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2022 REGULATORY AGENDA

One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Dove Hunting (17 Ill. Adm. Code 730)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3 and 1.4 of the Wildlife Code [520 ILCS 5/1.3 and 1.4]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

s) Part (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes and close state-owned or -managed sites and amend procedures at state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987)

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

t) Part (Heading and Code Citation): Construction in Floodways of Rivers, Lakes and Streams (17 Ill. Adm. Code 3700)

1) Rulemaking:

A) Description: Pursuant to Executive Order 2016-13 and the 2014 House Joint Resolution HJR0095, this Part will be amended to update, clarify or simplify the current rules. The proposed amendments will add in General Provisions, Standard Permit Conditions, Emergency Permit Conditions, and eliminate the Statewide Permits section to expedite state approvals for several minor floodway construction activities that would otherwise require full environmental review processing and instead exempt such

minor activities when appropriate. These proposed amendments would ensure consistent regulatory standards across the State of Illinois and allow for similar levee standards along interstate waterways. To further reduce permit application review costs and associated permit application review fees, the proposed amendments create several new General Permits for common floodplain construction activities or public body of water uses.

B) Statutory Authority: Implementing and authorized by Sections 23, 29a, 30 and 35 of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 26a, 29a, 30 and 35]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Robert G. Mool, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

u) Part (Heading and Code Citation): Regulation of Public Waters (17 Ill. Adm. Code 3704)

1) Rulemaking:

A) Description: Pursuant to Executive Order 2016-13, this Part will be amended to update, clarify or simplify the current rules. The proposed amendments would ensure consistent regulatory standards across the State of Illinois.

B) Statutory Authority: Implementing and authorized by Sections 5/18g and 35 of the Rivers, Lakes and Streams Act [615 ILCS 5/18g and 35]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Robert G. Mool, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

v) Part (Heading and Code Citation): The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)

1) Rulemaking:

A) Description: This Part is being amended to update regulatory requirements.

B) Statutory Authority: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725], the Illinois Underground Natural Gas Storage Safety Act [415 ILC 160], and Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

John Fischer, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

w) Part (Heading and Code Citation): The Illinois Explosives Act (62 Ill. Adm. Code 200)

1) Rulemaking:

A) Description: This Part is being amended to update current explosives regulations concerning explosive storage and handling. The proposed rulemaking will better align explosive handling and storage practices with current industry standards. In addition, the proposed amendments will ensure consistency throughout the regulations.

B) Statutory Authority: 225 ILCS 210

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Amy Oakes, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2022 REGULATORY AGENDA

x) Part (Heading and Code Citation): Surface Mined Land Conservation and Reclamation Act (62 Ill. Adm. Code 300)

1) Rulemaking:

A) Description: This Part is being amended to update current regulations pertaining to the use of explosives in non-coal mineral extraction operations. These proposed amendments will better align blasting practices with current technologies.

B) Statutory Authority: 225 ILCS 715

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Amy Oakes, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

y) Part (Heading and Code Citation): General Definitions (62 Ill. Adm. Code 1701)

1) Rulemaking:

A) Description: This Part is being amended to update definitions.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

C) Scheduled meeting/hearing dates: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2022 REGULATORY AGENDA

D) Date agency anticipates First Notice: June

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Amy Oakes, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

z) Part (Heading and Code Citation): Requirements for Permits and Permit Processing (62 Ill. Adm. Code 1773)

1) Rulemaking:

A) Description: This Part is being amended to address public participation issues.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Amy Oakes, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2022 REGULATORY AGENDA

217/782-1809

G) Related rulemakings and other pertinent information: None

aa) Part (Heading and Code Citation): Administrative and Judicial Review (62 Ill. Adm. Code 1847)

1) Rulemaking:

A) Description: This Part is being amended to address public participation issues.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Amy Oakes, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

PROPERTY TAX APPEAL BOARD

JANUARY 2022 REGULATORY AGENDA

a) Part (Heading and Code Citation): Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)

1) Rulemaking:

A) Description: The Property Tax Appeal Board anticipates amending the following rules:

Section 1910.12(b) – Change the requirement that a person must give 10-days advance notice of the request to address the Property Tax Appeal Board during a regularly scheduled meeting to 72 hours.

Section 1910.20(a) – Provide that once an appeal is docketed communications must be sent electronically, via e-mail, to the Clerk of the Property Tax Appeal Board at PTA.Clerk@illinois.gov.

Section 1910.20(c) – Provide that the email address of the Clerk of the Property Tax Appeal Board is PTA.Clerk@illinois.gov.

Section 1910.25(b) – Provide that documentation sent to the Property Tax Appeal Board by a delivery service other than the United States Mail shall be considered filed on the date sent as stated on the Certificate of Mailing, which must accompany these filings.

Section 1910.30(a) – Provide that appeals may be filed with the Property Tax Appeal Board via United States Mail, a delivery service other than the United States Mail or electronic means.

Section 1910.30(a) – Provide that appeals must be filed with the Property Tax Appeal Board via the Board's e-filing system.

Section 1910.30(c) – Provide that a separate petition must be filed for each separately assessed parcel except for contiguous single-owner parcels that constitute a single property and for condominiums.

Section 1910.30(g) – Provide that once an appeal has been assigned a docket number, evidence that was not filed with the appellant's petition shall be filed with the Board by emailing the evidence to the Clerk of the

PROPERTY TAX APPEAL BOARD

JANUARY 2022 REGULATORY AGENDA

Property Tax Appeal Board at PTA.Clerk@illinois.gov, with applicable file size limitations.

Section 1910.30(i) – Provide that every petition for appeal shall include an email address of the contesting party or if represented by an attorney, the contesting party's attorney where notice of motions and hearings will be accepted.

Section 1910.30(k) – Provide that a petition for appeal that does not include the email address of the contesting party or, if represented by an attorney, the contesting party's attorney's email address will be considered incomplete.

Section 1910.30(m) – To provide that when an interested taxing body files an appeal it must furnish the name and address of the property owner, the name and address of the taxpayer of the property if different than the owner, the name and address of the registered agent of the corporate owner or taxpayer, or the name and address of the any partner or registered agent of a partnership owner or taxpayer. Provide that when an interested taxing body files an appeal on property owned by a corporation it must serve a copy of the appeal petition with the registered agent of the corporation by mail. Provide that when an interested taxing body files an appeal on property owned by a partnership it must serve a copy of the appeal petition with any partner or the registered agent of the partnership by mail.

Section 1910.30 – Add a provision for the collection of a non-refundable filing fee when an appeal is filed.

Section 1910.30 – Add a provision requiring the electronic filing of appeals.

Section 1910.40(a) - Provide that the board of review may submit its completed Board of Review Notes on Appeal and evidence to the Property Tax Appeal Board via United States Mail, a delivery service other than the United States Mail or electronic means.

PROPERTY TAX APPEAL BOARD

JANUARY 2022 REGULATORY AGENDA

Section 1910.55 – Add provision requiring an appellant represented by an attorney to submit a draft Agreed Stipulated Final Administrative Decision in addition to all other requirements as set forth in Section 1910.55.

Section 1910.60(a) - Provide that an intervenor may submit its Request to Intervene, resolution and evidence to the Property Tax Appeal Board via United States Mail, a delivery service other than the United States Mail or electronic means.

Section 1910.67(b) – Provide that the Board shall hold a hearing at the written request of the party initiating the appeal, or at the request of the board of review or intervenor only if the board of review or intervenor is seeking an increase in assessed value and has submitted evidence other than the Board of Review Notes on Appeal.

Section 1910.67(b) – Provide that the Board shall provide notice of a hearing to the parties via email to the email address on record for the parties. If a taxpayer or property owner is represented by an attorney, notice shall be sent to the attorney's email address.

Section 1910.77(a) – Provide an attorney who wishes to withdraw from representation of a party must include in the proof of service notification to the client.

Section 1910.90(l) – Provide that a decision may be sent to a party through electronic means, except that, if the party is represented by an attorney, the decision shall go to the attorney at the attorney's e-mail address provided by the attorney.

B) Statutory Authority: 35 ILCS 200/Art. 7 and 35 ILCS 200/16-160 through 16-195

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: Summer 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

PROPERTY TAX APPEAL BOARD

JANUARY 2022 REGULATORY AGENDA

F) Agency contact person for information:

Michael O'Malley
Executive Director & General Counsel
Property Tax Appeal Board
Suburban North Regional Office
9511 W. Harrison St., Suite LL-54
Des Plaines, IL 60016

(847) 294-4121
Fax: (847) 294-4799
Michael.OMalley@illinois.gov

G) Related rulemakings and other pertinent information: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2022 REGULATORY AGENDA

a) Part (Heading and Code Citation): General Provisions (23 Ill. Adm. Code 2700)

1) Rulemaking:

A) Description: This Part is being revised to add/update definitions and incorporate updates required by recent legislation (P.A. 102-0571).

B) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield, Illinois 62704

217.782.5161
jackie.eckley@illinois.gov

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Illinois Veteran Grant Program (23 Ill. Adm. Code 2733)

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2022 REGULATORY AGENDA

1) Rulemaking:

A) Description: This Part is being revised to incorporate changes to what is considered an honorable discharge as a result of P.A. 102-0382.

B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield, Illinois 62704

217.782.5161
jackie.eckley@illinois.gov

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Displaced Energy Worker Dependent Transition Scholarship Program (23 Ill. Adm. Code 2746)

1) Rulemaking:

A) Description: ISAC is adding this Part in response to the creation of a new program through P.A. 102-0662.

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2022 REGULATORY AGENDA

B) Statutory Authority: New Part

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
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217.782.5161
jackie.eckley@illinois.gov

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Community Behavioral Health Care Professional Loan Repayment Program (23 Ill. Adm. Code 2753)

1) Rulemaking:

A) Description: This Part is being revised to remove gender-specific pronouns.

B) Statutory Authority: Implementing the Community Behavioral Health Care Professional Loan Repayment Program Act [110 ILCS 996] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2022 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield, Illinois 62704

217.782.5161
jackie.eckley@illinois.gov

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Nurse Educator Loan Repayment Program (23 Ill. Adm. Code 2758)

1) Rulemaking:

A) Description: This Part is being revised to remove gender-specific pronouns.

B) Statutory Authority: Implementing Article 10 of the Nurse Educator Assistance Act [110 ILCS 967/10] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947 and /20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2022 REGULATORY AGENDA

D) Date agency anticipates First Notice: February 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield, Illinois 62704

217.782.5161
jackie.eckley@illinois.gov

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765)

1) Rulemaking:

A) Description: This Part is being revised to remove gender-specific pronouns.

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

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2022

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2022 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield, Illinois 62704

217.782.5161
jackie.eckley@illinois.gov

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Illinois Teachers and Child Care Providers Loan Repayment Program (23 Ill. Adm. Code 2767)

1) Rulemaking:

A) Description: This Part is being revised to remove gender-specific pronouns.

B) Statutory Authority: Implementing Section 65.56 of the Higher Education Student Assistance Act [110 ILCS 947/65.56] and authorized by Sections 20(f) and 65.56 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.56].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: February 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2022 REGULATORY AGENDA

F) Agency contact person for information:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
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217.782.5161
jackie.eckley@illinois.gov

G) Related rulemakings and other pertinent information: None

OFFICE OF THE TREASURER

JANUARY 2022 REGULATORY AGENDA

a) Part (Heading and Code Citation): Technology Development Account (TDA) Program (74 Ill. Adm. Code 719)

1) Rulemaking:

A) Description: This rulemaking updates the existing rule to reflect statutory changes pursuant to Senate Bill 1608, which passed the Illinois General Assembly in January 2021. These changes include provisions related to the implementation and administration of the technology grant program.

B) Statutory Authority: Technology Development Act (30 ILCS 265)

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2022

E) Effect on small businesses, small municipalities or not for profit corporations: Grants awarded under this program will provide resources to Illinois schools to purchase computers, upgrade technology and support career and technical education, or incubators, accelerators, innovation research, technology transfer, and educational programs that provide training, support and other resources to technology businesses to promote the growth of jobs and entrepreneurial and venture capital environments in communities of color or underrepresented or under-resourced communities in the State.

F) Agency contact person for information:

Felicia Page
Assistant General Counsel
Illinois State Treasurer
1 East Old State Capitol Plaza
Springfield, Illinois 62701

217/557-6477
fax: 217/524-3822
FPage@illinoistreasurer.gov

G) Related rulemakings and other pertinent information: None

OFFICE OF THE TREASURER

JANUARY 2022 REGULATORY AGENDA

b) Part (Heading and Code Citation): Revised Uniform Unclaimed Property Act (74 Ill. Adm. Code 760)

1) Rulemaking:

A) Description: This rulemaking updates the existing rule to reflect statutory changes pursuant to Senate Bill 338, which passed the Illinois General Assembly in May 2021. These changes include provisions related to data matching with the Secretary of State's Office and the Illinois State Board of Elections, time deposits at financial organizations, expanded coverage of U.S. Savings Bonds, virtual currency, filing of negative reports, and payment of interest to owners.

B) Statutory Authority: Section 15-104 of the Revised Uniform Unclaimed Property Act (765 ILCS 1026/15-104)

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2022

E) Effect on small businesses, small municipalities or not for profit corporations: Holders of unclaimed property, including small businesses, small municipalities, and not for profit corporations will be required to comply with the provisions in Senate Bill 338. Some of those provisions include a reduced period of abandonment for money orders from 7 to 5 years, new language for time deposits, expanded coverage of U.S. Savings Bonds, guidance for virtual currency, and updated age of an apparent owner when determining whether a pension or retirement account that qualifies for tax deferral or tax exemption has been presumptively abandoned to match changes in federal law. Provisions related to negative reports include allowing the Treasurer to increase the employer size thresholds by rule to help ensure that only larger businesses are covered by the negative reporting requirement.

F) Agency contact person for information:

Sara Meek
Legislative Director

OFFICE OF THE TREASURER

JANUARY 2022 REGULATORY AGENDA

Illinois State Treasurer
219 State House
Springfield, Illinois 62706

217/836-0030
fax: 217/785-2777
SMeek@illinoistreasurer.gov

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Procurement (44 Ill. Adm. Code 1400)

1) Rulemaking:

A) Description: This rulemaking updates the existing rule to align, as appropriate, with changes to the Illinois Procurement Code that have occurred since the last update to the rule as well as changes in policy resulting from the COVID-19 pandemic.

B) Statutory Authority: Section 1-30 of the Procurement Code (30 ILCS 500/1-30(a))

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2022

E) Effect on small businesses, small municipalities or not for profit corporations: Vendors providing goods or services to the Treasurer's Office, which vendors include small businesses and not for profit corporations, will be required to adapt to applicable procurement guidelines in this rule.

F) Agency contact person for information:

Chris Flynn
Deputy General Counsel and Chief Procurement Officer
Illinois State Treasurer
1 East Old State Capitol Plaza
Springfield, Illinois 62701

OFFICE OF THE TREASURER

JANUARY 2022 REGULATORY AGENDA

217/208-2001
fax: 217/524-3822
CFlynn@illinoistreasurer.gov

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Achieving a Better Life Experience (ABLE) Account Program (74 Ill. Adm. Code 722)

1) Rulemaking:

A) Description: This rulemaking updates the existing rule to align with the final federal regulations for the ABLE Program and make it consistent with House Bill 1836, which passed the General Assembly in May 2021. House Bill 1836 protects private assets from Medicaid recovery upon the death of a beneficiary.

B) Statutory Authority: Section 16.6(p) of the State Treasurer Act (15 ILCS 505/16.6(p))

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Nicola Bunick
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NBunick@illinoistreasurer.gov

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): E-Pay Program (74 Ill. Adm. Code 735)

1) Rulemaking:

A) Description: This rulemaking updates the existing rule to align with changes to the statute that have occurred since the last update to the rule and provide guidance to State agencies regarding participation in the E-Pay Program.

B) Statutory Authority: Section 17 of the State Treasurer Act (15 ILCS 505/17)

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 2022

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Maya Ganguly
Assistant General Counsel
Illinois State Treasurer
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Mganguly@illinoistreasurer.gov

G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 46, Issue 2 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.