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# ILLINOIS

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## REGISTER

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September 6, 2024 Volume 48, Issue 36

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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 2024

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 26, 2023	January 5, 2024
2	January 2, 2024	January 12, 2024
3	January 8, 2024	January 19, 2024
4	January 16, 2024	January 26, 2024
5	January 22, 2024	February 2, 2024
6	January 29, 2024	February 9, 2024
7	February 5, 2024	February 16, 2024
8	February 13, 2024	February 23, 2024
9	February 20, 2024	March 1, 2024
10	February 26, 2024	March 8, 2024
11	March 4, 2024	March 15, 2024
12	March 11, 2024	March 22, 2024
13	March 18, 2024	March 29, 2024
14	March 25, 2024	April 5, 2024
15	April 1, 2024	April 12, 2024
16	April 8, 2024	April 19, 2024
17	April 15, 2024	April 26, 2024
18	April 22, 2024	May 3, 2024
19	April 29, 2024	May 10, 2024
20	May 6, 2024	May 17, 2024
21	May 13, 2024	May 24, 2024

22	May 20, 2024	May 31, 2024
23	May 28, 2024	June 7, 2024
24	June 3, 2024	June 14, 2024
25	June 10, 2024	June 21, 2024
26	June 17, 2024	June 28, 2024
27	June 24, 2024	July 5, 2024
28	July 1, 2024	July 12, 2024
29	July 8, 2024	July 19, 2024
30	July 15, 2024	July 26, 2024
31	July 22, 2024	August 2, 2024
32	July 29, 2024	August 9, 2024
33	August 5, 2024	August 16, 2024
34	August 12, 2024	August 23, 2024
35	August 19, 2024	August 30, 2024
36	August 26, 2024	September 6, 2024
37	September 3, 2024	September 13, 2024
38	September 9, 2024	September 20, 2024
39	September 16, 2024	September 27, 2024
40	September 23, 2024	October 4, 2024
41	September 30, 2024	October 11, 2024
42	October 7, 2024	October 18, 2024
43	October 15, 2024	October 25, 2024
44	October 21, 2024	November 1, 2024
45	October 28, 2024	November 8, 2024
46	November 4, 2024	November 15, 2024
47	November 12, 2024	November 22, 2024
48	November 18, 2024	December 2, 2024
49	November 25, 2024	December 6, 2024
50	December 2, 2024	December 13, 2024
51	December 9, 2024	December 20, 2024
52	December 16, 2024	December 27, 2024

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Household Goods Carriers
- 2) Code Citation: 92 Ill. Adm. Code 1457
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1457.10	Amendment
1457.20	Amendment
1457.40	Amendment
1457.60	Amendment
1457.80	Amendment
1457.90	Amendment
1457.100	Amendment
1457.110	Amendment
1457.120	Amendment
1457.130	Amendment
1457.140	Amendment
1457.150	Amendment
1457.310	Amendment
1457.340	Amendment
1457.600	Amendment
1457.610	Amendment
1457.620	Amendment
1457.655	New Section
1457.700	Amendment
1457.920	Amendment
1457.940	Amendment
1457.1020	Amendment
1457.1030	Amendment
1457.1400	Amendment
- 4) Statutory Authority: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-2107].
- 5) A Complete Description of the Subjects and Issues Involved: On June 4, 2024, Commission Staff held a public workshop to discuss potential amendments to the Commission's household goods regulations (Part 1457). On August 14, 2024, the Commission entered an order directing staff to file the attached amendments to Part 1457

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

with the Illinois Secretary of State for publication in the *Illinois Register*. Summarized below are the substantive edits by section.

At Section 1457.10, the Commission is removing the requirement that the certificate of publication must be filed within 30 days after filing the application for authority. Instead, the certificate will be required to be filed prior to hearing.

The Commission is also clarifying that the applicant may request, and the Commission may grant, an extension to file their tariffs and proof of insurance.

To allow applicants a full year of operations under their temporary authority, the Commission is revising this section to provide that the temporary authority expires one year after it is issued.

Additionally, the temporary authority will no longer expire if an extension request is pending before the Commission's Motor Carrier Employee Board or where a request for hearing remains adjudicated.

At Section 1457.20, the Commission is correcting a citation to the Illinois Commercial Transportation Law.

At Section 1457.40, the Commission is removing a dated requirement that an application for HHG authority must include names and addresses of shippers that support the application. The Commission is also clarifying what documents must accompany an application depending on the applicant's entity type. Lastly, the Commission is clarifying that an application for temporary authority will be considered an application for both temporary and permanent authority unless otherwise indicated on the application.

At Section 1457.60, the Commission seeks to better define immediate family as it relates to transfers of HHG authority.

At Section 1457.80, the Commission is removing a reference to a form that is no longer used by the Commission.

At Section 1457.90, the Commission is clarifying that an HHG licensee may use interns or trainees for which the shipper is not being charged. The Commission also seeks to allow different variations of the ILCC acronym that precedes a carrier's ILCC number on advertisements. Consistent with the prohibition in the Illinois Commercial Transportation Law, text is being added that prohibits advertising as a household goods carrier unless the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

carrier has a license from the Commission. The Commission is also allowing notifications of delays to be communicated through additional methods.

At Section 1457.100, the Commission is adding a provision indicating that a mover may not operate until proof of insurance is filed and accepted by the Commission.

At Sections 1457.110 through 130, the Commission is updating the materials incorporated by reference relating to insurance coverage.

At Section 1457.140, the Commission is adding a definition for collect-on-delivery and removing the waiver provisions. If a carrier chooses to handle collect-on-delivery shipments, they must file proof of insurance or bond coverage with the Commission.

At Section 1457.150, liability for loss or damage is being changed to the greater of \$.60 per pound per article or the lump sum value declared by the shipper provided the shipper pays the applicable valuation charges. The shipper is required to elect one of these options by initialing or signing next to the selected option.

At Section 1457.310, the Commission is updating the definition of shipper.

At Section 1457.340, minor changes are being made to allow for electronic communications.

At Section 1457.600, the Commission will require bills of lading to include, for hourly rated shipments, the number of pieces of equipment, start and end times for loading/unloading, and a description and the charges for any accessorial services. For weight-rated shipments, the Commission will require the bill of lading to include the weight, distance, and rate for transportation along with a description and the charges for any accessorial services. Additional changes are being made to this section to conform with the changes proposed in Section 1457.150.

At Section 1457.610, the Commission is clarifying that estimates may be based on an in-person or virtual inspection of the household goods. Additional edits to this section seek to clarify the items required to appear on an estimate form.

At Section 1457.620, the definition of short haul is being expanded by changing 35 miles to 50 miles. The Commission is also proposing to allow inventories to be written, photographic, or videographic.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

At Section 1457.655, the Commission proposes adding a new section that addresses the medium in which forms may be generated, completed, and delivered.

At Section 1457.700, the Commission is removing reference to interstate cab cards.

At Section 1457.920, the Commission is adding text to allow for the electronic submission of leases for when the Commission begins to accept electronic filings.

At Section 1457.940, the Commission is correcting an incorrect cross-reference.

At Section 1457.1020, the Commission is adding a definition for "line-haul" and increasing the distance, for which hourly rates may be used, from 35 miles to 50 miles. The Commission is also adding text to clarify what a rate-exempt move is.

At Section 1457.1030, the Commission is adding additional methods where the carrier can notify the shipper of the shipment's weight and charges.

At Section 1457.1400, the Commission is clarifying that the fee for all new licenses for authority is \$900.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

Greg Stucka, Transportation Counsel

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Illinois Commerce Commission  
Transportation Division  
527 East Capitol Avenue  
Springfield, Illinois 62701

(217) 524-4227  
Greg.stucka@illinois.gov

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not for profit corporations affected: This rulemaking will affect household goods movers licensed by the Commission.
- B) Reporting, bookkeeping or other procedures required for compliance: Licensed household goods movers will need to update their forms if inconsistent with the proposed changes.
- C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:  
48-49 Transportation and Warehousing
- 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 it was not anticipated at those times.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLYPART 1457  
HOUSEHOLD GOODS CARRIERS

## SUBPART A: APPLICATIONS

Section	
1457.10	Application for Temporary Household Goods Authority
1457.20	Notice of Application for Permanent Household Goods Authority
1457.30	Petitions for Leave to Intervene
1457.40	Application for Permanent Household Goods Authority
1457.50	Emergency Temporary Household Goods Authority Application
1457.60	Transfer of Permanent Household Goods Authority

## SUBPART B: FITNESS STANDARDS

Section	
1457.80	Requirements to Show Fitness
1457.90	Continued Fitness, <a href="#">Service, and Advertising</a> Standards

## SUBPART C: INSURANCE OR BOND COVERAGE

Section	
1457.100	Licenses Conditioned upon Compliance with Insurance Requirements
1457.110	Proof of Insurance or Bond Coverage
1457.120	Public Liability and Property Damage Coverage
1457.130	Cargo Damage Coverage
1457.140	Collect On Delivery (C.O.D.) Bond Coverage
1457.150	Shipper Valuation Coverage
1457.160	Shipper Insurance Coverage

## SUBPART D: SELF-INSURANCE

Section	
1457.200	Effect of Qualification as Self-Insurer
1457.210	Minimum Requirements for Self-Insurers

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- 1457.220 Reports to be Filed by Self-Insurers
- 1457.230 Revocation of Authorization to be a Self-Insurer
- 1457.240 Reinstatement

SUBPART E: RESOLUTION OF HOUSEHOLD GOODS DISPUTES

- Section
- 1457.300 Introduction
- 1457.310 Definitions
- 1457.320 Shipper-Carrier Negotiation
- 1457.330 Mediation
- 1457.340 Arbitration

SUBPART F: CLAIMS FOR OVERCHARGES OR DUPLICATE PAYMENT

- Section
- 1457.400 Definitions
- 1457.405 Filing of Claims
- 1457.410 Documentation of Claims
- 1457.415 Investigation of Claims
- 1457.420 Claim Records
- 1457.425 Acknowledgment of Claims
- 1457.430 Disposition of Claims
- 1457.435 Disposition of Unidentified Payments, Overcharges, and Duplicate Payments Not Supported by Claims

SUBPART G: CLAIMS FOR LOSS OR DAMAGE

- Section
- 1457.440 Definitions
- 1457.450 Limitations for Filing a Claim
- 1457.455 Requirements for Form and Content of Claims
- 1457.460 Documents Not Constituting Claims
- 1457.465 Claims Filed for Uncertain Amounts
- 1457.470 Multiple Loss and Damage Claims for the Same Shipment
- 1457.475 Acknowledgement of Loss or Damage Claims
- 1457.480 Loss or Damage Claim Records
- 1457.485 Investigation of Loss or Damage Claims
- 1457.490 Disposition of Loss or Damage Claims

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1457.495 Processing of Salvage

## SUBPART H: ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS

## Section

1457.500 Generally Accepted Accounting Principles  
1457.510 Records  
1457.520 Examination and Audit  
1457.530 Annual Report Filing Requirement

## SUBPART I: BILLS OF LADING OR OTHER FORMS

## Section

1457.600 Bills of Lading and Freight Bills  
1457.610 Estimate of Charges  
1457.620 Inventory Forms  
1457.630 Storage Charges  
1457.640 Determination of Weights  
1457.650 Information Pamphlets for Shippers  
[1457.655 Completion, Execution, and Delivery of Required Forms](#)  
1457.660 Retention of Bills and Other Forms

## SUBPART J: CAB CARDS AND IDENTIFIERS

## Section

1457.700 Cab Card/Identifier Carrying Requirements  
1457.710 Exemption of Vehicles from Cab Card Requirements  
1457.720 Transfer of Cab Card/Identifier  
1457.730 Expiration, Alteration, and Replacement of Cab Card/Identifier  
1457.740 Revocation of Exemptions under Section 18c-4601(2) of the Law

## SUBPART K: CARRIER IDENTIFICATION

## Section

1457.800 Carrier Identification of Vehicles and Format

## SUBPART L: EQUIPMENT LEASES

## Section

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1457.900	Applicability
1457.910	Definitions
1457.920	General Leasing Requirements
1457.930	Actions Affecting Leases
1457.940	Lease Terms and Conditions
1457.950	Lease Form
1457.960	Possession and Control of Leased Equipment
1457.970	Additional Requirements for Trip Leases between Authorized Carriers

SUBPART M: RATES BASED ON VALUE (RELEASED VALUE RATES);  
LINE-HAUL RATES; AND ACCESSORIAL OR TERMINAL CHARGES

## Section

1457.1000	Authority to Establish Released Value Rates
1457.1010	Released Rate Application Form
1457.1020	Establishment of Line-haul Rates
1457.1030	Accessorial or Terminal Service Charges

## SUBPART N: APPLICATIONS FOR APPROVAL OF TARIFF BUREAU AGREEMENTS

## Section

1457.1100	Definition of Tariff Bureau
1457.1110	Contents of Application
1457.1120	Required Exhibits
1457.1130	Independent Action

## SUBPART O: TARIFF BUREAU RECORDS AND REPORTS

## Section

1457.1200	Accounts
1457.1210	Ratemaking Records
1457.1220	Reporting Requirements
1457.1230	Prohibition Against Protests by Tariff Bureaus

## SUBPART P: CARRIER/AGENT RELATIONSHIPS

## Section

1457.1300	Carrier/Agent Relationships
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## ILLINOIS COMMERCE COMMISSION

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## SUBPART Q: FEES

Section  
1457.1400 Filing Fees

AUTHORITY: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5].

SOURCE: Adopted at 24 Ill. Reg. 17072, effective November 1, 2000; amended at 28 Ill. Reg. 3840, effective March 1, 2004; amended at 28 Ill. Reg. 13003, effective October 1, 2004; amended at 31 Ill. Reg. 3156, effective March 1, 2007; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: APPLICATIONS

**Section 1457.10 Application for Temporary Household Goods Authority**

- a) Application for temporary household goods authority shall be filed on forms provided by the Commission.
- b) Public notice of application for temporary household goods authority shall be published in the official State newspaper ~~and the Certificate of Publication must be received by the Commission no more than 30 days after the application has been filed~~. The published notice must include the docket number assigned to the application by the Commission.
- c) Each applicant shall obtain from the official State newspaper a certificate of publication certifying that the notice has been published and showing the contents of the notice and the date of publication. The applicant shall file the certificate with the Commission. A hearing on the application shall not commence until the certificate of publication has been filed.
- d) An application for temporary authority cannot be filed unless an application for permanent authority has been filed or is filed concurrently with the application for temporary authority.
- e) The applicant shall have 60 days from the issuance of the order granting a temporary authority to file the following with the Commission, unless an extension is requested by the applicant and is granted by the Commission:



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- 1) Rates applicable to the full extent of the grant of temporary authority;
  - 2) If applicable, proof of insurance as required in compliance with the Workers' Compensation Act [820 ILCS 305];
  - 3) Proof of liability and cargo insurance, and any required ~~cargo and C.O.D. affidavits or~~ bonds/~~insurance required~~; and
  - 4) Payment of franchise fees for each truck to be operated under the temporary authority.
- e) Failure to submit the above within the specified ~~60-day~~ 60-day period will result in the order granting the temporary authority being vacated and the application being dismissed, unless an extension is requested by the applicant and is granted by the Commission.
- f) Temporary authority shall not be granted unless the application and the evidence presented at hearing demonstrate that a public need exists for the requested service and that the applicant is fit, willing, and able to provide the service requested.
- g) Fitness shall be determined in accordance with the provisions of Subpart B of this Part. Evidence that applicant has conducted household goods moves without Commission authority, been assessed civil penalties, or received administrative citations shall be considered by the Commission in determining the applicant's fitness to operate.
- h) In determining whether a public need exists for the requested service the Commission shall consider demographic statistics and, ~~supporting shipper testimony, or~~ any other evidence presented that is material and relevant.
- i) An applicant may operate as a household goods carrier under a temporary authority for up to one year after issuance of the ~~service date of the order granting~~ temporary authority. During that year of operation, the temporary authority holder shall be subject to:
- 1) A compliance audit conducted by the Commission;

## ILLINOIS COMMERCE COMMISSION

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- 2) A review of any and all consumer complaints against the temporary authority holder.
- kj) The compliance audit shall include, but not be limited to, a review of:
- 1) proof of proper insurance;
  - 2) claims/complaints filed by shippers;
  - 3) business organization records;
  - 4) proper documentation of moves including estimates, bills of lading, inventories and claims;
  - 5) liability provisions on estimates and bills of lading;
  - 6) operation within scope of authority;
  - 7) compliance with rate and tariff provisions;
  - 8) distribution of the Commission's consumer brochure;
  - 9) advertising;
  - 10) equipment leases;
  - 11) documentation in vehicles; and
  - 12) carrier identification on vehicles and documents.
- lk) If substantial violations of the rules and regulations of the Commission are found in either the Staff compliance audit or the consumer complaint review conducted under subsection (i) ~~of this Section~~, Staff shall recommend that the Motor Carrier Employee Board deny permanent authority, and notice of Staff's recommendation of denial of permanent authority shall be sent to the temporary authority holder, together with a copy of the audit report and a list of documents referred to in the audit report.
- 1) The temporary authority holder shall have 30 days from the service date of

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

the notice of [Staff's recommendation of denial of permanent authority to submit a written request to the Commission for either or both of the following:](#)

- A) A ~~six-month~~[six-month](#) extension of its temporary authority to allow opportunity to come into compliance with the rules and regulations of the Commission;
  - B) A formal hearing regarding the allegations of violations.
- 2) The hearing on denial of permanent authority shall be held no later than 45 days after the request is received by the Commission.
  - 3) Failure of the Commission to enter a final order within 120 days after the request for a hearing on denial of permanent authority shall constitute denial of permanent authority by operation of law.
  - 4) The Motor Carrier Employee Board shall act on requests for extensions of temporary authorities. A temporary authority holder shall be allowed only one six-month extension of its temporary operating authority.
    - A) During the six-month extension, the Commission will conduct a compliance audit of the temporary authority holder and a review of consumer complaints against the temporary authority holder.
    - B) The six-month extension shall terminate six months after the date ~~the extension is granted~~[granting the extension](#).
    - C) If during the six-month extension period the temporary authority holder is found to be in substantial non-compliance with the Commission's rules and regulations, [notice of Staff's recommendation of denial of permanent authority shall be sent to the temporary authority holder, together with a copy of the audit report and a list of documents referred to in the audit report](#)~~the applicant shall cease operating immediately, notwithstanding whether a hearing has been requested pursuant to subsection (k)(1)(B) of this Section.~~

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- D) The temporary authority holder shall have 30 days from the service date of the notice of Staff's recommendation of denial of permanent authority to submit a written request to the Commission for a formal hearing regarding the allegations of violations.
- 5) The expiration of the temporary authority shall be stayed:
- A) During the pendency of a request for extension before the Motor Carrier Employee Board; and,
- B) Pending an order by the Commission or Administrative Law Judge pursuant to a request for formal hearing.
- 65) The Motor Carrier Employee Board shall act on applications for permanent authority following receipt of Staff recommendations.
- m) A temporary authority shall be converted to a permanent authority upon expiration if the authority holder is found to have operated in substantial compliance with the rules and regulations of the Commission.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.20 Notice of Application for Permanent Household Goods Authority**

- a) When public notice of an application is required by the Illinois Commercial Transportation Law (Law) [625 ILCS 5/[Ch. 18c](#)], notice shall be given by publication in the "official newspaper" designated by the Department of Central Management Services. The notice must state the docket number assigned by the Commission and must be on the publication of notice form provided by the Commission.
- b) An applicant shall be directed to republish notice of an application when the original publication failed to give notice to the public of the nature and extent of the proposed operations or when the publication was not in compliance with the Section.
- c) Each applicant shall obtain from the official newspaper a certificate of publication certifying that the notice has been published and showing the contents of the notice and the date of publication. The applicant shall file the certificate with the

## ILLINOIS COMMERCE COMMISSION

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Commission. A hearing on the application shall not commence until the certificate of publication has been filed.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.40 Application For Permanent Household Goods Authority**

- a) Application for permanent household goods authority shall be filed on forms provided by the Commission and must be accompanied by the following:
- 1) The required fee specified in Subpart Q;
  - 2) If a partnership, a copy of the agreement creating the partnership~~The names and addresses of all shippers who intend to support the application;~~
  - 3) If an Illinois corporation, a copy of the articles of incorporation if less than 1 year old; a certificate of good standing from the Illinois Secretary of State if more than one year old. Or, ~~or,~~ if a foreign corporation, ~~the certificate of~~ authority to do business in Illinois, as recorded with the Illinois Secretary of State; and;
  - 4) If an Illinois limited liability company, a copy of the articles of organization if less than one year old; a certificate of good standing from the Illinois Secretary of State if more than one year old. Or, if a foreign limited liability company, admission to transact business in Illinois as recorded with the Illinois Secretary of State.
- b) An application for authority shall be deemed to be an application for both temporary and permanent authority, unless the application states otherwise.
- ~~c~~b) Permanent authority shall not be granted:
- 1) Unless the applicant has met all of the requirements of Section 1457.10 of this Part; and
  - 2) Until the applicant has operated for one year in substantial compliance with the rules and regulations of the Commission under a temporary authority granted by the Commission under this Part.

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(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.60 Transfer of Permanent Household Goods Authority**

- a) Application for Transfer of Permanent Household Goods Authority Generally
- 1) Except as otherwise provided in this Part, transfers are hereby provided for to the extent permitted under Section 18c-4306 of the Law.
  - 2) Every transfer application shall be on the Illinois Commerce Commission's (Commission) Transfer Application Form.
  - 3) In all transfers allowed under this Part, whether hearing or non-hearing, the authority transferred shall be converted from a permanent household goods authority to a temporary household goods authority subject to the requirements of Section 1457.10 and Subparts B and C of this Part.
- b) Transfers Involving Immediate Family
- 1) Transfers to members of the transferor's "immediate family" shall be permitted without hearing only where the relationship between transferor and transferee is one of the following:
    - A) ~~Spouse-Spouse~~~~Husband-Wife~~;
    - B) Civil Union Partner-Civil Union Partner
    - ~~C~~B) Parent-Child (natural or legally adopted child); or
    - ~~D~~E) Sibling-Sibling.
  - 2) Other uses of the term "immediate family" ~~is~~ When used in relation to a transaction other than a transfer to a member of the transferor's immediate family, the term "immediate family" includes the person's spouse, civil union partner, parents, children, and siblings.
- c) Transfers from One Corporation to a Related Corporation
- 1) No transfer shall be approved under Section 18c-4306(g) of the Law if a

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shareholder of the transferee would acquire a majority or controlling interest unless the same shareholder possessed a majority or controlling interest in the transferor.

- 2) No transfer shall be approved under Section 18c-4306(d) of the Law unless the transferor corporation is wholly owned by one person or members of one family.
- d) Expedited Household Goods Authority Transfers
- 1) Except as otherwise provided in this Subpart, expedited transfers are hereby provided for to the extent permitted under Section 18c-4306 of the Law.
  - 2) Applications for expedited (non-hearing) transfers shall be granted or denied, based upon the information contained in this Part and without oral hearing.
  - 3) The application shall be set for hearing pursuant to 83 Ill. Adm. Code 200 if the application does not qualify for expedited transfer.
- e) Operations by Fiduciaries Pending Transfer
- 1) Authority of Fiduciary to Continue Operations. The following fiduciaries shall have authority to continue operations under a license or registration issued by the Commission, pending completion of transfer proceedings, in lieu of the person to which the license or registration was issued:
    - A) Administrators and executors of the estates of deceased holders;
    - B) Conservators or guardians of incompetent holders;
    - C) Provisional directors or custodians of corporations appointed by a court pursuant to Section 12.55 of the Business Corporation Act of 1983 [805 ILCS 5/12.55]; and
    - D) Trustees, receivers, conservators, assignees, or other persons authorized by law to collect and preserve the property of financially disabled, bankrupt, deceased, or incapacitated holders.

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- 2) Authority Does Not Extend to Transfer by Fiduciary. Authority under subsection (e)(1) does not extend to transfers from fiduciaries to other persons or to operations by such other persons pending transfer from the fiduciaries.
- 3) Required Filings by Fiduciary
  - A) Notice. Within 30 days after assuming control, the fiduciary must give notice to the Commission:
    - i) Identifying the person to whom the license or registration was issued by full legal name, trade name, and principal business address;
    - ii) Identifying the license or registration by number;
    - iii) Identifying the fiduciary by full legal name, trade name, and mailing address; and
    - iv) Stating the date on which the fiduciary assumed control.
  - B) Proof of Fiduciary Capacity. If control was assumed pursuant to a court order, a certified copy of the order must be attached. If control was assumed other than by court order, an affidavit of fiduciary capacity must be submitted.
  - C) Transfer Application. The fiduciary shall file an application seeking Commission approval of a transfer of the license or registration, either to the fiduciary or to a transferee designated by the fiduciary. If the fiduciary does not file a transfer application within 180 days after assuming control, the fiduciary must file a report with the Commission, not later than the first day of each succeeding month, explaining the failure to file and must prosecute a transfer application. Such factors as court delays, progress in an estate settlement, and legal action against the estate will be considered as justification for failure to file and process a transfer application.



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- D) Proof of Insurance. No operations may be conducted until the fiduciary has obtained and filed with the Commission proof of insurance coverage for those operations in compliance with Section 18c-4901 or Section 18c-6503 of the Law.
- f) Transfers Not Subject to Commission Approval
- 1) If a merger, acquisition of control, or other transaction that is authorized pursuant to 49 ~~U.S.C.~~ ~~USC~~ 11343 involves one or more motor carriers of property licensed by the Commission, such transaction shall be recognized by the Commission subject to the provisions of subsection (b) of this Section.
  - 2) No license transferred by operation of 49 ~~U.S.C.~~ ~~USC~~ 11343 shall be effective for any purpose unless and until the person to whom the license is being transferred notifies the Commission of the transfer. Notification shall be accomplished by completing and filing the forms obtained from the Commission for this purpose, along with the required fee set forth in Section 1457.1300 of this Part.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: FITNESS STANDARDS

**Section 1457.80 Requirements to Show Fitness**

The applicant shall present clear and convincing evidence that fitness has been established for the issuance of the requested authority.

- a) In determining whether the applicant is fit to operate as a household goods carrier, the Illinois Commerce Commission shall require proof of the following factors:
- 1) The applicant has attended a seminar regarding this Part conducted or approved by the Commission's Compliance Advisory Service;
  - 2) The applicant has obtained a 75% or better passing grade on a written test administered by the Commission that tests the applicant's knowledge of this Part related to the requested authority.

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- A) The applicant may not take this test more than once in any seven-day~~seven-day~~ period;
  - B) An applicant may not have more than one partner or controlling stockholder take this test in any seven-day~~seven-day~~ period;
- 3) The applicant possesses, or can acquire, equipment and facilities of a type required for the transport of household goods as evidenced by a description, submitted with the application, of the equipment to be used by the applicant in the conduct of intrastate transportation (which shall include equipment that is currently owned by the applicant, leased by the applicant, or is to be otherwise acquired by the applicant);
  - 4) The applicant has established a safety, training, and maintenance program, including any policies regarding traffic citations issued against drivers and any refresher/remedial training courses required of drivers;
  - 5) The financial condition of the applicant as represented by the completed financial statement (~~Supporting Document FIS~~, consisting of balance sheet and projected income statement) included with the application. Evidence will be required at hearing to corroborate the information provided in the financial statement with the information in the shipper support statements;
  - 6) Required insurance coverage on file with the Commission including, where applicable, insurance in compliance with the Workers' Compensation Act [820 ILCS 305].
- b) In determining whether the applicant is fit to operate as a household goods carrier, the Commission shall consider the following:
- 1) The applicant's safety record as evidenced by a certification or record from the Federal Motor Carrier Safety Administration of the United States Department of Transportation, the Illinois Department of Transportation, or the appropriate regulatory body of another state, setting forth:
    - A) Any motor carrier safety citations issued against the applicant during the three years preceding application; and
    - B) Whether the file contains any record of any disciplinary action,

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taken or pending, during the three years preceding application.

- 2) Any citations or disciplinary actions against the applicant to determine whether a pattern of violations exists and will consider the severity of the violations.
  - 3) The conviction of the applicant of a crime punishable by death or imprisonment in excess of one year under the law under which he/she was convicted, or a crime involving dishonesty or false statement regardless of the punishment. The Commission will consider the type of crime, when the crime occurred, and the age of the applicant at the time of the incident.
  - 4) Whether the applicant is currently, or has been, the subject of civil penalty action by the Commission. In determining whether to grant authority to an applicant who is currently, or has been, the subject of prior civil penalty action, the Commission shall consider:
    - A) Whether the violations were committed knowingly and willfully;
    - B) Whether the violations caused economic harm to authorized carriers;
    - C) Whether a pattern of violations exists;
    - D) The applicant's cooperation in resolving previous violations; and
    - E) Whether the applicant is delinquent in paying a monetary settlement or civil penalty assessed by the Commission.
  - 5) Other facts that may bear on the applicant's fitness to hold the license applied for.
- c) For purposes of subsections (a)(1) and (2) and (b)(4) of this Section, "applicant" shall mean proprietors, partners, a member or manager of a limited liability company, or, in the case of a corporation, an officer or anyone holding a controlling interest in the corporation.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 1457.90 Continued Fitness, Service, and Advertising Standards**

- a) Personnel Standards
- 1) No household goods carrier shall permit any driver, helper, and/or packer to be used in the transportation of any household goods shipment or in the performance of accessorial services unless that person is trained in the movement of household goods. Carriers are permitted to use interns or trainees for which the shipper is not charged. Interns and trainees shall be included and specified as such on the estimate of charges. Interns and trainees shall be under the direct supervision of at least one experienced employee.
  - 2) No household goods carrier shall knowingly permit drivers, interns, trainees, helpers and/or packers to go on duty who are under the influence of alcoholic beverages or liquors of any kind, or narcotics, or habit-forming drugs not prescribed by a physician. Nor shall the use of these substances be allowed while the employees are on duty. Knowledge by the carrier is deemed to exist if known to the foreman or other manager of the crew.
- b) Equipment Standards
- 1) Equipment and facilities utilized by a household goods carrier for the transportation of household goods shall be maintained in a manner that is sufficient to protect the goods from damage or breakage. The interior of those vehicles used to transport household goods shipments shall be clean and free from vermin and debris.
  - 2) For shipments transported at hourly rates, the household goods carrier shall determine the number of personnel, excluding carrier interns and trainees for which the shipper is not charged,~~men~~ and the size and the number of motor vehicle equipment that is appropriate to provide safe and timely transportation services for the requested movement. If the carrier deviates from its initial determination as stated in the carrier's written estimate, the shipper shall not be charged for any resulting excess charges in unless the shipper is informed and agrees in writing. A notation shall be placed on the bill of lading indicating the number of personnel~~men~~ and motor vehicles initially estimated and the number actually furnished and

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used for the move.

c) Advertising Standards

- 1) For purposes of this Section, the term "advertisement" means any advertisement, solicitation, or other communication with the public in relation to the offer or sale of Illinois intrastate household goods transportation service. The term shall include advertisement by radio, television, internet, computer media or any other medium. The term shall not include a simple listing of household goods carriers' names, addresses, and telephone numbers, as in a telephone directory.
- 2) Each household goods carrier shall include, and shall require each of its agents to include, in every advertisement the full name of the originating household goods carrier as it appears on the carrier's license from the Commission. The advertisement shall also identify the carrier by showing the characters "ILL.C.C.", "ILCC", "IICC" followed by the license number assigned to the household goods carrier by the Commission.
- 3) Household goods carriers who are duly authorized agents for other licensed carriers, including carriers operating under the jurisdiction of the Federal Motor Carrier Safety Administration, may advertise and represent themselves as such an agent.
- 4) The following advertising practices shall not be conducted by household goods carriers:
  - A) Household goods carriers shall not advertise rates unless the following caveats are included in the advertisement:
    - i) "Rates effective (date), subject to change"; and
    - ii) "Actual charges governed by applicable tariffs, this advertisement notwithstanding";
  - B) Household goods carriers shall not misrepresent the scope of services offered and made available to the public under authority of the license issued by the Commission;

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- C) Household goods carriers shall not advertise that their operations are conducted at addresses or locations where duly authorized employees are not on duty during all business hours. The location of a telephone answering service does not constitute an address or location where duly authorized employees are on duty;
- D) Household goods carriers shall not advertise or otherwise offer to provide insurance or storage of personal property for compensation unless the carrier is duly licensed to engage in the offered activity by the appropriate agency of the State of Illinois; and
- E) No applicant for household goods authority shall advertise by any means until authority to operate has been issued by the Commission.

5) No person without authority to operate as a household goods carrier issued by the Commission shall advertise, solicit, or hold themselves out as offering or selling Illinois intrastate transportation of household goods service. Each day's continuance of a violation shall constitute a separate violation.

d) Standards for Forms of Payment

- 1) Household goods carriers shall accept payment tendered in the following forms:
  - A) Cash;
  - B) Cashier's check; or
  - C) Money order.
- 2) A household goods carrier may accept payment in other forms, including personal checks and credit cards, if to do so does not result in a practice that circumvents the statutory requirement that a carrier charge no more or less than the rate in the applicable tariff. No household goods carrier shall accept barter as payment.
- 3) A household goods carrier shall not refuse to accept any ordinary form of

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payment unless, before rendition of the service, the carrier has advised the shipper, in writing, that it would not accept payment in the form tendered.

- e) Notification of any delay in pickup or delivery shall be given to the shipper by telephone, e-mail, fax, text, or other immediate electronic means, or in person, at the carrier's expense, as soon as it becomes apparent that the delay will occur, provided the shipper has given information sufficient for the communication.
- f) All household goods carriers shall hold themselves out to provide a guaranteed delivery service at the tariff charge. The term "guaranteed delivery" shall mean that a carrier providing service shall perform delivery on a specified date.
- g) No household goods carrier shall accept a shipment of household goods for transportation that is subject to the minimum weight, distance, or time provisions of the carrier's tariff without first having advised the shipper of the minimum weight, distance, or time provisions. Failure to advise the shipper, in writing, of the provisions shall void the minimum rate application.
- h) All household goods carriers shall maintain on file with the Commission all required insurance coverage including, where applicable, insurance in compliance with the Workers' Compensation Act [820 ILCS 305].

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: INSURANCE OR BOND COVERAGE

**Section 1457.100 Licenses Conditioned upon Compliance with Insurance Requirements**

- a) Whenever a household goods carrier is required to file and maintain with the Commission evidence of currently effective insurance, the household goods carrier shall not engage in intrastate commerce within the borders of the State of Illinois unless there shall have been filed with and accepted by the Commission a currently effective certificate of insurance as prescribed by the provisions of Subpart C.
- b) A license or registration issued by the Illinois Commerce Commission to a household goods carrier has force and effect only while the carrier is in compliance with requirements for the filing of proof of insurance or bond coverage.

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(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.110 Proof of Insurance or Bond Coverage**

- a) Household goods carriers shall file with the Commission certificates of insurance or surety bond coverage in the amounts prescribed in Sections 1457.120 and 1457.130~~The Illinois Commerce Commission incorporates by reference 49 CFR 1023.51 through 1023.65, 1023.71, 1023.72, and 1023.81 as of December 1, 1986, no later amendments or editions included, as its regulations governing the filing of proof of insurance or bond coverage of cancellation, except as otherwise provided in this Part.~~
- b) Certificates of insurance shall state that the insurer has issued to the household goods carrier a policy of insurance which by endorsement provides insurance covering the obligations imposed upon the household goods carrier under the laws of the State of Illinois.
- c) Certificates of public liability and property damage insurance shall be filed on Form E (Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance). Certificates of cargo damage coverage shall be filed on Form H (Uniform Motor Carrier Cargo Liability Certificate of Insurance). Cancellations of certificates of insurance shall be filed on Form K (Uniform Notice of Cancellation of Motor Carrier Insurance Policies).
- d) Public liability and property damage surety bonds shall be filed on Form G (Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond). Cargo damage surety bonds shall be filed on Form J (Uniform Motor Carrier Cargo Damage Liability Surety Bond). Cancellations of surety bonds shall be filed on Form L (Uniform Notice of Cancellation of Motor Carrier Surety Bonds).
- e) The filing of proof of insurance or bond coverage with the Commission shall constitute acceptance of the minimum terms required by this Part or by statute and shall bind the insurance company.
- ~~f~~e) Coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is cancelled by the filing of a subsequent form with the Commission. The Commission shall receive notice of cancellation no later



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than the effective date of cancellation of the policy~~E or H certificate of insurance.~~

- d) ~~Regulated interstate motor carriers of property that use Illinois as their registration state shall file a copy of public liability and property damage insurance or bond coverage that is filed with the Federal Motor Carrier Safety Administration in accordance with the provisions of Section 11506 of the Interstate Commerce Act (49 USC 11506).~~
- ge) For Illinois domiciled carriers, and for Illinois licensed intrastate carriers, regardless of domicile, coverage shall be executed by an admitted insurance company authorized under the laws of the State of Illinois to deliver commercial insurance contracts within the State.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.120 Public Liability and Property Damage Coverage**

The minimum amounts of public liability and property damage insurance coverage required of all household goods carriers shall be the amounts required by 49 CFR ~~387.303T1043.2,~~ November 13, 1990, "Security for the protection of the public: Minimum limits", as that Part was in effect on October 1, 2023. No~~no~~ later amendments or editions are incorporated~~included.~~

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.130 Cargo Damage Coverage**

- a) Except as specified in subsection (b), the~~The~~ minimum amounts of cargo damage coverage required of all motor common carriers of property shall be as required by the provisions of 49 CFR 387.303T(c), Household goods motor carriers: Cargo liability, as that Part was in effect on October 1, 2023. No later amendments or editions are incorporated~~1043.2(c), November 13, 1990, except as specified in subsection (b) below.~~
- b) Waiver of Requirement. A household goods carrier may be excused from the requirement of filing proof of cargo insurance if:
- 1) The carrier has filed with the Commission a completed copy of the Commission's Cargo Insurance Waiver Affidavit form stating that the carrier will not, at any time, carry in any vehicle cargo with a value

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exceeding \$5,000; and

- 2) The carrier advises each shipper in writing, prior to rendition of the service, that it does not carry the minimum level of cargo insurance. The burden of proving compliance with this latter requirement shall be on the carrier.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.140 Collect On Delivery (C.O.D.) Bond Coverage**

- a) For purposes of this Section, a collect-on-delivery (C.O.D.) shipment means a shipment upon which the consignor/shipper has attached, as a condition of delivery, the collection of a specific sum or sums of moneys from the consignee/receiver by the carrier making delivery and the return of those moneys to the consignor or other payee named by the consignor.
- b) No household goods carrier shall accept C.O.D. shipments unless it has on file with the Commission proof of C.O.D. insurance or bond coverage.
- c) The minimum amount of C.O.D. insurance or bond coverage required of a household goods carrier for each shipper or consignee for failure of the carrier to remit payment of C.O.D. monies is \$10,000.
- ~~b) **Waiver of requirement. A household goods carrier may be excused from the requirement of filing proof of C.O.D. insurance or bond coverage if:**~~
  - ~~1) **The carrier has filed with the Commission a completed copy of the Commission's C.O.D. Bond Waiver Affidavit form stating that the carrier will not, at any time, accept a C.O.D. shipment; and**~~
  - ~~2) **The carrier advises each shipper in writing, prior to rendition of the service, that it does not accept C.O.D. shipments. The burden of proving compliance with this latter requirement shall be on the carrier.**~~

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.150 Shipper Valuation Coverage**

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- a) A household goods carrier's liability for loss or damage to a household goods shipment ~~in the absence of a shipper's release, except as provided in subsection (b) is~~ limited to the greater of:
- 1) Sixty cents per pound per article ~~Two dollars per pound per shipment times the weight of the shipment in pounds;~~ or
  - 2) The lump sum value declared in writing by the shipper.
- b) The shipper shall elect one of the options in subsection (a) by initialing or signing next to the option selected either on the bill of lading or on a separate attachment to the bill of lading. A shipper's election of a lump sum value shall be effective only if the shipper has paid applicable valuation charges. Otherwise, the shipper shall be deemed to have elected sixty cents per pound per article, ~~by his or her own handwriting, may agree to have a shipment valued for loss or damage purposes at 30 cents per pound per article. To release the shipment at 30 cents per pound per article, the shipper must insert the words "30 cents per pound per article" and his or her signature on the bill of lading.~~

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: RESOLUTION OF HOUSEHOLD GOODS DISPUTES

**Section 1457.310 Definitions**

For the purpose of this Subpart:

"Arbitration" means the process by which a dispute, which has been voluntarily submitted by a shipper to the Commission for resolution, is decided.

"Carrier" or "household goods carrier" means a person or entity that engages in the for-hire intrastate transportation of household goods.

"Dispute" means a disagreement between a shipper and a carrier relating to the propriety of charges for the services rendered, or loss of or damage to lading from the loading, unloading, or transportation of the lading.

"Household goods" means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling.

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"Mediation" means the informal process, voluntarily agreed to by the shipper, by which a carrier and shipper attempt to achieve a mutually satisfactory resolution of a dispute with the assistance of a Commission-appointed mediator acting as a neutral, impartial, third party.

"Shipper" means a person who utilizes the services of a carrier for the ~~collect on-delivery~~ transportation of household goods.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.340 Arbitration**

If some or all of the issues in dispute between a shipper and a carrier remain unresolved after mediation, the shipper may request arbitration of the dispute by a Commission arbitrator, appointed by the Commission. Carriers are deemed to join in a request for arbitration submitted by a shipper.

- a) To commence arbitration, a shipper must sign and submit an Agreement to Arbitrate form obtained from the Commission, along with an arbitration fee of \$25. When a shipper submits a form, the carrier and shipper agree to abide by the terms of the arbitration award.
- b) The Agreement to Arbitrate will specify that the arbitration award will be based solely on written submissions, documents and exhibits, unless the arbitrator and both parties agree to an oral hearing. The Commission will serve a copy of any submissions from one party on the other party.
  - 1) Along with a signed Agreement to Arbitrate, the shipper shall submit ~~two~~2 copies of a statement setting forth a brief description of the issues in dispute and its positions and arguments on the issues, accompanied by ~~two~~2 copies of whatever documents, exhibits or other written submissions the shipper believes to be relevant to those issues.
  - 2) Within 10 business days after the Commission has ~~sentmailed~~ the Agreement to Arbitrate and shipper's submissions to the carrier, the carrier may submit ~~two~~2 copies of a statement and other written submissions responding to the shipper's submissions and setting forth its own positions and arguments about the issues in dispute.

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- 3) Within ~~seven~~<sup>7</sup> business days after the Commission has ~~sent~~<sup>mailed</sup> the carrier's submissions to the shipper, the shipper may submit 2 copies of a reply to the carrier's submissions.
- c) Within 10 business days after the time for receiving the shipper's reply, the Commission arbitrator shall prepare, sign, and ~~send~~<sup>mail</sup> to the parties a written award disposing of all issues in dispute. The award shall include a brief statement of the findings of fact made by the arbitrator and the basis for the award.
- d) Unless otherwise provided by this Section, proceedings under this Section shall be governed by the provisions of the Uniform Arbitration Act [710 ILCS 5].

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART I: BILLS OF LADING OR OTHER FORMS

**Section 1457.600 Bills of Lading and Freight Bills**

- a) Issuance of the bill of lading. At the time a shipment is picked up, all carriers shall issue a bill of lading indicating the commodities transported, the weight or other unit used to compute freight charges, the points of origin and destination, and the names of the consignor and consignee.
- b) Information required on the bill of lading. Whenever a bill of lading is issued in compliance with subsection (a) of this Section, the carrier shall show, in addition to the information specified in subsection (a), the following information:
  - 1) The names of the carriers participating in the transportation of the shipment;
  - 2) The name, physical address, and telephone number of the office of the carrier who should be contacted in relation to the shipment, should there be a need for contact;
  - 3) The name, physical address, and telephone number of a person to whom notification provided for in Section 1457.90(e) shall be given, except when this cannot be obtained from the shipper;

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- 4) With regard to pickup and delivery the:
    - A) Agreed pickup date;
    - B) Actual pickup date;
    - C) Agreed delivery date or the agreed period of time within which delivery of the shipment is expected at the final destination;
  - 5) ~~The~~ Where applicable, the estimated maximum amount ~~due to~~ the carrier will demand to obtain release of the carrier's lien and delivery of the possession of a Collect on Delivery (C.O.D.) shipment, subject to final charges on the freight;
  - 6) Specifies, for hourly rated shipments, the number of pieces of equipment, personnel, and hourly rate used for the transportation of the shipment;
  - 7) Specifies, for hourly rated shipments, loading and unloading start and end times to determine the number of hours including travel time for the transportation of the shipment;
  - 8) Specifies, for weight rated shipments, the weight, distance, and the rate for the transportation of the shipment;
  - 9) Includes the description and charges for any accessorial services, including packing, packing materials, valuation, storage, warehouse, handling, or other charges contained within the carrier's lawfully filed tariffs;
  - 10) A statement that the carrier's maximum liability for loss or damage to shipment is limited to the lump sum value declared by the shipper on the bill of lading or an attachment thereto, provided the shipper has paid applicable valuation charges, or 60, ~~unless the shipper expressly releases the shipment to a value of 30 cents per pound per article, the carrier's maximum liability for loss of or damage to the shipment shall be an amount equal to \$2 for each pound of weight in the shipment or the lump sum value declared by the shipper on this form, whichever is greater.~~
- c) Issuance of a freight bill. After rendition of the service, all carriers shall issue to

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the person responsible for payment of freight charges a freight bill indicating the total charge for transportation service.

- d) The bill of lading and the freight bill may be combined in a single document.
- e) The bill of lading and freight bill shall each be consecutively numbered.
- f) Bill of lading contract terms. The contractual provisions governing shipments under this Part shall include, as implied terms, the provisions in the governing tariffs of each carrier.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.610 Estimate of Charges**

- a) Estimates of the charges in relation to the transportation of household goods shall be based upon an in-person or virtual inspection of the goods or upon a shipper's description of the goods, by telephone or other means, confirmed in writing prior to rendition of the service.
- b) Estimates of the charges in relation to the transportation of household goods shall be on a Commission approved household goods estimate form. The Commission shall approve any form that:
  - 1) Is identified at the top of the first page as an "Estimate of Charges";
  - 2) Identifies on the first page the name of the carrier as it appears on its Commission license, the address of the carrier at which employees of the carrier are on duty during business hours, and the telephone number of the carrier;
  - 3) Identifies on the first page the name of the shipper and receiver and the addresses at which the goods are to be picked up and delivered;
  - 4) Specifies the number of pieces of equipment and personnel to be used for the transportation of the shipment (carrier, interns, or trainees for which the shipper is not charged shall be included and specified as such);
  - 5) Specifies, for hourly rated shipments, the number of hours, including

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travel time, estimated for the transportation of the shipment;

- 6) Specifies, for weight rated shipments, the weight and distance estimated for the transportation of the shipment;
  - 7) Includes the description and estimated charges for any accessorial services, including packing, packing materials, valuation, storage, warehouse handling or other charges contained within the carrier's lawfully filed tariffs;
  - 8) Specifies the total estimated cost for the transportation of the shipment;
  - 9) Contains an area where the carrier can verify, by initial or other mark, verifying that a copy of the Commission's consumer guide to household goods moves was provided to the shipper; and
  - 10) Does not contain provisions contrary to this Part.
- c) A ~~signed~~ copy of the estimate, signed by the carrier, shall be delivered to the shipper before rendition of the service, and a copy shall be maintained by the carrier as part of its records.
  - d) If the total tariff charges for any shipment exceed the estimated charges plus 10%, the shipper shall become entitled to credit terms from the carrier tendering the shipment for delivery to cover that portion of the total charges that exceeds 110% of the estimated charges. The carrier, in such event, shall advise the shipper that he/she has up to 30 days to pay these additional charges amounting to the balance between the total on the bill of lading based on applicable tariff charges and the estimate for the move plus 10%.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.620 Inventory Forms**

- a) Definitions. As used in this Section, the term "intercity" means transportation other than "short haul". As used in this Section, the term "short haul" means transportation from the point of origin to the final destination of not more than 5035 miles, except that moves which begin and end within the area covered by the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will shall be



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considered "short haul".

- b) Each carrier shall, prior to loading at the point of origin, prepare a written photographic or videographic inventory of each intercity shipment and of each shipment for which any type of storage service is requested. A written photographic or videographic inventory shall also be prepared for short haul movements at the request of the shipper, provided the shipper agrees to pay the tariff rate for preparation of an inventory. The carrier, however, shall not require the preparation of an inventory at the shipper's expense for short haul movements.
- c) A ~~properly executed~~ copy of the inventory, properly executed~~signed~~ by both the carrier and the shipper, shall be given to the shipper at the point of origin, prior to loading. Another ~~properly executed~~ copy, properly executed~~signed~~ by the carrier and the shipper, and reflecting any changes in the number, nature, or condition of the lading, shall be given to the shipper at the final destination, subsequent to unloading. ~~A written inventory shall also be prepared for short haul movements at the request of the shipper, provided the shipper agrees to pay the tariff rate for preparation of an inventory. The carrier, however, shall not require the preparation of an inventory at the shipper's expense for short haul movements.~~
- d) Information required on an inventory. Each inventory required under this Section shall:
- 1) Show the name and current address of the carrier on file with the Commission where its employees can be reached;
  - 2) Show the shipper's name;
  - 3) Show the point of origin and the final destination of the shipment;
  - 4) Include the carrier's description of the goods contained within the shipment and the condition of those goods;
  - 5) Provide a column for the shipper to note exceptions to the inventory as prepared by the carrier;
  - 6) Note any goods held by the carrier pending payment of charges; and
  - 7) Identify spaces for both the shipper and carrier to sign at the point of

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origin and the final destination.

- e) The shipper shall be permitted to make notations upon delivery concerning the condition or absence of goods in the shipment, and shall be made aware by the carrier that notations regarding the inventory are permitted upon delivery.
- f) The inventory shall be on a Commission-approved Household Goods Inventory Form. The Commission shall approve a carrier's inventory form if it meets the requirements of this Section and does not contain provisions contrary to the Illinois Commercial Transportation Law or any Commission rules.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.655 Completion, Execution, and Delivery of Required Forms**

- a) Any form required by this Subpart may be completed, signed, and/or delivered in printed or electronic format.
- b) All forms must comply with the provisions of this Part regardless of the medium in which they are created, completed, and/or delivered.
- c) If a carrier uses electronic forms, the carrier shall utilize an electronic forms software that logs timestamps for every change made to the form.
- d) Upon demand of law enforcement, the carrier shall present copies of all records regardless of the medium in which they are kept.
  - 1) If the carrier is unable to present the documents due to lack of cellular coverage or other technical difficulties, the carrier will be deemed to be operating without the required documents and may be subject to a citation. Presentation, at hearing, of copies of the records demanded shall, if no concurrent violations of the Illinois Commercial Transportation Law or Commission rules or orders are found, excuse the carrier from penalties under this Section.
  - 2) The use of a cellular phone or other type of portable electronic device to present records does not constitute consent for law enforcement to access other contents on the electronic device.

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- 3) If the carrier elects to present records electronically, the carrier assumes any risk of accidental damage to the device.

(Source: Added at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART J: CAB CARDS AND IDENTIFIERS

**Section 1457.700 Cab Card/Identifier Carrying Requirements**

Cab cards/identifiers shall be executed, carried, or presented in satisfaction of the requirements of the Illinois Commercial Transportation Law or this Part no earlier than December 1 preceding the calendar year for which fees were paid, and no later than February 1 of the calendar year for which the fees were paid.

- a) ~~Cab cards/identifiers shall be executed, carried, or presented in satisfaction of the requirements of the Illinois Commercial Transportation Law or this Part no earlier than December 1 preceding the calendar year for which fees were paid, and no later than February 1 of the calendar year for which the fees were paid.~~
- b) ~~A vehicle operated in both intrastate and interstate commerce must carry both an intrastate and an interstate cab card/identifier.~~

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART L: EQUIPMENT LEASES

**Section 1457.920 General Leasing Requirements**

- a) Leasing permitted only in compliance with this Subpart. Authorized carriers may perform regulated transportation in equipment they do not own only in accordance with this Subpart.
- b) Written lease required. Each lease covered by this Subpart must be in writing.
- c) Parties and signatures. A lease subject to this Subpart must be between the owner of the equipment (the lessor) and the licensed carrier to which the equipment, with or without driver, is leased (the lessee). The lease must be properly executed~~signed~~ by each party or its authorized representative.

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- d) Filing and review requirements.
- 1) Filing requirement. Except as otherwise provided in this subsection (d)(1), the original and two copies of each completed (properly executed~~signed~~ and dated) lease to which this Subpart applies must be filed with the Commission's Transportation Division at the following address:  
  
Illinois Commerce Commission  
Transportation Division  
527 East Capitol Avenue  
Springfield IL 62701  
  
If the Commission's website permits electronic filing of leases, a copy of each completed (properly executed and dated) lease to which this Subpart applies must be filed with the Commission's Transportation Division in accordance with instructions thereon.
  - 2) Filing fee requirement. A filing fee as prescribed in Subpart Q shall be remitted with each lease.
  - 3) No operations shall be conducted under a lease to which this Subpart applies until a copy of the completed lease has been filed with or mailed to the Commission's Transportation Division.
  - 4) Operations may be conducted under the lease after filing or transmittal but before completion of review. A copy of the lease and an attached affidavit stating that the lease has been transmitted to the Commission, indicating the date of transmittal and stating that the lease is under review, are to be carried in the vehicle covered by the lease.
- e) Receipts for equipment. Receipts, specifically identifying the equipment to be leased and stating the date and time of day possession is transferred, shall be given as follows:
- 1) When possession of the equipment is taken by the authorized carrier, it shall give the owner of the equipment a receipt.
  - 2) When possession of the equipment by the authorized carrier ends, it shall

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give the owner of the equipment a receipt.

- f) Identification of equipment. Authorized carriers shall identify the leased equipment as being in their service as follows:
- 1) During the period of the lease, the carrier shall identify the equipment by attaching a placard with the identification of the lessee in compliance with Section 18c-4701 of the Law;
  - 2) During the entire period of the lease, a copy of the executed lease shall be carried in each motor vehicle covered by the lease. The lease must bear a Transportation Division stamp showing that the lease was approved or that no deficiency was found or have attached to it the affidavit prescribed in subsection (d)(4).
- g) Records of equipment use. Authorized carriers shall keep records of equipment use as follows:
- 1) General equipment use records. Each authorized carrier shall prepare and keep documents covering each trip for which the equipment is used in the carrier's service. These documents shall contain the name and address of the owner of the equipment, the point of origin, the time and date of departure, and the point of final destination. These documents shall be preserved as part of the carrier's records.
  - 2) Trip lease records. If the equipment is being leased for a period less than 30 days, the authorized carrier shall carry a copy of the lease records described in subsection (g)(1) in the leased equipment while it is operated under the lease. Records carried in the vehicle must also identify the lading.
  - 3) Permanent lease records. If the equipment is being leased for periods of 30 days or more, the authorized carrier may keep the records identifying the lading at its terminals or principal office as part of its records, rather than in the leased equipment.
- h) A copy of the completed written lease shall be retained as part of the carrier/lessee's records.

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- i) Cancellation. In the event that a carrier wishes to cancel a lease prior to the expiration date, it may file a notice of cancellation at the address for filing leases under Section 1457.920(d)(1). Otherwise, the lease shall remain in effect for purposes of the Law until the expiration date, or the date on which the lease expires by operation of Section 1457.940(a)(2), whichever occurs first. No fee is required for filing a notice of cancellation.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.940 Lease Terms and Conditions**

- a) Required terms and information. A lease subject to this Subpart must specify the information set forth in this subsection.
- 1) Identifying information
    - A) Parties. The lease must show the full legal name of the carrier/lessee, as it appears on the carrier's Commission license; the full legal name of the equipment owner/lessor; and the mailing address of each, including street address, city, state, and zip code.
    - B) Vehicle. The lease must show the type, make, year, and vehicle identification number of the motor vehicle that is subject to the lease.
  - 2) Term of the lease. The lease must specify the dates or the circumstances that begin and end the term of the lease. The term of the lease shall coincide with the times for giving receipts for the equipment as required in [Section 1457.920\(e\)](#) ~~subsection (b)~~. The term of the lease shall not exceed 3 years.
  - 3) Compensation to owner and drivers. The lease must specify both the amount and the method of computing the compensation to be paid by the carrier/lessee to the equipment owner. Compensation may be stated either jointly or separately for equipment and drivers. The lease must also specify any documents that must be presented by the lessor before he/she can receive payment.
  - 4) Responsibility for expenses. The lease must specify the responsibility of

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the lessee and the lessor for payment of expenses incurred in providing transportation service, either directly or through deductions (chargebacks) from compensation specified in subsection (b)(3). Expenses not expressly made the responsibility of the lessor shall be the responsibility of the lessee. The lease must also specify any documents to be submitted by either party in relation to payment or reimbursement of expenses. Expenses covered under this subsection (a)(4) include:

- A) Fuel costs;
  - B) Fuel and other taxes;
  - C) Empty mileage;
  - D) Licenses, permits plates, and decals of all types except permits issued by the Commission;
  - E) Tolls and other fees, except those fees paid to the Commission;
  - F) Insurance and surety coverage (including responsibility for primary insurance);
  - G) Rentals or other payments to the carrier; and
  - H) Any other expenses related to the transportation.
- 5) Supplemental insurance coverage. The lease must specify which party is responsible for securing and paying for, either directly or indirectly, any other insurance or surety coverage in addition to amounts required by the Law or Subpart C of this Part. If the lessor purchases any insurance from or through the lessee, the lessee shall provide the lessor, on request, a copy of the policy and a certificate of insurance showing the name of the insurance company, the policy number, amounts and types of coverage, effective dates of coverage, deductible amounts, and the cost of the coverage.
- 6) Loss or damages. The lease must specify the conditions under which the lessor may be required to indemnify the lessee for personal injury, property damage, or loss of or damage to cargo. If indemnification is

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made through deductions from compensation otherwise owed to the lessor, a written itemization and explanation of deductions must be provided to the lessor before any deductions are made.

- b) Implied terms. The following terms, if not stated in a lease, shall be implied. Any contrary provisions in the lease shall be void.
- 1) Exclusive possession and control. The lessee shall have exclusive possession and control of leased equipment during all periods when the equipment is operated under the lease. Such exclusive possession and control shall extend also to the drivers of leased equipment.
  - 2) Insurance coverage. The lessee shall have the responsibility for securing insurance or surety coverage in compliance with the Law and Subpart C of this Part.
  - 3) Payment deadline. Payment of compensation due under a lease must be made within 15 days after submission of any documents specified under subsection (a)(3).
  - 4) Pre-conditions to lease. The lessor is not required to purchase, rent, or lease any goods (including equipment) or services from the lessee as a condition of the lease or of entering into or not canceling the lease.
  - 5) Other obligations of lessee.
    - A) Copy of lease. Prior to commencement of operations under a lease, the lessee shall provide the lessor a completed copy of the lease and proof of its transmittal to the Commission.
    - B) Copy of rated freight bill. If compensation is based on information shown on the bill, the lessee shall provide the lessor with a copy of the rated freight bill at the time compensation for the movement is paid to the lessor. The lessee may delete the names of shippers, consignors, and consignees from the bill.
    - C) Examination of tariff. If the lessor requests, the lessee shall allow an examination of its tariffs.



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- 6) Any term of a lease that conflicts with the Illinois Commercial Transportation Law or Commission rules is void.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART M: RATES BASED ON VALUE (RELEASED VALUE RATES);  
LINE-HAUL RATES; AND ACCESSORIAL OR TERMINAL CHARGES

**Section 1457.1020 Establishment of Line-haul Rates**

- a) "Line-haul" means transportation, not including pick-up, delivery, and accessorial services.
- ba) All carriers under the Commission's rate jurisdiction are required to establish rates in cents per 100 pounds, except as provided in subsections (cb) and (de)-of this Section.
- cb) Rates may be established per unit of time:
- 1) When the distance from the point of origin to the final destination of a shipment is not more than ~~50~~<sup>35</sup> miles; or
  - 2) When both the point of origin and the final destination of a shipment are within the area covered by the counties of Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will; or
  - 3) ~~When the transportation is exempt from Commission rate jurisdiction. Transportation is rate exempt when both the point of origin and the final destination of a shipment are within the terminal area of a municipality, unless both the origin and destination are within a county having a population of 1,000,000 or more.~~
- de) Shipments rated upon units of time shall, except as otherwise provided in this subsection, be transported singly and not commingled with any other freight. Where shipments rated upon units of time are commingled, the burden shall be on the carrier to demonstrate that the charges for each commingled shipment are not greater than the charges that would have applied if the shipments had been transported singly and not commingled.

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- e) Rates need not be established in cents per 100 pounds, or per unit of time, where the transportation is exempt from Commission rate jurisdiction. Transportation is rate exempt when both the point of origin and point of destination of a shipment are within the terminal area of a municipality, unless both the origin and destination are within a county having a population of 1,000,000 or more.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1457.1030 Accessorial or Terminal Service Charges**

- a) Definitions. As used in this Section, the term "intercity" means transportation other than "short haul". As used in this Section, the term "short haul" means transportation from the point of origin to the final destination of not more than 35 miles, except that moves wholly within counties having a population of 1,000,000 or more are not considered "short haul".
- b) Each household goods carrier shall establish charges for each accessorial or terminal service rendered in connection with line-haul transportation. The tariffs containing such charges shall separately describe each service and the charge therefor. Charges for packing and unpacking service shall be on a physical unit basis. Charges for miscellaneous labor performed at the request of the shipper shall be on an hourly basis.
- c) Whenever the shipper specifically requests notification of the actual weight and charges on an intercity shipment, the carrier shall comply with the request immediately upon determining the actual weight and charges, by telephone, fax, ~~or~~ e-mail, text or other immediate electronic means, if requested. The notification shall be made no later than 24 hours prior to the time the shipment is offered by the carrier to the shipper for delivery at the final destination, except where the shipment is in transit less than 24 hours.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART Q: FEES

**Section 1457.1400 Filing Fees**

Filing fees for household goods carriers shall be as follows:

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a)	Application for new license	<u>\$900</u>
	<del>1) Application for temporary authority</del>	<del>\$450</del>
	<del>2) Application for emergency temporary authority</del>	<del>\$450</del>
	<del>3) Application for permanent license</del>	<del>\$900</del>
b)	Application for extended license	
	1) For temporary authority	\$450
	2) For emergency temporary authority	\$450
	3) Other application for extended license	\$900
c)	Application to transfer license	
	1) Transfer under Section 18c-4306 of the Law	\$450
	2) Other application to transfer license	\$900
d)	Application to reinstate a suspended or revoked license or vacated order	\$900
e)	Petition for interpretation of authority	\$375
f)	Petition to amend authority	\$112.50
g)	Petition for name change	\$112.50
h)	Rate filings	
	1) Application for authority to establish a released value rate	\$112.50
	2) Special permission application	\$112.50
i)	Annual cab card and cab card renewal fee for each vehicle operated by or under authority of a household goods carrier	\$37.50

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j) Each order for cab cards shall be accompanied by a \$15 order processing fee.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1300.120	Amendment
1300.200	Amendment
1300.230	Amendment
1300.340	Amendment
1300.490	New Section
- 4) Statutory Authority: Implementing the Nurse Practice Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois (Department of Professional Regulation Law) [20 ILCS 2105].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments are needed in order for the Department to approve certain English tests without having to present each test to the Board for approval. Additionally, given the adverse occurrence reporting requirements for licensed midwives in the State, the determination was made to include substantially the same language into the nursing midwives' rules for parity. Finally, the Department encountered issues with the process by which it removed the program approval for a now-shuttered school (Northwestern College). The suggested language would clarify the process by which the Division can remove the program's approval and the program's remedies before attempting to go to circuit court, as the prior school had done.  
  
These proposed amendments would therefore update the requirements following substance-related allegations of a licensee. They would take into account recent changes to Departmentally accepted tests for those applicants educated outside of the United States (allowing a more uniform acceptance process to prevent future piecemeal approaches as well as updating score requirements), adverse occurrences reporting for nurse midwives (establishing them and basing them on similar requirements for licensed midwives in the State), and changes necessary to the nursing program approval/disapproval process (to clarify and present a more straightforward process).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed 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: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield, IL 62786

(217) 785-0810  
Fax: (217)557-4451  
Craig.Cellini@illinois.gov

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those licensed under the Act may be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:

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54 Professional, Scientific and Technical Services

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

ii. Regulatory Requirements

15) Regulatory Agenda on which this rulemaking was summarized: This rule was not summarized in any Regulatory Agenda.

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

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## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1300

## NURSE PRACTICE ACT

## SUBPART A: GENERAL PROVISIONS

## Section

1300.10	Definitions
1300.20	Nursing Delegation by a Registered Professional Nurse
1300.30	Fees
1300.40	Renewals
1300.50	Restoration
1300.60	Granting Variances
1300.70	Fines (Repealed)
1300.80	Public Access to Records and Meetings (Repealed)
1300.90	Unethical or Unprofessional Conduct
1300.100	Refusal to Issue a License Based on Criminal History Record (Repealed)
1300.110	Mandatory Reporting of Impaired Licensees
1300.120	Care Counseling and Treatment Agreement
1300.130	Continuing Education

## SUBPART B: LICENSED PRACTICAL NURSE

## Section

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

## SUBPART C: REGISTERED NURSE

## Section



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

## SUBPART D: ADVANCED PRACTICE REGISTERED NURSE

## Section

- 1300.400 Application for Licensure
- 1300.410 Written Collaborative Agreements
- 1300.420 Collaboration and Consultation (Repealed)
- 1300.430 Written Collaborative Agreement – Prescriptive Authority
- 1300.440 APRN Scope of Practice
- 1300.445 Standards of Professional Conduct for APRNs
- 1300.450 Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist Outside a Hospital or Ambulatory Surgical Treatment Center
- 1300.460 Advanced Practice Registered Nursing in Hospitals or Ambulatory Surgical Treatment Centers
- 1300.465 Full Practice Authority
- 1300.466 Full Practice Authority Dispensing
- 1300.470 Advertising
- 1300.480 Reports Relating to APRN Professional Conduct and Capacity
- [1300.490 Adverse Occurrences](#)

## SUBPART E: MEDICATION AIDE

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

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1300.680 Required Reports of Qualified Facilities (Repealed)

1300.APPENDIX A Additional Certifications Accepted for Licensure as an Advanced Practice Nurse (Repealed)

1300.EXHIBIT A Sample Written Collaborative Agreement

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

**SOURCE:** Adopted at 34 Ill. Reg. 14012, effective September 17, 2010; amended at 37 Ill. Reg. 9467, effective July 5, 2013; amended at 38 Ill. Reg. 15988, effective August 1, 2014; amended at 39 Ill. Reg. 15764, effective November 24, 2015; Subpart D recodified at 42 Ill. Reg. 17955; amended at 43 Ill. Reg. 6924, effective June 14, 2019; amended at 45 Ill. Reg. 228, effective January 4, 2021; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 1300.120 Care Counseling and Treatment Agreement**

- a) At its discretion, the Division may offer a care counseling and treatment agreement to an impaired nurse.
- b) Eligibility for consideration for a care, counseling and treatment agreement may include but not be limited to the following:
  - 1) Licensee must have no prior disciplinary action in any jurisdiction concerning practice issues related to substance abuse;
  - 2) Licensee has not been convicted criminally of any felony or drug-related misdemeanor, nor is any such criminal action pending;
  - 3) Licensee acknowledges a substance use disorder or impairment; and
  - 4) Licensee has appeared for and submitted to an assessment by a physician who is a certified addictionist or an advanced practice registered nurse with specialty certification in addiction and has followed the recommendations of the assessment. Evaluations submitted from another state may be accepted

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if the evaluator was approved by the nursing board of that state.  
Evaluations that satisfy court orders may also be accepted.

- c) Pursuant to Section 70-5(e) of the Act, *all substance-related allegations mandate an automatic substance abuse assessment.*
- 1) The Department may direct a licensee to submit to the Department an approved~~issue an Order to Compel~~ a substance abuse assessment within 30 days,~~at the expense of the Department, meeting the requirements set forth in subsection (b).~~ The licensee shall be responsible for the expense of the substance abuse assessment. A licensee's failure to timely complete a substance abuse assessment in the manner prescribed by the Department shall result in an automatic suspension pursuant to Section 70-5(e) of the Act.
  - 2) A licensee subject to a suspension under this subsection may request a hearing to contest the grounds for the suspension by submitting a written request to the Department within 30 days of the effective date of the suspension. A hearing must be convened by the Department within 15 days after receipt of the written request and completed without appreciable delay.~~Prior to the issuance of an Order to Compel, licensees may voluntarily agree to a substance abuse assessment meeting the requirements set forth in subsection (b). Voluntary remedial action may be considered a mitigating factor by the Department when assessing disciplinary or non-disciplinary action pursuant to Section 2105-130(e)(6) of the Department of Professional Regulation Law [20 ILCS 2105]. In those instances, the licensee shall be responsible for the expense of the substance abuse assessment.~~
  - 3) A licensee subject to a suspension under this subsection may request a hearing to terminate the suspension by submitting a written request to the Department. A suspension may be terminated provided that the licensee establishes the ability to practice with reasonable judgment, skill, and safety and warrants the public trust.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: LICENSED PRACTICAL NURSE

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**Section 1300.200 Application for Examination or Licensure**

- a) Each applicant shall file with the Division or the testing service designated by the Division a completed, signed application, on forms supplied by the Division, that includes:
  - 1) Proof of graduation from a licensed practical nursing education program that meets the requirements of Section 1300.230;
  - 2) Verification of fingerprint processing from ISP or its designated agent. (Practical nurses licensed in Illinois are not required to be fingerprinted when applying for a license as a registered professional nurse.) Applicants shall contact an Illinois-licensed fingerprint vendor for fingerprint processing. Out-of-state residents may have their fingerprints taken by an out-of-state vendor but the fingerprints must be processed by an Illinois Livescan Vendor. Fingerprints shall be taken within the 60 days prior to application;
  - 3) The required fees set forth in Section 1300.30(a)(1);
  - 4) For applicants educated outside the United States or its territories, the following:
    - A) A credentials evaluation report of the applicant's foreign nursing education from the Commission on Graduates of Foreign Nursing Schools (CGFNS), Credentials Evaluation Service (CES), the Educational Records Evaluation Service (ERES), or another credentialing service approved by the Division. However, the Division shall not accept a credential report that does not evaluate the educational program of the applicant based upon receipt and review of official transcripts from the nursing education program bearing the school seal. In order to be accepted by the Division, credential reports shall be in a form and manner acceptable to the Division.
    - B) If the applicant's first language is not English, certification of passage of either the Test of English as a Foreign Language (TOEFL) or the International English Language Testing System (IELTS) General Training Module or another English test

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approved by the Division. For TOEFL, the minimum passing score on the paper-based test is 560, computer-based test is 220, and internet-based test is 83. For the IELTS General Training Module, the minimum passing score shall be 6.0 (overall score) and 7.0 (spoken band). For the Occupational English Test (OET), the minimum passing score is 300 for Reading, Writing, and Listening and 350 for Speaking. For the Pearson PET Academic, the minimum passing score is 55 overall, with a 50 minimum for Reading, Listening, and Writing Sections and a 63 minimum for Speaking. The Division may, upon recommendation from an approved credentials evaluation service, waive the requirement that the applicant pass the TOEFL or IELTS examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the passage of an approved licensing examination given in English;

- 5) Official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received practical nursing education in the military service. This education must meet the standards set forth in Section 1300.230; and
- 6) Verification from the jurisdictions in which the applicant was originally licensed, current state of licensure and any other jurisdiction in which the applicant has been actively practicing within the last 5 years, if applicable, stating:
  - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
  - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted by Section 60-10 of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required courses in an approved nursing education program.

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(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1300.230 Approval of Programs**

- a) **Program Approval**  
Institutions desiring to establish a new nursing program that would lead to meeting requirements for licensure, change the level of educational preparation of the program, or establish an extension of an existing program shall:
- 1) Submit a letter of intent to the Division.
  - 2) Provide a feasibility study to the Division, on forms provided by the Division, that includes, at least, documentation of:
    - A) Need for the program in the community;
    - B) Need for graduates of the proposed program;
    - C) Availability of students;
    - D) Impact on existing nursing programs in a 50 mile radius of the proposed program;
    - E) Potential for qualified faculty, including the curriculum vitae of any potential faculty members;
    - F) Adequacy of clinical practicum and academic resources;
    - G) Financial commitment to support the initial and continuing program;
    - H) Community support of the scope and philosophy of the program;
    - I) Authorization by the appropriate education agency of the State of Illinois; and
    - J) A timetable for development of the program and the intended date of the first class beginning.

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- 3) Identify a qualified nurse administrator with a minimum of a master's degree in nursing and with experience as a nurse educator and provide a curriculum vitae of the proposed nurse administrator.
  - 4) Submit a curriculum proposal including:
    - A) Program philosophy and objectives;
    - B) A plan of organization that is logical and internally consistent;
    - C) Proposed plans of study, including requisite and elective courses with rationale;
    - D) Course outlines or syllabi for all nursing courses;
    - E) Student handbook;
    - F) Faculty qualifications;
    - G) Instructional approaches to be employed;
    - H) Evaluation plans for progress, faculty and students;
    - I) Facilities and utilization plan; and
    - J) Budget plan.
  - 5) Coordinate with the Division and/or the DPR Nursing Coordinator for a site visit to be conducted prior to program approval.
- b) Continued Program Approval
- 1) Nursing education programs shall submit annual evaluation reports to the Division on forms provided by the Division. These reports shall contain information regarding curriculum, faculty and students and other information deemed appropriate by the Division.

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- 2) Full routine site visits may be conducted by the Division for periodic evaluation. The visits will be utilized to determine compliance with the Act. Unannounced site visits may be conducted when the Division obtains evidence that would indicate the program is not in compliance with the Act or this Part.
- 3) A pass rate of graduates on the National Council Licensing Examination (NCLEX) shall be included in the annual evaluation of nursing education programs.
  - A) A pass rate of 75% of first time examinees will be required for a school to remain in good standing.
  - B) A nursing education program having an annual pass rate of less than 75% of first time examinees for one year will receive a written warning of noncompliance from the Division.
  - C) A nursing education program having an annual pass rate of less than 75% of first time examinees for 2 consecutive years will receive a site visit for evaluation and recommendation by the Division and will be placed on probation for program revision ~~in accordance with 68 Ill. Adm. Code 1110.~~
  - D) The nursing education program will have 2 years to demonstrate evidence of implementing strategies to correct deficiencies and bring the pass rate in line with the 75% criteria.
  - E) If, 2 years after implementing the strategies to correct deficiencies in the program, the annual pass rate is less than 75%, the program will be reevaluated. The program ~~may~~ will be allowed to continue to operate on a probationary status or ~~approval may~~ will be ~~withdrawn~~ disapproved and ~~the program~~ removed from the list of Illinois approved nursing programs in accordance with subsection (1) of this Section ~~68 Ill. Adm. Code 1110.~~
- c) Major Curricular Revision  
Nursing education programs desiring to make a major curricular revision, i.e., addition or deletion of content, a substantive change in philosophy or conceptual framework, or length of program, shall:



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- 1) Submit a letter of intent to the Division; and
  - 2) Submit a copy of the proposed changes and new material to the Division, at least one term prior to implementation, for Board recommendation and Division approval in accordance with the standards set forth in subsection (f).
- d) **Minor Curricular Revisions**  
Nursing education programs desiring to make curricular revisions involving reorganization of current course content but not constituting a major curriculum revision shall submit the proposed changes to the Division in their annual report.
- e) **Organization and Administration**
- 1) An institution responsible for conducting a nursing education program shall be authorized by the appropriate agency of the State of Illinois (e.g., Illinois Board of Higher Education, Illinois Community College Board);
  - 2) The relationship of the nursing education program to other units within the sponsoring institution shall be clearly delineated with organizational charts on file with the Division;
  - 3) Nursing education programs shall have clearly defined lines of authority, responsibility and communication;
  - 4) Student input into determination of academic policies and procedures, curriculum planning and evaluation of faculty effectiveness shall be assured as evidenced by information such as student membership on policy and evaluation committees, policy statements and evaluation procedures;
  - 5) Nursing education program policies and procedures shall be in written form, congruent with those of the sponsoring institution, and reviewed by members of the program on a regular schedule;
  - 6) The philosophy, purpose and objectives of the nursing education program shall be stated in writing and shall be consistent with the sponsoring institution and current social, nursing and educational trends and the Act.

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- f) Curriculum and Instruction
- 1) The curriculum shall be based upon the stated program purpose, philosophy and outcomes;
  - 2) Levels of progression in relation to the stated program outcomes shall be established;
  - 3) Coordinated clinical and theoretical learning experiences shall be consistent with the program outcomes;
  - 4) Curricular content shall reflect contemporary nursing practice encompassing major health needs of all age groups;
  - 5) The entire curriculum shall be based on sound nursing, education and instructional principles;
  - 6) The curriculum shall be evaluated by faculty with student input, according to a stated plan;
  - 7) The program shall be approved by the appropriate educational agency;
  - 8) Curriculum for the practical nursing programs shall:
    - A) Include, at a minimum, basic concepts of anatomy, physiology, chemistry, microbiology, physics, communications, growth and development, interpersonal relationships, psychology, sociology, cultural diversity, pharmacology (pharmacology course standards are set forth in Section 1300.240), nutrition and diet therapy and vocational, legal and ethical aspects of nursing;
    - B) Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject areas;
    - C) Provide basic theoretical and clinical instruction in all areas of nursing practice in the promotion, prevention, restoration and maintenance of health in individuals and groups across the life span and in a variety of clinical settings;

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- D) Incorporate the nursing process as an integral part of the curriculum;
  - E) Prepare the student to assume entry level practical nursing positions to assist clients with normal and common health problems through use of basic nursing skills;
  - F) Be at least one academic year in length; and
  - G) If a military program, consist of a minimum of 36 to 40 weeks of theory and clinical instruction incorporating the curriculum outlined in subsection (f)(8)(A).
- g) Nursing Administrator and Faculty
- 1) The institution responsible for conducting the nursing program and the nurse administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.
  - 2) Nursing education programs shall be administered by the nurse administrator of the nursing education program.
  - 3) The nurse administrator and faculty of a nursing education program shall be currently licensed as registered professional nurses in Illinois.
  - 4) The nurse administrator of a nursing education program shall have at least:
    - A) 2 years' experience in clinical nursing practice;
    - B) 2 years' experience as a nurse educator; and
    - C) A master's degree or higher with a major in nursing.
  - 5) Nurse faculty of a practical nursing program shall have:
    - A) At least 2 years' experience in clinical nursing practice; and

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- B) A baccalaureate degree or higher with a major in nursing.
- 6) The requirements of subsections (g)(4) and (5) shall not affect incumbents as of the original date these requirements were adopted, January 14, 1980.
  - 7) Nurse administrators of nursing education programs shall be responsible for:
    - A) Administration of the nursing education program;
    - B) Liaison with other units of the sponsoring institution;
    - C) Preparation and administration of the budget;
    - D) Facilitation of faculty development and performance review;
    - E) Facilitation and coordination of activities related to academic policies, personnel policies, curriculum, resource facilities and services and program evaluation; and
    - F) Notification to the Division of program changes.
  - 8) Faculty shall be responsible for:
    - A) Development, implementation and evaluation of the purpose, philosophy and objectives of the nursing education program;
    - B) Design, implementation and evaluation of curriculum for the nursing education program;
    - C) Participation in academic advising of students;
    - D) Development and evaluation of student policies; and
    - E) Evaluation of student performance in meeting the objectives of the program.
  - 9) Faculty shall participate in:

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- A) Selection, promotion and tenure activities;
  - B) Academic activities of the institution;
  - C) Professional and health related community activities;
  - D) Self-development activities for professional and personal growth;
  - E) Research and other scholarly activities for which qualified; and
  - F) Activities that maintain educational and clinical expertise in areas of teaching.
- 10) Clinical experience must be under direct supervision of qualified faculty as set forth in this subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.
- 11) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience:
- A) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
  - B) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.
- h) Financial Support, Facilities, Records
- 1) Adequate financial support for the nursing education program, faculty and other necessary personnel, equipment, supplies and services shall be in evidence in the program budget.
  - 2) The faculty of the nursing education program and the staff of cooperating agencies used as sites for additional theory and clinical experience shall work together for quality of patient care.
  - 3) Articles of Affiliation

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- A) The nursing education program shall have Articles of Affiliation between the nursing education program and each clinical facility that define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical site and the nursing education program.
  - B) If portions of the required clinical or theoretical curriculum are offered at different geographical sites or by distance learning, the curriculum must be planned, supervised, administered and evaluated in concert with appropriate faculty committees, department chairmen and administrative officers of the parent school.
- 4) There shall be adequate facilities for the nursing program for both academic and clinical experiences for students.
  - 5) There shall be access to learning resource facilities, including library and multi-media technology, that are reasonably sufficient for the curriculum and the number of students enrolled in the nursing education programs.
  - 6) Cooperating agencies shall be identified to the Division and shall be suitable to meet the objectives of the program.
  - 7) Addition or deletion of cooperating agencies shall be reported in writing to the Division on the program annual report.
  - 8) The nursing program's policies and procedures shall not violate constitutional rights and shall be written and available to faculty and students.
  - 9) Permanent student records that summarize admissions, credentials, grades and other records of performance shall be maintained by the program.
- i) Preceptors  
A program of licensed professional nursing that uses the personnel of a clinical facility as preceptors to instruct the clinical experience must:
    - 1) Require each preceptor to have demonstrated competencies with patient populations to which the student is assigned;

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- 2) Require each preceptor to be approved by the faculty of the program of nursing;
  - 3) Require the faculty of the program to provide to each preceptor an orientation concerning the roles and responsibilities of students, faculty and preceptors;
  - 4) Require the faculty of the program to develop written competencies/outcomes and provide a copy of these to each preceptor before the preceptor begins instruction of the students;
  - 5) Designate a member of the faculty to serve as a liaison between the preceptor and each student who participates in the clinical experience;
  - 6) Require that each preceptor be present in the clinical facility or at the location of point of care and available to the students at all times when the student provides nursing care or services to patients/clients;
  - 7) Require that each preceptor have a current registered professional nurse license in the state where the student is practicing.
- j) Denial of Approval of Nursing Program  
If the Division, in the course of reviewing an application for approval of a nursing program, determines that an applicant program has failed to comply with the application criteria or procedures outlined in this Part, or receives information that indicates that the applicant program will not be able to comply with the conditions set forth in subsection (b), the Division may deny the application for approval.
- k) Discontinuance of a Nursing Program
- 1) Prior to terminating a nursing education program, the program shall:
    - A) Notify the Division, in writing, of its intent to discontinue its program;
    - B) Continue to meet the requirements of the Act and this Part until the official date of termination of the program;

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- C) Notify the Division of the date on which the last student will graduate and the program will terminate; and
  - D) Assume responsibility for assisting students to continue their education in the event of closing of the school prior to the final student graduating.
- 2) Upon closure of the nursing education program, the institution shall notify the Division, in writing, of the location of student and graduate records storage.
- 1) Withdrawal~~Revocation~~ of Program Approval
- 1) The following are grounds for withdrawal of program approval~~disapproval~~ of a nursing education program:
    - A) A violation of any provision of the Act;
    - B) Fraud or dishonesty in applying for approval of a nursing education program;
    - C) Failure to continue to meet criteria of an approved nursing education program set forth in this Section;~~or~~
    - D) Failure to comply with recommendations made by the Division as a result of a site visit;~~or~~
    - E) Failure to correct a non-compliant annual pass rate pursuant to subsection (b) of this Section.
  - 2) Upon written notification of the Division's proposed action, the nursing education program may:
    - A) Submit a written response;
    - B) Request an appearance~~a hearing~~ before the Board to provide a response.



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- 3) [Upon written notification that the Director has withdrawn the program approval of a nursing education program, the program may request a hearing to contest the Director's action in accordance with 68 Ill. Adm. Code 1110.](#)
- m) Out-of-State Education Programs Seeking Student Nurse Clinical Placement in Illinois
- 1) Out-of-state nursing education programs offering clinical experiences in Illinois are expected to maintain the standards for approved nursing education programs set forth in this Section.
  - 2) Programs desiring to seek approval for student nurse clinical placement in Illinois shall submit the following documents:
    - A) Evidence of approval/accreditation by the Board of Nursing or other appropriate approval bodies in the state in which the institution is located.
    - B) A letter requesting approval to provide the clinical offering that indicates the time-frame during which the clinical experience will be conducted, the clinical agencies and the clinical units to be utilized.
    - C) A course syllabus for the clinical experiences to be offered that specifies the related objectives of the offering.
    - D) A copy of the executed contractual agreement between the academic institution and the clinical facility.
    - E) A faculty qualification and/or preceptor form for individuals providing instruction in Illinois.
  - 3) Faculty
    - A) The institution responsible for conducting the nursing program and the administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.

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- B) Nurse faculty of a practical nursing program shall have:
  - i) At least 2 years' experience in clinical nursing practice; and
  - ii) A baccalaureate degree or higher with a major in nursing.
- C) The faculty shall be currently licensed as registered professional nurses in Illinois.
- D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.
- E) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience.
  - i) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
  - ii) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.
- 4) Approval for clinical offerings by out-of-state nursing programs shall be approved for a period of 2 years. A program representative may request renewal of the approval every 2 years. In order to renew, the program shall submit a written report that provides updated and current data as required by this subsection (m).
- 5) A written report of current clinical offerings and current data shall be submitted to the Division annually. Faculty qualification and preceptor forms shall be submitted when instructors are added or changed.
- 6) Failure to comply with the requirements set forth in this Part shall result in the immediate withdrawal of approval of the clinical experience offering.

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- n) If the name of the program is changed or the institution in which the program is located or with which it is affiliated changes its name, the program shall notify the Division within 30 days after the name change. If the Division is not notified within the 30 days, the program's approval may be withdrawn.
- o) The Division has determined that nationally accredited nurse programs meet the requirements set forth in this Section, except for those programs whose curriculums do not include a concurrent theory and clinical practice education component as required by Section 50-70 of the Act.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: REGISTERED NURSE

**Section 1300.340 Approval of Programs**

- a) Program Approval  
Institutions desiring to establish a new nursing program that would lead to meeting requirements for licensure, change the level of educational preparation of the program, or establish an extension of an existing program shall:
  - 1) Submit a letter of intent to the Division.
  - 2) Provide a feasibility study to the Division, on forms provided by the Division, that includes, at least, documentation of:
    - A) Need for the program in the community;
    - B) Need for graduates of the proposed program;
    - C) Availability of students;
    - D) Impact on existing nursing programs in a 50-mile radius of the proposed program;
    - E) The curriculum vitae of identifiable faculty, including the curriculum vitae of any potential faculty members that will teach in the program;

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- F) Adequacy of clinical practicum and academic resources;
  - G) Financial commitment to support the initial and continuing program;
  - H) Community support of the scope and philosophy of the program;
  - I) Authorization by the appropriate education agency of the State of Illinois; and
  - J) A timetable for development of the program and the intended date of the first class beginning.
- 3) Identify and provide a curriculum vitae of a qualified nurse administrator with a minimum of a master's degree in nursing and with experience as a nurse educator.
- 4) Submit a curriculum proposal including:
- A) Program philosophy and objectives;
  - B) A plan of organization that is logical and internally consistent;
  - C) Proposed plans of study, including requisite and elective courses with rationale;
  - D) Course outlines or syllabi for all nursing courses;
  - E) Student handbook;
  - F) Faculty qualifications;
  - G) Instructional approaches to be employed;
  - H) Evaluation plans for faculty and students;
  - I) Facilities and utilization plan; and
  - J) Budget plan.

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- 5) Coordinate with the Division and/or Nursing Coordinator for a site visit to be conducted prior to program approval.
- b) Continued Program Approval
- 1) Nursing education programs shall submit annual evaluation reports to the Division on forms provided by the Division. These reports shall contain information regarding curriculum, faculty and students and other information deemed appropriate by the Division.
  - 2) Full routine site visits may be conducted by the Division for periodic evaluation. The visits will be utilized to determine compliance with the Act. Unannounced site visits may be conducted when the Division obtains evidence that would indicate the program is not in compliance with the Act or this Part.
  - 3) *Beginning December 31, 2022, obtaining and maintaining programmatic accreditation by a national accrediting body for nursing education recognized by the United States Department of Education and approved by the Department. The Department and Board of Nursing shall be notified within 30 days if the program loses its accreditation. (Section 60-5(a)(5) of the Act)*
    - A) The Board shall issue a warning letter to any program that lost its national accreditation. This letter shall inform the program of its probationary status and the corrective actions necessary to be in compliance with the Act.
    - B) The program placed on probationary status must:
      - i) Immediately notify all enrolled students and applicants that the program has lost its national accreditation and of corrective actions the program will take to regain its accreditation; and
      - ii) Correct the deficiencies identified by the Board within 12 months unless otherwise directed by the Board, including regaining its national accreditation. Failure to correct the

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deficiencies within the specified time frame shall result in the ~~Division's~~~~Board's~~ withdrawal of the program's approval status.

- 4) A pass rate of graduates on the National Council Licensing Examination (NCLEX) shall be included in the annual evaluation of nursing education programs.
  - A) A pass rate of 75% of first-time examinees will be required for a school to remain in good standing.
  - B) A nursing education program having an annual pass rate of less than 75% of first-time examinees for one year will receive a written warning of noncompliance from the Division.
  - C) A nursing education program having an annual pass rate of less than 75% of first-time examinees for 2 consecutive years will receive a site visit for evaluation and recommendation by the Division and will be placed on probation for program revision ~~in accordance with 68 Ill. Adm. Code 1110.~~
  - D) The nursing education program will have 2 years to demonstrate evidence of implementing strategies to correct deficiencies and bring the pass rate in line with the 75% criteria.
  - E) If, 2 years after implementing the strategies to correct deficiencies in the program, the annual pass rate is less than 75%, the program will be reevaluated. The program ~~may~~~~will~~ be allowed to continue to operate on a probationary status or ~~approval may~~~~will~~ be ~~withdrawn~~~~disapproved~~ and ~~the program~~ removed from the list of Illinois approved nursing programs in accordance with subsection (m) of this Section~~68 Ill. Adm. Code 1110.~~
- c) Major Curricular Revision  
Nursing education programs desiring to make a major curricular revision, i.e., addition or deletion of content, a substantive change in philosophy or conceptual framework, or length of program, shall:
  - 1) Submit a letter of intent to the Division; and

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- 2) Submit a copy of the proposed changes and new material to the Division, at least one term prior to implementation, for Board recommendation and Division approval in accordance with the standards set forth in subsection (f).
- d) **Minor Curricular Revisions**  
Nursing education programs desiring to make curricular revisions involving reorganization of current course content but not constituting a major curriculum revision shall submit the proposed changes to the Division in their annual report.
- e) **Organization and Administration**
- 1) An institution responsible for conducting a nursing education program shall be authorized by the appropriate agency of the State of Illinois (e.g., Illinois Board of Higher Education, State Board of Education, Illinois Community College Board);
  - 2) The relationship of the nursing education program to other units within the sponsoring institution shall be clearly delineated with organizational charts on file with the Division;
  - 3) Nursing education programs shall have clearly defined lines of authority, responsibility and communication;
  - 4) Student input into determination of academic policies and procedures, curriculum planning and evaluation of faculty effectiveness shall be assured as evidenced by information such as student membership on policy and evaluation committees, policy statements and evaluation procedures;
  - 5) Nursing education program policies and procedures shall be in written form, congruent with those of the sponsoring institution, and reviewed by members of the program on a regular schedule;
  - 6) The philosophy, purpose and objectives of the nursing education program shall be stated in writing and shall be consistent with the sponsoring institution and current social, nursing and educational trends and the Act.

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- f) Curriculum and Instruction
- 1) The curriculum shall be based upon the stated program purpose, philosophy and objectives;
  - 2) Levels of progression in relation to the stated program outcomes shall be established;
  - 3) Coordinated clinical and theoretical learning experiences shall be consistent with the program outcomes;
  - 4) Curricular content shall reflect contemporary nursing practice encompassing major health needs of all age groups;
  - 5) The entire curriculum shall be based on sound nursing, education and instructional principles;
  - 6) The curriculum may include a Nursing Student Internship/Cooperative Education Course that meets the following minimum requirements:
    - A) The course must be available with the nursing major and identified on the transcript.
    - B) Faculty must meet approved nursing education program qualifications and hold faculty status with the educational unit.
    - C) Clinical content must be coordinated with theoretical content.
    - D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the program and shall work under the direction of a nurse faculty member.
    - E) Students shall not be permitted to practice beyond educational preparation or without faculty supervision.
    - F) The course shall be based on program purpose, philosophy, objectives and framework.



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- G) Course evaluation shall be consistent with the plan for program evaluation.
- H) Articles of affiliation shall clearly delineate student, educational institution and health care agency roles and responsibilities;
- 7) The curriculum shall be evaluated by faculty with student input, according to a stated plan;
- 8) The program shall be approved by the appropriate educational agency;
- 9) Curriculum for professional nursing programs shall:
  - A) Include, at a minimum, concepts in anatomy, physiology, chemistry, physics, microbiology, sociology, psychology, communications, growth and development, interpersonal relationships, group dynamics, cultural diversity, pharmacology and the administration of medication, nutrition and diet therapy, patho-physiology, ethics, nursing history, trends and theories, professional and legal aspects of nursing, leadership and management in nursing, and teaching-learning theory;
  - B) Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject matters;
  - C) Provide theoretical and clinical instruction in all areas of nursing practice in the promotion, prevention, restoration and maintenance of health in individuals and groups across the life span and in a variety of clinical settings;
  - D) Incorporate the nursing process as an integral part of the curriculum;
  - E) Prepare the student to assume beginning level professional nursing positions;
  - F) Be at least 2 academic years in length.
- g) Nursing Administrator and Faculty

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- 1) The institution responsible for conducting the nursing program and the nurse administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.
- 2) Nursing education programs shall be administered by the nurse administrator of the nursing education program.
- 3) The nurse administrator and faculty of a nursing education program shall be currently licensed as registered professional nurses in Illinois.
- 4) The nurse administrator of a nursing education program shall have at least:
  - A) 2 years' experience in clinical nursing practice;
  - B) 2 years' experience as a nursing educator; and
  - C) A master's degree or higher with a major in nursing.
- 5) Nurse faculty of a professional nursing program shall have:
  - A) At least 2 years' experience in clinical nursing practice;
  - B) A master's degree or higher with a major in nursing.
- 6) The requirements of subsections (g)(4) and (5) shall not affect incumbents as of the original date these requirements were adopted, January 14, 1980.
- 7) Nurse administrators of nursing education programs shall be responsible for:
  - A) Administration of the nursing education program;
  - B) Liaison with other units of the sponsoring institution;
  - C) Preparation and administration of the budget;
  - D) Facilitation of faculty development and performance review;

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- E) Facilitation and coordination of activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation; and
  - F) Notification to the Division of program changes.
- 8) Faculty shall be responsible for:
- A) Development, implementation and evaluation of the purpose, philosophy and objectives of the nursing education program;
  - B) Design, implementation and evaluation of curriculum for the nursing education program;
  - C) Participation in academic advising of students;
  - D) Development and evaluation of student policies; and
  - E) Evaluation of student performance in meeting the objectives of the program.
- 9) Faculty shall participate in:
- A) Selection, promotion and tenure activities;
  - B) Academic activities of the institution;
  - C) Professional and health related community activities;
  - D) Self-development activities for professional and personal growth;
  - E) Research and other scholarly activities for which qualified; and
  - F) Activities that maintain educational and clinical expertise in areas of teaching.
- 10) Clinical experience must be under direct supervision of qualified faculty as set forth in this subsection (g) or with a registered nurse preceptor. The

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nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.

- 11) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience:
  - A) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
  - B) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.

h) Financial Support, Facilities, Records

- 1) Adequate financial support for the nursing education program, faculty and other necessary personnel, equipment, supplies and services shall be in evidence in the program budget.
- 2) The faculty of the nursing education program and the staff of cooperating agencies used as sites for additional theory and clinical experience shall work together for quality of patient care.
- 3) Articles of Affiliation
  - A) The nursing education program shall have Articles of Affiliation between the nursing education program and each clinical facility that define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical site and the nursing education program.
  - B) If portions of the required clinical or theoretical curriculum are offered at different geographical sites or by distance learning, the curriculum must be planned, supervised, administered and evaluated in concert with appropriate faculty committees, department chairmen and administrative officers of the parent school.
- 4) There shall be adequate facilities for the nursing program for both academic and clinical experiences for students.

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- 5) There shall be access to learning resource facilities, including library and multi-media technology, that are reasonably sufficient for the curriculum and the number of students enrolled in the nursing education programs.
  - 6) Cooperating agencies shall be identified to the Division and shall be suitable to meet the objectives of the program.
  - 7) Addition or deletion of cooperating agencies shall be reported in writing to the Division on the program annual report.
  - 8) The nursing program's policies and procedures shall not violate constitutional rights and shall be written and available to faculty and students.
  - 9) Permanent student records that summarize admissions, credentials, grades and other records of performance shall be maintained by the program.
- i) Faculty Waiver
- 1) Waivers for faculty with a graduate degree in a field other than nursing may be granted by the Division based on the following:
    - A) The individual has a bachelor's degree in nursing;
    - B) The individual has at least 2 years of experience in clinical nursing practice;
    - C) The individual has a degree in a field that directly relates to the course he or she will be teaching;
    - D) At least 80% of the school's undergraduate nursing faculty holds a master's degree in nursing.
  - 2) Waivers for faculty without a graduate degree will be granted based on the following:
    - A) The faculty member is within one year of completion of the master's in nursing, a DNP program ~~or the faculty member has~~

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~~completed a master's in another area~~ or is enrolled in a doctoral degree in nursing program and has completed all coursework, except for a dissertation/final project;

- B) The faculty member is continuously enrolled in the graduate degree in nursing program;
  - C) A plan exists for the timely completion of the graduate degree in nursing program; and
  - D) At least 80% of the school's undergraduate nursing faculty holds a master's degree in nursing.
- 3) A school that has received a waiver must notify the Board of any changes related to that faculty member, including notification that the faculty member has received the graduate degree.
- j) Preceptors  
A program of registered professional nursing that uses the personnel of a clinical facility as preceptors to instruct the clinical experience must:
- 1) Require each preceptor to have demonstrated competencies with patient populations to which the student is assigned;
  - 2) Require each preceptor to be approved by the faculty of the program of nursing;
  - 3) Require the faculty of the program to provide to each preceptor an orientation concerning the roles and responsibilities of students, faculty and preceptors;
  - 4) Require the faculty of the program to develop written competencies/outcomes and provide a copy of these to each preceptor before the preceptor begins instruction of the students;
  - 5) Designate a member of the faculty to serve as a liaison between the preceptor and each student who participates in the clinical experience;

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- 6) Require that each preceptor be present in the clinical facility or at the location of point of care and available to the students at all times when the student provides nursing care or services to patients/clients;
  - 7) Require that each preceptor have a current registered professional nurse license in the state where the student is practicing.
- k) **Denial of Approval of Nursing Program**  
If the Division, in the course of reviewing an application for approval of a nursing program, determines that an applicant program has failed to comply with the application criteria or procedures outlined in this Part, or receives information that indicates that the applicant program will not be able to comply with the conditions set forth in subsection (b), the Division may deny the application for approval.
- l) **Discontinuance of a Nursing Program**
- 1) Prior to termination of a nursing education program, the program shall:
    - A) Notify the Division, in writing, of its intent to discontinue its program;
    - B) Continue to meet the requirements of the Act and this Part until the official date of termination of the program;
    - C) Notify the Division of the date on which the last student will graduate and the program terminate; and
    - D) Assume responsibility for assisting students to continue their education in the event of closing of the school prior to the final student graduating.
  - 2) Upon closure of the nursing education program, the institution shall notify the Division, in writing, of the location of student and graduate records storage.
- m) **Withdrawal~~Revocation~~ of Program Approval**
- 1) The following are grounds for withdrawal of program approval~~disapproval~~ of a nursing education program:

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- A) A violation of any provision of the Act;
  - B) Fraud or dishonesty in applying for approval of a nursing education program;
  - C) Failure to continue to meet criteria of an approved nursing education program set forth in this Section; ~~or~~
  - D) Failure to comply with recommendations made by the Division as a result of a site visit; or;
  - E) Failure to correct a non-compliant annual pass rate pursuant to subsection (b) of this Section.
- 2) Upon written notification of the Division's proposed action, the nursing education program may:
- A) Submit a written response;
  - B) Request an appearance ~~a hearing~~ before the Board to provide a response.
- 3) Upon written notification that the Director has withdrawn the program approval of a nursing education program, the program may request a hearing to contest the Director's action in accordance with 68 Ill. Adm. Code 1110.
- n) Out-of-State Education Programs Seeking Student Nurse Clinical Placement in Illinois
- 1) Out-of-state nursing education programs offering clinical experiences in Illinois are expected to maintain the standards for approved nursing education programs set forth in this Section.
  - 2) Programs desiring to seek approval for student nurse clinical placement in Illinois shall submit the following documents:



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- A) Evidence of approval/accreditation by the Board of Nursing or other appropriate approval bodies in the state in which the institution is located.
  - B) A letter requesting approval to provide the clinical offering that indicates the time-frame during which the clinical experience will be conducted, the clinical agencies and the clinical units to be utilized.
  - C) A course syllabus for the clinical experiences to be offered that specifies the related objectives of the offering.
  - D) A copy of the executed contractual agreement between the academic institution and the clinical facility.
  - E) A faculty qualification and/or preceptor form for individuals providing instruction in Illinois.
- 3) Faculty
- A) The institution responsible for conducting the nursing program and the administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.
  - B) Nurse faculty of a professional nursing program shall have:
    - i) At least 2 years' experience in clinical nursing practice; and
    - ii) A master's degree or higher with a major in nursing.
  - C) The faculty shall be currently licensed as registered professional nurses in Illinois.
  - D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.

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- E) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience.
  - i) When under direct supervision of the faculty, the ratio shall not exceed 10 to 1.
  - ii) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.
- 4) Approval for clinical offerings by out-of-state nursing programs shall be approved for a period of 2 years. A program representative may request renewal of the approval every 2 years. In order to renew, the program shall submit a written report that provides updated and current data as required by this subsection (n).
- 5) A written report of current clinical offerings and current data shall be submitted to the Division annually. Faculty qualification and preceptor forms shall be submitted when instructors are added or changed.
- 6) Failure to comply with the requirements set forth in this Part shall result in the immediate withdrawal of approval of the clinical experience offering.
- o) If the name of the program is changed or the institution in which the program is located or with which it is affiliated changes its name, the program shall notify the Division within 30 days after the name change. If the Division is not notified within the 30 days, the program's approval may be withdrawn.
- p) The Division has determined that nurse programs approved through the Commission on Collegiate Nursing Education (CCEN), Accreditation Commission for Education Nursing (ACEN), or the US Department of Education meet the requirements set forth in this Section, except for those programs whose curriculums do not include a concurrent theory and clinical practice education component as required by Section 50-70 of the Act.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: ADVANCED PRACTICE REGISTERED NURSE

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**Section 1300.490 Adverse Occurrences**

- a) "Adverse occurrence" shall be defined for purposes of this Section as:
- 1) The death of a neonate under the licensee's care within 48 hours of delivery or attempted delivery, not including a still birth or miscarriage;
  - 2) The death of a pregnant or postpartum patient under the licensee's care within 48 hours of delivery or attempted delivery;
  - 3) The in-patient emergency hospitalization of a neonate under the licensee's care within 48 hours of delivery or attempted delivery; or
  - 4) The in-patient emergency hospitalization of a patient under the licensee's care within 48 hours of delivery or attempted delivery.
- b) "Emergency hospitalization" shall be defined for the purposes of this Section as a hospitalization of a neonate or patient suffering an acute injury or illness that poses an immediate risk to life or long-term health requiring immediate medical attention and that is related to delivery or attempted delivery.
- c) Maternal emergency hospitalization events reportable under this Section include:
- 1) Acute myocardial infarction;
  - 2) Aneurysm;
  - 3) Acute renal failure;
  - 4) Adult respiratory distress syndrome;
  - 5) Amniotic fluid embolism;
  - 6) Cardiac arrest/ventricular fibrillation;
  - 7) Conversion of cardiac rhythm;
  - 8) Disseminated intravascular coagulation;

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- 9) Eclampsia;
  - 10) Heart failure/arrest;
  - 11) Periperal cerebrovascular disorders;
  - 12) Pulmonary edema/acute heart failure;
  - 13) Severe anesthesia complications;
  - 14) Sepsis;
  - 15) Shock;
  - 16) Sickle cell disease with crisis;
  - 17) Air and thrombotic embolism;
  - 18) Blood products transfusion;
  - 19) Hysterectomy;
  - 20) Temporary tracheostomy;
  - 21) Ventilation;
  - 22) Hemorrhage or excessive laceration bleeding requiring repair;
  - 23) Retained placenta;
  - 24) Cord prolapse; or
  - 25) Other adverse conditions or occurrences equivalent to listed above.
- d) Neonatal emergency hospitalization events reportable under this Section include:
- 1) Severe birth trauma
  - 2) Severe hypoxia/asphyxia;

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- 3) Severe shock and resuscitation;
  - 4) Neonatal severe respiratory complications;
  - 5) Neonatal severe infection;
  - 6) Neonatal severe neurological complications;
  - 7) Severe shock and resuscitation procedures;
  - 8) Neonatal severe respiratory procedures;
  - 9) Neonatal severe neurological procedures;
  - 10) Sepsis; or
  - 11) Other adverse conditions or occurrences equivalent to those listed above.
- e) A licensee shall report to the Division within 24 hours each adverse occurrence that involves the death of a neonate or a patient. The report shall be submitted to the Division on a form provided by the Division and mailed to the Division or submitted electronically.
- f) A licensee shall report to the Division within 14 days each adverse occurrence that involves the in-patient emergency hospitalization of a neonate or patient. The report shall be submitted to the Division on a form provided by the Division and mailed to the Division or submitted electronically.
- g) The adverse occurrence report shall be in writing and include:
- 1) The licensee's name and license number;
  - 2) The date and time of the occurrence;
  - 3) The location of the occurrence, including the name and address of the birth center, if applicable;
  - 4) The name of the patient;

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- 5) The name of the hospital involved in the occurrence, if any; and
- 6) The circumstances involved in such occurrence.
- h) The adverse occurrence report is required by the Division to assist in its mission of protecting the public. The filing of such a report by a licensee shall not constitute an admission by the licensee of any wrongdoing, malpractice, error or omission in treatment, or even that the death or in-patient emergency hospitalization is related to the licensee's care. A licensee shall be responsible for filing an adverse occurrence report only for those adverse occurrences of which the licensee has knowledge or should reasonably have been expected to have knowledge. In the event that a licensee does not have knowledge or cannot reasonably be expected to have knowledge, but subsequently obtains actual knowledge of an adverse occurrence, then such licensee shall file an adverse occurrence report within 24 hours after obtaining knowledge of the death of a neonate or patient or within 14 days of obtaining knowledge of the in-patient emergency hospitalization of a neonate or patient. An adverse occurrence report is an investigatory record and is confidential under Section 70-81 of the Act.
- i) Failure to provide such a report to the Division shall be grounds for discipline (See Section 70-5(b)(7) of the Act and Section 1300.90).
- j) This Section only applies to certified nurse midwives.
- k) A Certified Nurse Midwife shall be deemed to be in compliance with the reporting requirements of this Section if the Certified Nurse Midwife is employed by or is practicing at a birth center and the birth center submits the report required by this Section.

(Source: Added at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

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- 1) Heading of the Part: Administration of Social Service Programs
- 2) Code Citation: 89 Ill. Adm. Code 130
- 3) Section Number: 130.600                      Proposed Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3]; and Illinois Farm to Food Bank Program Act [305 ILCS 44].
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to the Illinois Farm to Food Bank Program Act, this rulemaking outlines the guidelines of the Illinois Farm to Food Bank Program (Program) that expands the availability of nutritious, locally grown, raised, or processed foods for Illinois' emergency food system. It adds language regarding acquiring and distributing agricultural products, health and safety requirements, participation requirements, grant eligibility, and an Advisory Council for the Program.
- 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief

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Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

(217) 785-9772  
DHS.AdministrativeRules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: Agricultural entities
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2024

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



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TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER c: SOCIAL SERVICES

PART 130  
ADMINISTRATION OF SOCIAL SERVICE PROGRAMS

SUBPART A: TITLE XX SOCIAL SERVICES BLOCK GRANT PROGRAM

Section	
130.10	Program Administration
130.15	Definitions
130.20	Goal of Services
130.25	Service Activities
130.30	Expenditure of Block Grant Funds
130.35	Limitations on Services and Expenditures
130.40	Eligibility For Services
130.45	Opportunity to Apply For and Receive Services
130.46	Client Case Records
130.50	Purchase of Services
130.60	Record Retention
130.70	Fees For Purchased Services (Repealed)
130.71	Fees For Services Provided Through Grants-In-Aid (Repealed)
130.80	Reporting Requirements
130.85	Reporting and Audit Requirements

SUBPART B: LOCAL INITIATIVE FUND PROGRAM

Section	
130.100	Applicability of Other Sections
130.110	Overview
130.120	Program Administration
130.130	Request For Proposal
130.140	Sponsoring Agency Responsibilities
130.150	Funding Mechanism
130.152	Sources of Local Funds
130.154	Sources of Locally Generated Funds and In-kind Contributions Used to Match Title XX Funds
130.158	Donor Restrictions on Donations (Repealed)

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- 130.160 Reimbursement Process – Donations (Transferred Funds or Co-Payments)
- 130.161 Advance Disbursement System (Repealed)
- 130.162 Reimbursement Process (Certification of Expended Funds)
- 130.170 Assignment of Budget Costs (Repealed)

## SUBPART C: DOMESTIC VIOLENCE PROGRAM

## Section

- 130.200 Domestic Violence Shelter and Service Programs

## SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

## Section

- 130.300 Program Administration
- 130.301 Definitions (Repealed)
- 130.302 Allocation Methodology for Federal Surplus Commodities (Repealed)
- 130.310 Distribution Network Agencies (Repealed)
- 130.311 Local Distribution Centers (Repealed)
- 130.312 Liability of Distribution Network Agencies (Repealed)
- 130.313 Reports and Maintenance of Records (Repealed)
- 130.314 Payment for Distribution (Repealed)
- 130.315 Second Harvest Shared Maintenance Fees (Repealed)
- 130.320 Eligibility to Receive Commodities (Repealed)
- 130.321 Issue Rates of Commodities (Repealed)
- 130.322 General Program and Provider Requirements

## SUBPART E: SERVICES FOR THE HOMELESS

## Section

- 130.400 Emergency Food and Shelter Program

## SUBPART F: INCORPORATION BY REFERENCE

## Section

- 130.500 Incorporation By Reference

SUBPART G: ILLINOIS FARM TO FOOD BANK PROGRAMSection

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130.600 Illinois Farm to Food Bank Program

AUTHORITY: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3]; and Illinois Farm to Food Bank Program Act [305 ILCS 44].

SOURCE: New rules adopted and codified at 8 Ill. Reg. 6069, effective April 25, 1984; amended at 9 Ill. Reg. 8645, effective May 22, 1985; amended at 9 Ill. Reg. 15882, effective October 6, 1985; amended at 10 Ill. Reg. 11915, effective July 3, 1986; amended at 11 Ill. Reg. 2828, effective January 30, 1987; amended at 13 Ill. Reg. 3831, effective March 17, 1989; amended at 13 Ill. Reg. 16756, effective October 13, 1989; amended at 14 Ill. Reg. 13772, effective August 20, 1990; amended at 14 Ill. Reg. 14537, effective August 29, 1990; amended at 15 Ill. Reg. 16112, effective November 1, 1991; amended at 16 Ill. Reg. 13292, effective September 1, 1992; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 24 Ill. Reg. 13669, effective August 23, 2000; amended at 27 Ill. Reg. 9452, effective June 9, 2003; emergency adopted at 28 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART G: ILLINOIS FARM TO FOOD BANK PROGRAMSection 130.600 Illinois Farm to Food Bank Program

- a) The Department shall administer the Illinois Farm to Food Bank Program (program) to help expand the availability of nutritious, locally grown, raised, or processed foods originating from Illinois farmers for Illinois' emergency food system.
- b) Foods acquired through the program shall be surplus, seconds, or market-grade quality levels and must be safe for consumption.
- c) No fees may be assessed on foods from the program to recipient distribution sites or programs, nor to individuals or households.
- d) Food banks that are part of the Statewide network for emergency feeding and commodity distribution described in 89 Ill. Adm. Code 130.300 are eligible to participate.

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- e) The Secretary shall engage a not-for-profit entity from Illinois' emergency food system to administer the program (hereafter called administering entity).
- f) Funding shall be allocated to each participating food bank according to the prevailing weighted county allocations used by the Department for the Emergency Food Assistance Program), and the allocation formula will be decided upon by the administering entity. The administering entity shall have Statewide reach and represent multiple food banks that source and distribute food to Illinois food pantries and soup kitchens under the same authorities and standards as the Emergency Food Assistance Program administered by the Department (305 ILCS 44/15). The administering entity may reallocate to the remaining participating food banks any funding that is not accepted or obligated before the end of the State fiscal year.
- g) To receive funds made available by the Department under this Section, a participating food bank must supply cash or in-kind contributions from non-State funds equal to 50% of the cost of the program activities.
- h) Program funds may be used for the acquisition and distribution of food, administrative expenses, and capacity-building grants. No less than 75% of available funds shall be dedicated to acquisition and distribution of food, including, but not limited to:
- 1) Picking;
  - 2) Packing;
  - 3) Processing; and
  - 4) Transportation.
- i) Program participants will comply with current storage directives, fact sheets, and storage handbooks, as compiled and issued by USDA, Rules and Regulations of the Illinois Department of Public Health's Division of Food and Drugs, and any specific directions of the Department (89 Ill. Adm. Code 130.322(b)(7)(B)).
- j) The program shall provide grants to improve capacity of the emergency food system to allow for the proper transportation, storage, or distribution of

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agricultural products to underserved areas. The Farm to Food Bank Advisory Council (305 ILCS 44/20) shall review and advise the administering entity on capacity-building grants for:

- 1) Facility upgrades;
  - 2) Equipment; or
  - 3) Other applicable investments necessary to support the objectives of the program and allow for the proper pickup, storage, or processing of agricultural products that expand the ability of Illinois' emergency food system to access these products and better reach underserved areas and underserved populations.
- k) Non-State matching funds are required for capacity-building grants; however, the administering entity may waive the matching requirement unless the grant recipient is a food bank. Entities that participate in the distribution of agricultural products to underserved communities shall be eligible to receive capacity-building grants, including, but not limited to:
- 1) Agricultural entities;
  - 2) Illinois-based aggregators,
  - 3) Food banks; and
  - 4) Private non-profit or public agencies that provide meals or food to needy persons (such as food pantries, soup kitchens, hunger relief centers, or other feeding programs).
- l) Each participating food bank shall be given the option to:
- 1) Receive all or part of its funding allocation to contract directly with agricultural entities; and
  - 2) Elect for the administering entity to retain all or part of the food bank's funding allocation to contract with agricultural entities on behalf of the food bank.

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- m) The administering entity shall establish additional goals, preferences, and incentives to advance equity, especially racial equity, in the farm industry. Priority should be given to acquiring food from socially disadvantaged farmers and ranchers, as defined below.
- 1) The categories include:
    - A) American Indian or Alaska Native;
    - B) Asian;
    - C) Native Hawaiian or Other Pacific Islander;
    - D) Black/African American;
    - E) Latine/o/a;
    - F) Refugee;
    - G) LGBTQ+;
    - H) Veteran;
    - D) Female business owner;
    - J) Greater than 50 miles (or 30 minutes) to the nearest distribution point (farmers market or market opportunity); or
    - K) Qualify for benefits based on income (low socioeconomic status), person with disabilities or new farmer/rancher (as defined by USDA is under 10 years).
  - 2) Businesses located in high-vulnerability counties (as determined by CDC's Social Vulnerability Index).
- n) The administering entity shall:
- 1) Develop and submit to the Department an annual plan outlining anticipated needs, outreach efforts, potential challenges, and any changes

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that may affect the program from the prior year; and

- 2) Issue and submit to the Department an annual report that summarizes the activity from the prior year, including meeting the capacity-building and equity goals of the program.

(Source: Added at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) Section Number: 590.20                      Proposed Action:  
Amendment
- 4) 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] and Migratory Bird Hunting (50 CFR 20).
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to make statewide program changes, open and close state-owned or -managed sites and amend procedures at state sites.
- 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 rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit their written comments concerning this rulemaking within 45 days from the publication date of this issue of the *Illinois Register*. All comments should be submitted to:

John Fischer, Legal Counsel  
Department of Natural Resources  
One Natural Resources  
Springfield, IL 62702



DEPARTMENT OF NATURAL RESOURCES

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217-782-1809  
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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: January 2024

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 590  
DUCK, GOOSE AND COOT HUNTING

## Section

590.5	Reference Material
590.10	Statewide Regulations
590.15	Duck, Goose and Coot General Hunting Regulations on Department-Owned, - Leased and -Managed Sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60	Various Other Department Sites – Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (All Species) Hunting Regulations on Department Sites
590.EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)

**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] and Migratory Bird Hunting (50 CFR 20).

**SOURCE:** Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; preemptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill.

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Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004;

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amended at 29 Ill. Reg. 9654, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924, effective November 4, 2005; amended at 30 Ill. Reg. 15694, effective September 18, 2006; amended at 31 Ill. Reg. 13128, effective August 30, 2007; amended at 32 Ill. Reg. 14761, effective August 27, 2008; amended at 33 Ill. Reg. 14671, effective October 13, 2009; amended at 34 Ill. Reg. 16457, effective October 8, 2010; amended at 35 Ill. Reg. 13161, effective July 26, 2011; amended at 37 Ill. Reg. 19208, effective November 14, 2013; amended at 38 Ill. Reg. 22735, effective November 18, 2014; amended at 39 Ill. Reg. 11387, effective August 3, 2015; amended at 40 Ill. Reg. 10492, effective July 20, 2016; amended at 41 Ill. Reg. 8575, effective June 28, 2017; amended at 42 Ill. Reg. 17547, effective September 21, 2018; amended at 43 Ill. Reg. 9464, effective August 23, 2019; amended at 44 Ill. Reg. 11483, effective June 29, 2020; amended at 45 Ill. Reg. 13834, effective October 25, 2021; amended at 46 Ill. Reg. 18592, effective November 2, 2022; amended at 48 Ill. Reg. 3899, effective March 1, 2024; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting**

- a) Sites covered in this Section, which allow hunting by permit only, are:

Anderson Lake State Fish and Wildlife Area

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area

Black Crown Marsh State Natural Area

Clinton Lake State Recreation Area – Salt Creek Waterfowl Management Area (2)

Double T State Fish and Wildlife Area

Embarras River Bottoms State Habitat Area (2)

Fox Creek State Fish and Wildlife Area (2)

Horseshoe Lake State Fish and Wildlife Area – Controlled Hunting Area

Kidd Lake State Natural Area (west of railroad tracks only)

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Larry D. Closson State Habitat Area (2)

Marshall State Fish and Wildlife Area – Duck Ranch Unit (2)

Mermet Lake State Fish and Wildlife Area

Rice Lake State Fish and Wildlife Area – Walk-in Units

Snakeden Hollow State Fish and Wildlife Area

Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit

Union County State Fish and Wildlife Area – Controlled Hunting Area

b) Permit Requirements

- 1) Permit applications shall be accepted starting August 16. Initial acceptance dates and methods for making applications will be publicly announced. A hunter can obtain up to 5 permits for duck hunting and 5 permits for goose hunting as follows: Only applications submitted by Illinois residents will be processed during the first lottery to apply for up to one duck permit and one goose permit. Non-residents and residents who did not receive a permit or did not apply in the first lottery will be eligible to participate in the second lottery to apply for their first duck and goose permit. Residents will have preference in the 2<sup>nd</sup> lottery. Residents and non-residents can apply for a 2<sup>nd</sup> permit for duck and goose hunting in the 3<sup>rd</sup> lottery. Residents will have preference in the 3<sup>rd</sup> lottery. Residents and non-residents can apply online for a 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> duck and goose permit after the 3<sup>rd</sup> lottery. Successful applicants will be sent confirmation via email or can access the Reservation Inquiry System to see if they were awarded a permit.
- 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of

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blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5]. Hunting locations (blind or stake number) shall be assigned randomly by the permit office and listed on the permit at sites that do not have a check station, but have multiple hunting locations.

- 3) The permit shall be for the use of the entire blind or staked site/area.
- A) It shall be the responsibility of the permit holder to bring one hunting partner or one non-hunting partner (non-hunting partners are defined as persons under 21 years of age accompanying the hunter in the blind) or 2 non-hunting partners (3 persons per blind but not more than 2 hunters per blind) for:
- Snakeden Hollow State Fish and Wildlife Area
  - Horseshoe Lake State Fish and Wildlife Area
  - Union County State Fish and Wildlife Area
- B) It shall be the responsibility of the permit holder to bring no more than 2 partners (hunters or non-hunters; 3 persons per stake/area) for:
- Rice Lake State Fish and Wildlife Area – Walk-in Unit
  - Kidd Lake State Natural Area – units west of the railroad tracks only
- C) It shall be the responsibility of the permit holder to bring no more than 3 partners (hunters or non-hunters; 4 persons per blind or staked site/area) for:
- Anderson Lake State Fish and Wildlife Area
  - Banner Marsh State Fish and Wildlife Area
  - Big Bend State Fish and Wildlife Area
  - Black Crown Marsh State Natural Area

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Double T State Fish and Wildlife Area

Embarras River Bottoms State Habitat Area

Fox Creek State Fish and Wildlife Area

Larry D. Closson State Habitat Area

Marshall State Fish and Wildlife Area – Duck Ranch Unit

Mermet Lake State Fish and Wildlife Area

Spring Lake State Fish and Wildlife Area – Spring Lake  
Bottoms Unit

Clinton Lake State Recreation Area – Salt Creek Waterfowl  
Management Area

- 4) Unallocated blinds may be filled by a drawing at the sites. If no drawing occurs, then modifications will be posted at the site and 17 Ill. Adm. Code 510.10(d)(3) shall apply.
- 5) Permits are not transferrable.
- 6) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources  
Permit Office – Waterfowl  
P.O. Box 19457  
Springfield IL 62794-9457

c) General Regulations

- 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at:
  - A) Snakeden Hollow State Fish and Wildlife Area from 2 weeks

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before duck season through close of Central Zone Canada goose season (except for archery deer hunting).

- B) Double T State Fish and Wildlife Area from October 1 through the close of the Central Zone Duck hunting season.

2) Hours, Permits and Stamp Charges

- A) Hunting hours are from legal opening time until 1:00 p.m., except at Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, which close at 12 noon. Marshall State Fish and Wildlife Area – Duck Ranch Unit will have statewide hours for early and late goose seasons.
- B) At Snakeden Hollow State Fish and Wildlife Area from opening day through November 30, all hunters must register at the check station by 5:00 a.m. Permits are void after 5:00 a.m. From December 1 through December 31, all hunters must register at the check station by 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m.
- C) At Banner Marsh State Fish and Wildlife Area, Horseshoe Lake State Fish and Wildlife Area, Rice Lake State Fish and Wildlife Area – Walk-in Units and Union County State Fish and Wildlife Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing may be held to allocate blind sites at all sites. If no drawing occurs, then modifications will be posted at the site and 17 Ill. Adm. Code 510.10(d)(3) shall apply.
- D) At Anderson Lake State Fish and Wildlife Area and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters are required to check in at the check station no later than one hour before legal shooting time; after that time, permits are void.
- E) At Double T State Fish and Wildlife Area, hunters must check in by 4:30 a.m. at the Rice Lake check station. Permits are void after



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4:30 a.m. Check out is required at all sites listed in this Section.

- F) At Clinton Lake State Recreation Area – Salt Creek Waterfowl Management Area, hunting hours are from legal shooting time to 1:00 p.m. Permit hunters have sole access to the assigned, permanent blind sites for the day and may occupy the site as desired during legal access hours but may not leave and re-enter the site.
- G) At Kidd Lake State Natural Area, hunters may arrive at hunt sites 1 hour prior to legal shooting time until 1:00 p.m. when shooting must cease. Hunters must remove all hunting materials and vacate the area by 2:00 p.m. Only hunters with Public Duck and Goose Hunting Area Permits and their partners may hunt the site.
- H) A \$15 Daily Usage Stamp must be purchased at Snakeden Hollow State Fish and Wildlife Area. Partners between 16 and 20 years of age must pay daily usage stamp fee. Partners under 16 are not required to purchase a daily usage stamp.
- I) A \$10 Daily Usage Stamp must be purchased at Banner Marsh State Fish and Wildlife Area, Marshall State Fish and Wildlife Area – Duck Ranch Unit, Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, Horseshoe Lake State Fish and Wildlife Area, Union County State Fish and Wildlife Area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. All partners under 16 are not required to purchase a daily usage stamp.
- J) At Embarras River Bottoms State Habitat Area, hunters may arrive at hunt sites 1 hour prior to legal shooting time until 1:00 p.m. when shooting must cease. Hunters must remove all hunting materials and vacate the area by 3:00 p.m. Only hunters with Public Duck and Goose Hunting Area Permits and their partners may hunt the site.
- K) At Mermet Lake State Fish and Wildlife Area, permits will be valid each day the check station is open during regular duck season. Drawing for blinds may take place 90 minutes before

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shooting time and hunting hours are from ½ hour before sunrise until 1:00 p.m. If no drawing occurs, then modifications will be posted at the site and 17 Ill. Adm. Code 510.10(d)(3) shall apply.

- 3) Hunting shall be done from assigned locations (blinds, stakes, areas or pits) only and hunters shall not move from assigned location to another location or leave the assigned location and return.
- 4) Guns must be unloaded and encased at all times when not hunting. Except at Union County and Horseshoe Lake State Fish and Wildlife Areas, all hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.
- 5) The legal hunting seasons for Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area are the dates of the South Zone duck and goose hunting seasons except that these areas shall be closed on Mondays, Tuesdays (except for the Illinois Youth Waterfowl Hunt) and December 24 through 28. (These sites shall be open only for the Illinois Youth Waterfowl Hunt on December 28, pursuant to 17 Ill. Adm. Code 685.110.)
- 6) The legal hunting season at Snakeden Hollow State Fish and Wildlife Area is the dates of the Central Zone goose hunting season except that the area shall be closed on Mondays, Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh State Fish and Wildlife Area and Rice Lake State Fish and Wildlife Area – Walk-in Units is the dates of the Central Zone duck hunting season.
- 8) The legal hunting season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit is the opening day of the Central Zone duck hunting season and every Tuesday, Thursday and Sunday of the Central Zone duck hunting season, except the second Sunday in November, which is closed due to the Youth Hunt.

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- 9) The legal permit hunting season at Double T State Conservation Area will be every Wednesday, Saturday and Sunday of the Central Zone duck hunting season.
- 10) The legal hunting season at Marshall State Fish and Wildlife Area – Duck Ranch Unit is every Tuesday, Thursday and Saturday during the Central Zone duck season.
- 11) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area, during duck season hunters shall not possess more than 25 shot shells. When duck season is closed, hunters shall not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit. During the Conservation Order Light Goose Season hunters may possess 25 shot shells at Horseshoe Lake State Fish and Wildlife Area. At Snakeden Hollow State Fish and Wildlife Area, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 12) At Horseshoe Lake State Fish and Wildlife Area and Union County State Fish and Wildlife Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed.
- 13) At Horseshoe Lake State Fish and Wildlife Area hunters cannot take guns from the blind to retrieve wounded waterfowl.
- 14) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.
- 15) At Rice Lake State Fish and Wildlife Area – Walk-in Units, hunting shall be by walk-in or boats without motors only.
- 16) The legal hunting season for Clinton Lake State Recreation Area – Salt Creek Waterfowl Management Area will be every Tuesday, Thursday and Saturday of the Central Zone regular duck ~~and Canada goose~~ season.
- 17) The permit dates for Anderson Lake State Fish and Wildlife Area will be every Tuesday, Thursday and Saturday of the waterfowl hunting zone the site is in (Central Zone). Permit holders will have first choice of West

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Point Walk-in area stakes or unclaimed yearly allocation blinds that would otherwise go in the daily drawing. All site specific regulations apply.

- 18) The legal hunting season for Larry D. Closson State Habitat Area will be every Sunday in October and November and every Saturday in December and January of the regular Illinois duck hunting season in the waterfowl hunting zone in which the site is located.
- 19) The legal hunting season for Kidd Lake State Natural Area – units west of the railroad tracks only will be every Tuesday, Thursday and Saturday of the regular Illinois duck hunting season in the waterfowl hunting zone in which the site is located.
- 20) The legal hunting season for Embarras River Bottoms State Habitat Area will be Tuesday, Thursday and Saturday of the regular Illinois duck hunting season (except for the youth waterfowl season) in the Waterfowl Hunting Zone in which the site is located. There will be no waterfowl hunting during shotgun deer and deer muzzleloader seasons.
- 21) The legal hunting season for Black Crown Marsh State Natural Area (marsh hunting area) will be Tuesday, Thursday, Saturday and Sunday of the regular Illinois duck hunting season in the waterfowl hunting zone where the site is located. The legal hunting season for the Black Crown Marsh State Natural Area (land hunting area) will be Tuesday, Thursday, Saturday and Sunday of the regular Illinois duck and goose hunting seasons in the waterfowl hunting zone where the site is located. Walk-in hunting only. Hunters may construct temporary blinds that must be removed at the end of each day's hunt. Hunting hours are from legal opening until 1:00 p.m. Hunters must be off the site by 2:00 p.m. Sign-in/sign-out and report harvest at parking area kiosk.
- 22) The legal hunting season for Big Bend State Fish and Wildlife Area will be Tuesday, Thursday and Saturday of the regular Illinois duck hunting season in the waterfowl zone where the site is located. Walk-in hunting only. Hunters may construct temporary blinds that must be removed at the end of each day's hunt. Hunting hours are from legal opening until 1:00 p.m. Hunters must be off the waterfowl hunting site by 2:00 p.m. Sign-in, sign-out and reporting of harvest required.

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(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3) Section Number: 670.60                      Proposed Action: Amendment
- 4) 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].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to make statewide program changes, open and close State-owned or -managed sites, and amend procedures at State sites.
- 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 rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit their written comments concerning this rulemaking within 45 days from the publication date of this issue of the *Illinois Register*. All comments should be submitted to:

John Fischer, Legal Counsel  
Department of Natural Resources  
One Natural Resources  
Springfield, IL 62702

(217) 782-1809

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[dnr.rules@illinois.gov](mailto:dnr.rules@illinois.gov)

- 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: January 2024

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

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 670  
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

## Section

670.10	Statewide Open Seasons and Counties
670.20	Statewide Deer Permit Requirements
670.21	Deer Permit Requirements – Landowner/Tenant Permits
670.30	Statewide Legal Bow and Arrow
670.40	Statewide Deer Hunting Rules
670.50	Rejection of Application/Revocation of Permits
670.55	Reporting Harvest
670.60	Regulations at Various Department-Owned, -Leased or -Managed Sites

**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].

**SOURCE:** Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg. 7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001;



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amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011; amended at 36 Ill. Reg. 13450, effective August 10, 2012; amended at 37 Ill. Reg. 14926, effective August 30, 2013; amended at 38 Ill. Reg. 22752, effective November 18, 2014; amended at 39 Ill. Reg. 10905, effective July 27, 2015; emergency amendment at 39 Ill. Reg. 13125, effective September 3, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 14568, effective October 20, 2015; amended at 40 Ill. Reg. 829, effective December 29, 2015; amended at 40 Ill. Reg. 10579, effective July 20, 2016; amended at 41 Ill. Reg. 8679, effective June 28, 2017; amended at 42 Ill. Reg. 17610, effective September 21, 2018; amended at 43 Ill. Reg. 9537, effective August 23, 2019; amended at 44 Ill. Reg. 11534, effective June 29, 2020; amended at 45 Ill. Reg. 12699, effective September 24, 2021; amended at 46 Ill. Reg. 18703, effective November 2, 2022; amended at 48 Ill. Reg. 3999, effective March 1, 2024; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 670.60 Regulations at Various Department-Owned, -Leased or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) To drive deer, or participate in a deer drive, on all Department-owned or -managed properties is prohibited. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.
- c) Only one tree stand or ground blind is allowed per deer permit holder. Tree stands and ground blinds must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and (c)(12) and must be portable. Tree stands and ground blinds must be removed at the end of each day with the exception that they may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand or ground blind left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2). Sites that require use of windshield cards

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by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (6).

- e) Where standby hunters are used to fill quotas, a drawing may be held at sites indicated by a (3). Notice of any standby drawing modifications will be posted at the site and 17 Ill. Adm. Code 510.10(d)(3) shall apply.
- f) Only antlerless deer or antlered deer having at least 4 points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least 5 points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (6)

- \* Anderson Lake State Fish and Wildlife Area (1) (2)

[Annbriar Karst State Natural Area \(6\)](#)

Apple River Canyon State Park – Thompson and Salem Units (6)

Argyle Lake State Park (1) (6)

- \* Banner Marsh State Fish and Wildlife Area (statewide hunting hours except during the Central Zone duck season hunting hours 1:00 p.m. until ½ hour after sunset) (1) (2)
- \* Beall Woods State Park (1) (6)
- \* Beaver Dam State Park (an antlerless deer must be taken on the site before an antlered deer is harvested) (2)
- \* Big Bend State Fish and Wildlife Area (1) (2)

Big Grand Pierre Glade State Natural Area (1) (6)

Big River State Forest (1) (6)

## DEPARTMENT OF NATURAL RESOURCES

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Bradford Pheasant Habitat Area (October 1-31 only) (6)

Buffalo Rock State Park/Blackball Mines Nature Preserve (2)

Burning Star State Fish and Wildlife Area (6)

Butterfield Trail State Recreation Area (6)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (6)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands, except Jim Hawn and East Spillway Areas)

\* Carlyle Lake Lands and Waters (Corps of Engineers managed lands – Jim Hawn and East Spillway Areas)

Carlyle Lake State Fish and Wildlife Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season) (6)

Castle Rock State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6)

Cave-In-Rock State Park – Kaegi Tract (1) (6)

Cedar Glen State Natural Area (no hunting after December 15) (1) (6)

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1) (6)

Clinton Lake State Recreation Area (6)

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Coffeen Lake State Fish and Wildlife Area (6)

Copperhead Hollow State Wildlife Area (1) (6)

Crawford County State Conservation Area (1) (6)

Cretaceous Hills State Natural Area (1) (6)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Des Plaines Game Propagation Center (closed Saturdays and Sundays in October and Sundays in November, December and January) (2)

Des Plaines State Conservation Area (no hunting is permitted Wednesday through Sunday of the site's permit pheasant season) (6)

Devil's Island State Wildlife Management Area

Dixon Springs State Park (1) (6)

Dog Island State Wildlife Management Area (1) (6)

\* Donnelley State Fish and Wildlife Area – Putnam County Unit (2)

Dublin Highlands Pheasant Habitat Area (opens statewide opening date; however, site closes for archery deer hunting at the end of legal shooting hours the day preceding the opening of the North Zone upland season and reopens the day after the close of the North Zone upland season and runs until the statewide season closes; submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (2)

Dug Hill State Fish and Wildlife Area (2)

\* Eagle Creek State Park (for Corps of Engineers managed lands not

## DEPARTMENT OF NATURAL RESOURCES

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managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (6)

Edward R. Madigan State Fish and Wildlife Area/James C. Helfrich Wildlife Propagation Center (Illinois resident-only; hunting only in designated areas) (1) (6)

Eldon Hazlet State Park (archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation) (6)

Embarras River Bottoms State Habitat Area (1) (6)

Ferne Clyffe State Park – Cedar/Draper Bluff Hunting Area (1) (2)

Ferne Clyffe State Park – Ferne Clyffe Hunting Area (1) (2)

Finrock State Habitat Area (October 1-31) (6)

Flag Pond State Natural Area (1)

Flatwoods State Natural Area (1) (6)

Fort de Chartres State Historic Site (1) (2)

\* Fort Kaskaskia State Historic Site (opens November 1) (2)

Fort Massac State Park (1) (6)

Fox Creek State Fish and Wildlife Area (6)

Fox Ridge State Park (1) (6)

Franklin Creek State Natural Area (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)

Freeman Mine State Habitat Area (closed on Mondays in November and December) (1) (2)

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French Bluff State Natural Area (1) (6)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area (archery deer hunting is closed during the muzzleloader deer season) (6)

Green River State Wildlife Area (1) (6)

[Guthrie Cave Land and Water Reserve](#)

Hallsville State Habitat Area (October 1-31) (6)

Hamilton County State Conservation Area (1) (6)

Hanover Bluff State Natural Area (6)

Harry "Babe" Woodyard State Natural Area (6)

Henderson Creek State Fish and Wildlife Area (6)

Henry Allen Gleason State Natural Area (6)

Hidden Springs State Forest (1) (6)

Hindsboro State Habitat Area (October 1 through October 31 only) (1) (6)

Horseshoe Lake State Fish and Wildlife Area – Alexander County (Controlled Hunting Area – open from October 1-31; Public Hunting Area open during statewide season) (1) (2)

Ilo Dillin State Habitat Area (hunting allowed during October only) (6)

[Illinois Caverns State Natural Area \(1\)](#)

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Iroquois County State Wildlife Area/Hooper Branch only (1) (6)

Johnson-Sauk Trail State Park (statewide regulations apply, except that, on Wednesdays through Sundays of the site's permit pheasant season, hunting only allowed 2:00 p.m. until sunset) (1) (6)

Jubilee College State Park (1) (2)

- \* Kankakee River State Park (deer bow hunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange/pink between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt) (6)

Kaskaskia River State Fish and Wildlife Area (the State-owned portion of the defined waterfowl rest area is open until 2 weeks prior to the start of the regular duck season through the close of the regular duck and Canada goose seasons; no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road) (1) (2 – except south of Highway 154 and north of Highway 13)

- \* Ken Russell T Lake State Habitat Area (1) (6)

Kickapoo State Recreation Area (1) (6)

Kidd Lake State Natural Area (1)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Kishwaukee River State Fish and Wildlife Area (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)

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Lake Le Aqua Na State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)

Larry D. Closson Habitat Area (October 1-31 only) (1)

Lincoln Trail State Park (November 1 through the end of statewide season; open to archery deer hunting during statewide firearm deer seasons) (2)

Little Rock Creek State Habitat Area (opens statewide opening date; however, site closes for archery deer hunting at the end of legal shooting hours the day preceding the opening of the north zone upland season and reopens the day after the close of the north zone upland season and runs until the statewide season closes) (1) (2)

Lowden-Miller State Forest (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6)

Lowden State Park (in October, hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only, excluding official State holidays; beginning November 1, archery hunting is allowed 7 days a week) (1) (6)

Mackinaw River State Fish and Wildlife Area (1) (6)

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only; no hunting after the first Thursday after January 10; all tree stands must be removed from this area no later than the last day of the season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2)

Marshall State Fish and Wildlife Area (1) (6)

Mautino State Fish and Wildlife Area (1) (6)

Maxine Loy Land and Water Reserve (6)



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Maytown Pheasant Habitat Area (hunting allowed during October only)  
(6)

Mazonia/Braidwood State Fish and Wildlife Area (6)

Meeker State Habitat Area (1) (6)

Mermet Lake State Conservation Area (1) (6)

Middle Fork State Fish and Wildlife Area (1) (6)

Midwin National Tallgrass Prairie (additional site hunting pass required)  
(2)

[Mill Creek State Natural Area \(6\)](#)

Miller-Anderson Woods State Natural Area (2)

Mississippi Palisades State Park (closed during the first firearm deer season) (1) (6)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed

## DEPARTMENT OF NATURAL RESOURCES

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at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of season) (1)

Mitchell's Grove State Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; closed during the muzzleloading deer season) (2)

Momence Wetlands State Natural Area (1) (6)

Moraine View State Park (archery deer hunting closed Wednesday through Sunday during the controlled pheasant season) (1) (6)

Morrison Rockwood State Park (opens on the day following the close of the first firearm deer season) (1) (2)

\* Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only) (6)

Newton Lake State Fish and Wildlife Area (6)

Oakford State Conservation Area

Paul C. Burrus State Habitat Area (formerly Hurricane Creek State Habitat Area) (hunter quotas filled by drawing) (1) (6)

\* Peabody River King State Fish and Wildlife Area (East subunit closes November 1) (1) (2)

\* Pekin Lake State Fish and Wildlife Area (1) (6)

Pere Marquette State Park (1) (6)

Prairie Ridge State Natural Area (1) (6)

Pyramid State Park – Captain, Denmark, East Conant, Galum and Park Units (4) (6)

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Rall Woods State Natural Area (6)

[Ralph Clover State Natural Area](#)

\* Ramsey Lake State Park (1) (6)

\* Randolph County State Conservation Area (1) (2)

Rauchfuss Hill State Recreation Area (1) (6)

Ray Norbut State Fish and Wildlife Area (6)

Ray Norbut State Fish and Wildlife Area – Dutch Creek Unit (6)

Ray Norbut State Fish and Wildlife Area – East Hannibal Unit (6)

\* Red Hills State Park (1) (6)

Rend Lake State Fish and Wildlife Area (refuge only (south of site headquarters) from October 1 through October 31; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake

Revis Hill Prairie State Natural Area (6)

\* Rice Lake State Fish and Wildlife Area (statewide hunting hours, except that, during the Central Zone duck season, hunting hours 1:00 p.m. until ½ hour after sunset) (1) (2)

\* Rockton Bog State Natural Area (6)

Sahara Woods State Recreation Area (1) (6)

Saline County State Fish and Wildlife Area (1) (6)

\* Sam Dale Lake State Fish and Wildlife Area (1) (6)

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- \* Sam Parr State Park (1) (2)
- Sandy Ford State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; archery deer hunting is closed during the muzzleloader deer season) (2)
- Sangamon County State Conservation Area (1)
- Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1) (6)
- \* Sangchris Lake State Park (closed to archery deer hunting during the second firearm deer season) (1) (4) (6)
- Sand Ridge State Forest (6)
- \* Shabbona Lake State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6)
- Shelbyville State Fish and Wildlife Area (for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1) (6)
- Sielbeck Forest State Natural Area (1) (6)
- Siloam Springs State Park (6)
- Siloam Springs State Park (Fall Creek Unit) (6)
- Siloam Springs State Park – Buckhorn Unit (resident hunters only) (4) (6)
- \* Silver Springs State Park (2)
- Skinner Farm State Habitat Area (1) (2)
- \* Snakeden Hollow State Fish and Wildlife Area (1) (6)
- \* Sparks Pond State Natural Area (6)

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Spoon River State Forest (1) (6)

\* Spring Lake State Fish and Wildlife Area (1) (6)

\* Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange/pink during the statewide firearm deer seasons; open to archery deer hunting during the statewide firearm deer season only in Zone A) (2)

\* Stephen A. Forbes State Recreation Area (6)

Tapley Woods State Natural Area (6)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1) (6)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Fish and Wildlife Area (Firing Line Unit open throughout statewide season; Controlled Public Hunting Area open October 1 through October 31) (1) (2)

Vesely Land and Water Reserve/Wilmington Shrub Prairie Nature Preserve (6)

Walnut Point State Park (1) (6)

Wards Grove State Nature Preserve (closed during firearm deer hunting; antlerless deer only) (6)

\* Washington County State Conservation Area (1) (2)

Weinberg-King State Park (6)

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Weinberg-King State Park – Cecil White Unit (6)

Weinberg-King State Park – Scripps Unit (resident hunters only) (6)

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only)  
(6)

Weldon Springs State Park – Piatt County Unit (6)

Whitefield Pheasant Habitat Area (hunting allowed during October only)  
(6)

- \* White Pines Forest State Park (hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays in October. Beginning November 1, archery hunting is allowed 7 days a week, excluding the site's special firearm deer season) (6)

Wildcat Hollow State Forest (1) (6)

Willow Creek State Habitat Area (hunting permitted October 1-31) (1) (6)

Winston Tunnel State Natural Area (6)

Wise Ridge State Natural Area (1)

Witkowsky State Wildlife Area (opens October 15) (6)

Wolf Creek State Park (for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office, for specific deer hunting policy) (6)

Woodford State Fish and Wildlife Area (opens at the close of duck season) (6)

- i) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by lottery drawing, using either mail-in paper applications or online (electronic) applications:

## DEPARTMENT OF NATURAL RESOURCES

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Bohm Woods State Nature Preserve (harvest reports are due to the site by January 31; failure to submit report is a violation of this Part) (1)

- \* Cahokia Mounds State Historic Site (hunting in designated areas only; harvest reports due to the site by January 31; failure to report harvest is a violation of this Part) (6)

- \* Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed; no hunting from Harding Ditch right-of-way; drawing for weekly hunter quotas will be held prior to the season; display windshield card while hunting; harvest report due to site by January 31 is a violation of this Part) (1, starting October 15) (6)

Goode's Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report is a violation of this Part) (1)

- \* Horseshoe Lake State Park (Madison County) (hunting in designated areas only; harvest reports are due to the site by January 31; failure to submit report is a violation of this Part) (1)

Pere Marquette State Park (hunting allowed in group camping areas only; season begins the first weekday after camps close)

- \* Zoeller State Natural Area (1) (6)

- j) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit is a violation of this Part.

- \* Horseshoe Lake State Park (Madison County – Gaberet, Mosenthein and Chouteau Island Units)

- k) Statewide regulations shall apply except that no hunting is permitted on days that the site is open to permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes before the controlled pheasant

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clean up hunt; season reopens on December 26 through close of regular season) (3) (6)

Iroquois County State Conservation Area (permit pheasant hunting units are closed to archery hunting on days the site is open to permit pheasant hunting; archery hunting is open under statewide regulations in non-permit pheasant hunting units) (6)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (2)

- l) Statewide regulations shall apply at the following sites except that nonresident hunter quotas shall be filled by lottery drawing, using either mail-in paper applications or online (electronic) applications. Information about specific drawing dates and application procedures will be publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit is a violation of this Part.

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit and West Open Unit closed to archery hunting during the Youth Deer Season) (1) (6)

- m) Statewide regulations shall apply at this site except that hunter quotas for specific periods shall be filled by lottery drawing, using either mail-in paper applications or online (electronic) applications. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced.

Fox Ridge State Park – Mentored Hunt (limited to designated portions of the State Park otherwise closed to archery deer hunting; beginning the Monday following muzzleloader season; only applicants with less than 3 years of deer hunting experience may apply; hunter quotas will be filled equally with adult and youth hunters; participating hunters must be accompanied by a non-hunting, validly licensed (Illinois hunting license) adult who is 21 years of age or older; hunting assigned for one-week periods; if applicable, site issued windshield card must be displayed while hunting)



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Hennepin Canal State Trail (hunters must stay in their designated zone; an antlerless deer must be taken on the site before an antlered deer may be taken) (1) (6)

Illinois Beach State Park, North Dunes Nature Preserve and Illinois Beach Nature Preserve (hunting assigned for two week periods; site-issued windshield card must be displayed while hunting)

James Pate Philip State Park and Heron Woods State Habitat Area

Kickapoo State Recreation Area – Mentored Hunt (limited to designated portions of the recreation area otherwise closed to archery deer hunting; beginning the Monday following muzzleloader season; only applicants with less than 3 years of deer hunting experience may apply; hunter quotas will be filled equally with adult and youth hunters; participating hunters must be accompanied by a non-hunting, validly licensed (Illinois hunting license) adult who is 21 years of age or older; hunting assigned for one-week periods; site-issued windshield card must be displayed while hunting) (6)

Moraine Hills State Park

Volo Bog State Natural Area

Walnut Point State Park – Disabled Hunt (limited to persons with a Class P2A disability; limited to designated areas otherwise closed to archery deer hunting; hunting assigned to one-week periods) (6)

William Powers State Recreation Area (1)

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Dove Hunting
- 2) Code Citation: 17 Ill. Adm. Code 730
- 3) Section Number: 730.20                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3 and 1.4 of the Wildlife Code [520 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to make statewide program changes, open and close state-owned or -managed sites, and amend procedures at State sites.
- 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? None
- 8) Does this rulemaking contain an automatic repeal date? None
- 9) Does this proposed rulemaking contain incorporations by reference? None
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit their written comments concerning this rulemaking within 45 days from the publication date of this issue of the *Illinois Register*. All comments should be submitted to:

John Fischer, Legal Counsel  
Department of Natural Resources  
One Natural Resources  
Springfield, IL 62702

(217) 782-1809

DEPARTMENT OF NATURAL RESOURCES

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[dnr.rules@illinois.gov](mailto:dnr.rules@illinois.gov)

- 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: January 2024

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

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 730  
DOVE HUNTING

## Section

730.10	Statewide Regulations
730.20	Regulations at Various Department-Owned, -Leased or -Managed Sites
730.30	Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites (Repealed)
730.40	Youth Dove Hunting

AUTHORITY: Implementing and authorized by Sections 1.3 and 1.4 of the Wildlife Code [520 ILCS 5].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective July 28, 1999; amended at 24 Ill. Reg. 8911, effective June 19, 2000; amended at 25 Ill. Reg. 11373, effective August 14, 2001; amended at 26 Ill. Reg. 13590, effective September 3, 2002; amended at 27 Ill. Reg. 12666, effective July 21, 2003; amended at 28 Ill. Reg. 12865, effective September 1, 2004; amended at 29 Ill. Reg. 9797, effective June 24, 2005; amended at 30 Ill. Reg. 12251, effective June 28, 2006; amended at 31 Ill. Reg. 11738, effective July 27, 2007; amended at 32 Ill. Reg. 14857, effective August 27, 2008; amended at 33 Ill. Reg. 9702, effective June 26, 2009;

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amended at 34 Ill. Reg. 12831, effective August 20, 2010; amended at 35 Ill. Reg. 13234, effective July 26, 2011; amended at 37 Ill. Reg. 20717, effective December 12, 2013; amended at 39 Ill. Reg. 11014, effective July 27, 2015; amended at 40 Ill. Reg. 10672, effective July 20, 2016; amended at 41 Ill. Reg. 8779, effective June 28, 2017; amended at 42 Ill. Reg. 13222, effective June 22, 2018; amended at 43 Ill. Reg. 9625, effective August 23, 2019; amended at 45 Ill. Reg. 12818, effective September 24, 2021; amended at 46 Ill. Reg. 18798, effective November 2, 2022; amended at 48 Ill. Reg. 4078, effective March 1, 2024; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 730.20 Regulations at Various Department-Owned, -Leased or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
  - 1) Hunters shall possess only lead or an approved non-toxic (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20) shot, such as bismuth, of size #7.5 or smaller, or steel shot size #6 or smaller for taking of doves, except as noted in subsection (b)(2), and except these restrictions do not apply after October 31.
  - 2) Only U.S. Fish and Wildlife Service approved non-toxic shot may be possessed for doves on the following areas:

Anderson Lake State Conservation Area

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area (#)

Big River State Forest

Burning Star State Fish and Wildlife Area

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

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Carlyle Lake State Fish and Wildlife Area

Chain O'Lakes State Park

Clinton Lake State Recreation Area (dove management fields only)

Coffeen Lake State Fish and Wildlife Area

Copperhead Hollow State Fish and Wildlife Area

Crawford County State Fish and Wildlife Area

Des Plaines State Conservation Area

Dixon Springs State Park

Double T State Fish and Wildlife Area

Edward Madigan State Park (dove management fields only)

Eldon Hazlet State Park

Fox Ridge State Park

Green River State Wildlife Area

Harry "Babe" Woodyard State Natural Area

Hennepin Canal Parkway State Park

Horseshoe Lake State Fish and Wildlife Area (Alexander County)

Horseshoe Lake State Park (Madison County)

Horseshoe Lake State Park (Madison County) Gabaret,  
Mosenthein, Chouteau Island Unit

Jim Edgar Panther Creek State Fish and Wildlife Area

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Johnson-Sauk Trail State Park

Jubilee College State Park

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area (designated areas)

Kickapoo State Recreation Area

Lake Le Aqua Na State Park

Mackinaw River State Fish and Wildlife Area

Marshall State Fish and Wildlife Area

Matthiessen State Park

Mautino State Fish and Wildlife Area

Middle Fork State Fish and Wildlife Area

Mississippi River Pools 16, 17 and 18

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Moraine View State Park

Mt. Vernon Game Propagation Center

Peabody River King State Fish and Wildlife Area

Pere Marquette State Park

Pyramid State Park – Captain, Denmark, East Conant and Galum  
Units

Ramsey Lake State Park

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Ray Norbut State Fish and Wildlife Area

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake

Rice Lake State Fish and Wildlife Area

Sam Parr State Fish and Wildlife Area

Sand Prairie Pheasant Habitat Area

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Shelbyville State Fish and Wildlife Area

Siloam Springs State Park

Siloam Springs State Park – Buckhorn Unit

Silver Springs State Fish and Wildlife Area

Skinner Farm State Habitat Area

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area

Spoon River State Forest

Starved Rock State Park

Stephen A. Forbes State Recreation Area

Ten Mile Creek State Fish and Wildlife Area (areas posted as rest area)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

## Union County State Fish and Wildlife Area

## Weinberg-King State Park

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
  - 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
  - 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided in 17 Ill. Adm. Code 510. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (1).
  - 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
  - 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.
- c) Statewide season regulations as provided for in this rule shall apply at the following sites:
- Argyle Lake State Park (season opens day after Labor Day) (1)
  - Burning Star State Fish and Wildlife Area (1)
  - Cache River State Natural Area (#)
  - Campbell Pond State Wildlife Management Area (1)
  - Cape Bend State Fish and Wildlife Area (#)
  - Carlyle Lake Lands and Waters – Corps of Engineers managed lands (#)
  - Carlyle Lake State Fish and Wildlife Area (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Chauncey Marsh State Natural Area (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February) (1)

Clinton Lake State Recreation Area (except dove management fields; hunting hours are 12:00 to 5:00 p.m. from September 1 – 5; statewide hours/season thereafter) (1)

Copperhead Hollow State Fish and Wildlife Area (1)

Corps of Engineers managed areas of Rend Lake

Cypress Pond State Natural Area (#)

Deer Pond State Natural Area (#)

Devil's Island State Fish and Wildlife Area

Dixon Springs State Park (2)

Dog Island State Wildlife Management Area (1)

Ferne Clyffe State Park (#)

Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)

Ft. Massac State Park (1)

Freeman Mine (permit required)

Giant City State Park (#)

Hidden Springs State Forest (1)

Horseshoe Lake State Fish and Wildlife Area (Alexander County) (shooting hours from noon to 5:00 p.m. September 1 through 5; sunrise to sunset thereafter to October 28) (#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Marseilles State Fish and Wildlife Area (after Labor Day closed Friday, Saturday and Sunday through October) (#)

Marshall State Fish and Wildlife Area (1)

Meeker State Habitat Area (1)

Mermet Lake State Fish and Wildlife Area (1)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

Moraine View State Park ([dove management fields only; shooting hours from noon to 5 p.m., September 1-5 and sunrise to sunset from ~~season~~ September 6+ through October 15](#)) (1)

Nauvoo State Park – Max Rowe Unit (1)

Oakford State Conservation Area

Pere Marquette State Park (1)

Ray Norbut State Fish and Wildlife Area (1)

Red Hills State Park (1)

Sahara Woods State Fish and Wildlife Area (1)

Sand Ridge State Forest (season open from opening day of dove season through October 31) (1)

Sangamon County State Conservation Area

Sanganois State Fish and Wildlife Area (1)

Sielbeck Forest State Natural Area (1)

Siloam Springs State Park (1)

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Siloam Springs State Park – Buckhorn Unit (1)

Spoon River State Forest (1)

Trail of Tears State Forest (#)

Union County State Fish and Wildlife Area – Controlled Hunting Area (shooting hours from noon to 5 p.m., September 1-5 and sunrise to sunset from September 6-October 28) (#)

Weinberg-King State Park (1)

Weinberg-King State Park – Scripps and Spunky Bottoms Units (1)

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise) (#)

Chain O'Lakes State Park (1)

Double T State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise) (#)

Hennepin Canal State Park (#)

Jubilee College State Park (hunting allowed only on opening day, Saturdays, Sundays, Wednesdays and holidays) (#)

Mautino State Fish and Wildlife Area (#)

## DEPARTMENT OF NATURAL RESOURCES

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Morrison Rockwood State Park (#)

Rice Lake State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise) (#)

Sam Dale Lake State Fish and Wildlife Area (1)

Shabbona Lake State Park (1)

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area

- e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake State Conservation Area (#)

Big River State Forest (1)

Clinton Lake State Recreation Area (dove management fields only) (1)

Fox Ridge State Park (dove management fields only) (1)

Harry "Babe" Woodyard State Natural Area (permit required) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14; the defined Baldwin Lake Waterfowl Rest Area is closed) (#)

Kinkaid State Fish and Wildlife Area (#)

Middle Fork State Fish and Wildlife Area (dove management fields only) (1)

Newton Lake State Fish and Wildlife Area (dove management units) (1)

Peabody River King State Fish and Wildlife Area (East Subunit closes October 14) (#)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

Randolph County State Conservation Area (#)

Shelbyville State Fish and Wildlife Area (1)

Skinner Farm State Habitat Area (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Washington County State Conservation Area (closes October 14) (#)

World Shooting and Recreation Complex (designated dove management fields only) (#)

- f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Crawford County State Fish and Wildlife Area (1)

Hamilton County State Fish and Wildlife Area (1)

Lake Le Aqua Na State Park (#)

Sam Parr State Fish and Wildlife Area (1)

- g) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily. Hunting is allowed on opening day, Wednesday, and Saturday only. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Saline County State Fish and Wildlife Area (1)

- h) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

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Fox Ridge State Park (except dove management units; shooting hours after September 5 are 12 noon to sunset) (1)

Kickapoo State Recreation Area (1)

Lake Shelbyville – Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset) (1)

Middle Fork State Fish and Wildlife Area (except dove management units) (1)

Newton Lake State Fish and Wildlife Area (except dove management units) (1)

- i) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are sunrise to 11:30 a.m. daily September 1-5; season closes September 30. A drawing will be held one hour before sunrise if more hunters show up than can be accommodated.

Coffeen Lake State Fish and Wildlife Area (#)

Eldon Hazlet State Park (1)

Mt. Vernon Game Propagation Center (#)

Pyramid State Park (All hunting units) (all hunters must register as a group not to exceed 4 names per card; a hunter's name may only appear on one draw card and cards shall be in possession of the hunters or group while hunting) (1)

Ramsey Lake State Park (#)

Rend Lake State Fish and Wildlife Area (#)

Stephen A. Forbes State Park (1)

Ten Mile Creek State Fish and Wildlife Area (season closes on statewide closing date) (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- j) Permit Areas
  - 1) Permit Season Regulations
    - A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5 p.m. at the sites listed in subsection (j)(3). At sites designated as (a), hunting hours are sunrise to 11:30 a.m.
    - B) Permit Applications  
Permit applications will be accepted starting in June. Initial acceptance dates and methods for making applications will be publicly announced. A hunter can obtain up to 2 dove permits as follows: Only applications submitted by Illinois residents will be processed during the first lottery to apply for up to one dove permit. Non-residents and residents who did not receive a permit or did not apply in the first lottery will be eligible to participate in the second lottery to apply for their first dove permit. Residents will have priority in the 2<sup>nd</sup> lottery. Residents and non-residents can apply for a 2<sup>nd</sup> permit during the phone-in reservation period to be held after the lottery. Successful applicants will be sent confirmation via email or can access the Reservation Inquiry System to see if they were awarded a permit.
    - C) Drawings for permits at specific sites may be canceled at any time due to flooding, inclement weather, staff shortages or other adverse conditions beyond the Department's control. Hunters are urged to select a second choice of sites on their permit application.
    - D) Permits are not transferrable.
    - E) Permits will be issued from the Springfield Permit Office for permit controlled sites. For other information, go to [www.dnr.illinois.gov](http://www.dnr.illinois.gov).
    - F) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites. All permits will be issued from Springfield and not from the site.



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- G) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. may be filled by drawing for standbys if more hunters register than there are vacancies. At sites designated as (b), check in time for registration shall be between 4:00 a.m. and 5:30 a.m. each day. Openings after 5:30 a.m. may be filled by drawing for standbys if more hunters register than there are vacancies. If standby drawings are not held then 17 Ill. Adm. Code 510.10(d)(3) shall apply.
  - H) All hunters must wear a DNR issued backpatch.
- 2) Non-Permit Season Regulations
- A) Non-permit season shall be September 6-30 except as indicated in parentheses.
  - B) Non-permit hunting hours shall be 12 noon to sunset except as indicated in parentheses.
  - C) No permits are required except as indicated in parentheses.
  - D) Check in and check out is required except as indicated in parentheses.
  - E) Hunter quotas will be filled on a first-come, first-served basis.
- 3) Sites
- Big Bend State Fish and Wildlife Area (non-permit hunting hours sunrise to sunset)
  - Des Plaines State Conservation Area
  - Edward R. Madigan State Park
  - Green River State Wildlife Area/Sand Prairie Habitat Area (non-permit hunting hours are sunrise to sunset) (1)
  - Horseshoe Lake State Park (Madison County) (non-permit hunting

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hours are 12 noon to 5 p.m.)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (non-permit hunting hours are 12 noon to 5:00 p.m. September 6 through October 14)

Iroquois County State Wildlife Area (1)

Jim Edgar Panther Creek State Fish and Wildlife Area ( on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season) (1)

Johnson Sauk Trail State Park (non-permit hunting hours are sunrise to sunset) (1) (a) (b)

Kankakee River State Park (1)

Mackinaw River State Recreation Area (non-permit hunting hours sunrise to sunset; each permit authorizes the holder to bring one hunting partner) (1)

Matthiessen State Park

Sangchris Lake State Park (closed after Sunday of the third weekend in September; designated fields will be open from sunrise to 12 noon starting the 6<sup>th</sup> day of the dove season)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area (non-permit hunting hours sunrise to sunset)

Starved Rock State Park

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
240.905	Amendment
240.1132	Amendment
240.1205	Amendment
240.1830	Amendment
240.1905	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725], the Illinois Underground Natural Gas Storage Safety Act [415 ILCS 160], and Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update fees pursuant to P.A. 102-1017.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: P.A. 102-1017
- 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 rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit their written comments concerning this rulemaking within 45 days from the publication date of this issue of the *Illinois Register*. All comments should be submitted to:

Carrie Leitner, Legal Counsel  
Department of Natural Resources

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

One Natural Resources  
Springfield, IL 62702

(217) 782-1809  
dnr.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Oil and gas operators may be affected.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: Oil and gas operators may be affected by the additional fees, but increases are nominal and due to the statute changes in 2022 pursuant to P.A. 102-1017. Other fee increases went into effect in 2023.
- 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;
    - iii. purchasing;
    - v. licensing fees;
    - vi. equipment and material needs;
    - viii. record keeping; and
    - ix. compensation and benefits.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2024

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## PART 240

## THE ILLINOIS OIL AND GAS ACT

## SUBPART A: GENERAL PROVISIONS

Section	
240.10	Definitions
240.20	Prevention of Waste (Repealed)
240.30	Jurisdiction (Repealed)
240.40	Enforcement of Act (Repealed)
240.50	Delegation of Authority (Repealed)
240.60	Right of Inspection (Repealed)
240.70	Right of Access (Repealed)
240.80	Sworn Statements (Repealed)
240.90	Additional Reports (Repealed)
240.100	When Rules Become Effective (Repealed)
240.110	Notice of Rules (Repealed)
240.120	Forms (Repealed)
240.125	Notice
240.130	Hearings – Notices (Repealed)
240.134	Lease Validation Petitions
240.135	Falsification or Misstatement of Information
240.131	Unitization Hearings
240.132	Integration Hearings
240.133	Hearings to Establish Pool-Wide Drilling Units
240.140	Notice of Noncompliance
240.150	Notice of Violation
240.155	Civil Complaint
240.160	Director's Decision
240.170	Cessation Order (Repealed)
240.180	Enforcement Hearings
240.185	Cessation of Operations Orders
240.186	Cessation of Conditions Creating an Imminent Danger to Public Health and Safety and the Environment (Repealed)
240.190	Temporary Relief Hearings
240.195	Subpoenas

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section	
240.200	Applicability
240.210	Application for Permit to Drill, Deepen or Convert to a Production Well
240.220	Contents of Application
240.230	Authority of Person Signing Application
240.240	Additional Requirements for Directional Drilling
240.245	Additional Requirements for Horizontal Drilling
240.250	Issuance of Permit to Drill or Operate
240.251	Revocation of Permit to Drill
240.255	Conversion of a Production Well to a Water Well
240.260	Change of Well Location
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280	Duration of Underground Injection Well Orders (Repealed)

## SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section	
240.300	Applicability
240.305	Transfer of Management (Recodified)
240.310	Application for Permit to Drill, Deepen, or Convert or Amend to a Class II UIC Well
240.311	Application for Freshwater Aquifer Exemption
240.312	Freshwater Aquifer Exemptions
240.320	Contents of Application
240.330	Authority of Person Signing Application
240.340	Proposed Well Construction and Operating Parameters
240.350	Groundwater and Potable Water Supply Information
240.360	Area of Review
240.370	Public Notice
240.380	Issuance of Permit
240.385	Conversion of a Class II Well to a Water Well
240.390	Permit Amendments
240.395	Update of Class II UIC Well Permits Issued Prior to July 1, 1987

## SUBPART D: SPACING OF WELLS

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Section	
240.400	Definitions
240.410	Drilling Units
240.420	Well Location Exceptions within Drilling Unit
240.425	Change of a Permitted Drilling Location
240.430	Drilling Unit Exceptions
240.440	More Than One Well on a Drilling Unit
240.450	Directional Drilling
240.455	Horizontal Drilling
240.460	Modified Drilling Unit
240.465	Special Drilling Unit
240.470	Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

SUBPART E: WELL DRILLING,  
COMPLETION AND WORKOVER REQUIREMENTS

Section	
240.500	Definitions
240.510	Department Permit Posted
240.520	Drilling Fluid Handling and Storage
240.525	Saltwater or Oil Based Drilling Fluid Handling and Storage
240.530	Completion Fluid and Completion Fluid Waste Handling and Storage
240.540	Drilling and Completion Pit Restoration
240.550	Disposal of General Oilfield Wastes and Other Wastes

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING  
REQUIREMENTS FOR PRODUCTION WELLS

Section	
240.600	Applicability
240.605	Drilled Out Plugged Hole (DOPH) Notification
240.610	Construction Requirements for Production Wells
240.620	Remedial Cementing of Leaking Wells
240.630	Operating Requirements
240.640	Reporting Requirements
240.650	Confidentiality of Well Data
240.655	Mechanical Integrity Testing for Class II Injection Wells (Repealed)
240.660	Monitoring and Reporting Requirements for Enhanced Recovery Injection and

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- Disposal Wells (Repealed)  
240.670 Avoidable Waste of Gas (Repealed)  
240.680 Escape of Unburned Gas Prohibited (Repealed)

SUBPART G: WELL CONSTRUCTION, OPERATING  
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

## Section

- 240.700 Applicability and Definitions  
240.710 Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells  
240.720 Surface and Production Casing Requirements for Conversion to Class II UIC Wells  
240.730 Surface and Production Casing Requirements for Existing Class II UIC Wells  
240.740 Other Construction Requirements for Class II UIC Wells  
240.750 Operating Requirements for Class II UIC Wells  
240.760 Establishment of Internal Mechanical Integrity for Class II UIC Wells  
240.770 Establishment of External Mechanical Integrity for Class II UIC Wells  
240.780 Reporting Requirements for Class II UIC Wells  
240.790 Confidentiality of Well Data  
240.795 Commercial Saltwater Disposal Well  
240.796 Operating and Reporting Requirements, Hydraulic Fracturing Operations, Seismicity

## SUBPART H: LEASE OPERATING REQUIREMENTS

## Section

- 240.800 Definitions  
240.805 Lease and Well Identification  
240.810 Tanks, Tank Batteries and Containment Dikes  
240.815 Permanent Well Site Equipment Setback  
240.820 Flowlines  
240.830 Power Lines  
240.840 Equipment Storage  
240.850 Concrete Storage Structures  
240.860 Pits  
240.861 Existing Pit Exemption For Continued Production Use  
240.862 Existing Pit Exemption For Alternative Use  
240.870 Leaking Unpermitted Drill Hole



## DEPARTMENT OF NATURAL RESOURCES

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240.875	Leaking Previously Plugged Well
240.880	Initial Spill Notification
240.890	Crude Oil Spill Remediation Requirements
240.891	Crude Oil Spill Waste Disposal and Remediation
240.895	Produced Water Spill Remediation Requirements

## SUBPART I: LIQUID OILFIELD WASTE HANDLING AND DISPOSAL

Section	
240.900	Definitions
240.905	Application for Permit to Operate a Liquid Oilfield Waste Transportation System
240.906	Application for a Liquid Oilfield Waste Transportation Vehicle Permit
240.910	Inspection of Vehicles (Tanks)
240.920	Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits
240.925	Liquid Oilfield Waste Recordkeeping Requirements
240.926	Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements
240.930	Produced Water
240.940	Crude Oil Bottom Sediments
240.945	Lease Road Oiling
240.950	Crude Oil Spill Waste Disposal (Repealed)
240.960	Oil Field Brine Hauling Permit Conditions (Repealed)
240.970	Inspection of Vehicles (Repealed)
240.980	Transfer of Permits (Repealed)
240.985	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.990	Records and Reporting Requirements (Repealed)
240.995	Bonds – Blanket Surety Bond (Repealed)

## SUBPART J: VACUUM

Section	
240.1000	Definitions
240.1005	Applicability
240.1010	Application for Vacuum Permit
240.1020	Contents of Application
240.1030	Authority of Person Signing Application
240.1040	Notice and Hearing
240.1050	Issuance of Permit
240.1060	Permit Amendments

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART K: PLUGGING OF WELLS

## Section

- 240.1105 Plugging of Non-Productive Wells (Repealed)
- 240.1110 Definitions
- 240.1115 Plugging Responsibility
- 240.1120 Plugging of Uncased Wells
- 240.1130 Plugging and Temporary Abandonment of Inactive Production Wells
- 240.1131 Extension of Future Use Status for Production Wells (Repealed)
- 240.1132 Plugging and Temporary Abandonment of Inactive Class II UIC Wells
- 240.1140 General Plugging Procedures and Requirements
- 240.1150 Specific Plugging Procedures
- 240.1151 Procedures for Plugging Coal Seams
- 240.1160 Plugging Fluid Handling and Storage
- 240.1170 Plugging Fluid Waste Disposal and Well Site Restoration
- 240.1180 Lease Restoration
- 240.1181 Lease Restoration Requirements (Repealed)
- 240.1190 Filing Plugging Report

## SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

## Section

- 240.1200 Applicability
- 240.1205 Application for Permit to Drill a Test Well or Drill Hole
- 240.1210 Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well (Repealed)
- 240.1220 Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
- 240.1230 Authority of Person Signing Application
- 240.1240 Issuance of Permit
- 240.1250 When Wells Shall Be Plugged and Department Notification
- 240.1260 Plugging and Restoration Requirements
- 240.1270 Confidentiality
- 240.1280 Converting to Water Well

## SUBPART M: PROTECTION OF WORKABLE COAL BEDS

## Section

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

240.1300	Introduction
240.1305	Permit Requirements in Mine Areas
240.1310	Workable Coal Beds Defined
240.1320	Mining Board may Determine Presence of Coal Seams
240.1330	Well Locations Prohibited
240.1340	Notice to Mining Board
240.1350	Casing and Protective Work
240.1360	Operational Requirements Over Active Mine
240.1370	Inspection of Vehicles (Recodified)
240.1380	Transfer of Permits (Recodified)
240.1385	Revocation of Oil Field Brine Hauling Permit (Recodified)
240.1390	Records and Reporting Requirements (Recodified)
240.1395	Bonds – Blanket Surety Bond (Recodified)

## SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section	
240.1400	Definitions
240.1405	Transfer of Management (Repealed)
240.1410	Applicability
240.1420	Notification of Transfer
240.1425	Authority of Person Signing Notification of Transfer
240.1430	Responsibilities of Current Permittee
240.1440	Responsibilities of New Permittee
240.1450	Authority of Person Signing Notification of Acceptance
240.1460	Conditions for and Effect of Issuance or Transfer of Permit to Operate
240.1465	Condition for and Effect of Transfer of PRF Wells
240.1470	Revocation of Permit to Operate
240.1480	Involuntary Transfer
240.1485	Administrative Record Correction
240.1490	Transfer Hearings

## SUBPART O: BONDS

Section	
240.1500	When Required, Amount and When Released
240.1510	Definitions
240.1520	Bond Requirements
240.1530	Forfeiture of Bonds

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## SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

## Section

- 240.1600 Definitions
- 240.1610 Plugging Leaking or Abandoned Wells
- 240.1620 Plugging Orphaned Wells
- 240.1625 Plugging Abandoned Wells Through Landowner Grant
- 240.1630 Emergency Well Plugging, Emergency Repair Work, Emergency Projects
- 240.1635 Emergency Well Plugging and Emergency Project Reimbursement
- 240.1640 Repayment of Funds
- 240.1650 Authorization for a Permittee to Operate Its Wells Placed into the Plugging and Restoration Fund Program for Abandonment
- 240.1660 Authorization for a Permittee to Operate Its Wells Placed into the Plugging and Restoration Fund Program for Non-Payment of Annual Well Fees

## SUBPART Q: ANNUAL WELL FEES

## Section

- 240.1700 Fee Liability
- 240.1705 Amount of Assessment
- 240.1710 Annual Permittee Reporting
- 240.1720 When Annual Well Fees are Due
- 240.1730 Opportunity to Contest Billing
- 240.1740 Delinquent Permittees

SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS  
AND FOR GAS STORAGE AND OBSERVATION WELLS

## Section

- 240.1800 Applicability
- 240.1805 Definitions
- 240.1810 Submission of Underground Gas Storage Field Map
- 240.1820 Permit Requests in a Underground Gas Storage Field
- 240.1830 Application for Permit to Drill or Convert Wells
- 240.1835 Contents of Application for Permit to Drill or Convert to an Observation or Gas Storage Well
- 240.1840 Authority of Person Signing Application
- 240.1850 Issuance of Permit

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- 240.1851 Gas Storage and Observation Well Safety, Construction, and Operating Requirements
- 240.1852 Inspection and Maintenance Plan
- 240.1853 Gas Storage and Observation Well Records and Reporting Requirements
- 240.1854 Notice of Probable Violation, Complaints, Hearings and Civil Penalties
- 240.1855 Civil Complaint
- 240.1856 Determination of Penalty
- 240.1857 Director's Approval of Penalty or Agreed Compromise
- 240.1858 Enforcement Hearings
- 240.1859 Emergency Abatement Orders
- 240.1860 Temporary Relief Hearings
- 240.1861 Subpoenas
- 240.1862 Well Drilling Completion and Workover Requirements
- 240.1865 Liquid Oilfield Waste Disposal
- 240.1870 Plugging of Gas Storage and Observation Wells
- 240.1880 Sole Source Aquifer: Natural Gas Incident Notice to Department
- 240.1890 Sole Source Aquifer: Inspection Fees for Underground Natural Gas Storage Fields
- 240.1892 Sole Source Aquifer: When Annual Inspection Fees Are Due
- 240.1894 Sole Source Aquifer: Opportunity to Contest Billing
- 240.1898 Waiver

## SUBPART S: REQUIREMENTS FOR SERVICE WELLS

## Section

- 240.1900 Applicability
- 240.1905 Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes
- 240.1910 Contents of Application for Permit to Drill or Convert to a Service Well
- 240.1920 Authority of Person Signing Application
- 240.1930 Issuance of Permit
- 240.1940 When Wells Shall Be Plugged and Department Notification
- 240.1950 Plugging and Restoration Requirements
- 240.1960 Converting to Water Well

AUTHORITY: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725], the Illinois Underground Natural Gas Storage Safety Act [415 ILCS 160], and Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100].

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SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective September 29, 1992; emergency amendment at 17 Ill. Reg. 1195, effective January 12, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19923, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8422, effective April 28, 1998; amended at 22 Ill. Reg. 8845, effective April 28, 1998; amended at 22 Ill. Reg. 22314, effective December 14, 1998; amended at 25 Ill. Reg. 9045, effective July 9, 2001; amended at 35 Ill. Reg. 13281, effective July 26, 2011; amended at 38 Ill. Reg. 18717, effective August 29, 2014; amended at 38 Ill. Reg. 22052, effective November 14, 2014; amended at 40 Ill. Reg. 7051, effective April 22, 2016; expedited correction at 40 Ill. Reg. 11042, effective April 22, 2016; emergency amendment at 40 Ill. Reg. 13265, effective September 1, 2016, for a maximum of 150 days; emergency expired January 28, 2017; amended at 41 Ill. Reg. 2957, effective February 21, 2017; amended at 42 Ill. Reg. 5811, effective March 14, 2018; emergency amendment at 43 Ill. Reg. 4650, effective April 4, 2019, for a maximum of 150 days; emergency expired August 31, 2019; amended at 43 Ill. Reg. 10459, effective September 6, 2019; amended at 43 Ill. Reg. 11524, effective September 24, 2019; amended at 45 Ill. Reg. 13907, effective October 25, 2021; amended at 46 Ill. Reg. 20013, effective January 1, 2023; amended at 48 Ill. Reg. 5734, effective March 27, 2024; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART I: LIQUID OILFIELD WASTE HANDLING AND DISPOSAL

**Section 240.905 Application for Permit to Operate a Liquid Oilfield Waste Transportation System**

- a) No person shall operate a liquid oilfield waste transportation system without a

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permit from the Department.

- b) Application for a liquid oilfield waste transportation system permit under this Section shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the non-refundable liquid oilfield waste transportation system permit fee of \$~~150~~<sup>100</sup> and the required bond under Subpart O of this Part.
- c) If the application does not contain all of the required information or documents, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to process the application, and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within 60 days following the date of notification.
- d) The application shall include:
  - 1) The name, address, and business and emergency telephone numbers of the proposed liquid oilfield waste hauler.
  - 2) A brief description of the vehicles to be used in the system; specifying whether vehicles will be owned, leased or otherwise arranged for.
- e) The application for a liquid oilfield waste transportation system permit shall be signed as follows:
  - 1) If the system owner is an individual, the application shall be signed by the individual. If the system owner is a partnership, the application shall be signed by a general partner. If the system owner is a corporation, the application shall be signed by an officer of the corporation.
  - 2) In lieu of the signature of the owner or such authorized person, the application may be signed by a person having a power of attorney to sign for such owner or authorized person, provided a certified copy of the power of attorney is on file with the Department or accompanies the application.
  - 3) If the applicant is a corporation, the charter must authorize the corporation to engage in the permitted activity, and the corporation must be

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incorporated or authorized to do business in the State of Illinois.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART K: PLUGGING OF WELLS

**Section 240.1132 Plugging and Temporary Abandonment of Inactive Class II UIC Wells**

- a) Any Class II UIC well located on an active lease, equipped with tubing and packer and that has previously established mechanical integrity in accordance with Section 240.760 shall maintain mechanical integrity in accordance with Section 240.760 or shall be plugged in accordance with Section 240.1140 unless the well has been approved for Temporary Abandonment status in accordance with subsection (e).
- b) Any inactive Class II UIC well located on an inactive lease, when the lease has not been in operation for 24 consecutive months, shall be deemed abandoned and not eligible for Temporary Abandonment status pending a hearing held in accordance with Section 240.1610.
- c) Any inactive Class II UIC well located on an active lease, without tubing and packer, and that has previously established mechanical integrity in accordance with Section 240.760 shall be plugged in accordance with Section 240.1140 unless the well is approved for Temporary Abandonment status in accordance with subsection (e).
- d) Any inactive Class II UIC well located on an active lease, equipped with tubing and packer or without tubing and packer, and that has not previously established mechanical integrity in accordance with Section 240.760 shall be plugged in accordance with Section 240.1140 unless the well is approved for Temporary Abandonment status in accordance with subsections (e)(1), (2) and (3) and establishes mechanical integrity as follows:
  - 1) a cast iron plug shall be set within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, and the casing shall be pressure tested by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes; or



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- 2) install tubing and a packer and conduct a passing internal mechanical integrity test in accordance with Section 240.760.
- e) The permittee shall apply for Temporary Abandonment status by making written application on forms provided by the Department. The Department may place the well on Temporary Abandonment status if the following conditions (which shall be continuing requirements) are met:
- 1) The well shall:
    - A) have proper bond in effect in accordance with the Act if applicable; and
    - B) not be the subject of any final administrative decision for abandonment.
  - 2) The well shall have an intact, leak free wellhead, or be capped with a valve, be configured to monitor casing or annular pressure, and have injection lines disconnected.
  - 3) The wellhead shall be above ground level.
  - 4) The permittee complies with the requirements of subsection (f).
- f) Prior to the Department placing the well on Temporary Abandonment status, the permittee shall conduct a fluid level test upon the fluid in the well bore, after notice to and under the supervision of a Department representative, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct a fluid level test without the presence of a Department representative, the permittee shall report the fluid level test on a form prescribed by the Department.
- 1) If the fluid level in the wellbore is no higher than 100 feet below the base of the fresh water, the Department may grant Temporary Abandonment status if the conditions in subsections (e)(1) through (3) are met. Unless the permittee elects to satisfy the conditions of subsections (f)(3)(A) or (B), the permittee shall perform additional fluid level tests, as prescribed in this subsection (f), every 2 years or until the well is removed from Temporary Abandonment status.

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- 2) If the fluid level, as tested, is higher than 100 feet below the base of the fresh water and, at the time of the Temporary Abandonment request, the well is listed in Active status in the Department's records, the permittee may:
  - A) After notice to, and under the supervision of, a Department representative, remove any fluid to a level 100 feet below the base of the fresh water. At least 48 hours, but not more than 96 hours, after the fluid has been removed, the permittee shall measure the fluid level as prescribed in this subsection (f).
    - i) If the fluid level is higher than 100 feet below the base of fresh water, the permittee shall follow the requirements in this subsections (f)(3)(A) or (B); or
    - ii) If the fluid level remains more than 100 feet below the base of fresh water, at least 9, but no longer than 12 months from the date that fluid was removed from the well bore, the permittee shall obtain the fluid level in accordance with subsection (f). If, after the subsequent fluid level test, the fluid level within the wellbore has remained at least 100 feet below the base of fresh water, and the conditions in subsections (e)(1) through (3) continue to be met, the Department shall grant temporary abandonment status for 2 years from the date of the subsequent fluid level test. Thereafter, the permittee shall perform additional fluid level tests, as prescribed in this subsection (f), every 2 years or until the well is removed from Temporary Abandonment status.
  - B) Elect to follow the requirements of subsections (f)(3)(A) or (B).
- 3) If the fluid level, as tested, is higher than 100 feet below the base of the fresh water and, at the time of the Temporary Abandonment request, the well is listed in Temporary Abandonment status in the Department's records, the permittee may, after notice to and under the supervision of, a Department representative:

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- A) set a cast iron plug within 200 feet above the uppermost perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, remove any fluid to a level at least 100 feet below the base of the freshwater zone, and monitor the fluid level every 2 years in accordance with this subsection (f); or
- B) set a cast iron plug within 200 feet above the uppermost perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the fresh water, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes. Subsequent pressure tests shall be conducted every 5 years or until the well is removed from Temporary Abandonment status.
- g) If a Temporary Abandonment request is denied, the permittee shall, within 90 days, plug the well or correct the deficiency that caused the denial and secure an approved Temporary Abandonment permit.
- h) Temporary Abandonment status for production wells shall not be terminated until the well has been inspected by an Office well inspector and a Temporary Abandonment termination request is approved by the Department. Temporary Abandonment termination requests shall be on a form prescribed by the Department.
- i) Temporary Abandonment status will be granted every 2 years provided the wells remain in compliance with subsections (e) and (f) and the lease or unit on which the wells are located remains active, except for wells that fulfill the requirements of subsection (f)(3)(B), which will be granted every 5 years.
- j) The Department shall assess and collect annual fees of \$100 per well for each well that is in Temporary Abandonment status.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

**Section 240.1205 Application for Permit to Drill a Test Well or Drill Hole**

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- a) No person shall drill a test well or hole covered by this Subpart without a permit from the Department.
- b) An application for a permit to drill a coal test hole, mineral test hole, structure test hole, or coal or mineral groundwater monitoring well shall:
  - 1) Be made on forms prescribed by the Department.
  - 2) Be executed under penalties of perjury, and accompanied by the nonrefundable fee of \$~~400~~<sup>300</sup> per section, or part of a section, as delineated by the United States Public Land Survey.
  - 3) Contain a statement indicating whether the well or drill hole is located over an underground gas storage field as defined in Section 240.1805(c) or the gas storage rights are owned by someone other than the lessor under the oil and gas lease; the applicant shall submit documentation establishing compliance with Section 240.1820.
  - 4) Be accompanied by the bond required under Subpart O.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS  
AND FOR GAS STORAGE AND OBSERVATION WELLS

**Section 240.1830 Application for Permit to Drill or Convert Wells**

- a) No person shall drill or convert a well covered by this Subpart without a permit from the Department.
- b) Application for a permit to drill or convert an observation or gas storage well shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the nonrefundable fee of \$~~400~~<sup>300</sup> and the bond required under Subpart O.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART S: REQUIREMENTS FOR SERVICE WELLS

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**Section 240.1905 Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes**

- a) No person shall drill or convert a service well covered by this Subpart without a permit from the Department.
- b) Application for a permit to drill or convert a service well shall be made on forms prescribed by the Department. The application shall be executed under penalties of perjury, and accompanied by the nonrefundable fee of ~~\$400~~<sup>\$300</sup> and the bond required under Subpart O.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments
- 2) Code Citation: 35 Ill. Adm. Code 845
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
845.120	Amendment
845.500	Amendment
845.550	Amendment
845.740	Amendment
845.800	Amendment
- 4) Statutory Authority: Implementing Section 22.59(g), P.A. 101-171 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/22.59(g), P.A. 101-171 27; and 28].
- 5) A Complete Description of the Subjects and Issues Involved: This sub-docket explored four issues raised during the rulemaking process for 35 Ill. Adm. Code 845. Those four issues are: (1) historic, unconsolidated coal ash fill in the State; (2) the use of temporary storage piles of coal ash, including time and volume limits; (3) fugitive dust monitoring plans for areas surrounding CCR surface impoundments; and (4) the use of environmental justice screening tools.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 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 proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R20-19(A) and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at <https://pcb.illinois.gov/>. Public comments may be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
60 E. Van Buren, Suite 630  
Chicago, IL 60605

(312) 814-3621  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Interested persons may download copies of the Board's opinions and orders in R20-19(A) from the Board's Web site at <https://pcb.illinois.gov/> and may also request copies by calling the Clerk's office at 312-814-3620.

- 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 proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in the previous two regulatory agendas.

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER j: COAL COMBUSTION WASTE SURFACE IMPOUNDMENTS

PART 845  
STANDARDS FOR THE DISPOSAL OF COAL COMBUSTION  
RESIDUALS IN SURFACE IMPOUNDMENTS

SUBPART A: GENERAL PROVISIONS

Section	
845.100	Scope and Purpose
845.110	Applicability of Other Regulations
845.120	Definitions
845.130	Surface Impoundment Identification
845.140	Right of Inspection
845.150	Incorporations by Reference
845.160	Severability
845.170	Inactive Closed CCR Surface Impoundments

SUBPART B: PERMITTING

Section	
845.200	Permit Requirements and Standards of Issuance
845.210	General Provisions
845.220	Construction Permits
845.230	Operating Permits
845.240	Pre-Application Public Notification and Public Meeting
845.250	Tentative Determination and Draft Permit
845.260	Draft Permit Public Notice and Participation
845.270	Final Permit Determination and Appeal
845.280	Transfer, Modification and Renewal
845.290	Construction Quality Assurance Program

SUBPART C: LOCATION RESTRICTIONS

Section	
845.300	Placement Above the Uppermost Aquifer



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845.310	Wetlands
845.320	Fault Areas
845.330	Seismic Impact Zones
845.340	Unstable Areas and Floodplains
845.350	Failure to Meet Location Standards

## SUBPART D: DESIGN CRITERIA

Section	
845.400	Liner Design Criteria for Existing CCR Surface Impoundments
845.410	Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment
845.420	Leachate Collection and Removal System
845.430	Slope Maintenance
845.440	Hazard Potential Classification Assessment
845.450	Structural Stability Assessment
845.460	Safety Factor Assessment

## SUBPART E: OPERATING CRITERIA

Section	
845.500	Air Criteria
845.510	Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments
845.520	Emergency Action Plan
845.530	Safety and Health Plan
845.540	Inspection Requirements for CCR Surface Impoundments
845.550	Annual Consolidated Report

## SUBPART F: GROUNDWATER MONITORING AND CORRECTIVE ACTION

Section	
845.600	Groundwater Protection Standards
845.610	General Requirements
845.620	Hydrogeologic Site Characterization
845.630	Groundwater Monitoring Systems
845.640	Groundwater Sampling and Analysis Requirements
845.650	Groundwater Monitoring Program
845.660	Assessment of Corrective Measures
845.670	Corrective Action Plan

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845.680 Implementation of the Corrective Action Plan

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

## Section

845.700 Required Closure or Retrofit of CCR Surface Impoundments  
845.710 Closure Alternatives  
845.720 Closure Plan  
845.730 Initiation of Closure  
845.740 Closure by Removal  
845.750 Closure with a Final Cover System  
845.760 Completion of Closure Activities  
845.770 Retrofitting  
845.780 Post-Closure Care Requirements

## SUBPART H: RECORDKEEPING

## Section

845.800 Facility Operating Record  
845.810 Publicly Accessible Internet Site Requirements

## SUBPART I: FINANCIAL ASSURANCE

## Section

845.900 General Provisions  
845.910 Upgrading Financial Assurance  
845.920 Release of Financial Institution and Owner or Operator  
845.930 Cost Estimates  
845.940 Revision of Cost Estimates  
845.950 Mechanisms for Financial Assurance  
845.960 Trust Fund  
845.970 Surety Bond Guaranteeing Payment  
845.980 Surety Bond Guaranteeing Performance  
845.990 Letter of Credit

AUTHORITY: Implementing Sections 12, 22, and 22.59 of the Environmental Protection Act [415 ILCS 5/12, 22, and 22.59] and authorized by Sections 22.59, 27, and 28 of the Environmental Protection Act [415 ILCS 5/22.59, 27, and 28].

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SOURCE: Adopted in R20-19 at 45 Ill. Reg. 5884, effective April 21, 2021; amended in R20-19A at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 845.120 Definitions**

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act:

"1000-year flood" means a flood of magnitude (or greater) of 1 in 1000 probability of occurring in any given year.

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Active facility" or "active electric utility" or "independent power producer" means any facility, subject to the requirements of this Part, that is in operation on or after October 19, 2015. An electric utility or independent power producer is in operation if it is generating electricity that is provided to electric power transmission systems or to electric power distribution systems on or after October 19, 2015. An off-site CCR surface impoundment is in operation if it is accepting or managing CCR on or after October 19, 2015.

"Active life" or "in operation" means the period of operation beginning with the initial placement of CCR in the CCR surface impoundment and ending at completion of closure activities in accordance with Subpart G.

"Agency" means the Illinois Environmental Protection Agency.

"Aquifer" means a geologic formation, group of formations, or portion of a formation capable of yielding usable quantities of groundwater to wells or springs.

"Area-capacity curves" means graphic curves that readily show the reservoir water surface area, in acres, at different elevations from the bottom of the reservoir to the maximum water surface, and the capacity or volume, in acre-feet, of the water contained in the reservoir at various elevations.

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"Areas susceptible to mass movement" means those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where, because of natural or human-induced events, the movement of earthen material at, beneath, or adjacent to the CCR surface impoundment may result in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluctuation, block sliding, and rock fall.

"Beneficial use of CCR" means CCR that meets the definition of "coal combustion by-product" in Section 3.135 of the Act [415 ILCS 5/3.135] and the definition of "beneficial use of CCR" in 40 CFR 257.53, incorporated by reference in Section 845.150.

"Board" means Illinois Pollution Control Board.

"Certified laboratory" means any laboratory certified under Section 4(o) of the Act or certified by USEPA for the specific constituents to be examined.

"Closed" for purposes of this Part means placement of CCR in a CCR surface impoundment has stopped, and the owner or operator has completed closure of the CCR surface impoundment and has initiated post-closure care in accordance with Subpart G.

*"Coal combustion residuals" or "CCR" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers. [415 ILCS 5/3.142]*

"CCR fugitive dust" means solid airborne particulate matter that contains or is derived from CCR, emitted from any source other than a stack or chimney.

"CCR storage pile" means any ~~temporary~~ accumulation of solid, non-flowing CCR placed on the land that is designed and managed to control releases of CCR to the environment, utilizing the measures specified in Section 845.740(c)(4)(A)-(G) of this Part. CCR contained in an enclosed structure is not a CCR storage pile. Examples of control measures to control releases from CCR storage piles include: periodic wetting, application of surfactants, tarps, or wind barriers to suppress dust; tarps or berms for preventing contact with precipitation and controlling run-on/run-off; and impervious storage pads or geomembrane liners for soil and

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groundwater protection. For this Part, a CCR storage pile will be considered as CCR landfill as defined in 40 CFR 257.53, unless the owner or operator can demonstrate that CCR is not accumulated over a period longer than one year under Section 845.740(c)(4)(F).

*"CCR surface impoundment" or "impoundment" means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of CCR and liquids, and the surface impoundment treats, stores, or disposes of CCR. [415 ILCS 5/3.143]*

"Dike" means an embankment, berm, or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Displacement" means the relative movement of any two sides of a fault measured in any direction.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste as defined in section 1004(27) of the Resource Conservation and Recovery Act into or on any land or water or into any well so that the solid waste, or constituent thereof, may enter the environment or be emitted into the air or discharged into any waters, including groundwater. For purposes of this Part, disposal does not include the beneficial use of CCR.

"Downstream toe" means the junction of the downstream slope or face of the CCR surface impoundment with the ground surface.

"Enclosed structure" means:

A completely enclosed, self-supporting structure that is designed and constructed of manmade materials of sufficient strength and thickness to support itself, the CCR, and any personnel and heavy equipment that operate within the structure, and to prevent failure due to settlement, compression, or uplift; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the structure and contact of that equipment with containment walls;

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The structure has containment walls that are designed to be sufficiently durable to withstand any movement of personnel, CCR, and handling equipment within the structure;

The structure is designed and operated to ensure containment and prevent fugitive dust emissions from openings, such as doors, windows and vents, and the tracking of CCR from the structure by personnel or equipment.

"Exceedance of the groundwater protection standard" means:

For existing CCR surface impoundments and inactive CCR surface impoundments:

an analytical result with a concentration greater than the numerical value of the constituents listed in Section 845.600(a), in a down gradient well; or

when the up gradient background concentration of a constituent exceeds the numerical value listed in Section 845.600(a), an analytical result with a concentration at a statistically significant level above the up gradient background concentration, in a down gradient well.

For new CCR surface impoundments and lateral expansions of existing CCR surface impoundments, an analytical result with a constituent concentration at a statistically significant level above the up gradient background concentration, in a down gradient well.

"Existing CCR surface impoundment" means a CCR surface impoundment in which CCR is placed both before and after October 19, 2015, or for which construction started before October 19, 2015 and in which CCR is placed on or after October 19, 2015. A CCR surface impoundment has started construction if the owner or operator has obtained the federal, State, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun before October 19, 2015.

"Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, disposing of, or otherwise conducting solid waste management of CCR. A facility may consist of several

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treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

"Factor of safety" or "safety factor" means the ratio of the forces tending to resist the failure of a structure to the forces tending to cause that failure, as determined by accepted engineering practice.

"Fault" means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

"Flood hydrograph" means a graph showing, for a given point on a stream, the discharge, height, or other characteristic of a flood as a function of time.

"Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazard potential classification" means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of the diked CCR surface impoundment or mis-operation of the diked CCR surface impoundment or its appurtenances. The hazardous potential classifications include Class 1 and Class 2, defined as follows:

Class 1 CCR surface impoundment means a diked surface impoundment where failure or mis-operation will probably cause loss of human life.

Class 2 CCR surface impoundment means a diked surface impoundment where failure or mis-operation results in no probable loss of human life, but can cause economic loss, environmental damage, disruption of lifeline facilities, or impact other concerns.

"Height" means the vertical measurement from the downstream toe of the CCR surface impoundment at its lowest point to the lowest elevation of the crest of the CCR surface impoundment, not including spillways.

"Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch, at 11,700 years before present, to present.

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"Hydraulic conductivity" means the rate at which water can move through a permeable medium (i.e., the coefficient of permeability).

"Inactive CCR surface impoundment" means a CCR surface impoundment in which CCR was placed before but not after October 19, 2015 and still contains CCR on or after October 19, 2015. Inactive CCR surface impoundments may be located at an active facility or inactive facility.

"Inactive Closed CCR surface impoundment" means an inactive CCR surface impoundment that completed closure before October 19, 2015 with an Agency-approved closure plan.

"Inactive facility" or "inactive electric utilities or independent power producers" means any facility that is not in operation on or after October 19, 2015.

"Incised CCR surface impoundment" means a CCR surface impoundment that is constructed by excavating entirely below the natural ground surface, holds an accumulation of CCR entirely below the adjacent natural ground surface, and does not consist of any constructed diked portion.

"Inflow design flood" means the flood hydrograph that is used in the design or modification of the CCR surface impoundment and its appurtenant works.

"In operation" means the same as "active life".

"Karst terrain" means an area where karst topography, with its characteristic erosional surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include, but are not limited to, dolines, collapsed shafts (sinkholes), sinking streams, caves, seeps, large springs, and blind valleys.

"Lateral expansion" means a horizontal or vertical expansion of the waste boundaries of an existing CCR surface impoundment made after October 19, 2015.

"Liquefaction factor of safety" means the factor of safety (safety factor) determined using analysis under liquefaction conditions.



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"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

"Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration at the ground surface as depicted on a seismic hazard map, with a 98% or greater probability that the acceleration will not be exceeded in 50 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

"New CCR surface impoundment" means a CCR surface impoundment or lateral expansion of an existing or new CCR surface impoundment that first receives CCR or starts construction after October 19, 2015. A new CCR surface impoundment has started construction if the owner or operator has obtained the federal, State, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun after October 19, 2015.

"Operator" means the person or persons responsible for the overall operation of a CCR surface impoundment.

"Outermost damage zone of a fault" means the volume of deformed wall rocks around a fault surface that results from the initiation, propagation, interaction and build-up of slip along faults.

"Owner" means the person or persons who own a CCR surface impoundment or part of a CCR surface impoundment.

"Poor foundation conditions" means those areas where features exist which indicate that a natural or human-induced event may result in inadequate foundation support for the structural components of an existing or new CCR surface impoundment. For example, failure to maintain static and seismic factors of safety, as required in Section 845.460, would cause a poor foundation condition.

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"Probable maximum flood" means the flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the drainage basin.

"Qualified person" means a person or persons trained to recognize specific appearances of structural weakness and other conditions that are disrupting, or have the potential to disrupt, the operation or safety of the CCR surface impoundment by visual observation and, if applicable, to monitor instrumentation.

"Qualified professional engineer" means an individual who is licensed under the Professional Engineering Practice Act of 1989 [225 ILCS 325] to practice one or more disciplines of engineering and who is qualified by education, technical knowledge and experience to complete the engineering analyses and make the specific technical certifications required under this Part.

"Recognized and generally accepted engineering practices" means engineering maintenance or operation activities based on established codes, widely accepted standards, published technical reports, or a practice widely recommended throughout the industry. These practices generally detail approved ways to perform specific engineering, inspection, or mechanical integrity activities.

"Retrofit" means to remove all CCR and contaminated soils and sediments from the CCR surface impoundment, and to ensure the surface impoundment complies with the requirements in Section 845.410.

"Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a CCR surface impoundment or lateral expansion of a CCR surface impoundment.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a CCR surface impoundment or lateral expansion of a CCR surface impoundment.

"Sand and gravel pit" or "quarry" means an excavation for the extraction of aggregate, minerals or metals. The term sand and gravel pit and/or quarry does not include subsurface or surface coal mines.

"Seismic factor of safety" means the factor of safety (safety factor) determined using analysis under earthquake conditions using the peak ground acceleration for

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a seismic event with a 2% probability of exceedance in 50 years, equivalent to a return period of approximately 2,500 years, based on the U.S. Geological Survey (USGS) seismic hazard maps for seismic events with this return period for the region where the CCR surface impoundment is located.

"Seismic impact zone" means an area having a 2% or greater probability that the maximum expected horizontal acceleration, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10 g in 50 years.

"Slope protection" means engineered or non-engineered measures installed on the upstream or downstream slope of the CCR surface impoundment to protect the slope against wave action or erosion, including rock riprap, wooden pile, concrete revetments, vegetated wave berms, concrete facing, gabions, geotextiles, or fascines.

"Solid waste management" or "management" means the systematic administration of the activities that provide for the collection, source separation, storage, transportation, processing, treatment, or disposal of solid waste.

"Static factor of safety" means the factor of safety (safety factor) determined using analysis under the long-term, maximum storage pool loading condition, the maximum surcharge pool loading condition, and the end-of-construction loading condition.

"Structural components" means liners, leachate collection and removal systems, final covers, run-on and run-off systems, inflow design flood control systems, and any other component used in the construction and operation of the CCR surface impoundment that is necessary to ensure the integrity of the surface impoundment and ensure that the contents of the surface impoundment are not released into the environment.

~~"Temporary accumulation" means an accumulation on the land that is neither permanent nor indefinite. To demonstrate that the accumulation on the land is temporary, all CCR must be removed from the pile at the site. The entity engaged in the activity must have a record in place, such as a contract, purchase order, facility operation and maintenance, or fugitive dust control plan, documenting that all the CCR in the pile will be completely removed according to a specific timeline.~~

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"Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of that area, including structural components of some or all the CCR surface impoundment that are responsible for preventing releases from the surface impoundment. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary. Upper limit is measured at a point nearest to the natural ground surface to which the aquifer rises during the wet season.

"Waste boundary" means a vertical surface located at the hydraulically downgradient limit of the CCR surface impoundment. The vertical surface extends down into the uppermost aquifer.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: OPERATING CRITERIA

**Section 845.500 Air Criteria**

- a) The owner or operator of a CCR surface impoundment, or any lateral expansion of a CCR surface impoundment, must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR surface impoundments, roads, and other CCR management and material handling activities.
- b) CCR Fugitive Dust Control Plan. The owner or operator of the CCR surface impoundment must prepare and operate in accordance with a CCR fugitive dust control plan as specified in this subsection (b). This requirement applies in addition to, not in place of, any applicable standards under the Occupational

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Safety and Health Act (29 USC 15), including 29 CFR 1910.1018, 29 CFR 1910.1024, 29 CFR 1910.1025, 29 CFR 1910.1027, and 1910.1053, or any other State or federal law.

- 1) The CCR fugitive dust control plan must identify and describe the CCR fugitive dust control measures the owner or operator will use to minimize CCR from becoming airborne at the facility. The owner or operator must select, and include in the CCR fugitive dust control plan, the CCR fugitive dust control measures that are most appropriate for site conditions, along with an explanation of how the measures selected are applicable and appropriate for site conditions. Examples of control measures that may be appropriate include: locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at material drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speed limits; paving and sweeping roads; covering trucks transporting CCR; reducing or halting operations during high wind events; or applying a daily cover.
- 2) The CCR fugitive dust control plan must include procedures to log every complaint from members of the public received by the owner or operator involving CCR fugitive dust events at the facility. The owner or operator must:
  - A) Include for each logged complaint the date of the complaint, the date of the incident, the name and contact information of the complainant, if given, and all actions taken to assess and resolve the complaint; and
  - B) Submit quarterly reports to the Agency no later than 14 days from the end of the quarter of all complaints received in that quarter, including the information required by subsection (b)(2)(A).
- 3) The Agency must evaluate quarterly complaint reports received under Section 845.500(b)(2)(B):
  - A) If the Agency determines the mitigation measures under the CCR fugitive dust control plan are not addressing the dust issues beyond the property boundary, the Agency may require the owner or operator to revise the plan to include additional mitigation

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measures, including air quality (dust) monitoring at the property boundary.

- B) If the Agency determines that the facility is causing dust issues over a period of time based on complaints received during at least two consecutive quarters in an area of environmental justice concern identified under Section 845.700(g)(6), the Agency must require the owner or operator to revise the CCR fugitive dust control plan to include additional mitigation measures, and air quality (dust) monitoring.
- C) Air quality (dust) monitoring under subsections (b)(3)(A) and (b)(3)(B) must include at least four each of PM<sub>10</sub> and PM<sub>2.5</sub> air monitors located at or near facility's property boundary with one air monitor each of PM<sub>10</sub> and PM<sub>2.5</sub> located at each cardinal point (north, south, east, west) with additional two each of PM<sub>10</sub> and PM<sub>2.5</sub> air monitors located at downwind locations if not covered by the cardinal point monitors.
- 43) The CCR fugitive dust control plan must include a description of the procedures the owner or operator will follow to periodically assess the effectiveness of the control plan.
- 54) The owner or operator of a CCR surface impoundment must prepare an initial CCR fugitive dust control plan for the facility by October 31, 2021, or by initial receipt of CCR in any CCR surface impoundment at the facility if the owner or operator becomes subject to this Part after October 31, 2021.
- 65) Amendment of the Plan. The owner or operator of a CCR surface impoundment subject to the requirements may amend the written CCR fugitive dust control plan at any time provided the revised plan is submitted to the Agency. The owner or operator must amend the written plan whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR surface impoundment.
- 76) The owner or operator must place the initial and any amendments to the fugitive dust control plan in the facility's operating record as required by

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Section 845.800(d)(7). The most recent fugitive dust control plan must be placed in the facility's operating record and available on the owner's or operator's CCR website before submitting a permit application under this Part.

- ~~87~~) The owner or operator must obtain a certification from a qualified professional engineer that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of this Section.
- c) Annual CCR Fugitive Dust Control Report. The owner or operator of a CCR surface impoundment must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust and the four quarterly fugitive dust complaint reports submitted under subsection (b)(2)(B) along with any Agency determinations under subsection (b)(3). The annual CCR fugitive dust control report must be submitted as a part of the annual consolidated report required by Section 845.550.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 845.550 Annual Consolidated Report**

- a) By January 31 of each year, the owner or operator of the CCR surface impoundment must prepare an annual consolidated report for the preceding calendar year that includes the following:
- 1) Annual CCR fugitive dust control report (see Section 845.500(c));
  - 2) Annual inspection report (see Section 845.540(b)), including:
    - A) Annual hazard potential classification certification, if applicable (see Section 845.440);
    - B) Annual structural stability assessment certification, if applicable (see Section 845.450);
    - C) Annual safety factor assessment certification, if applicable (see Section 845.460); and

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- D) Inflow design flood control system plan certification (see Section 845.510(c)).
- 3) Annual Groundwater Monitoring and Corrective Action Report (see Section 845.610(e)).
- 4) [CCR storage pile pad or geomembrane inspection report under Section 845.740\(c\)\(4\).](#)
- 5) [CCR storage pile demonstration under Section 845.740\(c\)\(4\)\(F\).](#)
- b) The owner or operator of the CCR surface impoundment must submit the annual consolidated report to the Agency in addition to placing the annual consolidated report in the facility's operating record as required by Section 845.800(d)(14).

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

**Section 845.740 Closure by Removal**

- a) Closure by Removal of CCR. An owner or operator may elect to close a CCR surface impoundment by removing all CCR and decontaminating all areas affected by releases of CCR from the CCR surface impoundment. CCR removal and decontamination of the CCR surface impoundment are complete when all CCR and CCR residues, containment system components such as the impoundment liner and contaminated subsoils, and CCR impoundment structures and ancillary equipment have been removed. Closure by removal must be completed before the completion of a groundwater corrective action under Subpart F.
- b) After closure by removal has been completed, the owner or operator must continue groundwater monitoring under Subpart F for three years after the completion of closure or for three years after groundwater monitoring does not show an exceedance of the groundwater protection standard established under Section 845.600, whichever is longer.



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- c) The owner or operator of a CCR surface impoundment removing CCR during closure must responsibly handle and transport the CCR consistent with this subsection.
- 1) Transportation
- A) Manifests
- i) When transporting CCR off-site by motor vehicle, manifests must be carried as specified in 35 Ill. Adm. Code 809. For purposes of this Part, coal combustion fly ash that is removed from a CCR surface impoundment is not exempt from the manifest requirement.
- ii) When transporting CCR off-site by any other mode or method, including trains or barges, manifests must be carried specifying, at a minimum, the following information: the volume of the CCR; the location from which the CCR was loaded onto the mode of transportation and the date the loading took place; and the location where the CCR is being taken and the date it will be delivered.
- B) The owner or operator of a CCR surface impoundment from which CCR is removed and transported off-site must develop a CCR transportation plan, which must include:
- i) Identification of the transportation method selected, including whether a combination of transportation methods will be used;
- ii) The frequency, time of day, and routes of CCR transportation;
- iii) Any measures to minimize noise, traffic, and safety concerns caused by the transportation of the CCR;
- iv) Measures to limit fugitive dust from any transportation of CCR;

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- v) Installation and use of a vehicle washing station;
  - vi) A means of covering the CCR for any mode of CCR transportation, including conveyor belts; and
  - vii) A requirement that, for transport by motor vehicle, the CCR is transported by a permitted special waste hauler under 35 Ill. Adm. Code 809.201.
- 2) The owner or operator of a CCR surface impoundment must develop and implement onsite dust controls, which must include:
- A) A water spray or other commercial dust suppressant to suppress dust in CCR handling areas and haul roads; and
  - B) Handling of CCR to minimize airborne particulates and offsite particulate movement during any weather event or condition.
- 3) The owner or operator of a CCR surface impoundment must provide the following public notices:
- A) Signage must be posted at the property entrance warning of the hazards of CCR dust inhalation; and
  - B) When CCR is transported off-site, a written notice explaining the hazards of CCR dust inhalation, the transportation plan, and tentative transportation schedule must be provided to units of local government through which the CCR will be transported.
- 4) The owner or operator of the surface impoundment must take measures to prevent contamination of surface water, groundwater, soil and sediments from the removal of CCR, including the following:
- A) CCR removed from the surface impoundment may only be temporarily stored, and must be stored in a lined landfill, CCR surface impoundment, enclosed structure, or CCR storage pile.
  - B) CCR storage piles must:

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- i) Be tarped or constructed with wind barriers to suppress dust and to limit stormwater contact with storage piles;
  - ii) Be periodically wetted or have periodic application of dust suppressants;
  - iii) Have a storage pad, or a geomembrane liner, with a hydraulic conductivity no greater than  $1 \times 10^{-7}$  cm/sec, that is properly sloped to allow appropriate drainage, and large enough to allow each portion of the pad or liner to be uncovered for inspection at least once in a year under subsection (c)(4)(C)(iii);
  - iv) Be tarped over the edge of the storage pad where possible;
  - v) Be constructed with fixed and mobile berms, where appropriate, to reduce run-on and run-off of stormwater to and from the storage pile, and minimize stormwater-CCR contact; and
  - vi) Have a groundwater monitoring system that is consistent with the requirements of Section 845.630 and approved by the Agency.
- C) The owner or operator of the CCR surface impoundment must:
- i) incorporate general housekeeping procedures including ~~such~~ as daily cleanup of CCR, tarping of trucks, maintaining the pad and equipment; ~~and~~
  - ii) incorporate good practices during unloading and loading including minimizing drop distance on to CCR piles; and
  - iii) inspect the storage pad or geomembrane of CCR storage piles at least once a year and repair any cracks, holes, tears, or other damage identified during the inspection as soon as practicable. An annual inspection report summarizing the results of inspection under this subsection must be included in the annual consolidation report under Section 845.550.

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- D) The owner or operator of the CCR must minimize the amount of time the CCR is exposed to precipitation and wind.
- E) The discharge of stormwater runoff that has contact with CCR must be covered by an individual National Pollutant Discharge Elimination System (NPDES) permit. The owner or operator must develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in addition to any other requirements of the facility's NPDES permit. Any construction permit application for closure must include a copy of the SWPPP.
- F) The owner or operator must demonstrate that CCR is not accumulated in a storage pile over a period longer than one year by using photographs, records (contracts, purchase orders), or other observable or discernable information that shows CCR is being removed within one year of being placed in the pile. This demonstration must be included in the annual consolidation report under Section 845.550.
- d) At the end of each month during which CCR is being removed from a CCR surface impoundment, the owner or operator must prepare a report that:
- 1) Describes the weather, precipitation amounts, the amount of CCR removed from the CCR surface impoundment, the amount and location of CCR being stored on-site, the amount of CCR transported offsite, the implementation of good housekeeping procedures required by subsection (c)(4)(C), and the implementation of dust control measures; and
  - 2) Documents worker safety measures implemented. The owner or operator of the CCR surface impoundment must place the monthly report in the facility's operating record as required by Section 845.800(d)(23).
- e) Upon completion of CCR removal and decontamination of the CCR surface impoundment under subsection (a), the owner or operator of the CCR surface impoundment must submit to the Agency a completion of CCR removal and decontamination report and a certification from a qualified professional engineer that CCR removal and decontamination of the CCR surface impoundment has been completed in accordance with this Section. The owner or operator must

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place the CCR removal and decontamination report and certification in the facility's operating record as required by Section 845.800(d)(32).

- f) Upon completion of groundwater monitoring required under subsection (b), the owner or operator of the CCR surface impoundment must submit to the Agency a completion of groundwater monitoring report and a certification from a qualified professional engineer that groundwater monitoring has been completed in accordance with this Section. The owner or operator must place the groundwater monitoring report and certification in the facility's operating record as required by Section 845.800(d)(24).

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: RECORDKEEPING

**Section 845.800 Facility Operating Record**

- a) Each owner or operator of a CCR surface impoundment subject to the requirements of this Part must maintain files of all information required by this Section in a written operating record at the facility.
- b) Unless specified otherwise, each file must be retained for at least three years past the date the Agency approved the owner's or operator's request to terminate post-closure care, when closure is with a final cover system, or the completion of groundwater monitoring under Section 845.740(b), when closure is by removal.
- c) An owner or operator of more than one CCR surface impoundment subject to the provisions of this Part may comply with the requirements of this Section in one recordkeeping system provided the system identifies each file by the name and identification number of each CCR surface impoundment. The files may be maintained on microfilm, on a computer, on computer disks, on a storage system accessible by a computer, on magnetic tape disks, or on microfiche.
- d) Unless otherwise required below, the owner or operator of a CCR surface impoundment must place the following information, as it becomes available, in the facility's operating record:
- 1) Copies of all permit applications and permits issued under this Part;

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- 2) Documentation recording the public meetings held under Section 845.240;
- 3) Weekly CQA reports under Section 845.290(b);
- 4) Hazard potential classification assessments for CCR surface impoundments (see Section 845.440(a)(3)(D));
- 5) Structural stability assessments for CCR surface impoundments (see Section 845.450(d)(4));
- 6) Safety factor assessments for CCR surface impoundments (see Section 845.460(c)(4));
- 7) The CCR fugitive dust control plan and any subsequent amendment of the plan (see Section 845.500(b)(6)), except that only the most recent fugitive dust control plan must be maintained in the facility's operating record, irrespective of the time requirement specified in subsection (b);
- 8) Inflow design flood control system plans for CCR surface impoundments (see Section 845.510(c)(4)(D));
- 9) Emergency Action Plan (see Section 845.520(a)), except that only the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in subsection (b);
- 10) Documentation prepared by the owner or operator recording all activations of the EAP (see Section 845.520(f));
- 11) Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR surface impoundment and the local emergency responders (see Section 845.520(g));
- 12) Safety and Health Plan (see Section 845.530(a));
- 13) Documentation recording the results of each inspection and instrumentation monitoring by a qualified person (see Section 845.540(a)(2));

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- 14) Annual consolidated report (see Section 845.550), which contains the following:
  - A) The annual CCR fugitive dust control report (see Section 845.500(c));
  - B) The annual inspection report (see Section 845.540(b)(3)); and
  - C) The annual groundwater monitoring and corrective action report (see Section 845.610(e));
- 15) All groundwater monitoring data submitted to the Agency and any analysis performed (see Section 845.610(b)(3)(D));
- 16) Within 30 days after detecting one or more monitored constituents above the groundwater protection standard, the notifications required by Section 845.650(d) and (e);
- 17) The semi-annual report describing the progress in selecting and designing the remedy (see Section 845.670(a));
- 18) Within 30 days after completing the corrective action plan, the notification required by Section 845.680(e);
- 19) USEPA-approved or denied demonstration as required by Section 845.700(d)(2)(F);
- 20) The preliminary written closure plan and any amendment of the plan (see Section 845.720(a)) except that only the most recent closure plan must be maintained in the facility's operating record, irrespective of the time requirement specified in subsection (b);
- 21) The written demonstrations, including the certification required by Section 845.730(b)(3), for a time extension for initiating closure (see Section 845.730(b)(2));
- 22) The notification of intent to close a CCR surface impoundment (see Section 845.730(d));

## POLLUTION CONTROL BOARD

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- 23) The monthly reports for closure by removal (see Section 845.740(d));
- 24) The closure report and certification (see Section 845.760(e)(3)), or the completion of groundwater monitoring report and certification (see Section 845.740(f));
- 25) The notification of completion of closure of a CCR surface impoundment (see Section 845.760(f));
- 26) The notification recording a notation on the deed (see Section 845.760(h));
- 27) The preliminary written retrofit plan for a CCR surface impoundment (see Section 845.770(a)(3));
- 28) The notification of intent to initiate retrofit of a CCR surface impoundment (see Section 845.770(d));
- 29) The retrofit completion report and certification (see Section 845.770(g)(3));
- 30) The notification of completion of retrofit activities (see Section 845.770(h));
- 31) The notification of completion of post-closure care period (see Section 845.780(f));
- 32) The completion of CCR removal and decontamination report and certification (see Section 845.740(e)); and
- 33) The most current cost estimates (see Section 845.940(d)).
- 34) [The quarterly fugitive dust complaint reports submitted to the Agency under Section 845.500\(b\)\(2\)\(B\) along with any Agency determinations under Section 845.500\(b\)\(3\).](#)

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
300.230	Amendment
300.3210	Amendment
300.3310	Amendment
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 102-1080, which amended the Nursing Home Care Act to update requirements related to facility resident's rights, facility written grievance procedures, requirements related to residents who provide labor or services for a facility, and required posting of information in a facility.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department will consider 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? 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? Yes

<u>Section Number</u> :	<u>Proposed Action</u> :	<u>Illinois Register Citation</u> :
300.664	New Section	48 Ill. Reg. 7645; May 24, 2024

- 11) Statement of Statewide Policy Objectives: This rulemaking is not expected to create a State mandate.

## DEPARTMENT OF PUBLIC HEALTH

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. Written comments suggesting amendments to the rulemaking must provide the reason for the suggested amendment. An edited version of the rulemaking is acceptable if submitted with the written comments and supporting reasons. Send written comments 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: Skilled nursing and intermediate care facilities.
- Most of the businesses that are affected by the Department of Public Health's rules fall under the definition of a small business. 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: Facilities will be required to develop grievance procedures and maintain records and comply with requirements to post signage and provide information regarding resident's rights.
- C) Types of professional skills necessary for compliance: Administrative, labor-relations.
- 14) Small Business Impact Analysis: None expected
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2024

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NOTICE OF PROPOSED AMENDMENTS

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300  
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public by the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties (Repealed)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

300.286	Notice of Penalty Assessment; Response by Facility
300.287	Consideration of Factors for Assessing Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration (Repealed)
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

## SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.651	Whistleblower Protection
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness

## DEPARTMENT OF PUBLIC HEALTH

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300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Medications
300.690	Incidents and Accidents
300.695	Contacting Local Law Enforcement
300.696	Infection Prevention and Control
300.697	Infection Preventionists
300.699	Electronic Monitoring
300.700	Testing for Legionella Bacteria

## SUBPART D: PERSONNEL

Section	
300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies
300.850	Employee Assistance Program

## SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section	
300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Care and Treatment of Sexual Assault Survivors
300.1050	Dental Standards
300.1060	Vaccinations

## SUBPART F: NURSING AND PERSONAL CARE

Section	
300.1210	General Requirements for Nursing and Personal Care
300.1220	Supervision of Nursing Services
300.1230	Direct Care Staffing
300.1231	Calculation of Direct Care Staffing During Inspections, Surveys and Evaluations

## DEPARTMENT OF PUBLIC HEALTH

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- 300.1232 Waiver of Registered Professional Nurse Staffing Requirements
- 300.1233 Quarterly Administrative Staffing Compliance Review
- 300.1234 Penalties and Notice of Violation
- 300.1240 Additional Requirements

## SUBPART G: RESIDENT CARE SERVICES

## Section

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs
- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

## SUBPART H: MEDICATIONS

## Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

## SUBPART I: RESIDENT AND FACILITY RECORDS

## Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

## SUBPART J: FOOD SERVICE

## Section

- 300.2010 Director of Food Services

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- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 300.2410 Furnishings
- 300.2420 Equipment and Supplies
- 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 300.2610 Codes
- 300.2620 Water Supply
- 300.2630 Sewage Disposal
- 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS  
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

- 300.2810 Applicability of this Subpart N
- 300.2820 Compliance with Local Codes and Standards



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- 300.2830 Preparation of Drawings and Specifications
- 300.2840 Site
- 300.2850 Administration and Public Areas
- 300.2860 Nursing Unit
- 300.2870 Dining, Living, Activities Rooms
- 300.2880 Therapy and Personal Care
- 300.2890 Service Departments
- 300.2900 General Building Requirements
- 300.2910 Structural
- 300.2920 Mechanical Systems
- 300.2930 Plumbing Systems
- 300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS  
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

- Section
- 300.3010 Applicability
  - 300.3020 Compliance with Local Codes and Standards
  - 300.3030 Preparation of Drawings and Specifications
  - 300.3040 Site
  - 300.3050 Administration and Public Areas
  - 300.3060 Nursing Unit
  - 300.3070 Living, Dining, Activities Rooms
  - 300.3080 Treatment and Personal Care
  - 300.3090 Service Departments
  - 300.3100 General Building Requirements
  - 300.3110 Structural
  - 300.3120 Mechanical Systems
  - 300.3130 Plumbing Systems
  - 300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

- Section
- 300.3210 General
  - 300.3220 Medical Care
  - 300.3230 Restraints (Repealed)
  - 300.3240 Abuse and Neglect

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300.3250	Communication and Visitation
300.3260	Resident's Funds
300.3270	Residents' Advisory Council
300.3280	Contract With Facility
300.3290	Private Right of Action
300.3300	Transfer or Discharge
300.3310	Complaint Procedures
300.3320	Confidentiality
300.3330	Facility Implementation
300.3340	Social Isolation

## SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

## Section

300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)
300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

## SUBPART R: DAYCARE PROGRAMS

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Section  
300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS  
WITH SERIOUS MENTAL ILLNESS

Section  
300.4000 Applicability of Subpart S  
300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing  
in Facilities Subject to Subpart S  
300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities  
Subject to Subpart S  
300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing  
in Facilities Subject to Subpart S  
300.4040 General Requirements for Facilities Subject to Subpart S  
300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S  
300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities  
Subject to Subpart S  
300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities  
Subject to Subpart S  
300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental  
Illness Residing in Facilities Subject to Subpart S  
300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for  
Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF  
HEALTHCARE AND FAMILY SERVICES'  
DEMONSTRATION PROGRAM FOR PROVIDING  
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section  
300.6000 Applicability of Subpart T (Repealed)  
300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T  
(Repealed)  
300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T  
(Repealed)  
300.6020 Reassessments for Residents of Facilities Subject to Subpart T (Repealed)  
300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T

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- (Repealed)
- 300.6040 General Requirements for Facilities Subject to Subpart T (Repealed)
- 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T (Repealed)
- 300.6047 Medical Care Policies for Facilities Subject to Subpart T (Repealed)
- 300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)
- 300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)
- 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6070 Work Programs for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T (Repealed)
- 300.6095 Training and Continuing Education for Facilities Subject to Subpart T (Repealed)

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING  
CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

## Section

- 300.7000 Applicability
- 300.7010 Admission Criteria
- 300.7020 Assessment and Care Planning
- 300.7030 Ability-Centered Care
- 300.7040 Activities
- 300.7050 Staffing
- 300.7060 Environment
- 300.7070 Quality Assessment and Improvement
- 300.7080 Variances to Enhance Residents' Quality of Life
- 300.APPENDIX A Example of Staffing Calculations from Section 300.1230
- 300.APPENDIX B Crosswalk of Nursing Home Care Act Job Descriptions and Payroll Based Journal Job Titles
- 300.APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
- 300.APPENDIX D Forms for Day Care in Long-Term Care Facilities
- 300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
- 300.APPENDIX F Guidelines for the Use of Various Drugs
- 300.APPENDIX G Facility Report
- 300.TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities

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300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities (Repealed)
300.TABLE D	Heat Index Table/Apparent Temperature

**AUTHORITY:** Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491,

## DEPARTMENT OF PUBLIC HEALTH

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effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill. Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15, 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16264, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill. Reg. 10217, effective May 28, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 12931, effective July 14, 2020, for the remainder of

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the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 17790, effective October 23, 2020; emergency amendment at 44 Ill. Reg. 16894, effective October 2, 2020, for a maximum of 150 days; emergency rule expired February 28, 2021; emergency amendment at 44 Ill. Reg. 18462, effective October 23, 2020, for a maximum of 150 days; emergency rule expired March 21, 2021; emergency amendment at 44 Ill. Reg. 19551, effective December 2, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 393, effective December 18, 2020, for the remainder of the 150 days; emergency rule as amended expired April 30, 2021; amended at 45 Ill. Reg. 1134, effective January 8, 2021; emergency amendment at 45 Ill. Reg. 3046, effective March 1, 2021, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 45 Ill. Reg. 10087, effective July 25, 2021; emergency amendment at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days; emergency expired August 18, 2021; emergency amendment at 45 Ill. Reg. 6354, effective May 1, 2021, for a maximum of 150 days; emergency expired September 27, 2021; emergency amendment at 45 Ill. Reg. 9498, effective July 8, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 10847, effective August 19, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 12889, effective September 21, 2021, for the remainder of the 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 15127, effective November 9, 2021, for the remainder of the 150 days; emergency rule as amended expired January 15, 2022; amended at 45 Ill. Reg. 11096, effective August 27, 2021; emergency amendment at 45 Ill. Reg. 11941, effective September 17, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14550, effective November 5, 2021, for the remainder of the 150 days; emergency expired February 13, 2022; emergency amendment at 45 Ill. Reg. 13108, effective September 28, 2021, for a maximum of 150 days; emergency expired February 24, 2022; emergency amendment at 45 Ill. Reg. 14003, effective October 22, 2021, for a maximum of 150 days; emergency expired March 20, 2022; amended at 45 Ill. Reg. 13953, effective October 25, 2021; expedited correction at 46 Ill. Reg. 4157, effective October 25, 2021; emergency amendment at 46 Ill. Reg. 1928, effective January 16, 2022, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 3243, effective February 14, 2022, for a maximum of 150 days; emergency expired July 13, 2022; emergency amendment at 46 Ill. Reg. 4136, effective February 25, 2022, for a maximum of 150 days; emergency expired July 24, 2022; emergency amendment at 46 Ill. Reg. 5554, effective March 21, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 6033, effective April 1, 2022; amended at 46 Ill. Reg. 10460, effective May 31, 2022; emergency amendment at 46 Ill. Reg. 13378, effective July 14, 2022, for a maximum of 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 16428, effective September 19, 2022, for the remainder of the 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 18219, effective October 31, 2022, for the remainder of the 150 days; emergency expired December 10, 2022; amended at 46 Ill. Reg. 14237, effective July 27, 2022; amended at 46 Ill. Reg. 16829, effective September 26, 2022; emergency amendment at 46 Ill. Reg. 20243, effective December 11, 2022, for a

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maximum of 150 days; emergency expired May 9, 2023; amended at 47 Ill. Reg. 7717, effective May 17, 2023; amended at 48 Ill. Reg. 3317, effective February 16, 2024; amended at 48 Ill. Reg. 9947, effective June 21, 2024; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 300.230 Information to Be Made Available to the Public by the Licensee**

- a) *Every facility shall conspicuously post for display in an area of its offices accessible to residents, employees, and visitors the following:*
- 1) *Its current license;*
  - 2) *A description, provided by the Department of complaint procedures established under the Act and the name, address, and telephone number of a person authorized by the Department to receive complaints;*
  - 3) *A copy of any order pertaining to the facility issued by the Department or a court; ~~and~~*
  - 4) *A list of the material available for public inspection under subsection (b) and Section 3-210 of the Act; ~~-(Section 3-209 of the Act)~~*
  - 5) *Phone numbers and websites for rights protection services must be posted in common areas and at the main entrance and provided upon entry and at the request of resident's representatives; and*
  - 6) *The statement "The Illinois Long-Term Care Ombudsman Program is a free resident advocacy service available to the public."*
- b) *The administrator shall post for all residents and at the main entrance the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged in language the resident can understand, which must include notice of the grievance procedure of the facility or program as well as addresses and phone numbers for the Office of Health Care Regulation and the Long-Term Care Ombudsman Program and website showing the information of a facility's ownership. The facility shall include a link to the Long-Term Care Ombudsman Program's website on the home page of the facility's website. (Section 3-209(a) of the Act) If a facility does not have a facility-specific*



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website, the link to the Long-Term Care Ombudsman Program's website shall be included on the facility's parent company website.

cb) *A facility shall retain the following for public inspection:*

- 1) *A complete copy of every inspection report of the facility received from the Department during the past five years;*
- 2) *A copy of every order pertaining to the facility issued by the Department or a court during the past five years;*
- 3) *A description of the services provided by the facility and the rates charged for those services and items for which a resident may be separately charged;*
- 4) *A copy of the statement of ownership required by Section 3-207 of the Act;*
- 5) *A record of personnel employed or retained by the facility who are licensed, certified or registered by the Department of Financial and Professional Regulation;*
- 6) *A complete copy of the most recent inspection report of the facility received from the Department; and*
- 7) *A copy of the current Consumer Choice Information Report required by Section 2-214 of the Act. (Section 3-210 of the Act)*

de) *A facility that has received a notice of violation for a violation of the minimum staffing requirements under Section 3-202.05 of the Act and Section 300.1230 of this Part shall display, during the period of time the facility is out of compliance, a notice stating in Calibri (body) font and 26-point type in black letters on an 8.5 by 11 inch white paper the following:*

*"Notice Dated: .....*

*This facility does not currently meet the minimum staffing ratios required by law.  
Posted at the direction of the Illinois Department of Public Health."*

- 1) *The notice shall be posted, at a minimum, at all publicly used exterior entryways into the facility, inside the main entrance lobby, and next to any*

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*registration desk for easily accessible viewing. The notice shall also be posted on the main page of the facility's website.*

- 2) *Pursuant to Section 300.1234(a)(5), the Department shall have the discretion to determine the gravity of any violation and, taking into account mitigating and aggravating circumstances and facts, may reduce the requirement of, and amount of time for, posting the notice. (Section 3-209 of the Act)*

- ed**) All Cook County facilities with Colbert Class Members shall conspicuously display, in a public and accessible location, a Department-provided poster informing residents of their right to explore or decline community transition, and their right to be free from retaliation, regardless of their decision on transition. This poster shall include a telephone number for reporting retaliation to the Department and shall include the steps a resident should take if retaliation does occur. The display of the poster will be included as a compliance measure in the Department's survey process.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART P: RESIDENT'S RIGHTS

**Section 300.3210 General**

- a) *No resident shall be deprived of any rights, benefits, or privileges guaranteed by State or federal law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of their~~his or her~~ status as a resident of a facility.*
- 1) *Residents shall have the right to be treated with courtesy and respect by employees or persons providing medical services or care and shall have their human and civil rights maintained in all aspects of medical care as defined in the State Operations Manual for Long-Term Care Facilities.*
- 2) *Residents shall have their basic human needs, including but not limited to water, food, medication, toileting, and personal hygiene, accommodated in a timely manner, as defined by the person and agreed upon by the interdisciplinary team.*

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- A) A facility shall treat each resident with respect and dignity and care for each resident in a manner and in an environment that promotes maintenance or enhancement of the resident's quality of life, recognizing each resident's individuality.
- B) A facility shall protect and promote the rights of the resident.
- C) Residents have the right to reside in and receive services in the facility with reasonable accommodation of their needs and preferences except when to do so would endanger the health or safety of the resident or other residents.
- 3) Residents have the right to maintain their autonomy as much as possible.  
(Section 2-101 of the Act)
- b) *A resident shall be permitted to retain and use or wear his or her personal property in his or her immediate living quarters, unless deemed medically inappropriate by a physician and so documented in the resident's clinical record.*  
(Section 2-103 of the Act)
- c) *If clothing is provided to the resident by the facility, it shall be of a proper fit.*  
(Section 2-103 of the Act)
- d) *The facility shall provide adequate storage space for the personal property of the resident.* (Section 2-103 of the Act)
- e) *The facility shall provide a means of safeguarding small items of value for its residents in their rooms or in any other part of the facility so long as the residents have daily access to their valuables.* (Section 2-103 of the Act)
- f) *The facility shall make reasonable efforts to prevent loss and theft of residents' property. Those efforts shall be appropriate to the particular facility and may include, but are not limited to, staff training and monitoring, labeling property, and frequent property inventories.* (Section 2-103 of the Act)
- g) *The facility shall develop procedures for investigating complaints concerning theft of residents' property and shall promptly investigate all complaints.* (Section 2-103 of the Act)

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- h) *The facility administrator shall ensure that married residents residing in the same facility be allowed to reside in the same room within the facility unless there is no room available in the facility or it is deemed medically inadvisable by the residents' attending physician and so documented in the residents' medical records.* (Section 2-108(e) of the Act)
- i) There shall be no traffic through a resident's room to reach any other area of the building.
- j) Children under 16 years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.
- k) *A resident may refuse to perform labor for a facility. Residents shall not perform labor or services for the facility unless consistent with the requirements in subsections (k)(1) through (k)(3).*
- 1) *The activities must be included for therapeutic purposes and be appropriately goal related to the individual's care plan. If a resident chooses to perform labor or services, the resident must be compensated at or above the prevailing wage rate.* (Section 2-113 of the Act)
- 2) *The resident has a right to choose or refuse to perform services for the facility and the facility shall not require a resident to perform services for the facility.*
- 3) *The resident may perform services for the facility if he or she chooses when:*
- A) *The facility has documented the resident's need or desire for work in the plan of care;*
- B) *The plan specifies the nature of the services performed and whether the services are voluntary or paid;*
- C) *Compensation for paid services is at or above prevailing rates; and*

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D) [The resident agrees to the work arrangement described in the plan of care.](#)

- l) *A resident shall be permitted the free exercise of religion. Upon a resident's request, and if necessary at his or her expense, the facility administrator shall make arrangements for a resident's attendance at religious services of the resident's choice. However, no religious beliefs or practices, or attendance at religious services, may be imposed upon any resident. (Section 2-109 of the Act)*
- m) All facilities shall comply with the Election Code as it pertains to absentee voting for residents of licensed long-term care facilities.
- n) *The facility shall immediately notify the resident's next of kin, representative and physician of the resident's death or when the resident's death appears to be imminent. (Section 2-208 of the Act)*
- o) The facility shall also immediately notify the resident's family, guardian, representative, conservator, and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise.
- p) *Where a resident, a resident's representative or a resident's next of kin believes that an emergency exists each of them, collectively or separately, may file a verified petition to the circuit court for the county in which the facility is located for an order placing the facility under the control of a receiver. (Section 3-503 of the Act) As used in Section 3-503 of the Act, "emergency" means a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct. (Section 3-501 of the Act)*
- q) *An identification wristlet may be employed for any resident upon a physician's order, which shall document the need for the identification wristlet in the resident's clinical record. Nothing in this Section prohibits a facility from allowing any resident who requests an identification wristlet from having one. A facility may provide an identification wristlet to any resident if requested by the resident.*
- r) *A facility may require a resident residing in an Alzheimer's disease unit, as defined in Subpart U, with a history of wandering to wear an identification*

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*wristlet, unless the resident's guardian or power of attorney directs that the wristlet be removed.*

- s) *All identification wristlets shall include, at a minimum, the resident's name and the name, telephone number, and address of the facility issuing the identification wristlet. (Section 2-106a of the Act)*
- t) The facility shall ensure that residents are not subjected to physical, verbal, sexual or psychological abuse, neglect, exploitation, or misappropriation of property.
- u) Cook County facilities with Colbert Class Members shall provide residents access to the supports and services they need in the most integrated settings appropriate to their needs, including community-based settings, to promote and maximize their independence, choice, and opportunities to develop and use independent living skills. For the purposes of this subsection (u), "community-based setting" means the most integrated setting appropriate to promote the resident's independence in daily living and ability to interact with persons without disabilities to the fullest extent possible.
- v) All Cook County facilities with Colbert Class Members shall provide educational materials and information to all newly admitted Colbert Class Members within one to three days of admission, informing them of their rights and services under the Colbert Consent Decree, as prescribed by the Colbert Lead Defendant Agency. All Cook County facilities shall provide verification that the educational materials and information were given to the Colbert Class Members, as requested by a Colbert Defendant Agency.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 300.3310 Complaint Procedures**

- a) *A resident shall be permitted to present grievances on behalf of himself or herself and others to the administrator, the Long-Term Care Facility Advisory Board, the residents' advisory council, State governmental agencies, or other persons of the resident's choice, free from restraint, interference, coercion, or discrimination and without threat of discharge or reprisal in any form or manner whatsoever. Every facility licensed under the Act shall have a written internal grievance procedure that, at a minimum:*

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- 1) sets forth the process to be followed;
  - 2) specifies time limits, including time limits for facility response;
  - 3) informs residents of their right to have the assistance of an advocate;
  - 4) provides for a timely response within 25 days by an impartial and nonaffiliated third party, including, but not limited to, the Long-Term Care Ombudsman, if the grievance is not otherwise resolved by the facility;
  - 5) requires the facility to follow applicable State and federal requirements for responding to and reporting any grievance alleging potential abuse, neglect, misappropriation of resident property, or exploitation; and
  - 6) requires the facility to keep a copy of all grievances, responses, and outcomes for 3 years and provide the information to the Department upon request. (Section 2-112 of the Act)
- b) *The ~~facility~~ administrator shall provide all residents or their representatives upon admission and at request with the name, address, and telephone number of the appropriate State governmental office where complaints may be lodged in language the resident can understand that must include notice of the grievance procedure of the facility or program and addresses and phone numbers for the Department's Office of Health Care Regulation and the Long-Term Care Ombudsman Program.* (Section 2-112 of the Act) Facilities shall:
- 1) Provide all residents with a list of names, addresses (mailing and email), and telephone numbers of all pertinent State regulatory and informational agencies, resident advocacy groups including, but not limited to the State Long-Term Care Ombudsman Program, the protection and advocacy agency, adult protective services where state law provides for jurisdiction in long-term care facilities, the local contact agency for information about returning to the community, and the Medicaid Fraud Control Unit; and
  - 2) Post a statement that the resident may file a complaint with the Department of Public Health concerning any suspected violation of State or federal nursing facility regulations, including but not limited to resident abuse, neglect, exploitation, misappropriation of resident property in the

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facility, non-compliance with the advance directives requirements and requests for information regarding returning to the community.

3) Information provided to residents shall be in a format and a language (including Braille) that is clear and understandable to the resident or their representative.

- c) *A person who believes that the Act or this Part may have been violated may request an investigation. The request may be submitted to the Department in writing, by telephone, by electronic means, or by personal visit. An oral complaint shall be reduced to writing by the Department. (Section 3-702(a) of the Act)*
- d) *The substance of the complaint will be provided in writing to the licensee, owner or administrator no earlier than at the commencement of the on-site inspection of the facility that takes place pursuant to the complaint. (Section 3-702(b) of the Act)*
- e) *The Department will not disclose the name of the complainant unless the complainant consents in writing to the disclosure or the investigation results in a judicial proceeding, or unless disclosure is essential to the investigation. The complainant will be given the opportunity to withdraw the complaint before disclosure. Upon the request of the complainant, the Department will permit the complainant or a representative of the complainant to accompany the person making the on-site inspection of the facility. (Section 3-702(c) of the Act)*
- f) *Upon receipt of a complaint, the Department will determine whether the Act or this Part has been or is being violated. The Department will investigate all complaints alleging abuse or neglect within seven days after the receipt of the complaint except that complaints of abuse or neglect which indicate that a resident's life or safety is in imminent danger shall be investigated with 24 hours after receipt of the complaint. All other complaints shall be investigated within 30 days after the receipt of the complaint, except that, during a statewide public health emergency, as defined in the Illinois Emergency Management Agency Act, all other complaints will be investigated within appropriate time frames to the extent feasible. (Section 3-702(d) of the Act)*
- g) *The Department employees investigating a complaint will conduct a brief, informal exit conference with the facility to alert its administration of any*



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*suspected serious deficiency that poses a direct threat to the health, safety, or welfare of a resident to enable an immediate correction for the alleviation or elimination of the threat. Information and findings discussed in the brief exit conference will become a part of the investigating record but will not in any way constitute an official or final notice of violation as provided under Section 3-301 of the Act and Section 300.276 of this Part. All complaints will be classified as "an invalid report," "a valid report," or "an undetermined report." For any complaint classified as "a valid report," the Department will determine within 30 working days after any Department employee enters a facility to begin an on-site inspection if this Part or provision of the Act has been or is being violated. (Section 3-702(d) of the Act)*

- h) *In all cases, the Department will inform the complainant of its findings within ten days after its determination unless otherwise indicated by the complainant, and the complainant may direct the Department to send a copy of the findings to another person. The Department's findings may include comments or documentation provided by either the complainant or the licensee pertaining to the complaint. The Department will also notify the facility of these findings within ten days after the determination, but the name of the complainant or residents will not be disclosed in this notice to the facility. The notice of findings will include a copy of the written determination; the correction order, if any; the warning notice, if any; the inspection report; or the State licensure form on which the violation is listed. (Section 3-702(e) of the Act)*
- i) *A written determination, correction order, or warning notice concerning a complaint, together with the facility's response, will be available for public inspection, but the name of the complainant or resident will not be disclosed without their consent. (Section 3-702(f) of the Act)*
- j) *A complainant who is dissatisfied with the determination or investigation by the Department may request a hearing under subsection (k) of this Section. The facility will be given notice of the hearing and may participate in the hearing as a party. If a facility requests a hearing under subsection (k) of this Section that concerns a matter covered by a complaint, the complainant will be given written notice and may participate in the hearing as a party. A request for a hearing by either a complainant or a facility shall be submitted in writing to the Department within 30 days after the mailing of the Department's findings as described in subsection (h) of this Section. Upon receipt of the request the Department will conduct a hearing as provided under subsection (k) of this Section. (Section 3-*

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702(g) of the Act)

- k) Any person aggrieved by a decision of the Department rendered in a particular case that affects the legal rights, duties or privileges created under the Act may have the decision reviewed in accordance with Sections 3-703 through 3-712 of the Act.
  
- l) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department will issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3) Section Number: 340.1470                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 340.1470 (Transfer or Discharge) to implement Public Act 103-0320, which provides that the State Long Term Care Ombudsman shall be notified when a resident is involuntarily transferred or discharged from a facility.
- 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? Yes  

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
340.1379	New Section	48 Ill. Reg. 7676; May 24, 2024
- 11) Statement of Statewide Policy Objectives: This rulemaking is not expected to create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit their written comments regarding this rulemaking within 45 days after the date of this issue of the *Illinois Register* to:

Illinois Department of Public Health  
Attention: Tracey Trigillo, IDPH Rules Coordinator  
Director's Office, Division of Governmental Affairs

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Lincoln Plaza  
524 South 2<sup>nd</sup> Street, 6<sup>th</sup> 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: Veterans' homes
  - B) Reporting, bookkeeping or other procedures required for compliance: Facilities will have to comply with new notification requirements in the event of a resident involuntary transfer or discharge.
  - C) Types of professional skills necessary for compliance: Administrative
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2024

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340  
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section

340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1125	Alzheimer's Special Care Disclosure
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Ownership Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Determination of the Level of a Violation
340.1225	Administrative Warning
340.1230	Plans of Correction and Reports of Correction
340.1240	Calculation of Penalties (Repealed)
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1255	Supported Congregate Living Arrangement Demonstration
340.1260	Waivers

SUBPART B: POLICIES AND FACILITY RECORDS

Section

340.1300	Facility Policies
340.1305	Request for Resident Criminal History Record Information
340.1310	Admission, Retention and Discharge Policies

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- 340.1314 Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
- 340.1315 Identified Offenders
- 340.1316 Discharge Planning for Identified Offenders
- 340.1317 Transfer of an Identified Offender
- 340.1320 Disaster Preparedness
- 340.1330 Incidents and Accidents
- 340.1335 Infection Control
- 340.1337 Testing for Legionella Bacteria
- 340.1340 Facility Record Requirements
- 340.1350 Personnel Policies
- 340.1351 Whistleblower Protection
- 340.1360 Initial Health Evaluation for Employees
- 340.1370 Administrator
- 340.1375 Personnel Requirements
- 340.1376 Registry of Certified Nursing Assistants
- 340.1377 Health Care Worker Background Check
- 340.1378 Resident Attendants
- 340.1380 Contacting Local Law Enforcement

SUBPART C: RESIDENT RIGHTS

- Section
- 340.1400 Implementation of Resident Rights and Facility Responsibilities
- 340.1410 General
- 340.1420 Contract Between Resident and Facility
- 340.1430 Residents' Advisory Council
- 340.1440 Abuse and Neglect
- 340.1450 Communication and Visitation
- 340.1460 Resident's Funds
- 340.1470 Transfer or Discharge
- 340.1480 Complaint Procedures
- 340.1490 Private Right of Action
- 340.1491 Social Isolation

SUBPART D: HEALTH SERVICES

- Section
- 340.1500 Medical Care Policies

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340.1505	Medical, Nursing and Restorative Services
340.1510	Communicable Disease Policies
340.1520	Tuberculin Skin Test Procedures
340.1530	Physician Services
340.1535	Dental Programs
340.1540	Life-Sustaining Treatments
340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel
340.1570	Personal Care
340.1575	Care and Treatment of Sexual Assault Survivors
340.1580	Restraints
340.1590	Nonemergency Use of Physical Restraints
340.1600	Emergency Use of Physical Restraints
340.1610	Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620	Medication Administration (Repealed)
340.1630	Self-Administration of Medication (Renumbered)
340.1640	Vaccinations
340.1645	Language Assistance Services

## SUBPART E: MEDICATIONS

Section	
340.1650	Medication Policies and Procedures
340.1655	Compliance with Licensed Prescriber's Orders
340.1660	Administration of Medication
340.1665	Control of Medication
340.1670	Labeling and Storage of Medication
340.1675	Self-Administration of Medication

## SUBPART F: RESIDENT LIVING SERVICES

Section	
340.1700	Recreational and Activity Programs
340.1710	Social Services
340.1720	Work Programs
340.1730	Volunteer Program

## SUBPART G: RESIDENT RECORDS

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## Section

340.1800	Resident Record Requirements
340.1810	Content of Medical Records
340.1820	Records Pertaining to Resident's Property
340.1830	Retention, Transfer, and Inspection of Records
340.1840	Confidentiality of Resident's Records

## SUBPART H: FOOD SERVICE

## Section

340.1900	Food Service Staff
340.1910	Diet Orders
340.1920	Meal Planning
340.1930	Therapeutic Diets (Repealed)
340.1940	Menus and Food Records
340.1950	Food Preparation and Service
340.1960	Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,  
FURNISHINGS, EQUIPMENT AND SUPPLIES

## Section

340.2000	Maintenance
340.2010	Water Supply, Sewage Disposal and Plumbing
340.2020	Housekeeping
340.2030	Laundry Services
340.2040	Furnishings
340.2050	Equipment and Supplies

340.TABLE A	Heat Index Table/Apparent Temperature
340.TABLE B	Guidelines for the Use of Various Drugs

**AUTHORITY:** Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

**SOURCE:** Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996;



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amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870, effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg. 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006; amended at 30 Ill. Reg. 5303, effective March 2, 2006; amended at 31 Ill. Reg. 6098, effective April 3, 2007; amended at 31 Ill. Reg. 8841, effective June 6, 2007; amended at 33 Ill. Reg. 9384, effective June 17, 2009; amended at 34 Ill. Reg. 19214, effective November 23, 2010; amended at 35 Ill. Reg. 3442, effective February 14, 2011; amended at 35 Ill. Reg. 11596, effective June 29, 2011; amended at 37 Ill. Reg. 2330, effective February 4, 2013; amended at 37 Ill. Reg. 4983, effective March 29, 2013; amended at 39 Ill. Reg. 5482, effective March 25, 2015; amended at 42 Ill. Reg. 1132, effective January 5, 2018; emergency amendment at 44 Ill. Reg. 8548, effective May 5, 2020, for a maximum of 150 days; emergency repeal of emergency rule at 44 Ill. Reg. 16291, effective September 15, 2020; emergency amendment at 44 Ill. Reg. 18994, effective November 19, 2020, for a maximum of 150 days; emergency rule expired April 17, 2021; emergency amendment at 45 Ill. Reg. 425, effective December 18, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 2098, effective January 27, 2021, for the remainder of the 150 days; emergency rule as amended expired May 16, 2021; emergency amendment at 45 Ill. Reg. 5576, effective April 18, 2021, for a maximum of 150 days; emergency expired September 14, 2021; emergency amendment at 45 Ill. Reg. 6719, effective May 17, 2021, for a maximum of 150 days; emergency expired October 13, 2021; emergency amendment at 45 Ill. Reg. 11994, effective September 15, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14597, effective November 5, 2021, for the remainder of the 150 days; emergency expired February 11, 2022; emergency amendment at 45 Ill. Reg. 13725, effective October 14, 2021, for a maximum of 150 days; emergency expired March 12, 2022; emergency amendment at 45 Ill. Reg. 14039, effective October 22, 2021, for a maximum of 150 days; emergency expired March 20, 2022; emergency amendment at 46 Ill. Reg. 3297, effective February 12, 2022, for a maximum of 150 days; emergency expired July 11, 2022; emergency amendment at 46 Ill. Reg. 5357, effective March

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13, 2022, for a maximum of 150 days; emergency expired August 9, 2022; emergency amendment at 46 Ill. Reg. 5590, effective March 21, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 10504, effective June 2, 2022; emergency amendment at 46 Ill. Reg. 13432, effective July 15, 2022, for a maximum of 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 16504, effective September 19, 2022 for the remainder of the 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 18268, effective October 31, 2022, for the remainder of the 150 days; emergency expired December 11, 2022; amended at 46 Ill. Reg. 14285, effective July 27, 2022; emergency amendment at 46 Ill. Reg. 20295, effective December 12, 2022, for a maximum of 150 days; emergency expired May 10, 2023; amended at 47 Ill. Reg. 7762, effective May 17, 2023; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: RESIDENT RIGHTS

**Section 340.1470 Transfer or Discharge**

- a) *A resident may be discharged from a facility after ~~they give~~~~he or she gives~~ the administrator, a physician, or a nurse of the facility written notice of ~~their~~~~his or her~~ desire to be discharged. If a guardian has been appointed for a resident or if the resident is a minor, the resident shall be discharged upon written consent of ~~their~~~~his or her~~ guardian or if the resident is a minor, ~~the resident's~~~~his or her~~ parent unless there is a court order to the contrary. In such cases, upon the resident's discharge, the facility is relieved from any responsibility for the resident's care, safety or well-being. (Section 2-111 of the Act)*
- b) *A facility may involuntarily transfer or discharge a resident only for one or more of the following reasons:*
- 1) *for medical reasons;*
  - 2) *for the resident's physical safety;*
  - 3) *for the physical safety of other residents, the facility staff or facility visitors; or*
  - 4) *for either late payment or nonpayment for the resident's stay, except as prohibited by Titles XVIII and XIX of the federal Social Security Act. For purposes of this Section, "~~late payment~~" "~~Late Payment~~" means non-receipt of payment after submission of a bill. If payment is not received within 45 days after submission of a bill, a facility may send a notice to the*

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*resident and responsible party requesting payment within 30 days. If payment is not received within such 30 days, the facility may thereupon institute transfer or discharge proceedings by sending a notice of transfer or discharge to the resident and responsible party by registered or certified mail. The notice shall state, in addition to the requirements of Section 3-403 of the Act and subsection (e) of this Section, that the responsible party has the right to pay the amount of the bill in full up to the date the transfer or discharge is to be made and then the resident shall have the right to remain in the facility. Such payment shall terminate the transfer or discharge proceedings. This subsection (b) does not apply to those residents whose care is provided under the Illinois Public Aid Code. (Section 3-401 of the Act)*

- c) *A facility participating in the Medical Assistance Program is prohibited from failing or refusing to retain as a resident any person because ~~the resident~~~~he or she~~ is a recipient of, or an applicant for, the Medical Assistance Program under Article V of the Illinois Public Aid Code. (Section 3-401.1(a) of the Act) For the purposes of Section 3-401.1 of the Act, a recipient or applicant shall be considered a resident in the facility during any hospital stay totaling 10 days or less following a hospital admission. (Section 3-401.1(a-10) of the Act) The day on which a resident is discharged from the facility and admitted to the hospital shall be considered the first day of the 10-day~~10 day~~ period.*
- d) *Involuntary transfer or discharge of a resident from a facility shall be preceded by the discussion required under Section 3-408 of the Act~~of the Act~~ and subsection (j) of this Section and by a minimum written notice of 21 days, except in one of the following instances:*
- 1) *When an emergency transfer or discharge is ordered by the resident's attending physician because of the resident's health care needs. The State Long Term Care Ombudsman shall be notified at the time of the emergency transfer or discharge; (Section 3-402(a) of the Act)*
  - 2) *When the transfer or discharge is mandated by the physical safety of other residents, the facility staff, or facility visitors as documented in the clinical record. The Department and the State Long Term Care Ombudsman shall be notified prior to any such involuntary transfer or discharge. The Department will immediately offer transfer, or discharge and relocation assistance to residents transferred or discharged under this subsection (d),*

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*and the Department may place relocation teams as provided in Section 3-419 of the Act; or (Section 3-402(b) of the Act)*

- 3) *When an identified offender is within the provisional admission period defined in Section 1-120.3 of the Act and Section 340.1000 of this Part. If the Identified Offender Report and Recommendation prepared under Section 2-201.6 of the Act shows that the identified offender poses a serious threat or danger to the physical safety of other residents, the facility staff, or facility visitors in the admitting facility, and the facility determines that it is unable to provide a safe environment for the other residents, the facility staff, or facility visitors, the facility shall transfer or discharge the identified offender within 3 days after its receipt of the Identified Offender Report and Recommendation. (Section 3-402(c) of the Act)*
- e) For transfer or discharge made under subsection (d), the notice of transfer or discharge shall be made as soon as practicable before the transfer or discharge. *The notice required by Section 3-402 of the Act and subsection (d) of this Section shall be on a form prescribed by the Department and shall contain all of the following:*
  - 1) *The stated reason for the proposed transfer or discharge; (Section 3-403(a) of the Act)*
  - 2) *The effective date of the proposed transfer or discharge; (Section 3-403(b) of the Act)*
  - 3) *A statement in not less than 12-point type, which reads: "You have a right to appeal the facility's decision to transfer or discharge you. If you think you should not have to leave this facility, you may file a request for a hearing with the Department of Public Health within 10 days after receiving this notice. If you request a hearing, it will be held not later than 10 days after your request, and you generally will not be transferred or discharged during that time. If the decision following the hearing is not in your favor, you generally will not be transferred or discharged prior to the expiration of 30 days following receipt of the original notice of the transfer or discharge. A form to appeal the facility's decision and to request a hearing is attached. If you have any questions, call the Department of Public Health or the State Long Term Care Ombudsman at*

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*the telephone ~~numbers~~number listed below.*"; (Section 3-403(c) of the Act)

- 4) *A hearing request form, together with a postage paid, preaddressed envelope to the Department; and* (Section 3-403(d) of the Act)
- 5) *The name, address, and telephone number of the person charged with the responsibility of supervising the transfer or discharge.* (Section 3-403(e) of the Act)
- f) *A request for a hearing made under Section 3-403 of the Act and subsection (e) of this Section shall stay a transfer pending a hearing or appeal of the decision, unless a condition which would have allowed transfer or discharge in less than 21 days as described under subsections (d)(1) and (2) of this Section develops in the interim.* (Section 3-404 of the Act)
- g) *A copy of the notice required by Section 3-402 of the Act and subsection (d) of this Section shall be placed in the resident's clinical record and a copy shall be transmitted to the Department, the State Long Term Care Ombudsman, the resident, and the resident's representative, ~~and, if the resident's care is paid for in whole or part through Title XIX, to the Department of Healthcare and Family Services.~~ (Section 3-405 of the Act)*
- h) *When the basis for an involuntary transfer or discharge is the result of an action by the Department of Healthcare and Family Services with respect to a recipient of Title XIX and a hearing request is filed with the Department of Healthcare and Family Services, the 21-day written notice period shall not begin until a final decision in the matter is rendered by the Department of Healthcare and Family Services or a court of competent jurisdiction and notice of that final decision is received by the resident and the facility.* (Section 3-406 of the Act)
- i) *When nonpayment is the basis for involuntary transfer or discharge, the resident shall have the right to redeem up to the date that the discharge or transfer is to be made and then shall have the right to remain in the facility.* (Section 3-407 of the Act)
- j) *The planned involuntary transfer or discharge shall be discussed with the resident, the resident's representative and person or agency responsible for the resident's placement, maintenance, and care in the facility. The explanation and*

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*discussion of the reasons for involuntary transfer or discharge shall include the facility administrator or other appropriate facility representative as the administrator's designee. The content of the discussion and explanation shall be summarized in writing and shall include the names of the individuals involved in the discussions. This summary shall be made a part of the resident's clinical record. (Section 3-408 of the Act)*

- k) *The facility shall offer the resident counseling services before the transfer or discharge of the resident. (Section 3-409 of the Act)*
- l) *A resident subject to involuntary transfer or discharge from a facility, the resident's guardian or if the resident is a minor, ~~the resident's his or her~~ parent shall have the opportunity to file a request for a hearing with the Department within 10 days following receipt of the written notice of the involuntary transfer or discharge by the facility. (Section 3-410 of the Act)*
- m) *The Department of Public Health, when the basis for involuntary transfer or discharge is other than action by the Department of Healthcare and Family Services with respect to the Title XIX Medicaid recipient, shall hold a hearing at the resident's facility not later than ~~10+9~~ days after a hearing request is filed, and render a decision within 14 days after the filing of the hearing request. (Section 3-411 of the Act)*
- n) *The hearing before the Department provided under Section 3-411 of the Act and subsection (m) of this Section shall be conducted as prescribed under Section ~~3-7033-703~~ of the Act. In determining whether a transfer or discharge is authorized, the burden of proof in this hearing rests on the person requesting the transfer or discharge. (Section 3-412 of the Act)*
- o) *If the Department determines that a transfer or discharge is authorized under Section 3-401 of the Act and subsection (b) of this Section, the resident shall not be required to leave the facility before the 34th day following receipt of the notice required under Section 3-402 of the Act and subsection (c) of this Section, or the 10<sup>th</sup> day following receipt of the Department's decision, whichever is later, unless a condition which would have allowed transfer or discharge in less than 21 days as described under Section 3-402 of the Act and subsections (d)(1) and (2) of this Section develops in the interim. (Section 3-413 of the Act)*
- p) *The Department of Healthcare and Family Services shall continue Title XIX*

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Medicaid funding during the appeal, transfer, or discharge period for those residents who are Title XIX recipients affected by Section 3-401 of the Act and subsection (c) of this Section. (Section 3-414 of the Act)

- q) The administrator~~Any owner~~ of a facility licensed under the Act and this Part shall give 60 days~~90 days~~ notice prior to voluntarily closing a facility or closing any part of a facility, or prior to closing any part of a facility if closing such part will require the transfer or discharge of more than 10% percent of the residents. Such notice shall be given to the Department, to the office of the State Long-Term Care Ombudsman, to any resident who must be transferred or discharged, to the resident's representative, and to a member of the resident's family, where practicable. If the Department suspends, revokes, or denies renewal of the facility's license, then notice shall be given no later than the date specified by the Department. Notice shall state the proposed date of closing and the reason for closing. The facility shall submit a closure plan to the Department for approval which shall address the process for the safe and orderly transfer of residents. The approved plan shall be included in the notice. The facility shall offer to assist the resident in securing an alternative placement and shall advise the resident on available alternatives. ~~When~~Where the resident is unable to choose an alternate placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. A facility closing in its entirety shall not admit any new residents on or after the date written notice is submitted to the Department under the Act and this Part. The facility shall comply with all applicable laws and regulations until the date of closing, including those related to transfer or discharge of residents. The Department will place a relocation team in the facility as provided under Section 3-419 of the Act. (Section 3-423 of the Act)

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Long-Term Care Assistants and Aides Training Programs Code
- 2) Code Citation: 77 Ill. Adm. Code 395
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
395.50	Amendment
395.130	Amendment
395.150	Amendment
395.155	Amendment
395.160	Amendment
395.162	Amendment
395.165	Amendment
395.170	Amendment
395.171	Amendment
395.173	Amendment
395.175	Amendment
395.190	Amendment
395.220	Amendment
395.245	Amendment
395.250	Amendment
395.260	Amendment
395.265	New Section
395.300	Amendment
395.400	Amendment
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking seeks to update the Long-Term Care Assistants and Aides Training Programs Code to align with current industry best practices for nursing assistant training programs and current Department procedures. The proposed rulemaking also provides clarifications to existing requirements for nursing assistant training programs and includes new criteria for findings of non-compliance for approved programs. The proposed rulemaking includes a new Section 395.265 to address requirements related to recertification for a certified nursing assistant whose certification has lapsed.



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The economic effect of this proposed rulemaking is unknown. Therefore, the Department will consider 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? 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
395.500	New Section	48 Ill. Reg. 8740; June 21, 2024
395.505	New Section	48 Ill. Reg. 8740; June 21, 2024

- 11) Statement of Statewide Policy Objectives: This rulemaking does 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 written comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. Written comments suggesting amendments to the rulemaking must provide the reason for the suggested amendment. An edited version of the rulemaking is acceptable if submitted with the written comments and supporting reasons. Send written comments to:

Department of Public Health  
Attention: Tracey Trigillo, Rules Coordinator  
Lincoln Plaza  
524 South 2<sup>nd</sup> Street, 6<sup>th</sup> Floor  
Springfield, IL 62701

(217) 782-1159  
dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Department-approved certified nursing assistant training program providers.

Most of the businesses that are affected by the Department of Public Health's rules fall under the definition of a small business. The Department's policy is 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: Record keeping
- C) Types of professional skills necessary for compliance: Nursing, administrative
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2024

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 395  
LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE

## SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section	
395.50	Definitions
395.55	Incorporated and Referenced Materials
395.100	Program Sponsor
395.110	Application for Program Approval
395.120	Review Process and Program Approval
395.130	Review of Approved Training Program
395.140	Inactive Status
395.150	Minimum Hours of Instruction
395.155	Train the Trainer Program (BNATP Only)
395.156	Train the Trainer Model Program (BNATP Only)
395.160	Instructor Requirements (BNATP Only)
395.162	Approved Evaluator (BNATP Only)
395.165	Program Coordinator (BNATP Only)
395.170	Program Operation (BNATP Only)
395.171	Health Care Worker Background Check
395.173	Successful Completion of the Basic Nursing Assistant Training Program
395.174	Successful Completion of the Direct Support Person Training Program
395.175	Program Notification Requirements (BNATP Only)
395.180	Department Monitoring (Repealed)
395.190	Denial, <del>Suspension</del> , and Revocation of Program Approval (BNATP Only)
395.200	Other Programs Conducted by Facilities (Repealed)
395.205	Program Sponsor (ANATP Only)
395.210	Application for Program Approval (ANATP Only)
395.215	Review Process and Program Approval (ANATP Only)
395.220	Review of Approved Program (ANATP Only)
395.225	Inactive Status (ANATP Only)
395.230	Minimum Hours of Instruction (ANATP Only)
395.235	Instructor Requirements (ANATP Only)
395.240	Program Coordinator (ANATP Only)

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- 395.245 Program Operation (ANATP Only)  
395.250 Successful Completion of the Advanced Nursing Assistant Training Program (ANATP)  
395.255 Program Notification Requirements (ANATP Only)  
395.260 Denial, ~~Suspension~~, and Revocation of Program Approval (ANATP Only)  
395.265 Recertification of Certified Nursing Assistant I or Certified Nursing Assistant II

## SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

## Section

- 395.300 Basic Nursing Assistant Training Program  
395.305 Advanced Nursing Assistant Training Program  
395.310 Developmental Disabilities Aide Training Program (Repealed)  
395.320 Direct Support Person Training Program (BNATP Only)  
395.330 Psychiatric Rehabilitation Services Aide Training Program  
395.333 Waivered Psychiatric Rehabilitation Services Aide Training Program

## SUBPART C: PROFICIENCY EXAMINATION

## Section

- 395.400 Competency Examination (BNATP Only)  
395.405 Competency Examination (ANATP Only)

**AUTHORITY:** Implementing and authorized by the Nursing Home Care Act [210 ILCS 45], the ID/DD Community Care Act [210 ILCS 47], and the MC/DD Act [210 ILCS 46].

**SOURCE:** Adopted at 13 Ill. Reg. 19474, effective December 1, 1989; amended at 17 Ill. Reg. 2984, effective February 22, 1993; emergency amendment at 20 Ill. Reg. 529, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10085, effective July 15, 1996; amended at 22 Ill. Reg. 4057, effective February 13, 1998; amended at 25 Ill. Reg. 4264, effective March 20, 2001; amended at 26 Ill. Reg. 2747, effective February 15, 2002; ; amended at 26 Ill. Reg. 14837, effective October 15, 2002; amended at 37 Ill. Reg. 10546, effective June 27, 2013; amended at 42 Ill. Reg. 6727, effective March 29, 2018; amended at 44 Ill. Reg. 3455, effective February 21, 2020; emergency amendment at 44 Ill. Reg. 5946, effective March 25, 2020, for a maximum of 150 days; emergency expired August 21, 2020; emergency amendment at 44 Ill. Reg. 7936, effective April 21, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16329, effective September 15, 2020, for the remainder of the 150 days; emergency amendment effective April 21, 2020, as amended September 15, 2020, expired September 17, 2020; emergency amendment at 44 Ill.

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Reg. 14350, effective August 24, 2020, for a maximum of 150 days; emergency amendment expired January 20, 2021; emergency amendment at 44 Ill. Reg. 16526, effective September 25, 2020 through November 2, 2020; emergency amendment at 44 Ill. Reg. 18489, effective November 3, 2020 through December 18, 2020; emergency amendment at 45 Ill. Reg. 483, effective December 19, 2020 through January 18, 2021; emergency amendment at 45 Ill. Reg. 1732, effective January 21, 2021, for a maximum of 150 days; emergency expired June 19, 2021; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

**Section 395.50 Definitions**

Ability-Centered Care – a comprehensive approach to attaining or maintaining the highest practicable physical, mental and psychosocial well-being, in which the resident's abilities and competencies are recognized and incorporated in a plan of care to adapt and modify tasks to provide for the resident's involvement at his or her maximum level.

Act – the Nursing Home Care Act [210 ILCS 45].

Activities of Daily Living or ADL – tasks performed on a day-to-day basis, including, but not limited to, eating, dressing, bathing, toileting, transferring or personal hygiene.

Advanced Nursing Assistant Training Program or ANATP – a Department-approved course curriculum that prepares individuals for certification as Certified Nursing Assistant II (CNA II).

Alzheimer's Instructor – a registered professional nurse who is approved by the Department based upon meeting the Alzheimer's Instructor requirements of Section 395.160(b) and who is also an approved clinical instructor.

ANATP Course Schedule – a course schedule for ANATP prescribed by the Department.

ANATP Instructor – a registered professional nurse who is approved by the Department based upon meeting the requirements of Section 395.235 and who is an approved evaluator in a BNATP.

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Approved Evaluator – a registered professional nurse who is an approved clinical instructor and has completed a Department-sponsored evaluator course pursuant to Section 395.162.

Approved Outside Evaluator – an Approved Evaluator who performs an evaluation of students in a training program sponsored by a long-term care facility, and who has no fiduciary connection, within 30 days before or after the evaluation, with the facility by which the student is employed.

Approved Performance Skills – tasks generally performed by certified nursing assistants (CNAs) for which competency must be demonstrated, including, but not limited to: wash hands; perform oral hygiene; shave a resident; perform nail care; perform perineal care; give a partial bath; give a shower or tub bath; make an occupied bed; dress a resident; transfer a resident to a wheelchair using a transfer belt; transfer a resident using a mechanical lift; help a resident to ambulate with a transfer belt; feed a resident; calculate intake and output; place a resident in a side-lying position; perform passive range of motion; apply and remove personal protective equipment; measure temperature, pulse and respiration; measure and record blood pressure; measure and record height; and measure and record weight.

Asepsis – a condition in which living pathogenic organisms are absent.

Basic Nursing Assistant Training Program or BNATP – a Department-approved course curriculum that prepares individuals for employment as Certified Nursing Assistants (CNAs).

Cardiopulmonary Resuscitation Instructor or CPR Instructor – a person approved by the Department, or by the Department of Human Services-Division of Developmental Disabilities and who is certified in cardiopulmonary resuscitation at the health care provider level or health care provider instructor level by a nationally recognized program, by the Department or by DHS-DD.

Care – as used in this Part, the personal, restorative or rehabilitative treatment of a resident in a health care setting by a CNA.

Certified Nursing Assistant or CNA – an individual who does not hold a professional license from the Department of Financial and Professional Regulation, or someone who volunteers to provide licensed services without pay;

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an individual who was grandfathered in, or has successfully completed the BNATP and competency examination or has met the equivalency requirements of 77 Ill. Adm. Code 300.663 (Skilled Nursing and Intermediate Care Facilities Code); an individual who provides nursing or nursing-related services for monetary compensation under the clinical supervision of a nurse; an individual who has not had a period of 24 consecutive months, since his or her most recent competency examination or the date of being grandfathered in, during which he or she did not provide nursing or nursing-related services for monetary compensation under the clinical supervision of a nurse.

Certified Nursing Assistant II or CNA II – a CNA who has met the training requirements of Section 395.305.

Classroom Environment – a designated location for didactic (theory) instruction that includes a desk or shared table with space for all students and chairs for each student, including space for each student's textbooks, workbooks, and notebooks.

Clinical Conference – a conference of short duration held during a clinical instruction to communicate information regarding direct resident care. Theory content shall not be presented.

Clinical Instruction – a teaching method used by an approved clinical instructor in a clinical setting in which the student explains and demonstrates competency of skills learned during theory instruction to a level accepted by the instructor.

Clinical Instructor (ANATP and BNATP) – a registered professional nurse who is approved by the Department based upon meeting the requirements of Section 395.235(b) (ANATP) or Section 395.160(a) (BNATP) and who is an approved evaluator. These are the minimum requirements to teach the clinical component of the ANATP and BNATP curriculum.

Competency Examination-CNA – a comprehensive multiple choice test meeting the requirements of 42 CFR 483 and administered by the Department or its designee under a contract with the Department. This examination shall be successfully completed within one year after the student's having completed the BNATP or having been deemed equivalent to a CNA through training or training and experience pursuant to 77 Ill. Adm. Code 300.663.

Competency Examination-CNA II – a comprehensive multiple choice test

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administered by the Department or its designee under a contract with the Department. This examination shall be successfully completed within one year after the student has completed the ANATP or has been deemed equivalent to a CNA II through training or training and experience pursuant to 77 Ill. Adm. Code 300.663.

Course Coordinator (CNA Training Program) – an individual in each Certified Nursing Assistant Training Program who is responsible for planning, organization, management, coordination, compliance, documentation and linkage with the Department. The Course Coordinator is not required to be an instructor.

Course Coordinator (DSP Training Program) – a designated Department of Human Services individual who is responsible for the organization, management and coordination of Direct Support Person (DSP) training. The Course Coordinator assures that training is in compliance with Department requirements, assures that required documentation is retained, and maintains linkage with the Department of Human Services. The Course Coordinator is not required to be an instructor.

Cultural Competence – the ability to interact effectively with people of different cultures.

Department – the Illinois Department of Public Health.

DHS – the Illinois Department of Human Services.

DHS-DD – the Illinois Department of Human Services-Division of Developmental Disabilities.

Direct Access Worker – any individual who routinely has access to or has the ability or potential to have access to a resident, a resident's living quarters, or a resident's financial, medical or personal records through employment or through a contract with a facility or provider. A volunteer is included if the volunteer has duties that are equivalent to the duties of an employee or contracted worker who would be a direct access worker.

Direct Care – the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting or other personal needs, including home services as defined in the Home Health, Home Services and Home Nursing Agency



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## Licensing Act.

Direct Contact – the provision of any services to a client by an individual carrying out tasks usually performed by nursing assistants or Direct Support Persons.

Direct Support Person or DSP – any person who provides habilitative care, services or support to individuals with developmental disabilities and is listed on the Department's Health Care Worker Registry as a trained DSP or DD Aide under its "Program" section. DSPs shall function under the supervision of a Qualified Intellectual Disabilities Professional (QIDP) or a nurse. Other titles often used to refer to Direct Support Persons include, but are not limited to, Developmental Disabilities (DD) Aide, Habilitation/Child Care Aides, Mental Health Technician, Program Aide or Program Technician.

Direct Support Person Training Instructor or DSP Training Instructor – an individual who meets the requirements of Section 395.160(c) and is approved by DHS.

Evidence-Based Practice – recommended nursing interventions that have been shown to be effective when tested in clinical research.

Grandfathered CNA – an individual who has previously demonstrated to the satisfaction of the State that he or she had served as a nursing assistant at one or more facilities of the same employer in the State for at least 24 consecutive months before December 19, 1989. A grandfathered CNA may also be an individual who completed a training program before July 1, 1989 that would have met the requirements to be an approved training program if the approval had been offered at that time. Since the date the individual was grandfathered in as a CNA, that individual shall not have had a period of 24 consecutive months during which the individual did not provide nursing or nursing-related services for monetary compensation under the supervision of a nurse. No additional individuals will be considered for grandfathered status.

Holistic Care – care that incorporates the whole person, i.e., physical, psychological, emotional and spiritual dimensions.

Home Health Aide – any person who meets the requirements of a CNA and provides part time and intermittent nursing services to a person in his or her residence according to a plan of treatment for illness or infirmity prescribed by a

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physician.

Interdisciplinary Team – a group of persons who represent those professions, disciplines or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician and a social worker and may include other professionals. In programs serving individuals with developmental disabilities, at least one member of the team shall be a Qualified Intellectual Disabilities Professional. The interdisciplinary team includes the resident; the resident's guardian; the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and care givers as determined by the resident's needs. Other terms often used in place of "Interdisciplinary Team" include, but are not limited to, Community Support Team (CST) or Individual Education Plan (IEP).

Laboratory Environment – a designated location for laboratory instruction that includes a minimum of one bed per five students, access to hand-washing facilities, and clinical ([laboratory](#)) instruction equipment and supplies.

Laboratory Instruction – a teaching method used during the theory section of the training program, requiring the student to demonstrate skill competencies in a supervised laboratory environment.

Lead Instructor – the theory instructor who is responsible for providing day-to-day management of the class.

Licensed Practical Nurse or LPN – a person with a valid license to practice as a licensed practical nurse under the Nurse Practice Act.

Methodologies – instructional methods by which content or curriculum information is to be presented in a BNATP, i.e., lecture, discussion, audiovisual, demonstration and group activities.

Nurse – for purposes of this Part, a registered professional nurse (RN), a licensed practical nurse (LPN), or an advanced practice registered nurse (APRN), as these titles are defined in the Nurse Practice Act.

Nursing Assistant Training and Competency Evaluation Program or NATCEP – a training and competency program consisting of an approved ANATP or BNATP,

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demonstration of required performance skills, and the written competency evaluation.

Nursing Care – activities, performed by a person licensed under the Nurse Practice Act, that carry out the diagnostic, therapeutic and rehabilitative plan prescribed by the physician; care for the resident's environment; observing symptoms and reactions; and taking necessary measures, including the delegation and supervision of tasks, to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

*Personal Care – assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual, who is incapable of maintaining a private, independent residence or who is incapable of managing his or her person whether or not a guardian has been appointed for such individual.*  
(Section 1-120 of the Act)

Person-Centered Planning – a process through which persons with disabilities and with the support of families direct the planning and allocation of resources to meet their own life vision and goals.

Person-Centered Services – an approach to care focusing on individual rights and personal preferences.

Physician – any person licensed to practice medicine in all of its branches as provided by the Medical Practice Act of 1987.

Plan of Care – a strategy of action by the interdisciplinary team to address the needs of the individual, in keeping with the core values of Person-Centered Services. Other references used in place of "Plan of Care" include, but are not limited to, Individual Service Plan, Program Plan or Individual Habilitation Plan.

Plan of Correction – a written document, subject to the Department's or to DHS-DD's approval, that addresses a situation, condition or practice constituting noncompliance by a training program. It shall include corrective actions specific to the cited deficiency, a procedure for implementation of the corrective actions, a monitoring procedure that ensures compliance with the requirements of this Part, the title of the person responsible for implementation, and the dated signature of the Program Coordinator.

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Prerequisite – A requirement of education or training prior to completing additional training. A CNA shall complete and pass a BNATP program and achieve CNA certification as a prerequisite to enrollment in an ANATP.

Probation (BNATP and ANATP) – an enforcement measure pursuant to Section 395.190 or Section 395.260, applied by the Department for noncompliance of a BNATP or ANATP, respectively.

Program – ANATP and BNATP.

Program Cluster Scores – scores associated with a student's understanding of required skills, broken down into six duty areas (clusters), as evidenced from the student's performance on the certification examination: communicating information, performing basic nursing skills, performing personal care skills, performing basic restorative skills, providing mental health and social services, and providing residents rights.

Program Cluster Scores Summary Reports – monthly, annual, and biennial reports that provide a breakdown of training programs' examination results by specific content area for the purpose of program improvement and monitoring.

Program Coordinator (BNATP and ANATP) – a registered professional nurse who is approved by the Department, based upon meeting the requirements of Section 395.165(a) or Section 395.240(a). This individual is responsible for the planning, implementation, evaluation, and overall coordination of a BNATP or ANATP.

Program Sponsor (BNATP and ANATP) – an entity that has been approved by the Department to conduct an approved BNATP or ANATP. The entity types that may be approved as a program sponsor are listed in Section 395.100 or Section 395.205.

Psychiatric Rehabilitation Services Aide or PRSA – an individual who meets the training requirements of a Psychiatric Rehabilitation Services Aide as described in Section 395.330.

Qualified Intellectual Disabilities Professional or QIDP – a person who meets the qualifications defined in 42 CFR 483.430(a).

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Quality of Care – the necessary care and services to attain or maintain the highest practicable physical, mental and psychosocial well-being, in accordance with the comprehensive assessment and plan of care.

Quality of Life – care provided in a manner and in an environment that promote maintenance or enhancement of each resident's quality of life.

Registered Professional Nurse or RN – a person with a valid license to practice as a registered professional nurse under the Nurse Practice Act.

Resident or Client – A person who is receiving medical care, personal care, maintenance, or related services and supports. The term resident is used interchangeably in this Part to mean patient, client or person as appropriate to the regulatory setting. The term resident in this Part shall not be construed in any way to restrict the meaning to those living in long-term care facilities.

Special Content Instructor – a person who is approved by the Department or DHS to teach content related to his/her area of expertise, based upon meeting the requirements of Section 395.160(e).

~~Suspension—temporary withdrawal of a program sponsor's approval to offer training program classes.~~

Syllabus (BNATP and ANATP) – a document provided to the students by the BNATP or ANATP outlining information necessary for completion of the training program; this information shall include, but is not limited to, program policies and requirements, content outline and evaluation methods.

Theory Instruction (BNATP and ANATP) – a teaching method using principles of education and learning in the classroom and laboratory environments to provide instruction to the student in accordance with the BNATP content outlined in Section 395.300 or ANATP content outlined in Section 395.305. Theory instruction includes laboratory instruction and is provided by a Theory Instructor.

Theory Instructor – a registered professional nurse who is approved by the Department based upon meeting the requirements of Section 395.160 and is an approved evaluator or a QIDP who is approved by DHS-DD based upon meeting the requirements of Section 395.160(c).

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Train the Trainer Instructor – a registered professional nurse who is approved by the Department based upon meeting the requirements of Section 395.155(f) and is an approved evaluator.

Train the Trainer Program (ANATP and BNATP) – a college-based or Department-approved program, of no fewer than 31 clock hours excluding meals and breaks, designed to prepare a registered professional nurse to teach in an ANATP or BNATP. The Program includes the Alzheimer's component and may include an approved evaluator course. The Department will approve a Train the Trainer Program based upon the Program's meeting the requirements of Section 395.155.

Training Program (ANATP and BNATP) – an approved course curriculum, conducted by a program sponsor, ~~that has not been suspended~~, for training of Certified Nursing Assistants.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.130 Review of Approved Training Program**

- a) The Department or DHS-DD will review each approved training program for renewal at least every two years.
- b) The program renewal review shall evaluate compliance with this Part and include an on-site monitoring visit, as appropriate.
- c) Determination of the need for additional on-site visits and other monitoring activities by the Department will be based upon (BNATP Only):
  - 1) The proportion of an approved training program's students who successfully complete the training program;
  - 2) The program's cluster scores summary reports;
  - 3) The nature of complaints that may warrant an investigation by the Department or by DHS-DD;
  - 4) Submission of incorrect documentation; and

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- 5) A review of noncompliance issues that resulted in probation or the ~~revocation~~suspension of program approval (see Section 395.190).

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.150 Minimum Hours of Instruction**

- a) Time frames for Basic Nursing Assistant Training Programs
- 1) Each program shall include a minimum of 120 hours of instruction, excluding breaks, meals, and any orientation to the program and clinical site. A thirty-minute uninterrupted meal break shall be provided in all programs where class times meet or exceed five continuous hours. One 15-minute break shall be provided for each class session that meets for two consecutive hours and every two hours thereafter.
  - 2) The basic program content shall be presented in a minimum time frame of ~~four~~three weeks, but cannot exceed 120 days, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
  - 3) The program shall include a minimum of ~~62~~80 hours of theory instruction, 18 hours of laboratory (skills) instruction, and 40 hours of clinical instruction.
  - 4) The program shall include a minimum of 12 hours of theory instruction related to Alzheimer's disease and other dementias, as described in Section 395.300(i), excluding breaks and; meals ~~and clinical conferences~~.
  - 5) The program shall include a minimum of four hours of theory instruction in CPR. Students shall be certified in CPR before the conclusion of the BNATP, except as provided in Section 395.300(f)(12)(I).
  - 6) The program shall include a minimum of 16 hours of training in the following areas, which shall be conducted prior to any direct contact with a resident (42 CFR 483.152(b)(1)):
    - A) Communication and interpersonal skills;

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- B) Infection control;
  - C) Safety/emergency procedures, including airway obstruction clearing procedures;
  - D) Promoting residents' independence; and
  - E) Promoting residents' rights.
- b) Time frames for Direct Support Person Training Programs
- 1) Each program shall include a minimum of 120 hours of instruction, excluding breaks, meals and any orientation to the specific policies of the employing facility.
  - 2) The basic program content shall be presented in a minimum time frame of three weeks, but cannot exceed 120 days, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
  - 3) Training shall consist of 40 hours of approved classroom instruction and at least 80 hours of approved on-the-job training.
- c) Time frame requirements for Psychiatric Rehabilitation Services Aide Training Programs
- 1) Each program shall include a minimum of 120 hours of instruction, excluding breaks, meals and any orientation to the specific policies of the employing facility.
  - 2) The basic program content shall be presented in a minimum time frame of three weeks, but cannot exceed 120 days.
  - 3) For the Health Care Skills Module only, there shall be a ratio of three hours of theory, including supervised laboratory instruction, to each hour of supervised clinical practice instruction. The other two modules shall consist of theory and supervised laboratory instruction.



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- 4) A waived program may contain fewer than 120 hours if all students are individuals who have satisfactorily completed an Illinois-approved BNATP, and have at least one year of experience in the last three years working as a nursing assistant with persons with mental illness.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.155 Train the Trainer Program (BNATP Only)**

- a) Requirements for Basic Nursing Assistant Instructor Train the Trainer Programs
  - 1) Each Train the Trainer program shall be college based or Department-approved,~~and the~~ The college shall have an active, approved BNATP.
  - 2) The Train the Trainer program shall include the Alzheimer's component and ~~shall~~may include an Approved Evaluator Workshop.
  - 3) The college shall submit an application for program approval to the Department at least 90 days prior to the scheduled start date of the initial Train the Trainer Course.
  - 4) The application shall include, at a minimum, the following documentation:
    - A) A program summary, including the philosophy and purpose of the program;
    - B) A statement that the Department's model program based on Section 395.156 is being used;
    - C) An outline of the number of hours that will be dedicated to each component of the training program, with no fewer than ~~30~~31 total hours, excluding breaks and meals. Continuing Education Units (CEUs or contact hours) shall be provided to all participants. CEUs shall be accredited by any entity accepted by the Illinois Department of Financial and Professional Regulation (IDFPR) for continuing education for registered nurses;
    - D) A schedule of any modification to the model program presentation sequence;

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- E) A course syllabus, including the minimum required assignments;
  - F) A resume describing the education, experience and qualifications of the instructor;
  - G) The method used to inform program participants of the qualifications required to become a Department-approved instructor teaching any portion of a BNATP;
  - H) A sample of the certificate of completion that will be provided to participants who have successfully completed the Train the Trainer program or an independent course for Alzheimer's.
- b) Upon review of the required documentation described in this Section, the Department will:
- 1) Request additional information, if needed;
  - 2) Mail an approval letter, including a Train the Trainer program number, to the program sponsor; or
  - 3) Mail a denial letter, stating the reasons for the denial, to the program sponsor.
- c) Subsequent Train the Trainer program schedules shall be submitted in writing to the Department 30 days prior to start of the course.
- d) An official class roster shall be submitted to the Department within ~~30~~40 working days after course completion.
- e) Any changes to course sequence shall be submitted to the Department within 30 days prior to the course's scheduled start date.
- f) An approved Train the Trainer instructor shall meet the following requirements:
- 1) Be a Department-approved instructor (pursuant to Section 395.160) for theory, clinical and Alzheimer's, and an Approved Evaluator for the BNATP;

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- 2) Have ~~two~~four years of documented ~~teaching~~ experience teaching licensed practical nurses, registered professional nurses, or nursing assistants within the last six years~~within the last six years, two of which shall be as a theory instructor in a BNATP~~; and
- 3) Have completed Department approved instructor training.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.160 Instructor Requirements (BNATP Only)**

- a) Requirements for Clinical and Theory Instructors in a BNATP
  - 1) The Department will evaluate each instructor for minimum requirements set forth in this Section and will approve or deny approval of the instructor before the instructor provides program instruction. The Program Coordinator shall submit a request for instructor approval 60 days prior to the first day of the course.
  - 2) Each theory and clinical instructor shall:
    - A) Be a registered professional nurse with an active unencumbered license in Illinois and a minimum of two years of nursing experience as a registered professional nurse;
    - B) Have successfully completed a Department-approved evaluator course prior to initial approval. Registered professional nurses possessing a Bachelor of Science in Nursing (BSN) degree or higher are exempt from this requirement. An RN may not serve as the Program Coordinator or the sole instructor in a BNATP unless the RN has two years of experience teaching in a BNATP or an accredited nurse training program or has taken a Train the Trainer course that includes~~and~~ an approved evaluator course; and
    - C) Have two years' experience as a registered professional nurse and one year of experience in one of the following areas:
      - i) Teaching theory in an accredited nurse training program or

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a nursing assistant training program;

- ii) Providing nursing care, including personal care and activities of daily living, to older adults or for chronically ill adults; or
- iii) One year of experience in the provision of long term care facility services or direct care.

D) For secondary school programs, the approved instructor shall not serve as the school nurse unless the school district can ensure no interruptions during BNATP instruction except in the case of life-threatening emergency.

- 3) Only approved clinical and approved theory instructors shall be used.
  - 4) Each theory course instructor and each clinical instructor shall have completed a Department-approved Train the Trainer program. Registered professional nurses possessing a BSN degree or higher are exempt from this requirement. An RN may not serve as the Program Coordinator or the sole instructor in a BNATP unless the RN has two years of experience teaching in a BNATP or has taken a Train the Trainer course and an approved evaluator course.
- b) Requirements for Instructors of the Alzheimer's Disease and Related Dementias (Section 395.300(i)) portions of a BNATP
- 1) Each instructor shall meet the Clinical Instructor requirements in subsection (a).
  - 2) Each instructor shall also provide documentation of completion of a Department-approved specialized workshop, course, seminar, continuing education unit, or other approved training for instruction in Alzheimer's Disease and related dementias of at least four hours or four CEU credits. Registered professional nurses who possess a BSN degree or higher are not exempt from this requirement.
- c) Requirements for Instructors in a Direct Support Person Training Program

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- 1) The Course Coordinator shall monitor the Direct Support Person Training Program and shall ensure that instructors are qualified and are instructing the program as required, and that the required documentation is maintained.
- 2) Each classroom instructor shall meet at least one of the following requirements:
  - A) Be a QIDP with at least one year of experience with developmental disabilities programs and who has successfully completed a DHS-approved QIDP Orientation Training Program;
  - B) Have a valid Illinois teaching certificate with at least one year of experience with developmental disabilities programs;
  - C) Be a community college or college instructor with at least one year of teaching experience and familiarization with developmental disabilities programs; or
  - D) Be a special content instructor with at least one year of experience in his or her field of expertise and with at least one year of experience working with individuals with developmental disabilities.
- d) Requirements for Instructors in a Psychiatric Rehabilitation Services Aide Training Program
  - 1) Each program instructor shall meet the clinical instructor requirements in subsection (a) for each module taught, approved by the Department of Human Services' Division of Mental Health.
  - 2) Instructors for the Introduction to Mental Illness and Psychiatric Rehabilitation Module and the Psychiatric Rehabilitation Skills Module shall either:
    - A) Be a community college or college instructor with at least one year of teaching experience and familiarization with programs for individuals with serious mental illness; or

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- B) Have a bachelor's degree in a mental health-related field or be a certified psychiatric nurse and have at least three years of experience providing services to persons with serious mental illness.
- 3) Instructors for the Health Care Skills Module shall be a registered professional nurse with a minimum of two years of nursing experience. Instructors shall be required to have one year of experience as an RN in one or both of the following areas:
- A) Teaching an accredited nurse training program;
- B) Caring for persons with serious mental illness through employment in a residential setting.
- e) A Special Content Instructor in an ANATP or BNATP and Direct Support Person Program shall have at least one year experience in his or her field of expertise. These would include, but not be limited to, registered professional nurses, Qualified Intellectual Disabilities Professionals, licensed practical nurses, pharmacists, dieticians, social workers, sanitarians, fire safety experts, nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech/language/hearing therapists, and resident rights experts. (See 42 CFR 483.152(a)(5)(iv).)
- f) Only Department- or DHS-DD-approved CPR instruction may be used. A CPR instructor shall provide current documentation of training at the health care provider level or health care provider instructor level from a nationally recognized~~nationally recognized~~ program. Documentation of current CPR certification at this level shall be maintained and provided to the Department or DHS-DD.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.162 Approved Evaluator (BNATP Only)**

- a) Requirements for an Approved Evaluator ~~and an Approved Outside Evaluator~~:
- 1) Shall complete a theory/clinical instructor course and meet the requirements in Section 395.160(a); and

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- 2) Shall have successfully completed a Department approved evaluator course prior to initial approval. Registered professional nurses possessing a BSN degree are qualified to teach without this course. An RN may not serve as the Program Coordinator or the sole instructor in a BNATP unless he or she has two years of experience teaching in a BNATP or has completed a Train the Trainer course and approved evaluator course.
- ~~b) For a facility-based BNATP, the program's Clinical Instructor/Approved Evaluator shall determine competencies on all approved performance skills. Selected performance skills as determined by the Department shall then be evaluated by an Approved Outside Evaluator, who shall have no fiduciary connection, within 30 days before or after the evaluation, with the facility at which the student is employed or will be employed.~~
- be) An Approved Evaluator shall have the following responsibilities:
- 1) Evaluation of performance skills in conjunction with an approved BNATP; and
- ~~2) Evaluation of performance skills as an Approved Outside Evaluator for a facility-based program; and~~
- 23) Evaluation of performance skills as part of the CNA recertification process.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.165 Program Coordinator (BNATP Only)**

- a) Requirements for Program Coordinators of a BNATP – only an approved program coordinator shall be used.
- b) A Program Coordinator of a BNATP shall be a registered professional nurse and shall meet the requirements of Sections 395.160(a)(2)(B) and 395.162(a)(2) and have the following responsibilities:
- 1) Planning, implementing, evaluating and coordinating a BNATP as required in this Part;

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- 2) Planning, implementing, evaluating and coordinating competency testing submission;
- 3) Planning, implementing, evaluating and coordinating criminal background check submission;
- 4) Completing, verifying and submitting accurate documentation as required in this Part;
- 5) Functioning as the primary contact in communications with the Department;
- 6) Formulating, implementing and communicating corrective measures as required by the Department; and
- 7) Notifying the Department, in writing and within five business days, after a change in program coordinator.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.170 Program Operation (BNATP Only)**

- a) A master schedule shall be submitted to the Department 15 business days prior to the start of the actual training program, in accordance with Section 395.110(b)(6).
- b) Any change in program content, objectives or instructors shall be submitted to the Department at least 30 days prior to program start date.
- c) Unscheduled changes in the master schedule shall be promptly reported to the Department [via email at dph.bnatp@illinois.gov](mailto:dph.bnatp@illinois.gov).
- d) A BNATP shall require each student to show competency of Department-approved performance skills by hands-on return demonstration. The performance skills evaluation shall be conducted by an Approved Evaluator. ~~If the program is facility-based, an Approved Outside Evaluator shall perform an additional evaluation of performance skills.~~
- e) The student-to-instructor ratio shall not exceed eight students per one clinical



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instructor and 16 students per one laboratory instructor unless prior approval has been received from the Department. No more than five students may be assigned to one bed in the laboratory setting.

- f) The BNATP shall provide access to medical equipment and supplies for student practice and demonstration of the required skills outlined in the model program.
- g) The classroom and laboratory environments shall be:
  - 1) Clean, with all equipment (video screens, etc.) in working order;
  - 2) Free of insects, rodents, or other vermin;
  - 3) Free of trash other than what has been produced during the course of instruction; and
  - 4) Free of food or drink, with the exception of water.
- h) All supplies required for laboratory training shall be present, clean, and available to students and instructors.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.171 Health Care Worker Background Check**

- a) A training program shall comply with the Health Care Worker Background Check Act and the Health Care Worker Background Check Code. Educational entities, other than secondary schools, shall check the Health Care Worker Registry before allowing a student to enter a training program. Students who do not have a completed fingerprint-based background check shall have one initiated before the first day of classes.
- b) A training program shall provide counseling to all individuals seeking admission to the training program concerning the Health Care Worker Background Check Act and the Health Care Worker Background Check Code. The counseling shall include, at a minimum:
  - 1) Notification that a fingerprint-based criminal history records check will be initiated before the first day of classes;

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- 2) A clear statement that a fingerprint-based criminal history records check is required for the individual to work as a direct access worker, a CNA or a Direct Support Person in Illinois; and
  - 3) A listing of those offenses in Section 25 of the Health Care Worker Background Check Act for which a conviction would disqualify the individual from finding employment as a direct access worker, a CNA or a Direct Support Person unless the individual obtained a waiver pursuant to Section 40 of the Health Care Worker Background Check Act.
- c) An individual shall not be allowed to enroll in a training program unless the individual has had:
- 1) A criminal background check that reveals no disqualifying convictions, unless a waiver has been granted; ~~and~~
  - 2) No administrative findings of abuse, neglect, or misappropriation of property; ~~and-~~
  - 3) Background checks shall be initiated before the first day of classes, but students may continue through the program, including clinical rotations, while the results of the background check are pending.
- d) An individual who is found to have a disqualifying conviction shall be immediately disenrolled from a program. If a waiver request is submitted and approved pursuant to Section 40 of the Health Care Worker Background Check Act, the individual may re-enroll.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.173 Successful Completion of the Basic Nursing Assistant Training Program**

- a) A student shall be considered to have successfully completed the BNATP when he or she has:
  - 1) Successfully completed~~Completed~~ a minimum of ~~6280~~ hours of theory, 18 hours of laboratory (skills) training, and 40 hours of clinical instruction, including the required hours of content in accordance with Section

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395.150 as evidenced by a passing grade according to the program's policies; and

- 2) Demonstrated competence in the Department-approved performance skills.
- b) A student shall pass the Department-established written competency examination.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.175 Program Notification Requirements (BNATP Only)**

The program sponsor shall submit, within 30 days after program completion, an official roster of all students who have successfully completed the training program. The official roster shall include, but not be limited to, the following required information:

- a) Student identification, including name, complete home address and Social Security number;
- b) Training program identification number;
- c) Program start and end dates;
- d) Signature, or other verification as prescribed by the Department, of the Program Instructor and Approved Evaluator, when appropriate, ~~or Curriculum Coordinator,~~ **as applicable**. (Any additional signatures are optional.)

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.190 Denial, ~~Suspension,~~ and Revocation of Program Approval (BNATP Only)**

- a) When the Department finds that a proposed program, along with any additional information and revisions that are submitted, fails to comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i) through (v), the Department will notify the sponsor in writing of denial of program approval. The notice to the sponsor shall state the reasons for the denial and the right of the sponsor to appeal the denial and to a hearing before the Department.
- b) When the Department, upon evaluation or during monitoring, finds that an

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approved program does not comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i) through (v), the Department will notify the sponsor in writing of the finding of non-compliance and the reasons for the finding.

- 1) Findings of non-compliance include, but are not limited to:
  - A) The instructor is not approved by the Department;
  - B) The instructor does not meet the requirements of Section 395.160;
  - C) The program lacks an Approved Evaluator;
  - D) The program is not conducted in accordance with the master schedule;
  - E) The official roster of students is not submitted to the Department within 30 days after program completion;
  - F) The instruction does not follow the approved curriculum;
  - G) The instruction is being held at a location other than the approved site or sites;
  - H) The program does not satisfy the requirement of 120 hours of training;
  - I) The master schedule was not received within 15 days prior to the first scheduled class day;
  - J) The program exceeds the student-to-instructor ratio at the clinical site;
  - K) The program exceeds the student-to-instructor ratio in a laboratory setting;
  - L) The laboratory environment does not meet requirements in Section 395.50;

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- M) The theory instruction site does not meet student needs for space, comfort and learning; ~~or~~
- N) There was no review of the approved training program pursuant to Section 395.130; ~~-~~
- O) Program Cluster Scores are consistently below target levels for a period of two or more consecutive years;
- P) The first-time pass rate for students on the NATCEP certification examination is below 70% for two or more consecutive years; and
- Q) Vocational programs did not submit the Illinois Board of Higher Education (IBHE) annual renewal certificate or letter.
- 2) The BNATP shall submit a written plan of correction with completion dates to address all findings of non-compliance within 10 days following receipt of the Department's notification.
- 3) A BNATP found in non-compliance may be subject to follow-up monitoring by the Department if necessary to ensure correction.
- c) When the Department determines that ~~a finding~~~~the findings~~ of non-compliance in the written notice under subsection (b) ~~has~~~~have~~ not been corrected, the Department will place the BNATP on probationary status for up to 180 days.
- 1) The Department will notify the BNATP in writing regarding probationary status; ~~including conditions of probation and the duration of the probationary period.~~
- 2) When the Department determines that ~~all~~~~the~~ findings of non-compliance in the written notice issued under subsection (b) have been corrected, the Department will remove the BNATP from probationary status.
- 3) The Department will notify the BNATP in writing when the probationary status has been lifted.
- d) ~~If~~~~When~~ the Department determines that ~~a finding~~~~the findings~~ of non-compliance in the written notice of probation issued under subsection (c) ~~has~~~~have~~ not been

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corrected, the Department will ~~suspend or~~ revoke its approval of the program.

- 1) The Department will notify the BNATP in writing regarding the ~~revocation~~suspension status, ~~including the duration of suspension~~ and conditions of reinstatement.
  - ~~2) A BNATP placed on suspension shall not conduct nursing assistant training programs until notified by the Department in writing.~~
  - ~~3) The Department will notify the BNATP in writing when the suspension has been lifted.~~
  - 24) A revoked BNATP shall not conduct nursing assistant training programs.
  - 35) When the approval of a program has been ~~suspended or~~ revoked for reasons other than 42 CFR 483.151(b)(2)(i) through (v), the program sponsor shall have a right to appeal the ~~suspension or~~ revocation and to a hearing before the Department.
- e) When the approval of a program has been denied, ~~suspended~~ or revoked for reasons other than 42 CFR 483.151(b)(2)(i) through (v), the program sponsor may submit a written appeal of the action and request for a hearing within 10 calendar days after notification of the decision to deny or, revoke ~~or suspend~~ approval. Failure to request a hearing within 30 calendar days will leave the program in a revoked status for two years. A program may apply as a new BNATP after the two-year program revocation period ends.
- f) All hearings under this Part shall be conducted in accordance with the Department's Practice and Procedure in Administrative Hearings.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.220 Review of Approved Program (ANATP Only)**

- a) The Department will review each approved program for renewal at least every two years.
- b) The program renewal review shall evaluate compliance with this Part and include, if necessary, an onsite monitoring visit.

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- c) Determination of the need of additional onsite visits and other monitoring activities by the Department will be based upon:
- 1) The proportion of an approved training program's students who successfully complete the training program;
  - 2) The program cluster scores summary reports, which are measures of performance of a BNATP or ANATP;
  - 3) The nature of complaints that may warrant investigation by the Department;
  - 4) Submission of incorrect documentation; and
  - 5) Review of noncompliance issues resulting in probation ~~or suspension~~ of program approval.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.245 Program Operation (ANATP Only)**

- a) An ANATP course schedule shall be submitted to the Department no later than 15 business days prior to the start date of each CNA II class (see Section 395.210(b)(6)).
- b) Each student enrolled in an ANATP (CNA II) program shall be active as a CNA I in good standing with two years of work history on the Health Care Worker Registry with no disqualifying convictions and no administrative findings of abuse, neglect, or theft.
- c~~b~~) Each student shall be required to demonstrate competency in the required ANATP performance skills in the laboratory environment.
- d~~e~~) The student-to-instructor ratio shall not exceed eight students per one clinical instructor and 16 students per one laboratory instructor unless prior approval has been received from the Department. No more than five students may be assigned to one bed in the laboratory setting. ~~Student to instructor maximum ratio shall be no more than 16 students to one instructor in the laboratory environment.~~

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- ed) The program shall provide access to medical equipment and supplies that allow students to practice and demonstrate required skills outlined in the model program.
- f) The classroom and laboratory environments shall be:
- 1) Clean, with all equipment (video screens, etc.) in working order;
  - 2) Free of insects, rodents, or other vermin;
  - 3) Free of trash other than what has been produced during the course of instruction; and
  - 4) Free of food or drink, with the exception of water.
- g) All supplies required for laboratory training shall be present, clean, and available to students and instructors.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.250 Successful Completion of the Advanced Nursing Assistant Training Program (ANATP)**

- a) Upon successful completion of an ANATP and successful completion of the ANATP (CNA II) certification examination, a student will be a CNA II who is active on the Illinois Department of Public Health's Health Care Worker Registry (HCWR). An ANATP (CNA II) student must be a CNA I in good standing with no disqualifying convictions and no administrative findings of abuse, neglect, or theft before enrolling in an ANATP.
- b) A student shall successfully complete all components of the ANATP, including the:
- 1) Model program content;
  - 2) Model program performance skills; and
  - 3) Program clinical practicum.



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- c) Upon successful completion of the ANATP, a student is eligible to take the Department-established written competency exam.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.260 Denial, ~~Suspension~~, and Revocation of Program Approval (ANATP Only)**

- a) **Denial of Approval of a Proposed Program**  
If the Department finds that a proposed program, along with any additional information and revisions that are submitted, fails to comply with the program requirements contained in this Part, the Department will notify the sponsor in writing of denial of program approval. The notice to the sponsor shall state the reasons for the denial, the right of the sponsor to appeal the denial, and the right to a hearing before the Department.
- b) **Noncompliance By an Approved Program**  
If the Department, upon evaluation or during monitoring, finds that an approved program does not comply with the program requirements contained in this Part, the Department will notify the sponsor in writing with a Notice of Findings of Noncompliance (Notice).
- 1) Violations that constitute noncompliance shall include, but are not limited to:
- A) The instructor is not approved by the Department;
  - B) The instructor does not meet the requirements in accordance with Section 395.235 and is not approved by IDPH;
  - C) The program is not conducted in accordance with the ANATP course schedule;
  - D) The official roster of students was not submitted to the Department within 30 days after program completion;
  - E) The instruction is not following the approved curriculum;

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- F) The instruction is being held at a location other than the approved site or sites;
  - G) The program is less than the minimum requirement of 120 hours of training (see Section 395.230(a));
  - H) The ANATP course schedule was not received within 15 days prior to the first scheduled class day without prior communication with the Department about a delay;
  - I) The program exceeds the 16-to-one student-to-instructor ratio for the laboratory environment [and/or the five-to-one student-to-bed ratio in the laboratory environment](#);
  - J) The laboratory environment does not meet requirements in Section 395.50;
  - K) There was no review of the approved training program pursuant to Section 395.220;
  - L) The program exceeds the eight-to-one student-to-instructor ratio for the clinical environment;
  - M) [The program has admitted students who are not active as a CNA I on the Health Care Worker Registry.](#)
- 2) The ANATP shall submit a written plan of correction, with completion dates, to address all findings of noncompliance within 10 business days following receipt of the Department's notification.
  - 3) The ANATP shall submit evidence of resolution of the findings of noncompliance within 30 days after the date of the ANATP plan of correction.
  - 4) An ANATP found in noncompliance may be subject to follow-up monitoring by the Department.
- c) Probation

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If the Department determines that the findings of noncompliance in the Notice (see subsection (b)) have not been corrected, the Department will issue a Notice of Probationary Status that will remain in effect until the deficiencies have been corrected and the Department has notified the ANATP that the probation is lifted.

- 1) The Notice of Probationary Status will include the conditions of, and the duration of, the probationary period up to 180 days.
- 2) If the Department determines that the findings in the Notice have been corrected during the probationary period, the Department will remove the ANATP from probationary status.
- 3) The Department will notify the ANATP in writing when the probationary status has been lifted.

d) ~~Suspension~~/Revocation

If the Department determines that the findings in the Notice have not been corrected, within 90 days after the Department has issued the Notice of Probationary Status, the Department will ~~suspend or~~ revoke its approval of the program, subject to appeal. An ANATP whose approval has been revoked shall not conduct CNA II classes.

1) ~~Suspension~~

- A) ~~The Department will issue a Notice of Suspension that includes the duration of the suspension and the conditions of reinstatement.~~
- B) ~~An ANATP placed on suspension shall not conduct CNA II classes until notified by the Department in writing that its suspension has been lifted.~~
- C) ~~The Department will notify the ANATP in writing when the suspension has been lifted.~~

2) ~~Revocation~~

~~An ANATP whose approval has been revoked shall not conduct CNA II classes.~~

e) Appeal

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If the approval of an ANATP has been denied, ~~suspended~~, or revoked, the program sponsor may submit a written appeal of the action and a request for a hearing within 10 business days after receiving notification of the action. Failure to request an appeal within 10 business days after notification will result in the immediate implementation of any sanctions, actions, probationary periods, or additional requirements originally listed in the Notice of Findings of Noncompliance.

- f) Hearings  
All hearings under this Part will be conducted in accordance with Department hearing rules (Practice and Procedure in Administrative Hearings).

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 395.265 Recertification of Certified Nursing Assistant I or Certified Nursing Assistant II**

- a) If an individual who has previously been deemed competent as a CNA (Illinois approved nurse assistant training program; grandfathered in foreign LPN/RN, military trained; nursing student; or out of state CNA), has a period of 24 consecutive months that the individual has not provided nursing or nursing-related services for pay for at least eight hours (consecutive or non-consecutive), the approved certification is revoked.
- b) CNA recertification may be accomplished by:
- 1) Successfully completing (passing) the Certified Nursing Assistant Competency Evaluation Test (certification exam).
  - 2) A CNA II shall first recertify as a CNA I. Once a CNA I certification is valid, the CNA II competency evaluation test (certification exam) may be taken.
- c) A nursing assistant whose certification has lapsed per subsection (a), may apply to retake the written competency evaluation to reinstate certification. Fees for the competency evaluation shall be paid before the lapsed nursing assistant may take the exam.

(Source: Added at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

**Section 395.300 Basic Nursing Assistant Training Program**

The BNATP shall include, at a minimum, the following:

- a) Module I – Introduction to Health Care
  - 1) Functions of Health Care Organizations. Objectives: upon completion of this unit, the student will be able to:
    - A) Describe the purposes and services of health care facilities/agencies, which include, but are not limited to, the following health care settings:
      - i) Long-term care facilities;
      - ii) Hospitals;
      - iii) Rehabilitation facilities;
      - iv) Home health agencies; and
      - v) Hospice care.
    - B) Person-Directed Care Across All Settings. Objectives: upon completion of the unit, the student will be able to:
      - i) Explain the philosophy of person-directed care;
      - ii) Discuss the concepts of person-directed care, which are self-determination, individual needs, ability focused, person before task, individualized choices, relationship building, holistic focused, and spontaneous activities;
      - iii) Contrast person-directed care with task-centered care;

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- iv) Explain how the CNA can apply the concepts to provide person-directed care; and
  - v) Discuss the impact of a person-directed care model on those involved, including caregiver, elders and the health care facility.
- 2) The Interdisciplinary Team. Objectives: upon completion of this unit, the student will be able to:
- A) Discuss the purpose of the Interdisciplinary Team;
  - B) Describe ways to enhance the ability of the Interdisciplinary Team to accomplish its purpose;
  - C) Describe the role of each member of the Interdisciplinary Team;
  - D) Examine ways in which a CNA can become an effective team member; and
  - E) Discuss the crucial role of the CNA with the health care team.
- 3) The CNA Role Across Health Care Settings. Objectives: upon completion of this unit, the student will be able to:
- A) Demonstrate professional behaviors expected of a CNA in appearance and behaviors;
  - B) Describe work ethics for CNAs, including qualities, legal implications and ethical behaviors;
  - C) Identify competency standards in CNA practice, which include standardized testing and maintaining safety;
  - D) Discuss person-directed qualities by describing the attributes of:
    - i) An effective communicator and demonstrate effective interpersonal communication techniques;

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- ii) A resident advocate and describe methods to promote a resident's independence in decision making;
  - iii) A relationship builder and examine ways to build effective interpersonal relationships; and
  - iv) An effective team player and describe ways to promote the quality of life for persons in the CNA's care;
- E) Discuss the importance of the scope of practice for a CNA;
- F) Examine the legal limits of the CNA role;
- G) Explain the importance of a job description for a CNA;
- H) Explore the components of a CNA job description; and
- I) Discuss the importance of delegation and list the five rights of delegation:
- i) Right task;
  - ii) Right circumstance;
  - iii) Right person;
  - iv) Right direction/communication; and
  - v) Right supervision.
- 4) Nursing Assistant as a Para-professional. Objective: upon completion of this unit, the student will be able to:
- A) Discuss current State and federal regulations related to CNA certification;
  - B) Explain the requirements for maintaining CNA certification on the Health Care Worker Registry, which include accessing, updating information and maintaining certification;

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- C) Discuss the purpose of and disqualifying convictions for the Health Care Worker Background Check; and
  - D) Develop awareness of resources to enhance career development for CNAs through CNA organizations, continuing education and career ladders.
- 5) Information Sharing. Objectives: upon completion of this unit, the student will be able to:
- A) Know frequently used medical terminology and abbreviations;
  - B) Describe the purpose and list components of the health care record;
  - C) Discuss pertinent information that should be reported to the RN and give examples of observations that need to be reported immediately;
  - D) Know the legal aspects of recording in the health care record;
  - E) Discuss the requirements for recording in the health care record; and
  - F) Describe how the Interdisciplinary Team works together to develop an individualized plan of care:
    - i) Define the nursing process;
    - ii) Differentiate between the role of the CNA and the role of the ~~nurse~~RN in the nursing process;
    - iii) List the steps of the nursing process;
    - iv) Differentiate between objective and subjective information; and



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- v) Discuss the role and the responsibilities of the CNA in reporting observations, developing a plan of care, and following the person's individualized plan of care.
- b) Module II – Rights and Relationships
- 1) Rights. Objectives: upon completion of this unit, the student will be able to:
    - A) Identify basic human rights;
    - B) Discuss the importance of State and federal regulations in promoting resident rights:
      - i) Describe the purpose of the Health Insurance Portability and Accountability Act (HIPAA);
      - ii) Explain the role of the CNA in ensuring compliance with HIPAA;
      - iii) Identify resident rights according to the Omnibus Budget Reconciliation Act of 1987 (OBRA);
      - iv) Discuss how following the State and federal regulations enhances the resident's quality of life;
      - v) Discuss how following the State and federal regulations enhances the resident's quality of care; and
      - vi) Describe the purpose of the Ombudsman Program (Older Americans Act);
    - C) Identify key concepts for person-directed care and discuss ways to apply the concepts for person-directed care:
      - i) Discuss the importance, principles and methods of building relationships with residents and family. The principles include, but are not limited to, trust, respect and commitment;

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- ii) Discuss methods for building relationships;
  - iii) Discuss ways to promote care partnerships;
  - iv) Discuss strategies the CNA can use to support a culture of home;
  - v) Examine the CNA's role in promoting care partnerships;
  - vi) Differentiate between care practices that are person-directed versus an institutional model; and
  - vii) Discuss some of the limitations that the CNA may encounter focusing on person-directed care;
- D) Discuss the importance and describe the principles of culture competence:
- i) Examine ways in which the culture of an elder may differ from the culture of the caregiver, such as generational, communication, family and religious differences, and differences in customs; and
  - ii) Recognize the impact of the CNA's views and values on the care provided;
- E) Discuss abuse, neglect and theft:
- i) Describe the types of abuse, neglect and theft that occur in the health care setting;
  - ii) Discuss ways that elder abuse, neglect and theft can be prevented;
  - iii) Describe indications of abuse, neglect and theft;
  - iv) Explain the CNA's role in reporting elder abuse, neglect and theft;

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- v) Discuss requirements for reporting abuse, neglect and theft;  
and
  - vi) Discuss consequences of abusing, neglecting or stealing  
from a resident.
- 2) Holistic Care. Objectives: upon completion of this unit, the student will be able to:
- A) Explain the importance and describe the components of holistic care, which include, but are not limited to:
    - i) Physical;
    - ii) Social;
    - iii) Psychological; and
    - iv) Spiritual;
  - B) Discuss the culture of aging:
    - i) Describe the impact that physical changes may have on a person's self-image;
    - ii) Discuss the psychological effects of loss on the elder;
    - iii) Discuss the impact of aging on the family; and
    - iv) Describe how elders are viewed in society;
  - C) Describe ways in which the CNA can meet basic human needs of the elder and implement evidence-based practices to provide holistic care.
- 3) Communication. Objectives: upon completion of this unit, the student will be able to:

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- A) List the components of communication;
  - B) Describe the principles of communication;
  - C) Identify the types of communication:
    - i) Distinguish between verbal and non-verbal communication; and
    - ii) Describe the appropriate use of touch in communication;
  - D) Identify effective techniques for enhancing communication, which include, but are not limited to:
    - i) Active listening;
    - ii) Focusing on feelings;
    - iii) Providing feedback;
    - iv) Observing non-verbal clues; and
    - v) Defusing anger;
  - E) Discuss barriers to the communication process, which include, but are not limited to:
    - i) Language;
    - ii) Culture;
    - iii) Perception; and
    - iv) Situation;
  - F) Discuss the CNA's responsibility for effective communication.
- 4) Interpersonal Relationships. Objectives: upon completion of this unit, the student will be able to:

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- A) Describe professional boundaries in relationships with residents;
  - B) Discuss the importance of developing therapeutic relationships;
  - C) Discuss the importance of building relationships within the health care team; and
  - D) Describe appropriate relationship boundaries for a CNA as a member of the health care team.
- c) Module III – Infection Control in the Health Care Setting
- 1) Infection Control Issues. Objectives: upon completion of this unit, the student will be able to explain the following:
    - A) Microorganisms
      - i) List the different types of microorganisms;
      - ii) Differentiate between non-pathogens and pathogens;
      - iii) Describe the role normal flora play in resisting infection;
      - iv) Explain the importance of practicing asepsis in order to decrease a person's chance of developing a facility-acquired infection;
      - v) Identify common microbes that are drug resistant;
      - vi) Describe the implications of drug-resistant microbes; and
      - vii) List the requirements that microorganisms need for survival and growth;
    - B) Chain of infection
      - i) Explain the role that each link in the chain of infection plays in transmitting disease; and

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- ii) Identify factors that increase a person's risk of acquiring an infection;
- C) Signs and symptoms of infection
  - i) List and describe signs and symptoms of infection, which include, but are not limited to, pain, heat, redness, swelling and change in resident behavior; and
  - ii) List ways in which a CNA can prevent the spread of infection;
- D) Asepsis in health care
  - i) Differentiate between clean and sterile techniques; and
  - ii) Describe principles for medical asepsis;
- E) State and federal regulations. Discuss the role of the CNA in meeting current State and federal regulations related to infection control in health care settings;
- F) Skills in hand hygiene
  - i) Identify situations requiring hand hygiene techniques;
  - ii) Describe techniques for proper hand hygiene; and
  - iii) Demonstrate proper hand hygiene techniques;
- G) Skills in isolation techniques
  - i) Discuss the impact of isolation on a person's well-being;
  - ii) Differentiate between standard precautions and transmission-based precautions;

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- iii) Contrast nursing care for persons with each category of transmission-based precautions;
  - iv) Demonstrate procedures according to established guidelines for Personal Protective Equipment (PPE);
  - v) Select the appropriate PPE for both standard and transmission-based precautions; and
  - vi) Demonstrate the procedure of removing PPE used in isolation.
- 2) Equipment and Supplies. Objectives: upon completion of this unit, the student will be able to:
- A) Discuss methods of disinfection;
  - B) Discuss methods of sterilization; and
  - C) Explain the role of the CNA in properly caring for equipment and supplies.
- d) Module IV – Emergency Procedures
- 1) Fire Safety. Objectives: upon completion of this unit, the student will be able to:
- A) List the three main types of fire:
    - i) Oil/grease;
    - ii) Electrical; and
    - iii) Paper/wood;
  - B) List the three elements necessary for a fire;
  - C) Describe risk factors for a fire, which include, but are not limited to:

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- i) Oxygen;
  - ii) Impaired cognition;
  - iii) Electrical hazards; and
  - iv) Smoking;
- D) Explain safety precautions when oxygen is in use;
- E) Describe the responsibility of the CNA in fire prevention;
- F) Describe the actions a CNA should take in the event of a fire, including:
- i) Initial response;
  - ii) Demonstrating the proper use of a fire extinguisher; and
  - iii) Listing methods other than a fire extinguisher that may be used to extinguish a fire.
- 2) Disasters. Objectives: upon completion of this unit, the student will be able to:
- A) Describe appropriate actions of the CNA in response to natural disasters, which include, but are not limited to:
- i) Storm/tornado;
  - ii) Severe weather;
  - iii) Floods; and
  - iv) Earthquake;
- B) Describe appropriate actions of the CNA in response to man-made disasters, which include, but are not limited to:



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- i) Bomb threats; and
    - ii) Terrorist attacks;
  - C) Explain the role of the CNA in relation to emergency preparedness.
- 3) Foreign Body Airway Obstruction. Objectives: upon completion of this unit, the student will be able to:
  - A) Differentiate between partial airway obstruction and complete airway obstruction;
  - B) Demonstrate the procedures for dislodging a foreign body in:
    - i) A conscious victim; and
    - ii) An unconscious victim.
- 4) Incidents. Objectives: upon completion of this unit, the student will be able to:
  - A) Identify the responsibility of the CNA when:
    - i) Assisting a resident who has fallen;
    - ii) A resident has eloped;
    - iii) A resident has sustained a thermal injury;
    - iv) A resident has a skin tear or bruise; and
    - v) A resident has ingested a harmful substance;
  - B) Identify the role of the CNA in providing psychosocial support after an incident/emergency.

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- 5) State and Federal Regulations. Objective: upon completion of this unit, the student will be able to review current State and federal regulations pertaining to resident rights during an emergency.
- e) Module V – Injury Prevention in the Health Care Environment
- 1) Risk Management. Objectives: upon completion of this unit, the student will be able to:
    - A) Explain and discuss State and federal regulations:
      - i) Explain the role of the CNA in meeting current State and federal regulations pertaining to injury;
      - ii) Discuss the role of the Occupational Safety and Health Administration (OSHA) in relation to injury prevention; and
      - iii) Explain the purpose of the Material Safety Data Sheets;
    - B) Explain and discuss ergonomics:
      - i) Explain the importance of ergonomics to the health care worker;
      - ii) Describe risk factors for the CNA that may contribute to injury;
      - iii) Demonstrate consistent use of body mechanics while providing care;
      - iv) Explain the principles of body mechanics;
      - v) Discuss techniques to ensure proper body mechanics; and
      - vi) Describe equipment to assist in promoting proper body mechanics.

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- 2) Resident Safety. Objectives: upon completion of this unit, the student will be able to:
  - A) Discuss the importance of maintaining safety for the resident;
  - B) Identify factors in the elderly that contribute to an increased risk for injury;
  - C) Determine the CNA responsibility regarding each of the following safety issues:
    - i) Falls;
    - ii) Elopement;
    - iii) Resident identification;
    - iv) Thermal injury;
    - v) Skin tears;
    - vi) Choking; and
    - vii) Poisoning;
  - D) Explain and discuss restraint safety:
    - i) Analyze the adverse psychological and physical effects of restraining a resident;
    - ii) Explain how to maintain resident's rights when a safety device or restraint must be applied;
    - iii) Discuss the legal implications of restraint usage;
    - iv) Discuss the right of a resident not to be restrained;
    - v) Discuss industry movement toward restraint-free environments;

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- vi) Explore the various alternatives to applying restraints;
  - vii) Demonstrate application of a less restrictive alternative;
  - viii) Recognize when a device is considered a restraint; and
  - ix) Compare and contrast chemical and physical restraints with less restrictive alternatives and positioning devices;
- E) Examine the responsibilities of the CNA in maintaining resident safety in regard to:
- i) Person-directed strategy;
  - ii) Observation of actual risk and potential risk;
  - iii) Documentation; and
  - iv) Reporting.
- 3) Personal Safety. Objectives: upon completion of this unit, the student will be able to:
- A) Describe environmental factors that have an impact on personal safety in the workplace;
  - B) Explain and discuss workplace violence:
    - i) Discuss the various types of violence encountered in the work environment;
    - ii) Explain risk factors for violence in the workplace; and
    - iii) Discuss techniques to decrease the likelihood of encountering workplace violence.
- 4) Equipment Safety. Objectives: upon completion of this unit, the student will be able to:

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- A) Discuss the responsibility of the CNA for assuring safe use of equipment; and
  - B) Examine the importance of proper reporting of unsafe equipment.
- 5) Documentation. Objectives: upon completion of this unit, the student will be able to:
- A) Describe various types of documentation required when safety infractions have occurred; and
  - B) Discuss the responsibility of the CNA for documenting problems related to safety.
- f) Module VI – Care of the Resident
- 1) Resident Living Space. Objectives: upon completion of this unit, the student will be able to:
- A) Explain why a comfortable environment is important to a person's well-being;
  - B) Identify and discuss factors related to residential living space:
    - i) Identify the environmental factors that can affect a person's comfort in his or her living space; and
    - ii) Discuss the importance of personal belongings in the person's environment;
  - C) Explain and discuss the role of furniture and equipment in residential living space:
    - i) Discuss safety issues when operating a bed;
    - ii) Demonstrate how to operate a bed;
    - iii) Examine reasons for use of various bed positions;

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- iv) Demonstrate placing a hospital bed in various positions;
  - v) Explain how the over-bed table is used by the health care team and the resident;
  - vi) Demonstrate how to raise and lower the over-bed table;
  - vii) Describe how the bedside stand is used by the health care team and the resident;
  - viii) Explain why curtains and screening devices are important for the purposes of privacy;
  - ix) Identify the limitations of curtains and screening devices; and
  - x) Identify other equipment that is generally part of a resident's room;
- D) Explain the rules for proper maintenance of the resident's living space;
- E) Explain and discuss call system devices:
- i) Demonstrate prompt response to signal lights or call system devices;
  - ii) Explain various types of call systems; and
  - iii) Discuss use of alternatives if a call system fails;
- F) Explain and discuss bed making:
- i) Explain the importance of bed making for the person's comfort and well-being, encouraging personal preferences, and identifying the person's preferences when handling personal linens;

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- ii) Explain and demonstrate aseptic techniques when handling linens;
  - iii) Discuss the guidelines for making beds;
  - iv) Explain the difference between an unoccupied and occupied bed; and
  - v) Demonstrate making a closed bed an open bed and an occupied bed, according to established standards;
- G) Examine the importance of frequent observations of the resident in his/her living space, including, but not limited to:
- i) Side rails;
  - ii) Bed position;
  - iii) Call light;
  - iv) Safety alarms;
  - v) Personal items;
  - vi) Linens; and
  - vii) Personal preferences;
- H) Demonstrate consistent maintenance of resident's comfort and safety.
- 2) Admission, Transfer, Discharge. Objectives: upon completion of this unit, the student will be able to:
- A) Discuss admission procedures:
    - i) Compare and contrast admission to various types of health care settings;

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- ii) Discuss the emotional responses a person may experience when admitted to a health care facility;
  - iii) Identify the equipment needed to admit a person;
  - iv) Describe the process for admitting a person to the facility; and
  - v) Recognize the CNA's role in the care of a person being admitted;
- B) Discuss room transfers:
- i) Identify the need for room transfers;
  - ii) Discuss the emotional responses that a person may experience when transferred to a different room;
  - iii) Describe the process used to transfer a resident from one room to another;
  - iv) Recognize the CNA's role in the care of a person transferring to a different room; and
  - v) Discuss the strategies the CNA uses to support a smooth transition to another room;
- C) Discuss discharge procedures:
- i) Identify places to which a person may be discharged;
  - ii) Discuss the emotional responses a person may experience when being discharged to various facilities;
  - iii) Described the process for discharging a resident; and
  - iv) Recognize the CNA's role in the care of the person being discharged;



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- D) Demonstrate skills: height, weight:
  - i) Identify the purpose of obtaining height and weight measurements; and
  - ii) Demonstrate obtaining a person's height and weight measurements according to established standards.
  
- 3) Psychosocial Concerns. Objectives: upon completion of this unit, the student will be able to:
  - A) Explain the importance of recognizing psychosocial concerns;
  - B) Discuss psychosocial concerns common to residents;
  - C) Describe common behaviors associated with how a person is feeling;
  - D) Recognize the CNA's role in meeting the resident's psychosocial needs, which include:
    - i) Person-directed strategies;
    - ii) Observations;
    - iii) Documentation; and
    - iv) Reporting.
  
- 4) Promoting Resident Comfort and Managing Pain. Objectives: upon completion of this unit, the student will be able to:
  - A) Recognize indicators that a resident is not comfortable and the CNA's role in maintaining a person's comfort, which includes:
    - i) Person-directed strategies;
    - ii) Observations;

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- iii) Documentation; and
  - iv) Reporting;
- B) Discuss the importance of identifying when a person is experiencing pain:
- i) Recognize indicators of a person experiencing pain;
  - ii) Compare various methods used for pain level evaluation;
  - iii) Examine non-pharmacological methods a CNA may use to assist a person in managing pain, which may include massage, imagery, relaxation technique, music or pet therapy;
  - iv) Recognize the CNA's role in caring for a person experiencing pain, which includes person-directed strategies, observations, documentation and reporting.
- 5) Body Structure. Objectives: upon completion of this unit, the student will be able to explain the organization of the human body, including cells, tissue, organs and systems.
- 6) Integumentary System. Objectives: upon completion of this unit, the student will be able to:
- A) Identify the structures of the integumentary system;
  - B) Identify the functions of the integumentary system;
  - C) Discuss how changes in the skin may affect a person's life physically, psychologically and socially;
  - D) Discuss healthy skin:
    - i) Discuss the importance of maintaining healthy skin;

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- ii) Describe factors affecting the maintenance of healthy skin;  
and
  - iii) Recognize the CNA's role in promoting healthy skin;
- E) Discuss common health concerns:
- i) Identify various skin conditions, such as too moist, too dry, poor skin turgor, alterations in color, fragility and allergic reactions;
  - ii) Discuss common communicable diseases affecting the skin, such as shingles, scabies, fungal infections and pediculosis;  
and
  - iii) Discuss common injuries to the skin and examine various methods to prevent injuries, which include, but are not limited to, skin tears, contusions and burns;
- F) Discuss pressure ulcers:
- i) Identify the persons at risk for developing pressure ulcers;
  - ii) Identify the stages of pressure ulcers;
  - iii) List the sites where pressure ulcers are likely to develop;
  - iv) List the causes of pressure ulcers;
  - v) Explain interventions the CNA can take to prevent pressure ulcers;
  - vi) Describe various treatments for pressure ulcers; and
  - vii) Examine various actions taken by the CNA to care for the person with skin abnormalities;
- G) Recognize the CNA's role in preventing pressure ulcers, which includes:

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- i) Person-directed strategies;
  - ii) Observations;
  - iii) Documentation; and
  - iv) Reporting;
- H) Explain and demonstrate oral hygiene skills:
- i) Explain why oral hygiene helps meet the person's basic needs;
  - ii) Identify the supplies needed for oral hygiene;
  - iii) Demonstrate how to assist the person to brush his/her teeth, according to established standards;
  - iv) Demonstrate how to brush a person's teeth according to established standards;
  - v) Describe how to floss a person's teeth according to established standards;
  - vi) Describe special measures a CNA needs to practice when handling dentures;
  - vii) Demonstrate cleaning of dentures, according to established standards;
  - viii) Demonstrate insertion of dentures;
  - ix) Demonstrate removal of dentures;
  - x) Describe the special measures that need to be taken when providing mouth care for the unconscious resident;

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- xi) Explain when mouth care should be given to the unconscious resident;
  - xii) Describe how to perform mouth care on an unconscious resident, according to established standards; and
  - xiii) Recognize the CNA's role when providing oral hygiene;
- I) Discuss bathing skills:
- i) Explain why bathing is important for meeting basic needs;
  - ii) Identify the factors that influence the bathing method chosen by a person and the health care team;
  - iii) Discuss the bathing schedule;
  - iv) Compare various types of skin care products;
  - v) Recognize the CNA's role in the application of skin care products;
  - vi) Describe the procedural steps for various types of bathing, such as complete bed bath, partial bath, tub bath and shower;
  - vii) Perform a complete bed bath, according to established standards;
  - viii) Demonstrate giving a partial bed bath, according to established standards;
  - ix) Explain procedures used when assisting a person to take a tub bath, according to established standards;
  - x) Demonstrate procedures used when assisting a person to take a shower, according to established standards;
  - xi) Discuss alternatives to traditional bathing methods; and

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- xii) Recognize the CNA's role in bathing the resident;
- J) Discuss and identify back massage skills:
- i) Identify the purpose of a back massage; and
  - ii) Demonstrate a back massage, according to established standards;
- K) Explain and discuss perineal care skills:
- i) Explain the purpose of perineal care;
  - ii) Discuss the indications for perineal care;
  - iii) Demonstrate female and male perineal care according to established standards; and
  - iv) Recognize the role of the CNA in providing perineal care;
- L) Identify and demonstrate hair care skills:
- i) Identify the importance of providing hair care;
  - ii) Demonstrate brushing and combing hair, according to established standards;
  - iii) Explain various methods of shampooing hair; and
  - iv) Recognize the CNA's role in providing hair care;
- M) Explain and demonstrate shaving skills:
- i) Explain the importance of shaving as it relates to meeting basic needs;
  - ii) Demonstrate a shave, according to established standards; and

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- iii) Recognize the CNA's role in shaving a resident;
- N) Explain and demonstrate nail care skills:
- i) Identify the importance of nail care;
  - ii) Discuss nail care, for a person with special conditions, such as diabetes, impaired circulation and fungus;
  - iii) Demonstrate nail care, according to established standards;
  - iv) Differentiate between nail care for hands and feet; and
  - v) Recognize the CNA's role in providing nail care to the resident;
- O) Explain and demonstrate dressing and undressing skills:
- i) Identify the importance of being appropriately dressed;
  - ii) Demonstrate dressing and undressing a person, according to established standards;
  - iii) Describe special considerations, such as physical limitation, medical equipment, and special needs in dressing and undressing;
  - iv) Discuss the impact of appropriate dress on a person's quality of life and comfort; and
  - v) Recognize the CNA's role in dressing and undressing a resident;
- P) Discuss therapeutic applications:
- i) Identify various types of applications;
  - ii) Compare and contrast moist and dry applications;

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- iii) Explain the purpose and principles involved in the application of heat;
  - iv) Describe the effects of heat applications;
  - v) Explain the purpose and principles involved in the application of cold;
  - vi) Describe the effects of cold applications;
  - vii) Describe the procedure used for various applications;
  - viii) Identify a person at risk for complications associated with various applications; and
  - ix) Recognize the CNA's role in caring for a person receiving therapeutic application.
- 7) Musculoskeletal System. Objectives: upon completion of this unit, the student will be able to:
- A) Describe the structures of the musculoskeletal system, including the following:
    - i) The types of bones;
    - ii) The function and types of joints;
    - iii) The major functions of muscles; and
    - iv) The types of muscles;
  - B) Describe the functions of the musculoskeletal system;
  - C) Discuss how age-related changes in the musculoskeletal system may affect a person's life physically, psychologically and socially;



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- D) Identify the complications of immobility, including, but not limited to, contractures and atrophy;
- E) Explain the importance of preventing complications of immobility and identify interventions to prevent these complications;
- F) Identify common health concerns:
  - i) Arthritis. Identify types of arthritis and recognize the CNA's role in caring for a person with arthritis, such as person-directed strategies, observations, documentation and reporting;
  - ii) Fractures. Identify types of fractures and describe common causes of fractures, including osteoporosis; recognize the CNA's role in caring for a person in a cast or in traction, or who has had a hip fracture or hip replacement;
  - iii) Amputation. Identify common causes of amputation and describe the impact of an amputation on a person's life. Recognize the CNA's role in caring for a person with an amputation;
- G) Discuss range of motion exercise skills:
  - i) Identify the purpose of range of motion;
  - ii) Explain the safety and comfort guidelines for range of motion exercises;
  - iii) Identify types of range of motion exercises, including active, passive and active-assistive;
  - iv) Describe and demonstrate the movements of range of motion exercise, which include abduction, adduction, extension, flexion, plantar flexion, dorsi-flexion, opposition, internal rotation, external rotation, pronation and supination; and

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- v) Recognize the CNA's role in performing range of motion exercises;
- H) Discuss prosthetic and orthotic devices skills:
- i) Identify the purpose of prosthetic and orthotic devices;
  - ii) Describe the types of prosthetic and orthotic devices; and
  - iii) Describe how to apply and remove various prosthetic and orthotic devices;
- I) Discuss lifting and moving skills:
- i) Identify the principles of lifting and moving;
  - ii) Demonstrate various methods for turning a person on his/her side;
  - iii) Demonstrate various methods for moving a person to the head of the bed;
  - iv) Demonstrate various methods for moving a person to the side of the bed;
  - v) Demonstrate various types of lifts; and
  - vi) Recognize the CNA's role in lifting and moving;
- J) Discuss repositioning skills:
- i) Identify the purpose of repositioning;
  - ii) Explain the principles of repositioning;
  - iii) Demonstrate various types of positions; and
  - iv) Recognize the CNA's role in repositioning the resident;

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- K) Discuss transfer skills:
  - i) Explain the principles of transferring a person safely;
  - ii) Demonstrate various procedures for transferring a resident using a transfer/gait belt, including the proper application of a transfer/gait belt;
  - iii) Demonstrate various procedures for transferring a resident to a stretcher; and
  - iv) Recognize the CNA's role in transferring a resident;
- L) Discuss ambulating skills:
  - i) Discuss the importance of ambulation;
  - ii) Explain the principles of ambulation;
  - iii) Describe assistive devices used for ambulation, such as transfer/gait belts, walkers and canes; and
  - iv) Demonstrate various ambulation techniques and recognize the CNA's role in ambulation of a resident;
- M) Discuss transporting skills:
  - i) Explain the principles of transporting;
  - ii) Demonstrate various methods of transporting a person; and
  - iii) Recognize the CNA's role in transporting the resident.
- 8) Gastrointestinal System. Objectives: upon completion of this unit, the student will be able to:
  - A) Identify the structures of the gastrointestinal system;
  - B) Identify the functions of the gastrointestinal system;

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- C) Discuss how age-related changes in the gastrointestinal system may affect a person's life physically, psychologically and socially;
- D) Discuss basic nutrition:
  - i) Identify the importance of nutrition;
  - ii) Discuss healthy nutrition based on the daily requirements; and
  - iii) Identify basic food groups and discuss factors affecting a person's nutrition;
- E) Discuss hydration:
  - i) Identify the importance of hydration;
  - ii) Explain the principles of hydration; and
  - iii) Discuss factors affecting a person's hydration;
- F) Discuss therapeutic diets/nourishments:
  - i) Identify the purpose of therapeutic diets/nourishments;
  - ii) Explain the principles of therapeutic diets/nourishments;
  - iii) Describe the various types of therapeutic diets;
  - iv) Identify the various types of supplements and nourishments; and
  - v) Recognize the CNA's role in caring for the person receiving a therapeutic diet/nourishment;
- G) Discuss dining experience:

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- i) Identify the importance of creating a positive dining experience;
  - ii) Explain the principles involved in the dining experience;
  - iii) Describe methods of creating a person-directed dining experience;
  - iv) Discuss types of dining experiences, including restaurant style and buffet; and
  - v) Recognize the CNA's role in supporting the dining experience;
- H) Discuss assistance with the dining experience:
- i) Identify the importance of providing assistance during dining;
  - ii) Explain the principles involved in providing assistance during dining, which include positioning, prep and set up, and assistive devices;
  - iii) Demonstrate safety measures when assisting with the dining experience;
  - iv) Demonstrate assisting the person to eat according to established standards;
  - v) Demonstrate adaptations for assisting a person with special needs. Special needs may include, but are not limited to, visual and cognitive impairment;
  - vi) Discuss special concerns, such as recognizing indications of dysphagia, squirreling or pocketing of food, and aspiration;
  - vii) Demonstrate aspiration precautions; and

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- viii) Recognize the CNA's role in assisting with the dining experience;
- D) Discuss bowel elimination:
- i) Identify the characteristics of normal bowel elimination;
  - ii) Identify the resident's normal bowel habits/patterns;
  - iii) Discuss the factors affecting bowel elimination;
  - iv) Discuss how age-related changes affect bowel elimination;
  - v) Describe common health concerns association with bowel elimination, which include, but are not limited to, constipation and diarrhea;
  - vi) Recognize the CNA's role regarding bowel elimination;
  - vii) Demonstrate assisting a resident with bowel elimination procedures, which include, but are not limited to, bedpans, commodes, briefs and incontinent care, according to established standards; and
  - viii) Describe the procedures for collecting a stool specimen.
- 9) Urinary System. Objectives: upon completion of this unit, the student will be able to:
- A) Identify the structures of the urinary system;
  - B) Identify the functions of the urinary system;
  - C) Discuss how age-related changes in the urinary system may affect a person's life physically, psychologically and socially;
  - D) Describe common health concerns associated with urinary elimination, including urinary tract infection and incontinence;

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- E) Discuss intake and output:
  - i) Explain the purpose of measuring intake and output;
  - ii) Describe the guidelines for intake and output;
  - iii) Demonstrate the measurement of intake and output, according to established standards; and
  - iv) Recognize the CNA's role in caring for the person on intake and output;
  
- F) Discuss urinary elimination:
  - i) Identify characteristics of normal urinary elimination;
  - ii) Identify the person's urinary elimination habits/patterns;
  - iii) Discuss factors affecting urinary elimination;
  - iv) Demonstrate the procedure for assisting a person to use a urinal, bedpan or commode/toilet;
  - v) Describe the use of various incontinence products;
  - vi) Identify types of urinary incontinence;
  - vii) Describe methods of prevention of urinary incontinence;
  - viii) Describe the CNA's role in the care of the incontinent resident;
  - ix) Discuss the purpose of urinary catheters;
  - x) Describe the types of urinary catheters;
  - xi) Describe the CNA's role in caring for a resident with an indwelling urinary catheter;

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- xii) Describe the procedures for collecting various urinary specimens; and
  - xiii) Recognize the CNA's role in regard to urinary elimination.
- 10) The Reproductive System. Objectives: upon completion of this unit, the student will be able to:
- A) Identify the structures of the reproductive system;
  - B) Identify the functions of the reproductive system;
  - C) Discuss how age-related changes in the reproductive system may affect a person's life physically, psychologically and socially;
  - D) Differentiate between sex and sexuality, including:
    - i) Discuss promoting sexuality;
    - ii) Recognize the importance of maintaining sensitivity related to a person's sexuality; and
    - iii) Discuss ways that a person may inappropriately express sexuality and describe interventions that the CNA may use when caring for sexually aggressive residents and residents who display inappropriate sexually explicit public behaviors;
  - E) Discuss common health concerns of sexually transmitted diseases:
    - i) Define sexually transmitted diseases;
    - ii) Identify the various types of sexually transmitted diseases;
    - iii) Describe the signs and symptoms of the various sexually transmitted diseases; and
    - iv) Recognize the CNA's role in caring for a person with a sexually transmitted disease.



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- 11) The Cardiovascular System. Objectives: upon completion of this unit, the student will be able to:
- A) Identify the structures of the cardiovascular system;
  - B) Identify the functions of the cardiovascular system;
  - C) Discuss how age-related changes in the cardiovascular system may affect a person's life physically, psychologically and socially;
  - D) Identify the signs/symptoms of various cardiovascular diseases, which include, but are not limited to:
    - i) Hypertension;
    - ii) Coronary artery disease;
    - iii) Angina pectoris;
    - iv) Myocardial infarction; and
    - v) Congestive heart failure;
  - E) Recognize the CNA's role in caring for a person with a cardiovascular disease;
  - F) Discuss dietary modification related to cardiovascular diseases; and
  - G) Describe the role of the CNA in the application and removal of anti-embolism stockings (TED hose).
- 12) The Respiratory System. Objectives: upon completion of this unit, the student will be able to:
- A) Identify the structures of the respiratory system;
  - B) Identify the functions of the respiratory system;

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- C) Discuss how age-related changes in the respiratory system may affect a person's life physically, psychologically and socially;
- D) Discuss common health concerns:
  - i) Identify various types of chronic obstructive pulmonary diseases (COPD);
  - ii) Discuss the psychosocial needs of the resident with COPD;
  - iii) Describe the signs and symptoms of various respiratory illnesses, which include asthma, pneumonia and tuberculosis; and
  - iv) Recognize the CNA's role in caring for a person with a respiratory illness;
- E) Discuss oxygen therapy:
  - i) Identify the purpose of oxygen therapy;
  - ii) Explain the principles involved in oxygen therapy;
  - iii) Identify the types of oxygen delivery;
  - iv) Recognize the CNA's role in caring for a person receiving oxygen therapy;
  - v) Identify the purpose of artificial ventilation; and
  - vi) Recognize the CNA's role in caring for a person with a ventilator;
- F) Identify the purposes of sputum collection and explain the procedure used when collecting a sputum specimen;
- G) Discuss vital signs:

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- i) Identify the purpose of measuring temperature;
  - ii) Identify the types of thermometers;
  - iii) Identify sites where temperature may be measured;
  - iv) Demonstrate obtaining an oral temperature according to established standards;
  - v) Identify the purpose of measuring the pulse;
  - vi) Identify the sites where a pulse may be measured;
  - vii) Demonstrate obtaining a pulse according to established standards;
  - viii) Identify the purpose of measuring respirations;
  - ix) Discuss various respiratory patterns;
  - x) Demonstrate obtaining respiration according to established standards;
  - xi) Identify the purpose of measuring blood pressure;
  - xii) Explain the principles involved in obtaining a blood pressure;
  - xiii) Demonstrate obtaining a blood pressure according to established standards; and
  - xiv) Recognize the CNA's role in measuring vital signs;
- H) Discuss and be certified in CPR, except as provided in subsection (f)(12)(I):
- i) Discuss the purpose of performing CPR;
  - ii) Explain the principles involved in providing CPR;

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- iii) Demonstrate the performance of CPR, including one-rescuer adult, child and infant CPR and two rescuer adult, child and infant CPR;
  - iv) Demonstrate the performance of foreign airway obstruction for adult, child and infant victims; and
  - v) Recognize the CNA's role related to CPR;
- I) A student who previously has certified in CPR and whose certification is current is exempt from the requirements of subsection (f)(12)(H). [Students with CPR certification that is valid through the end of the BNATP can be given four hours of credit toward the minimum theory hours required.](#)
- 13) The Nervous System. Objectives: upon completion of this unit, the student will be able to:
- A) Identify the structures of the nervous system;
  - B) Identify the functions of the nervous system;
  - C) Discuss how age-related changes in the nervous system may affect a person's life physically, psychologically and socially;
  - D) Discuss common health concerns:
    - i) Discuss the signs and symptoms of various nervous disorders, including cerebrovascular accident, Parkinson's disease, multiple sclerosis and types of traumatic injuries;
    - ii) Identify communication problems resulting from hearing disorders;
    - iii) Discuss communication strategies when caring for a person with a hearing disorder;

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- iv) Identify special concerns associated with caring for a person with a visual disorder;
  - v) Discuss ways the CNA can promote independence of a person with a visual disorder; and
  - vi) Recognize the CNA's role in caring for a person with various nervous system disorders, including observations, critical thinking, documentation and reporting;
- E) Discuss hearing instrument skills:
- i) Identify the purpose of hearing instruments;
  - ii) Discuss the various types of hearing instruments;
  - iii) Explain the insertion and removal of the hearing instrument; and
  - iv) Recognize the CNA's role in caring for a person with a hearing instrument;
- F) Discuss visual aids skills:
- i) Identify the purpose of visual aids;
  - ii) Discuss the various types of visual aids;
  - iii) Explain the care of visual aids; and
  - iv) Recognize the CNA's role in caring for a person with visual aids;
- g) Module VII – Fundamentals of Rehabilitation/Restorative Care
- 1) Philosophy. Objectives: upon completion of this unit, the student will be able to:
    - A) Explain the philosophy of rehabilitation;

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- B) Review basic human needs;
  - C) Identify individual motivations for a person participating in rehabilitation; and
  - D) Apply holism to the philosophy of rehabilitation.
- 2) Objective: upon completion of this unit, the student will be able to discuss principles of rehabilitation.
  - 3) Objective: upon completion of this unit, the student will be able to compare and contrast rehabilitation and restorative nursing.
  - 4) Objective: upon completion of this unit, the student will be able to identify the members of the rehabilitation team.
  - 5) Objective: upon completion of this unit, the student will be able to identify State and federal regulations that have an impact on rehabilitation/restorative care.
  - 6) Objective: upon completion of this unit, the student will be able to recognize the CNA's role in providing rehabilitation/restorative care, which includes:
    - A) Importance;
    - B) Care-giving modifications;
    - C) Observations;
    - D) Reporting; and
    - E) Documentation.
  - 7) ADL Programs. Objectives: upon completion of this unit, the student will be able to:

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- A) Describe the types of ADL programs available for persons needing rehabilitation/restorative care, which include, but are not limited to:
    - i) Eating;
    - ii) Dressing/grooming;
    - iii) Mobility; and
    - iv) Communication;
  - B) Explain the purpose of ADL programs;
  - C) Discuss adaptive devices:
    - i) Describe the adaptive devices available to assist with performance of ADL;
    - ii) Explain the purpose of adaptive devices; and
    - iii) Recognize the CNA's role in caring for the person using an adaptive device, including importance, care-giving modification, observations, reporting and documentation.
- h) Module VIII – End-of-Life Care
- 1) End-of-Life Issues. Objectives: upon completion of this unit, the student will be able to:
    - A) Discuss attitudes:
      - i) Discuss the impact that spiritual and cultural beliefs have on one's attitudes; and
      - ii) Examine one's feelings about providing care for the terminally ill person;

## DEPARTMENT OF PUBLIC HEALTH

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- B) Explore legal issues associated with end-of-life care, which include, but are not limited to:
  - i) Self-determination;
  - ii) Guardianship;
  - iii) Advance directives, including the significance of living wills and power of attorney; and
  - iv) Implications of do-not-resuscitate (DNR) orders and the Physician's Order for Life Sustaining Treatment (POLST).
  
- 2) State and Federal Regulations. Objectives: upon completion of this unit, the student will be able to discuss current State and federal regulations related to end-of-life issues, such as:
  - A) Resident rights;
  - B) Resident behaviors and facility practices;
  - C) Quality of life; and
  - D) Quality of care.
  
- 3) Care of a Dying Person. Objectives: upon completion of this unit, the student will be able to:
  - A) Discuss physical aspects:
    - i) Identify the signs of approaching death;
    - ii) Discuss how to preserve the dying person's rights;
    - iii) Discuss ways to promote comfort for the dying person; and
    - iv) Recognize the CNA's role in meeting the physical needs of the dying person;



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- B) Discuss psychosocial aspects:
  - i) Discuss the importance of celebrating a person's life;
  - ii) Describe strategies to celebrate a person's life;
  - iii) Describe the grieving process as it may pertain to the dying person, friends/loved ones, and the care givers;
  - iv) Discuss various facility practices to honor deceased residents; and
  - v) Recognize the CNA's role in meeting the psychosocial needs of the dying person, which include observations, critical thinking, documentation and reporting;
- C) Discuss hospice care and palliative care:
  - i) Discuss the philosophy of hospice and palliative care;
  - ii) Discuss the goals of hospice and palliative care; and
  - iii) Describe ways that hospice and palliative care are incorporated into the plan of care.
- 4) Post-mortem Care. Objectives: upon completion of this unit, the student will be able to:
  - A) Explain the principles involved in caring for the body after death; and
  - B) Perform post-mortem care according to established facility practices.
- i) Module IX – Alzheimer's and Other Dementias
  - 1) Cognitive Impairment. Objectives: upon completion of this unit, the student will be able to:

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- A) Differentiate between normal aging and dementias;
  - B) Describe how dementias are diagnosed;
  - C) List types of reversible dementia; and
  - D) List types of non-reversible dementia.
- 2) Alzheimer's Disease. Objectives: upon completion of this unit, the student will be able to:
- A) Describe the physical changes that occur as the person progresses through Alzheimer's Disease; and
  - B) List the signs and symptoms of Alzheimer's Disease.
- 3) Impacts of Cognitive Impairments. Objectives: upon completion of this unit, the student will be able to describe the impact of cognitive impairment on society, the family and the individual.
- 4) State and Federal Regulations. Objectives: upon completion of this unit, the student will be able to discuss current State and federal regulations related to the care of the person with dementia.
- 5) Ability Centered Care:
- A) Overview. Objectives: upon completion of this unit, the student will be able to:
    - i) Discuss the philosophy of person-directed, ability-centered care;
    - ii) Describe the goals of ability-centered care;
    - iii) Discuss the importance of a team approach in caring for a person with dementia; and
    - iv) Discuss the role of the CNA in providing ability-centered care;

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- B) Therapeutic Environment. Objectives: upon completion of this unit, the student will be able to:
- i) Discuss elements of a therapeutic environment; and
  - ii) Discuss creative strategies to promote a therapeutic environment;
- C) Communication. Objectives: upon completion of this unit, the student will be able to:
- i) Describe how challenges in communication change as the person progresses through the stages of dementia;
  - ii) Discuss creative strategies to enhance communication; and
  - iii) Discuss appropriate techniques for physical touch with someone with dementia;
- D) Relationships. Objectives; upon completion of this unit, the student will be able to:
- i) Examine the importance of relationships between care givers and the person who has dementia; and
  - ii) Describe ways that the CNA can enhance his/her relationship with the person with dementia;
- E) Activities. Objectives: upon completion of this unit, the student will be able to:
- i) Discuss examples of activities appropriate for persons in different stages of dementia;
  - ii) Discuss approaches the CNA can use to engage residents in activities;

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- iii) Compare and contrast traditional versus non-traditional activities; and
  - iv) Compare and contrast structured versus spontaneous activities;
- F) Activities of Daily Living (ADL). Objectives: upon completion of this unit, the student will be able to:
- i) Discuss the purpose of restorative goals, including improving performance, maintaining abilities and preventing complications;
  - ii) Explore physical challenges, psychosocial challenges, environmental challenges and approaches to support resident's independence related to each ADL, which include, but are not limited to, dressing, bathing, grooming, oral hygiene, toileting and eating/nutritional issues.
- 6) Understanding Behaviors as Unmet Needs. Objectives: upon completion of this unit, the student will be able to:
- A) Explain the difference between symptoms and behaviors;
  - B) Describe defense mechanism/coping behaviors used to compensate for cognitive impairment;
  - C) Examine ways in which the CNA can diminish behavioral challenges;
  - D) Explore creative strategies to manage common behavioral challenges:
    - i) Purposeful wandering;
    - ii) Agitation and aggression;
    - iii) Catastrophic reaction;

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- iv) Combativeness;
  - v) Delusions/hallucinations/paranoia;
  - vi) Rummaging and hoarding;
  - vii) Sexual behavior;
  - viii) Sleep disturbances;
  - ix) Sundowning;
  - x) Wanting to go home;
  - xi) Indifference;
  - xii) Purposeful waking; and
  - xiii) Other behaviors.
- 7) Safety. Objectives: upon completion of this unit, the student will be able to:
- A) Describe challenges in maintaining the safety of the resident while supporting the resident's need to remain active. These include physical, psychosocial and environmental challenges; and
  - B) Investigate creative strategies to provide for the safety of the person with dementia.
- 8) Psychosocial Needs. Objectives: upon completion of this unit, the student will be able to:
- A) Discuss the Person with Dementia:
    - i) Describe role changes and reversals that the person with dementia experiences;
    - ii) Identify stressors;

## DEPARTMENT OF PUBLIC HEALTH

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- iii) Discuss grief and loss issues; and
  - iv) Describe coping strategies for the person with dementia, including understanding disease progression, realistic expectations and self-care;
- B) Discuss Family and Loved Ones:
- i) Describe the role changes and reversals that family members go through when a loved one has dementia;
  - ii) Describe ways to manage the stresses of caring for persons with cognitive impairment;
  - iii) Discuss grief and loss issues; and
  - iv) Discuss the psychological support that family and loved ones might need in coping with dementia;
- C) Discuss Caregivers and Staff:
- i) Identify stressors;
  - ii) Discuss grief and loss issues; and
  - iii) Describe coping strategies for those caring for persons with cognitive impairment, including understanding disease progression, realistic expectations, self-care and recognizing burnout.
- 9) Resources. Objectives: upon completion of this unit, the student will be able to identify community resources available to the following:
- A) Persons with dementia;
  - B) Families and loved ones; and
  - C) Caregivers and staff.

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(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PROFICIENCY EXAMINATION

**Section 395.400 Competency Examination (BNATP Only)**

- a) The basic nursing assistant proficiency examination will be the Department-approved written competency examination, ~~with written and performance skills components~~, developed from the curriculum outlined in Section 395.300.
- 1) The written examination will be developed from a pool of standardized written test questions, only a portion of which are used in any one examination.
  - 2) The Department will verify that the written test questions address each course requirement as specified in the modules presented in Section 395.300.
  - 3) A facility may proctor the examination but shall not score it. Scoring will be done only by the Department or its designee.
  - 4) ~~The skills demonstration part of the evaluation will require the student to exhibit the ability to perform each of the approved performance skills.~~
  - 45) A record of successful completion of the competency evaluation will be included in the Health Care Worker Registry.
- b) A student who has completed an approved BNATP shall be allowed three opportunities to pass the written competency examination within 12 months after the program completion date. Students who do not pass the competency examination after three attempts or before the twelve-month period has elapsed will be required to retake the BNATP.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3) Section Number: 692.APPENDIX A                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Department of Public Health Powers and Duties Law [20 ILCS 2310].
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to update Appendix A with respect to the federal poverty level changing from the 2023 federal poverty level to the 2024 federal poverty level, as is required by the federal funder, the United States Health Resources and Services Administration. On January 17, 2024, the United States Department of Health and Human Services posted the 2024 federal poverty level (FPL) in the *Federal Register*. The Department is updating its rules to reflect this standard. The 2024 FPL is available at: <https://www.federalregister.gov/documents/2024/01/17/2024-00796/annual-update-of-the-hhs-poverty-guidelines>.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: Federal poverty level, issued by the U.S. Department of Health and Human Services
- 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? Yes
- 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 a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. Written comments



## DEPARTMENT OF PUBLIC HEALTH

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suggesting amendments to the rulemaking must provide the reason for the suggested amendment. An edited version of the rulemaking is acceptable if submitted with the written comments and supporting reasons. Send written comments to:

Department of Public Health  
Attention: Tracey Trigillo, Rules Coordinator  
Lincoln Plaza  
524 South 2nd Street, 6<sup>th</sup> 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: 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: January 2024

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

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

PART 692  
AIDS DRUG ASSISTANCE PROGRAM

## Section

692.5	Definitions
692.6	Incorporated and Referenced Materials
692.10	Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection
692.15	Application Requirements
692.16	Non-Discrimination
692.APPENDIX A	<del>2024</del> 2023 Poverty Income Guidelines
692.APPENDIX B	Ryan White HIV/AIDS Treatment Extension Act of 2009 Sliding Fee Scale

**AUTHORITY:** Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Department of Public Health Powers and Duties Law [20 ILCS 2310].

**SOURCE:** Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14468, effective July 24, 1998; amended at 24 Ill. Reg. 11876, effective August 1, 2000; emergency amendment at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 3909, effective February 22, 2012; peremptory amendment at 37 Ill. Reg. 2563, effective February 15, 2013; emergency amendment at 37 Ill. Reg. 3899, effective March 18, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 11371, effective July 2, 2013; emergency amendment at 38 Ill. Reg. 7997, effective March 28, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17363, effective August 1, 2014; amended at 39 Ill. Reg. 9978, effective July 2, 2015; amended

DEPARTMENT OF PUBLIC HEALTH

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at 40 Ill. Reg. 9527, effective June 29, 2016; amended at 41 Ill. Reg. 10657, effective August 2, 2017; amended at 42 Ill. Reg. 13256, effective June 21, 2018; amended at 43 Ill. Reg. 6679, effective May 20, 2019; amended at 44 Ill. Reg. 15759, effective September 1, 2020; amended at 45 Ill. Reg. 9533, effective July 19, 2021; amended at 46 Ill. Reg. 14338, effective July 26, 2022; amended at 47 Ill. Reg. 9428, effective June 21, 2023; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENT

Section 692.APPENDIX A ~~2024~~2023 Poverty Income Guidelines

<del>2024</del> 2023 Health and Human Services Poverty Guidelines		
Persons in Family	100% Poverty Guideline	Maximum Gross Annual Income ADAP 300% Eligibility
1	<del>\$15,060</del> \$14,580	<del>\$45,180</del> \$43,740
2	<del>20,440</del> 19,720	<del>61,320</del> 59,160
3	<del>25,820</del> 24,860	<del>77,460</del> 74,580
4	<del>31,200</del> 30,000	<del>93,600</del> 90,000
5	<del>36,580</del> 35,140	<del>109,740</del> 105,420
6	<del>41,960</del> 40,280	<del>125,880</del> 120,840
7	<del>47,340</del> 45,420	<del>142,020</del> 136,260
8	<del>52,720</del> 50,560	<del>158,160</del> 151,680
For additional persons, add	<del>5,380</del> 5,140	<del>16,140</del> 15,420
See: Federal Register: <del>8988</del> FR <del>2961</del> 3424, January <del>17, 2024</del> 19, 2023		

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
100.2160	Amendment
100.2193	Amendment
100.2330	Amendment
- 4) Statutory Authority: Implemented by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends 100.2160 and 100.2193 to reflect new sunset dates for the Research and Development Credit and Student Assistance Contributions Credit enacted by Public Acts 103-0592 and 103-0595.  
  
This rulemaking implements the changes to the IL net loss deduction made by Public Act 103-0592 limiting the amount of losses that may be deducted to \$500,000 in tax years ending on or after December 31, 2024 and prior to December 31, 2027.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 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: These rules do not create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

## DEPARTMENT OF REVENUE

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Brian Fliflet, Deputy General Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

(217) 782-2844  
REV.GCO@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: No impact on these entities
  - B) Reporting, bookkeeping or other procedures required for compliance: Basic accounting and income tax preparation.
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2024

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

## Section

- 100.2000 Introduction
- 100.2050 Net Income (IITA Section 202)
- 100.2055 Standard Exemption (IITA Section 204)
- 100.2060 Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

## SUBPART B: CREDITS

## Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
- 100.2101 Replacement Tax Investment Credit (IITA 201(e))
- 100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
- 100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
- 100.2130 Investment Credit; High Impact Business (IITA 201(h))
- 100.2135 REV Illinois Investment Tax Credit (IITA Section 237)
- 100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
- 100.2150 Training Expense Credit (IITA 201(j))
- 100.2160 Research and Development Credit (IITA Section 201(k))
- 100.2163 Environmental Remediation Credit (IITA 201(l))
- 100.2164 Data Center Investment Credit (IITA Section 229)
- 100.2165 Education Expense Credit (IITA 201(m))
- 100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
- 100.2171 Angel Investment Credit (IITA 220)
- 100.2175 Invest in Kids Credit (IITA 224)
- 100.2179 Volunteer Emergency Worker Credit (IITA Section 234)
- 100.2180 Credit for Residential Real Property Taxes (IITA 208)
- 100.2181 Credit for Instructional Materials and Supplies (IITA Section 225)

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100.2185	Film Production Services Credit (IITA Section 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193	Student-Assistance Contributions Credit (IITA 218)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196	Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197	Foreign Tax Credit (IITA Section 601(b)(3))
100.2198	Economic Development for a Growing Economy Credit (IITA 211)
100.2199	Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

## Section

100.2200	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
100.2210	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
100.2220	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
100.2230	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
100.2240	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES  
OCCURRING ON OR AFTER DECEMBER 31, 1986

## Section

100.2300	Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986
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- (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986 (IITA Section 207)
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership
- 100.2360 Illinois Net Losses and Illinois Net Loss Deductions for Losses of Cooperatives Occurring On or After December 31, 1986 (IITA Section 203(e)(2)(F))

## SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

- Section
- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80/20 and Noncombination Rule Companies
- 100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2465 Claim of Right Repayments (IITA Section 203(a)(2)(P), (b)(2)(Q), (c)(2)(P) and (d)(2)(M))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone and River Edge Redevelopment Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

## DEPARTMENT OF REVENUE

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- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

## SUBPART F: BASE INCOME OF INDIVIDUALS

## Section

- 100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y))
- 100.2565 Subtraction for Recovery of Itemized Deductions (IITA Section 203(a)(2)(I))
- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART G: BASE INCOME OF CORPORATIONS

## Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2657 Subtraction Modification for High Impact Business Interest (IITA Section 203(b)(2)(M-1))
- 100.2665 Subtraction for Payments to an Attorney-in-Fact (IITA Section 203(b)(2)(R))
- 100.2668 Subtraction for Dividends from Controlled Foreign Corporations (IITA Section 203(b)(2)(Z))

## SUBPART H: BASE INCOME OF TRUSTS AND ESTATES

## Section

- 100.2770 Subtraction for Recovery of Itemized Deductions of a Decedent (IITA Section 203(c)(2)(W))
- 100.2775 Subtraction for Refunds of Taxes Paid to Other States for Which a Credit Was Claimed (IITA Section 203(c)(2)(X))

## SUBPART I: BASE INCOME OF PARTNERSHIPS

## Section

- 100.2850 Subtraction Modification for Personal Service Income or Reasonable Allowance for Compensation to Partners (IITA Section 203(d)(2)(H))

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

SUBPART J: GENERAL RULES OF ALLOCATION AND  
APPORTIONMENT OF BASE INCOME

## Section

100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

## SUBPART K: COMPENSATION

## Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

## SUBPART L: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

## SUBPART M: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
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Include Members Using Three-Factor and Single-Factor Formulas  
(Repealed)

**AUTHORITY:** Implementing Section 505 of the Illinois Income Tax Act [35 ILCS 5] as authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5] and Section 2505-795 of the Department of Revenue Law [20 ILCS 2505].

**SOURCE:** Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days;

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amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective

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February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015; amended at 39 Ill. Reg. 15594, effective November 18, 2015; amended at 40 Ill. Reg. 1848, effective January 5, 2016; amended at 40 Ill. Reg. 10925, effective July 29, 2016; amended at 40 Ill. Reg. 13432, effective September 7, 2016; amended at 40 Ill. Reg. 14762, effective October 12, 2016; amended at 40 Ill. Reg. 15575, effective November 2, 2016; amended at 41 Ill. Reg. 4193, effective March 27, 2017; amended at 41 Ill. Reg. 6379, effective May 22, 2017; amended at 41 Ill. Reg. 10662, effective August 3, 2017; amended at 41 Ill. Reg. 12608, effective September 21, 2017; amended at 41 Ill. Reg. 14217, effective November 7, 2017; emergency amendment at 41 Ill. Reg. 15097, effective November 30, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 4953, effective February 28, 2018; amended at 42 Ill. Reg. 6451, effective March 21, 2018; recodified Subpart H to Subpart G at 42 Ill. Reg. 7980; amended at 42 Ill. Reg. 17852, effective September 24, 2018; amended at 42 Ill. Reg. 19190, effective October 12, 2018; amended at 43 Ill. Reg. 727, effective December 18, 2018; amended at 43 Ill. Reg. 10124, effective August 27, 2019; amended at 44 Ill. Reg. 2363, effective January 17, 2020; amended at 44 Ill. Reg. 2845, effective January 30, 2020; emergency amendment at 44 Ill. Reg. 4700, effective March 4, 2020, for a maximum of 150 days; emergency expired July 31, 2020; amended at 44 Ill. Reg. 10907, effective June 10, 2020; emergency amendment at 44 Ill. Reg. 11208, effective June 17, 2020, for a maximum of 150 days; emergency expired November 13, 2020; amended at 44 Ill. Reg. 17414, effective October 13, 2020; amended at 45 Ill. Reg. 2006, effective January 29, 2021; amended at 45 Ill. Reg. 5523, effective April 15, 2021; amended at 46 Ill. Reg. 13312, effective July 12, 2022; amended at 46 Ill. Reg. 14550, effective August 2, 2022; amended at 46 Ill. Reg. 15317, effective August 24, 2022; amended at 46 Ill. Reg. 18102, effective October 26, 2022; amended

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at 47 Ill. Reg. 1402, effective January 10, 2023; amended at 47 Ill. Reg. 2093, effective January 24, 2023; amended at 47 Ill. Reg. 5726, effective April 4, 2023; amended at 47 Ill. Reg. 6030, effective April 12, 2023; amended at 47 Ill. Reg. 13669, effective September 11, 2023; emergency amendment at 47 Ill. Reg. 17214, effective November 6, 2023, for a maximum of 150 days; amended at 48 Ill. Reg. 1677, effective January 10, 2024; amended at 48 Ill. Reg. 2243, effective January 29, 2024; amended at 48 Ill. Reg. 4433, effective March 11, 2024; amended at 48 Ill. Reg. 10281, effective June 25, 2024; amended at 48 Ill. Reg. 10846, effective July 11, 2024; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: CREDITS

**Section 100.2160 Research and Development Credit (IITA Section 201(k))**

- a) *For tax years ending after July 1, 1990 and prior to December 31, 2003, and tax years ending on or after December 31, 2004 and prior to January 1, 2027, each taxpayer shall be allowed a credit against the tax imposed by IITA Section 201(a) and (b) for increasing research activities in this State. It is the intent of the General Assembly that the research and development credit under IITA Section 201(k) applies continuously for all tax years ending on or after December 31, 2004 and ending prior to ~~January 1, 2032~~ ~~January 1, 2027~~, including, but not limited to, the period beginning on January 1, 2016, the date on which the credit expired prior to enactment of PA 100-22, and ending on July 6, 2017, the effective date of PA 100-22. All actions taken in reliance on the continuation of the credit under IITA Section 201(k) by any taxpayer are hereby validated. (IITA 201(k))*
- b) *The credit allowed shall be equal to 6½% of the qualifying expenditures for increasing research activities in this State. (IITA Section 201(k))*
- c) Not all "research" will qualify for the credit. Nor will every expenditure associated with research qualify for the credit. Qualified research is defined in IRC section 41(d). Qualifying expenditures means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under IRC section 41 and which are conducted in this State.
  - 1) IRC section 41(b) defines "qualifying research expenses" as the sum of the in-house research expenses and the contract research expenses paid or incurred by the taxpayer during the taxable year in carrying on any trade or business of the taxpayer.

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- 2) Qualifying expenditures also include basic research payments. Basic research payments are defined in IRC section 41(e).
- d) Qualifying expenditures for increasing research activities in this State means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period. Qualifying expenditures for the base period means the average of the qualifying expenditures for each year in the base period.
- e) Base period means the 3 taxable years immediately preceding the taxable year for which the determination is being made. For purposes of computing the average qualifying expenditures for the base period:
  - 1) For taxable years after a taxpayer has succeeded to the tax items of a corporation under IITA Section 405(a), qualifying expenditures incurred by the corporation during the base period shall be deemed to be qualifying expenditures of the taxpayer.
  - 2) If the taxpayer incurred no qualifying expenditures during a base period year, the qualifying expenditures for that year are zero, even if the taxpayer was not in existence or conducting any business in this State during that year.
  - 3) If the taxpayer was doing business in this State for only part of a base period year, the qualifying expenditures for that year shall be equal to the qualifying expenditures actually incurred, multiplied by 365 and divided by the number of days in the portion of the taxable year during which the taxpayer was doing business in this State.
  - 4) Qualifying expenditures incurred in taxable years in which the taxpayer did not qualify for the credit, including taxable years ending on or after December 31, 2003 and prior to December 31, 2004 must be included in the computation of qualifying expenditures for the base period.
- f) *Any credit in excess of the tax liability for the taxable year may be carried forward to offset the income tax liability of the taxpayer for the next 5 years or until it has been fully utilized, whichever occurs first (IITA Section 201(k)), provided that no credit earned in a tax year ending prior to December 31, 2003*

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may be carried forward to any year ending on or after December 31, 2003. If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year is applied first. If a tax liability for the given year remains, the credit from the next earliest year is applied. Any remaining unused credit or credits can be carried forward to the next following year in which a tax liability exists. However, the credit can only be carried forward 5 years from the year in which the taxpayer incurred the expense for which the credit was given. Any unused credit is then forfeited.

- g) Combined Returns. In the case of taxpayers filing combined returns, Section 100.5270(d) details the manner in which the credit is determined.
- h) Pass-through of Credits to Partners and Subchapter S Corporation Shareholders
  - 1) For tax years beginning on and after January 1, 1999, partners and shareholders of subchapter S corporations *shall be allowed a credit under this Section to be determined in accordance with the determination of income and distributive share of income under IRC sections 702 and 704 and subchapter S of the Internal Revenue Code.* (IITA Section 201(k)) No inference shall be drawn from the enactment of PA 91-644, which expressly allows this pass-through of credits, in construing IITA Section 201(k) for tax years beginning prior to January 1, 1999.
  - 2) Repeal and re-enactment of the credit. Due to the repeal of the credit for taxable years ending on or after December 31, 2003, and the re-enactment of the credit for taxable years ending on or after December 31, 2004:
    - A) A partner or shareholder may not claim a credit passed through from a partnership or subchapter S corporation for any taxable year of the partner or shareholder ending on or after December 31, 2003 and prior to December 31, 2004, even if the credit was earned in a taxable year of the partnership or subchapter S corporation ending prior to December 31, 2003.
    - B) No credit may be earned by a partnership or subchapter S corporation for a taxable year ending on or after December 31, 2003 and prior to December 31, 2004, and passed through to a partner or shareholder, even if the partner or shareholder would

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have reported the credit for a taxable year ending on or after December 31, 2004.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 100.2193 Student-Assistance Contributions Credit (IITA 218)**

- a) For taxable years ending on or after December 31, 2009 and on or before ~~December 31, 2024~~ December 31, 2029, each taxpayer is allowed a credit against the taxes imposed under IITA Section 201(a) and (b) in an amount equal to 25% of each matching contribution made by the taxpayer during the taxable year. (See IITA Section 218(a).)
- b) Matching Contribution. For purposes of this Section, the term "matching contribution" means the total amount paid by the taxpayer during the taxable year to an individual Illinois College Savings Pool account or Illinois Prepaid Tuition Trust Fund account for the benefit of a designated beneficiary, to the extent the amount paid does not exceed the total contributions made by an employee of the taxpayer during the taxpayer's taxable year to the same account for the benefit of the same designated beneficiary.
- c) Limitation. The maximum credit allowed under IITA Section 218 and this Section with respect to any contributing employee shall not exceed \$500 per taxable year.

EXAMPLE: Taxpayer is a calendar year taxpayer. Employee A is an employee of Taxpayer for the entire 2009 calendar year. During 2009, Employee A makes contributions totaling \$6,000 each to three separate College Savings Pool accounts established for the benefit of each of Employee A's three children. During 2009, Taxpayer makes payments totaling \$2,000 each to the same three accounts. Under subsection (a) of this Section, Taxpayer would be allowed a \$500 credit for each of the three \$2,000 matching contributions made during the taxable year, for a total credit of \$1,500. However, under this subsection (c), Taxpayer may claim a maximum credit of only \$500 in respect of the total of its contributions that match contributions made by Employee A. Therefore, the allowable credit is reduced from \$1,500 to \$500.

- d) In the case of a partnership or subchapter S corporation, the credit passes through to the owners as provided in the partnership agreement under IRC Section 704(a)

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or in proportion to their ownership of the stock of the subchapter S corporation under IRC Section 1366(a). (See IITA Section 218(b).) The credit earned by a partnership or subchapter S corporation shall be treated as earned by its owners as of the last day of the taxable year of the partnership or subchapter S corporation in which the matching contribution is made, and shall be allowed to the owner in the taxable year of the owner in which the taxable year of the partnership or subchapter S corporation ends.

- e) In no event shall a credit under this Section reduce the taxpayer's liability to less than zero. *If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The tax credit shall be applied to the earliest year for which there is a tax liability. If there are credits for more than one year that are available to offset a liability, the earlier credit shall be applied first.* (IITA Section 218(c))
- f) Documentation of the Credit. A taxpayer claiming the credit allowed under IITA Section 218 and this Section must maintain records sufficient to document the date and amount of each payment made to an individual College Savings Pool account or Illinois Prepaid Tuition Trust Fund account, as well as documentation regarding the contribution the payment matches. (See IITA Section 218(d).) Documentation regarding the contribution the payment matches must include the employee's name, the account, and the amount and date of the employee's contribution.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES  
OCCURRING ON OR AFTER DECEMBER 31, 1986

**Section 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses  
Occurring On or After December 31, 1986 (IITA Section 207)**

- a) IITA Section 207(a) provides for carryover deductions of any losses that result *after applying all of the modifications provided for in Section 203(b)(2), (c)(2) and (d)(2) and the allocation and apportionment provisions of Article 3 of the Act.*
- b) Years to Which Illinois Net Losses May be Carried



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- 1) In General. Under IITA Section 207(a)(2), an Illinois net loss incurred in a tax year ending on or after December 31, 1999 and prior to December 31, 2003 may be carried back to the two preceding tax years or carried forward to the 20 succeeding tax years. Under IITA Section 207(a)(3)-(4), for any taxable year ending on or after December 31, 2003 and prior to December 31, 2021, the loss is allowed as a carryover to each of the 12 taxable years following the taxable year of the loss, provided that any such loss not having yet expired as of November 16, 2021, the effective date of Public Act 102-0669, shall be allowed as a carryover to each of the 20 taxable years following the taxable year of the loss. For any taxable year ending on or after December 31, 2021, the loss is allowed as a carryover to each of the 20 taxable years following the taxable year of the loss. For tax years ending prior to December 31, 1999, IITA Section 207(a)(1) provides that a carryback or carryover deduction is allowed in the manner allowed under Internal Revenue Code section 172. The federal rules concerning the years to which a loss may be carried are contained in IRC section 172(b) and in Treas. Reg. Sec. 1.172-4(a)(1). These rules, as now in effect or hereafter amended, are followed for Illinois income tax purposes and apply to corporations, partnerships, trusts and estates. In general, for Illinois net losses incurred in tax years beginning prior to August 6, 1997, the net loss is first carried back to the three preceding taxable years and then is carried over to the 15 succeeding taxable years. For Illinois net losses incurred in tax years beginning on or after August 6, 1997 and ending prior to December 31, 1999, the loss generally is first carried back to the two preceding tax years and then is carried forward to the 20 succeeding tax years. In taxable years ending prior to December 31, 1999, special provisions applied to regulated transportation companies, financial institutions, product liability losses and other entities or situations, and the provisions in IRC section 172(b) and the related Treasury Regulations relating to the years to which a loss incurred in one of those years may be carried are followed.
- 2) Specific Rules for Losses Incurred in Taxable Years Ending Prior to December 31, 1999. IITA Section 207(a)(1) provides that, for losses incurred in *any taxable year ending prior to December 31, 1999, the loss is allowed as a carryover or carryback deduction in the manner allowed under IRC section 172.* Pursuant to this provision:
  - A) For losses incurred in taxable years beginning prior to August 6,

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1997, a loss generally is first carried back to each of the 3 taxable years preceding the taxable year in which the loss was incurred and then to each of the 15 taxable years following the taxable year in which the loss was incurred. (From IRC section 172(b)(1)(A), as in effect prior to enactment of P.L. 105-34.)

- B) For losses incurred in taxable years beginning after August 5, 1997, a loss generally is first carried back to each of the 2 taxable years preceding the taxable year in which the loss was incurred and then to each of the 20 taxable years following the taxable year in which the loss was incurred. (From IRC section 172(b)(1)(A), as in effect after enactment of P.L. 105-34.)
- C) Special carryover periods allowed under IRC section 172(b) for specific kinds of losses or taxpayers also apply. For example:
  - i) "Specified liability losses" may be carried back to each of the 10 taxable years preceding the taxable year in which the loss was incurred. (From IRC section 172(b)(1)(C).)
  - ii) For losses incurred in taxable years beginning after December 31, 1986, and ending before January 1, 1994, bad debt losses of commercial banks may be carried back to each of the 10 taxable years preceding the taxable year in which the loss was incurred and to each of the 5 taxable years following the taxable year in which the loss was incurred. (From IRC section 172(b)(1)(D).)
- c) Election to Forgo Carryback Period
  - 1) For losses incurred in tax years ending prior to December 31, 2003, IITA Section 207(a-5)(A) allows the taxpayer to *elect to relinquish the entire carryback period with respect to the loss*. The election is made on the taxpayer's return for the taxable year in which the loss is incurred. The election may be made only on or before the due date (including extensions of time) for filing the return. If an election is made, the loss is carried forward and deducted only in years subsequent to the taxable year in which the loss was incurred. The *election, once made, is irrevocable*. (IITA Section 207(a-5)(A))

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- 2) If the election is made on any combined return filed in accordance with IITA Section 502(e), the election will be considered to be in effect for all eligible members of the combined group filing the return for the taxable year for which the election is made.
- 3) If the timely return for the taxable year reflects Illinois income and:
  - A) a finalized federal change eliminates Illinois income thereby creating an Illinois net loss for the year, the taxpayer may make the election to relinquish the entire carryback period for the Illinois net loss on an amended return or form prescribed by the Department within the 120 day time period prescribed by IITA Section 506(b); or
  - B) an Illinois audit or other Illinois change eliminates Illinois income thereby creating an Illinois net loss for the year, the taxpayer may make the election to relinquish the entire carryback period for the Illinois net loss on forms prescribed by the Department at the time the loss is first reported to Illinois.
- d) Portion of Illinois Net Loss That Is a Carryback or a Carryover to the Taxable Year in Issue. Pursuant to IITA Section 207(a-5)(B), *the entire amount of a loss is carried to the earliest taxable year to which the loss may be carried. The amount of the loss, which is carried to each of the other taxable years, is the excess, if any, of the amount of the loss over the sum of the deductions for carryback or carryover of the loss allowable for each of the prior taxable years to which the loss may be carried.* This is illustrated in the following Example.

EXAMPLE: A taxpayer that makes its return on the calendar year basis has an Illinois net loss for 1986. Under the provisions of IRC section 172(b) as in effect in that year, the entire net loss for 1986 may be carried back to 1983. The amount of the carryback to 1984 is the excess of the 1986 loss over the net income for 1983. The amount of the carryback to 1985 is the excess of the 1986 loss over the aggregate of the net incomes for 1983 and 1984. The amount of the carryover to 1987 is the excess of the 1986 loss over the aggregate of the net incomes for 1983, 1984, and 1985, etc.
- e) Carryover of Pre-12/31/86 Losses and Post-12/30/86 Losses. Net operating losses

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incurred prior to December 31, 1986, can be carried over into years in which Illinois net losses (incurred on or after December 31, 1986) are also carried. In these cases, the losses incurred in tax years ending prior to December 31, 1986 are treated as an adjustment to taxable income (i.e., before apportionment) while the losses incurred in tax years ending after December 30, 1986 are subtracted in computing Illinois net income (i.e., after apportionment). This is illustrated in the following Example.

EXAMPLE: Corporation A is a calendar year taxpayer. It has no partnership income and no nonbusiness income. In 1985, it reported a federal net operating loss of \$1,000, and on its Illinois return for 1986, it reported an Illinois net loss of \$50, neither of which could be carried back to prior years due to losses existing in those years. In 1987, A had federal taxable income (before special deductions) of \$200, and Illinois addition modifications of \$100. Corporation A would compute its Illinois net income in 1987 as follows: The \$1,000 net operating loss from 1985 would offset the \$200 of 1987 federal taxable income and would offset the \$100 of 1987 Illinois addition modifications. In 1988, Corporation A would have remaining \$700 of net operating loss carryover from 1985 and \$50 of Illinois net loss carryover from 1986.

## f) Special Rules

- 1) IITA Section 207(b) provides that *any loss determined under subsection (a) of this Section is carried back or carried forward in the same manner for purposes of both the regular income tax imposed by IITA Section 201(a) and (b) and the personal property replacement income tax imposed under IITA Section 201(c) and (d).*
- 2) For the carryforward of losses incurred prior to certain corporate or partnership reorganizations or acquisitions, see Section 100.4500.
- 3) IITA Section 207(a) provides that losses that may be carried over and deducted in other years are those losses that result after the modifications of IITA Section 203(b)(2), (c)(2) and (d)(2) are made, and after the allocation and apportionment rules of IITA Article 3 are applied. Accordingly:
  - A) No exemption allowed under IITA Section 204 is taken into account in computing a loss that may be carried over and deducted

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under IITA Section 207; and

- B) No deduction for any loss carried over pursuant to IITA Section 207 is taken into account in computing a loss that may be carried to and deducted in another taxable year under IITA Section 207.
- 4) Subchapter S Corporations and Partnerships
- A) IITA Section 207(a) allows the carryover of losses that result after the modifications of IITA Section 203(b)(2) and (d)(2) are made. IITA Section 203(b) applies to subchapter S corporations and IITA Section 203(d) applies to partnerships. Accordingly, IITA Section 207 allows subchapter S corporations and partnerships carryover deductions for losses incurred.
  - B) Neither IITA Section 207 nor IRC section 172 distinguishes between subchapter S corporations and corporations governed by subchapter C of the Internal Revenue Code. IRC section 1363(b)(2) provides that no net operating deduction allowable under IRC section 172 is allowed in the computation of taxable income of a subchapter S corporation and IRC section 1371(b) prohibits any carryforward or carryback between a taxable year in which a corporation is a subchapter S corporation and a taxable year in which it is not. Neither IRC section 1363 nor IRC section 1371 is applicable to the carryover and deduction of losses under IITA Section 207. Accordingly, subject to the other provisions of this Section, a loss incurred in a taxable year in which a corporation is a subchapter S corporation shall be carried to and deducted in any taxable year in which it is not a subchapter S corporation in the same manner as if the corporation were a subchapter S corporation in that year, and a loss incurred in a taxable year in which a corporation is not a subchapter S corporation may likewise be carried to and deducted in any taxable year in which it is a subchapter S corporation.

EXAMPLE: X Corporation is a subchapter S corporation throughout the calendar year 1998. Effective for 1999, X Corporation's subchapter S election is terminated. In 2000, X Corporation incurs an Illinois loss. Unless X Corporation elects to

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carry the loss forward only, the loss is first carried back and deducted in 1998 and only the amount of loss in excess of 1998 taxable income is carried to 1999 and subsequent years.

- C) Losses carried over pursuant to IITA Section 207 are deductible only under that Section, and that Section allows the deduction only of losses that result when the taxpayer's own taxable income is less than zero. Accordingly, no loss carried over and deducted by a partnership or subchapter S corporation in a taxable year may reduce the taxable income of any partner or shareholder of the taxpayer in that taxable year.
- 5) Suspension of Illinois Net Loss Deductions. *In the case of a corporation (other than a subchapter S corporation),*
- A) *no carryover deduction shall be*~~is~~ *allowed under IITA Section 207 for any taxable year ending after December 31, 2010 and prior to December 31, 2012;~~and~~*
- B) *no carryover deduction shall*~~may~~ *exceed \$100,000 for any taxable year ending on or after December 31, 2012 and prior to December 31, 2014, and for any taxable year ending on or after December 31, 2021 and prior to December 31, 2024; and*
- C) *no carryover deduction shall exceed \$500,000 for any taxable year ending on or after December 31, 2024 and prior to December 31, 2027.*

*For the*~~provided that, for~~ *purposes of determining the taxable years to which a net loss may be carried under IITA Section 207(a), any taxable year for which a deduction is disallowed under this subsection (f)(5), or for which the deduction would exceed \$100,000 or \$500,000, as applicable, if not for this subsection (f)(5), is not counted. (IITA Section 207(d))*

EXAMPLE: Pursuant to this subsection (f)(5), in determining the taxable years to which a loss incurred by C Corporation in its taxable year ending December 31, 2009 may be carried:

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- A) the taxable year ending December 31, 2011 is not counted even if C Corporation's net income for the year is a negative;
  - B) the taxable year ending December 31, 2012 is not counted if C Corporation's net income (before any net loss deduction) is greater than \$100,000; and
  - C) the taxable year ending December 31, 2012 is counted if C Corporation's net income (before any net loss deduction) is \$100,000 or less or is negative.
- 6) Holders of Residual Interests in Real Estate Mortgage Investment Companies (REMICs)
- A) Under IRC section 860E(a)(1), the taxable income of a holder of a residual interest in a REMIC may not be less than the amount of "excess inclusion" income from the REMIC for that taxable year. If the residual interest holder's federal net income would otherwise be less than the excess inclusion amount, the residual interest holder carries over the excess of its actual federal taxable income over the amount of its federal taxable income computed without regard to IRC section 860E(a)(1) as a net operating loss under IRC section 172.
  - B) IITA Prior to PA 97-507. Under IITA Section 207, the net loss of a taxpayer (other than an individual) for a taxable year is its taxable income for the year, as properly reportable for federal income tax purposes, after modifications in IITA Section 203(b)(2), (c)(2) and (d)(2). Under IITA Section 203(b)(2)(D) and (c)(2)(D), corporations, trusts and estates add back to their taxable income any net operating loss deduction claimed under IRC section 172 for a loss incurred in a taxable year ending on or after December 31, 1986. As a result, a corporation, trust or estate whose excess inclusion amount exceeded its federal taxable income computed without regard to IRC section 860E(a)(1) for a taxable year would receive no tax benefit from the deductions or losses that caused the excess, because those deductions or losses could not reduce its federal taxable income in the year incurred and any resulting IRC section 172 carryover deduction would need to be added back to

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taxable income in the carryover years under IITA Section 203(b)(2)(D) or (c)(2)(D).

- C) In order to allow a corporation the benefit of deductions otherwise disallowed by IRC section 860E(a)(1) and IITA Section 203(b)(2)(D) and (c)(2)(D), PA 97-507 added subsection (e) to IITA Section 207 to allow a residual interest holder an Illinois net loss carryover computed in the same manner as the federal net operating loss carryover allowed under IRC section 860E. IITA Section 207(e) provides that, *in the case of a residual interest holder in a REMIC subject to IRC section 860E, the net loss in IITA Section 207(a) is equal to:*
- i) *the amount computed under IITA Section 207(a), without regard to IITA Section 207(e) or, if that amount is positive, zero;*
  - ii) *minus an amount equal to the amount computed under IITA Section 207(a), without regard to IITA Section 207(e), minus the amount that would be computed under IITA Section 207(a) if the taxpayer's federal taxable income were computed without regard to IRC section 860E and without regard to IITA Section 207(e).*
- D) IITA Section 207(e) applies to all taxable years and is exempt from automatic sunset under IITA Section 250.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1030.1	Amendment
1030.26	Amendment
1030.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 103-782 expands and streamlines the existing program to issue identification cards to individuals upon release from a correctional institution. The program is expanded to include individuals released from federal prisons located in Illinois and Illinois county jails. It streamlines the documentation requirements for those individuals who have previously held a driver's license or identification card and individuals who have not previously held an Illinois credential but can provide a certified birth certificate. Also, previously changed language in #7 of Appendix A was amended and the language is being restored.
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1030.1	Amendment	48 Ill. Reg. 7994; May 31, 2024
1030.70	Amendment	48 Ill. Reg. 7994; May 31, 2024
1030.92	Amendment	48 Ill. Reg. 7994; May 31, 2024

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- 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 revenue.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking within 45 days from the publication date of this issue of the *Illinois Register*.  
  
Pamela Wright  
Rules Coordinator  
Office of the General Counsel  
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- 13) Initial Regulatory Flexibility Analysis: None
  - 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: No impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because we were not aware if the legislation would or would not pass.

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Standard Driver's License or Identification Card
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) (Repealed)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5) (Repealed)
1030.8	Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card
1030.10	What Persons Shall Not Be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals and Remote Renewals of Driver's Licenses and Identification Cards
1030.26	Identification Cards for <a href="#">Individuals in a Correctional Facility</a> <del>IDOC/ADJ</del> <del>Applicants</del>
1030.27	Identification Cards for Youth in Care
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits

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- 1030.66 Adult Driver Education  
1030.70 Driver's License Testing/Vision Screening  
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses  
1030.80 Driver's License Testing/Written Test  
1030.81 Endorsements  
1030.82 Charter Bus Driver Endorsement Requirements  
1030.83 Hazardous Material Endorsement  
1030.84 Vehicle Inspection  
1030.85 Driver's License Testing/Road Test  
1030.86 Multiple Attempts – Written and/or Road Tests  
1030.88 Exemption of Facility Administered Road Test  
1030.89 Temporary Driver's Licenses and Temporary Instruction Permits  
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License or Identification Card  
1030.91 Person with a Disability Identification Card and Wallet Card  
1030.92 Restrictions  
1030.93 Restricted Local Licenses  
1030.94 Duplicate or Corrected Driver's License or Instruction Permit  
1030.95 Consular Licenses (Repealed)  
1030.96 Seasonal Restricted Commercial Driver's License  
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege  
1030.98 School Bus Endorsement or Learner's Permit  
1030.100 Anatomical Gift Donor (Repealed)  
1030.110 Emergency Medical Information Card  
1030.115 Change-of-Address  
1030.120 Issuance of a Probationary License  
1030.130 Grounds for Cancellation of a Probationary License  
1030.140 Use of Captured Images  
1030.150 Veteran Designation on Driver's License or Identification Card  
1030.160 Extension of Expiration Dates  
1030.170 Modification of Requirements for Renewal of Driver's Licenses and Issuance of a Commercial Driver's License
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant  
1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, or Instruction Permit  
1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status

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Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5) (Repealed)  
1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID Compliant Driver's License or Identification Card

**AUTHORITY:** Implementing Chapter 6, Article I and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5], and the rulemaking authority established by 625 ILCS 5/6-521.

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a

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maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at

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34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019; amended at 44 Ill. Reg. 2041, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5477, effective March 16, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 5839, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6650, effective April 9, 2020, for the remainder of the 150 days; emergency amendment at 44 Ill. Reg. 10011, effective May 21, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16818, effective September 29, 2020; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11603, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 13823, effective August 7, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16534, effective September 22, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 12607, effective July 7, 2020; amended at 44 Ill. Reg. 16818, effective September 29, 2020; amended at 44 Ill. Reg. 18951, effective November 19, 2020; amended at 45 Ill. Reg. 732, effective December 23, 2020; emergency amendment at 45 Ill. Reg. 5450, effective April 8, 2021 for a maximum of 150 days; emergency expired September 4, 2021; amended at 45 Ill. Reg. 6062, effective April 23, 2021; emergency amendment at 45 Ill. Reg. 9197, effective July 2, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 9472, effective July 7, 2021; amended at 45 Ill. Reg. 13406, effective

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October 5, 2021; amended at 45 Ill. Reg. 15086, effective November 9, 2021; emergency amendment at 46 Ill. Reg. 554, effective December 17, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 1377, effective January 3, 2022, for the remainder of the 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 2156, effective January 19, 2022, for the remainder of the 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 5603, effective March 21, 2022, for the remainder of the 150 days; emergency rule as amended expired May 15, 2022; emergency amendment at 46 Ill. Reg. 6998, effective April 22, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 7823, effective April 27, 2022; amended at 46 Ill. Reg. 9093, effective May 23, 2022; emergency amendment at 46 Ill. Reg. 14087, effective July 21, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 16402, effective September 15, 2022; amended at 46 Ill. Reg. 19214, effective November 15, 2022; emergency amendment at 47 Ill. Reg. 268, effective December 20, 2022 for a maximum of 150 days; amended at 47 Ill. Reg. 189, effective December 21, 2022; emergency amendment at 47 Ill. Reg. 268, effective December 20, 2022 for a maximum of 150 days; emergency amendment at 47 Ill. Reg. 1547, effective January 13, 2023, for a maximum of 150 days; amended at 47 Ill. Reg. 7791, effective May 17, 2023; emergency amendment at 47 Ill. Reg. 14580, effective September 26, 2023, for a maximum of 150 days; amended at 47 Ill. Reg. 17529, effective November 7, 2023; amended at 48 Ill. Reg. 2268, effective January 25, 2024; amended at 48 Ill. Reg. 5751, effective April 1, 2024; amended at 48 Ill. Reg. 6080, effective April 5, 2024; amended at 48 Ill. Reg. 8386, effective May 24, 2024; amended at 48 Ill. Reg. 9020, effective July 1, 2024; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1030.1 Definitions**

Unless otherwise noted, the following definitions shall apply to this Part.

"Acceptable Medical Certificate" – a current medical examiner's certificate that has been completed in its entirety and does not require additional information.

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person unable to fully manage one's own person or estate because of mental deterioration, physical incapacity, mental illness, or developmental disability, pursuant to Sections 11a-1, 11a-2, and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Adult Driver Education Course" – six-hour classroom or online course of driver education for persons aged 18, 19 or 20, offered by an adult driver education course provider.



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"Adult Driver Education Course Provider" or "Provider" – an entity certified by the Secretary of State to provide an adult driver education course, either in a classroom setting or online.

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

*a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or*

*a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or*

*any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or*

*a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].*

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 U.S.C. 106) shall also be considered service in the Armed Forces of the United States.

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"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

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*"CDLIS Driver Record" – the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 U.S.C. 31309. [625 ILCS 5/6-500(5.3)]*

*"CDLIS Motor Vehicle Record" or "CDLIS MVR" – a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 CFR 384.225(e)(3) and (4) (2014), subject to the provisions of the Driver Privacy Protection Act (18 U.S.C. 2721-2725). [625 ILCS 5/6-500(5.5)]*

*"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].*

*"Central Issuance" – the process of printing and mailing a driver's license to an applicant from a secure central production facility.*

*"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed a driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.*

*"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.*

*"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.*

*"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.*

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"Civilian Employee Deferral Card" – a card issued at the expiration of a driver's license to extend the expiration of the driver's license for 120 days while, as a result of employment, a civilian employee of the United States Armed Services or of the United States Department of Defense and the civilian employee's spouse and/or dependent children who are living with the civilian employee is residing outside the State of Illinois.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – *a license issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383 (October 1, 2014), that authorizes the individual to operate a certain class of commercial motor vehicle [625 ILCS 5/1-111.6].*

"Commercial Driver's License Downgrade" – *a state:*

*allows the driver to change the driver's self-certification to interstate, but operating exclusively in transportation or operation excepted from 49 CFR 391 (October 1, 2014), as provided in 49 CFR 390.3(f), 391.2, 391.68 or 398.3 (October 1, 2014);*

*allows the driver to change the driver's self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only;*

*allows the driver to change the driver's self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or*

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*removes the CDL privilege from the driver's license. [625 ILCS 5/6-500(5.7)]*

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Learner's Permit" or "CLP" – a permit issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 CFR 383 (October 1, 2014), which, when carried with a valid driver's license issued by the same state or jurisdiction of domicile, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. When issued to a CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current CDL is not valid.

*"Commercial Motor Vehicle" or "CMV" – a motor vehicle or combination of motor vehicles used in commerce designed to transport passengers or property if the motor vehicle:*

*has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds), whichever is greater; or*

*has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds) or more, whichever is greater; or*

*is designed to transport 16 or more passengers, including the driver; or*

*is of any size and is used in transporting hazardous materials as defined in 49 CFR 383.5 (October 1, 2014).*

*Commercial Motor Vehicle does not include:*

*recreational vehicles, when operated primarily for personal use;*

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*vehicles owned by or operated under the direction of the United States Department of Defense or the United States Coast Guard only when operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or*

*firefighting, police, and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code [55 ILCS 5]), with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations. [625 ILCS 5/6-500(6)]*

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Consular Identification Document" – an official identification card issued by a foreign government that meets the criteria set forth in Section 5 of the Consular Identification Document Act [5 ILCS 230/5] and the issuing consulate has filed with the Department of State Police a copy of the consular identification document and a certification of the procedures that are used to satisfy Sections 2 and 3 of the Consular Identification Document Act.

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*"Conviction" – A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].*

*"Conviction-CLP Holder" or "Conviction-CDL Holder" – an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].*

"Cooperative Driver Certificate" – a certificate prescribed by the Secretary of State indicating a successfully-completed road test, subject to spot check by the Secretary of State, was administered to a driver education student, who has successfully completed driver training by an Illinois State Board of Education approved driver education instructor.

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses and teen-accredited commercial driver training schools, allowing students who receive a grade of A or B in a high school driver education course or who has obtained an overall score of 80% or more in a commercial driver training school driver education course and who pass a road test administered by a Department certified high school or commercial driver training school driver education instructor to be exempted from a road test administered by the Department.

["Correctional Facility" – The Illinois Department of Corrections, the Illinois Department of Juvenile Justice, a Federal Bureau of Prisons facility located in Illinois or an Illinois county jail or department of corrections.](#)

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

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"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" – a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew the driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).



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"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1).

*"Disability" – an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].*

*"Disqualification" – a disqualification means any of the following three actions:*

*the suspension, revocation, or cancellation of a CLP or CDL by the state or jurisdiction of issuance;*

*any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);*

*a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391 (October 1, 2014). [625 ILCS 5/1-115.3]*

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

*"Drive" – operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].*

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"*Driver*" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person who applies to a state or other jurisdiction to obtain, transfer, upgrade or renew a CDL or to obtain or renew a CLP.

"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

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"Driving Abstract" – a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an authorization to an individual's CLP or CDL required to permit the individual to operate certain types of commercial motor vehicles.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

*"Entry-level driver training" – the training an entry-level driver receives from an entity listed on the Federal Motor Carrier Safety Administration's Training Provider Registry prior to:*

*(i) taking the CDL skills test required to receive the Class A or Class B CDL for the first time;*

*(ii) taking the CDL skills test required to upgrade to a Class A or Class B CDL; or*

*(iii) taking the CDL skills test required to obtain a passenger or school bus endorsement for the first time or the CDL knowledge test required to*

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*obtain a hazardous materials endorsement for the first time. [625 ILCS 5/6-500(15.2)].*

The Training Provider Registry can be accessed at <https://tpr.fmcsa.dot.gov>.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

*"Excepted Interstate" or "EI" – a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.69 or 398.3 (October 1, 2014) from all or part of the qualification requirements of 49 CFR 391 (October 1, 2014) and is not required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2014). [625 ILCS 5/6-500(15.3)]*

*"Excepted Intrastate" or "EA" – a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements. [625 ILCS 5/6-500 (15.5)]*

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/mentally fit to safely operate a motor vehicle.

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"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

*"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].*

*"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].*

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

*"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]*

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

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"Functional Ability" – the degree of cognitive, mental, or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

"Graduated Driver's License" – A driver's license issued to a person under the age of 18 that consists of initial and full licensing phases.

*"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5 (October 1, 2014). [625 ILCS 5/1-124.5]*

*"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].*

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR 172 (October 1, 2014) or any quantity of a material listed as a select agent or toxin in 42 CFR 73 (October 1, 2014).

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"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Identification Card Verification Form" – a Secretary of State promulgated form completed by the Illinois Department of Corrections (IDOC) or Illinois Department of Juvenile Justice (IDJJ) and issued to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge or pardon, or to an adult transition center, from the IDOC or IDJJ that verifies the committed person's address and indicates whether the committed person's date of birth and social security number have been verified by IDOC or IDJJ.

*"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].*

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" – the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling, or step-grandparent.

"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent, or sibling as provided in IVC Section 6-507(c).

*"Imminent Hazard" – the existence of:*

*any condition of a vehicle, employee, or commercial motor vehicle operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or*

*a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment. [625 ILCS 5/6-500(20.5)]*

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"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" – the Illinois Law Enforcement Agencies Data System.

"Limited Term Identification Card" – An Illinois Identification Card issued by the Secretary of State for a period of 90 days to persons released from Illinois Department of Corrections/Illinois Department of Juvenile Justice.



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*"Limited Term Real ID Compliant Driver's License" – A Real ID compliant driver's license that is issued to persons who are not permanent residents or citizens of the United States, or an individual who has an approved application for asylum in the United States or has entered the United State in refugee status and is marked "Limited Term" on the face of the card [15 ILCS 335/1A].*

*"Limited Term Real ID Compliant Identification Card" – a Real ID compliant identification card this is issued to persons who are not permanent residents or citizens of the United States, or an individual who has an approved application for asylum in the United States or has entered the United States in refugee status, and is marked "Limited Term" on the face of the card [15 ILCS 335/1A].*

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafolo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

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"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of a competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

*"Medical Examiner" – a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. [625 ILCS 5/6-500(21.1)]*

*"Medical Examiner's Certificate" – a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify the driver to drive. [625 ILCS 5/6-500(21.2)]*

"Medical Exemption" – temporary regulatory relief for up to two years from one or more Federal Motor Carrier Safety Regulations (see 49 CFR 383, 391, 392, 393, 395, and 396) given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.300 (October 1, 2014).

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"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by a supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Medical Waiver" – temporary regulatory relief for up to three months from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.200 (October 1, 2014).

*"Medical Variance" – a driver has received one of the following from FMCSA, which allows the driver to be issued a medical certificate:*

*an exemption letter permitting operation of a CMV pursuant to 49 CFR 381 (October 1, 2014), subpart C or 49 CFR 391.64 (October 1, 2014); or*

*a skilled performance evaluation (SPE) certificate permitting operation of a CMV pursuant to 49 CFR 391.49 (October 1, 2014). [625 ILCS 5/6-500 (21.5)]*

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse

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and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgment.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

*"Moped" – a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]*

*"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].*

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

*"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].*

*"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:*

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*First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.*

*Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]*

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

*"Motor Vehicle Record" – a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act (18 U.S.C. 2721-2725). [625 ILCS 5/6-500(22.2)]*

"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL" – any other type of motor vehicle license, such as an automobile driver's license or a motorcycle license.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

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*"Non-Excepted Interstate" or "NI" – a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 CFR 391 (October 1, 2014), and is required to obtain a medical examiner's certificate by 49 CFR 391.45 (October 1, 2014). [625 ILCS 5/6-500(22.7)]*

*"Non-Excepted Intrastate" or "NA" – a person who operates only in intrastate commerce and is subject to State driver qualification requirements. [625 ILCS 5/6-500(22.8)]*

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in a professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating that in the specialist's professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is

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maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

*Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card* [625 ILCS 5/7-602(b)];

*Current declaration page of a liability policy* [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

*Liability insurance binder* [625 ILCS 5/7-602(d)];

*Certificate of Insurance* [625 ILCS 5/7-602(d)];

*Payment receipt for a liability insurance premium* [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

*Current rental agreement* [625 ILCS 5/7-602(e)];

*Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance* [625 ILCS 5/7-602(f)];

*Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability* [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

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"Prosthesis" – an artificial limb such as arm or leg.

*"Public Safety Worker" – a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].*

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

*"Real ID Compliant Driver's License" – a driver's license issued in compliance with the REAL ID Act, federal implementing regulations (6 CFR 37), and this Part. Real ID compliant driver's licenses shall bear a security marking approved by the U.S. Department of Homeland Security [625 ILCS 5/6-100(e)].*

*"Real ID Compliant Identification Card" – an Illinois Identification Card or Illinois Person with a Disability Identification Card issued in compliance with the REAL ID Act, federal implementing regulations (6 CFR 37), and this Part. Real ID compliant identification cards shall bear a security marking approved by the U.S. Department of Homeland Security [15 ILCS 335/1A].*

*"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].*



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"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute, or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to ensure that the requirements are met (see IVC Sections 6-104, 6-508).

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"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"S Endorsement" – an endorsement for CDL holders who operate as a school bus driver to transport pre-primary, primary or secondary school students to and from home, from school to home, or to and from school-sponsored events.

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed by the Department to administer the CDL skills tests specified in subparts G and H of 49 CFR 383 (October 1, 2014) to the entities' employees and members. A safety officer is equivalent to a third-party skills test examiner as defined in 49 CFR 383.5 (October 1, 2014).

"SAVE" – the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies to determine the immigration status of an applicant for standard or Real ID compliant driver's license or identification card.

*"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:*

*Any public or private primary or secondary school;*

*Any primary or secondary school operated by a religious institution; or*

*Any public, private or religious nursery school.*

*This definition shall not include the following:*

*A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:*

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*On a regularly scheduled route for the transportation of other fare paying passengers;*

*Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or*

*Being used for shuttle service between attendance centers or other education facilities.*

*A motor vehicle of the first division.*

*A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]*

"School Bus Commercial Learner's Permit" or "School Bus CLP" – a learner's permit that allows an applicant for a school bus permit to operate a school bus, but only when accompanied by a properly classified driver with a school bus driver permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

*"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].*

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"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

*"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].*

"Self-Admission" – a statement or indication from the driver that the driver has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Self-Certification" – a driver's signed and dated declaration of the type of driving (NI, EI, NA, EA) in which the driver engages or expects to engage while operating a CMV.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CLP or CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CLP or CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be serious pursuant to 92 Ill. Adm. Code 1040.20.

"Skills Performance Evaluation" or "SPE" – a certificate, issued by FMCSA to a driver with a missing limb, in accordance with 49 CFR 391.49 (October 1, 2014), which allows the driver to operate a CMV.

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*"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f).*

"SSOLV" – the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

Standard Driver's License – a driver's license issued by the Secretary of State that does not meet the requirements of the REAL ID Act, federal implementing regulations (6 CFR 37), and this Part.

Standard Identification Card – an identification card issued by the Secretary of State that does not meet the requirements of the REAL ID Act, federal implementing regulations (6 CFR 37), and this Part.

*"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].*

*"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].*

*"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank or tanks having an individual rate capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171 (2011). [625 ILCS 5/1-204.4]*

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a

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vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to a third-party certifying entity that allows the entity to participate in the third-party certification program.

"Third-Party Certification Program" – a Secretary of State program that allows a third-party entity to administer the CDL skills tests specified in subparts G and H of 49 CFR 383 (October 1, 2014) to its employees or members.

"Third-Party Certifying Entity" or "Entity" – an entity licensed by the Secretary of State to participate in the third-party certification program. A third-party certifying entity is equivalent to a third party tester as defined in 49 CFR 383.5 (October 1, 2014).

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

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"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist:

indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and the driver's vision readings without this correction are not favorable; or

containing a professional opinion that, due to a vision condition, the driver is not visually safe to operate a motor vehicle.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against the defendant or to assist in the defense against it pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" – U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee

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applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

*"Youth for Whom the Department of Children and Family Services is Legally Responsible For" or "Foster Child" – a child or youth whose guardianship or custody has been accepted by the Department of Children and Family Services pursuant to the Juvenile Court Act of 1987, the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], and the Adoption Act [750 ILCS 50]. This applies to children for whom the*



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*Department of Children and Family Services has temporary protective custody, custody and guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department [15 ILCS 335/1A].*

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1030.26 Identification Cards For Individuals In a Correctional Facility ~~for~~  
~~IDOC/IDJJ Applicants~~**

- a) Prior to release from a correctional facility, a committed person if the committed person has previously held an Illinois Identification Card or an Illinois driver's license and:
- 1) submits a properly completed Identification Card Verification form containing the person's residential address upon discharge and social security number, if the person has a social security number, accompanied by a photograph taken by the correctional facility;
  - 2) whose photograph and demographic information match an existing Illinois Identification Card or Illinois driver's license; and
  - 3) whose social security number is verified by the Secretary with the Social Security Administration shall be issued a standard Illinois Identification Card at no cost~~A committed person who applies for an identification card upon release on parole, mandatory supervised release, aftercare release, final discharge or pardon, or to an adult transition center, from the Illinois Department of Corrections (IDOC) or Illinois Department of Juvenile Justice (IDJJ) and who submits a certified copy of his or her birth certificate, social security card or other documents authorized by the Secretary of State to prove date of birth and a social security number, as set forth in Appendix B, along with a properly completed Identification Card Verification form, completed no longer than 30 days before the date of discharge from IDOC or IDJJ shall be issued a standard Illinois Identification Card at no cost.~~
- b) Prior to release from a correctional facility, a committed person who has not previously held an Illinois Identification Card or Illinois driver's license or for whom a match cannot be found as described in subsection (a) of this Section and:

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- 1) submits a properly completed Identification Card Verification form containing the person's residential address upon discharge, social security number, if the person has a social security number, accompanied by a certified birth certificate, and a photograph taken by the correctional facility; and
- 2) whose social security number is verified by the Secretary with the Social Security Administration shall be issued a standard Illinois Identification Card at no cost.~~The Identification Card Verification form must be completed in its entirety and signed by a representative of IDOC or IDJJ. The Identification Card Verification form must be presented to a Secretary of State facility at the time of application for an Identification Card.~~
- c) The Identification Card Verification form must be completed in its entirety and signed by a representative of the correctional facility and shall be transmitted electronically to the Secretary with the applicant's photograph.~~If the applicant presents a completed Identification Card Verification form, but does not present a certified copy of his or her birth certificate, social security card or other documents authorized by the Secretary of State to prove date of birth and social security number, as set forth in Appendix B, the Driver Services Facility shall issue a limited term 90-day Identification Card at no cost.~~
- d) A person who is released from a correctional facility without a standard Illinois Identification Card who appears at a Driver Services facility within 30 days of release from custody and presents a completed Identification Card Verification to Apply for an Identification Card Upon Release from a Correctional Facility form that verifies the person's date of birth, social security number, if the person has a social security number, and Illinois residence address shall be issued a limited-term 90-day Identification Card at no cost.
- e) If a holder of a 90-day Identification Card~~an applicant~~ returns to a Driver Services Facility prior to the expiration of the limited term ~~90-day~~90-day Identification Card and presents a certified copy of his or her birth certificate, social security card or other documents authorized by the Secretary of State to prove date of birth and social security number, as set forth in Appendix B, the applicant shall be issued a standard Illinois Identification Card at no fee.

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- fe) An applicant for a duplicate or corrected standard Identification Card must pay the fee set forth in Section 12 of the Illinois Identification Card Act [15 ILCS 335]. The expiration date of the duplicate or corrected Identification Card will remain the same as the originally issued Identification Card.
- gf) An applicant who does not apply for a standard~~Secretary of State issued~~ Identification Card within 30 days after release on parole, mandatory supervised release, after care release, final discharge or pardon, or to an adult transition center, from a correctional facility~~the IDOC~~ as verified by the Identification Card Verification to Apply for an Identification Card Upon Release from a Correctional Facility form completed by a correctional facility~~IDOC/IDJ~~, is not eligible for a no-fee, standard Identification Card and must pay the statutorily required fee set forth in Section 12 of the Illinois Identification Card Act.
- hg) An applicant issued a limited term 90-day Identification Card who fails to return to a Driver Services~~Secretary of State~~ facility by the expiration of the limited term Identification Card~~card~~, with a certified copy of his or her birth certificate and social security card or other documents authorized by the Secretary ~~of State~~ in Appendix B is not eligible for a standard Illinois Identification Card at no cost and must pay the fee set forth in Section 12 of the Illinois Identification Card Act.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 1030.APPENDIX A Questions Asked of a Driver's License Applicant**

The following questions shall appear on or be provided with an application for a driver's license:

If you are applying for an Identification (ID) Card review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 9.

- 1) Is your driver's license or ID card or privilege to obtain a license or ID card suspended, revoked, canceled, or refused in any state or country under this or any other name? (If yes, a letter of clearance is required.)
- 2) Do you presently hold a valid driver's license or ID card in this or any other state?
- 3) Are you currently under a court order of guardianship? (If yes, a medical report is required.)
- 4) Do you have any condition that might cause a temporary loss of consciousness? (If yes, a physician's statement and a signed medical agreement are required.)
- 5) Do you have any mental or physical condition that might interfere with safe driving? (If yes, a physician's statement and a signed medical agreement are required.)
- 6) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability or has a court committed you to a mental health facility within the last 4 years? (If yes, a medical report is required.)
- 7) If you are under age 18 and this is your initial application for a [graduated driver's license](#) ~~Graduated Licensing Program (see 625 ILCS 5/6-107)~~, have you been issued any citation for which a disposition has not yet been rendered by a court of law?
- 8) Are your commercial driver's license privileges currently disqualified or subject to an out-of-service order?

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- 9) Do you certify that you meet the "Qualifications of Driver's" portion of Part 391 of the Federal Motor Carrier Safety Regulations and operate in non-excepted interstate commerce? (If the applicant answers yes to this question, the applicant checks a box marked "NI". If the applicant answers no to this question, the applicant must check one of 3 boxes that set forth the type of driving in which the applicant will engage.)
  
- 10) Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11)?

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (applies only to CDL applicants).

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3) Section Number: 2800.120                      Adopted Action:  
New Section
- 4) Statutory Authority: Authorized by Sections 12-1 and 12-2 of the State Finance Act [30 ILCS 105/12-1 and 12-2].
- 5) Effective Date of Rule: August 26, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 48 Ill. Reg. 7512, May 24, 2024
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 120, "[5 ILCS 120/7]" and "and" were deleted, a new subsection 4) was added that reads "unexpected childcare obligations. [5 ILCS 120/7]; and", as well as the word "chair" being capitalized.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment creates a new section that addresses the Board's rules governing the remote attendance of a member when a physical quorum is otherwise available.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

State Travel Coordinator  
Governor's Travel Control Board  
100 E. Converse  
Springfield, Illinois 62702

(217) 782-2141  
Travel.CMS@illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE I: GENERAL TRAVEL CONTROL  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800  
TRAVEL

SUBPART A: GENERAL

- Section
- 2800.100 Definitions
- 2800.110 Application and Interpretation
- [2800.120 Remote Attendance](#)

SUBPART B: TRAVEL CONTROL SYSTEM

- Section
- 2800.200 Travel Control System
- 2800.210 Travel Coordinator
- 2800.220 Travel Authority
- 2800.230 Government Charge Cards (Repealed)
- 2800.235 Expenses at Headquarters or Residence
- 2800.240 Preparation and Submission of Travel Vouchers
- 2800.250 Approval and Submission of Travel Vouchers
- 2800.260 Items Directly Billed
- 2800.270 Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

- Section
- 2800.300 Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

- Section
- 2800.400 Conference Lodging
- 2800.410 Employee Owned or Controlled Housing



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

## SUBPART E: PER DIEM MEALS

## Section

2800.500 Conference Meals  
2800.510 Meal Allowances

## SUBPART F: MISCELLANEOUS RULES

## Section

2800.600 Lack of Receipts  
2800.610 Out-of-Country Travel Expenses  
2800.620 Reimbursement Rates  
2800.650 Headquarter Designation for Agency Heads

## SUBPART G: EXCEPTIONS TO THE RULES

## Section

2800.700 Special Exceptions-Requested in Advance  
2800.710 Ex Post Facto Exceptions

2800.APPENDIX A Reimbursement Schedule (Repealed)

AUTHORITY: Authorized by Sections 12-1 and 12-2 of the State Finance Act [30 ILCS 105/12-1 and 12-2].

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7858, effective July 1, 1995; amended at 20 Ill. Reg. 7379, effective May 13, 1996; emergency amendment at 22 Ill. Reg. 12082, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20036, effective November 6, 1998; emergency amendment at 24 Ill. Reg. 867,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 7655, effective May 9, 2000; amended at 26 Ill. Reg. 14979, effective October 8, 2002; emergency amendment at 27 Ill. Reg. 10476, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 17061, effective October 23, 2003; amended at 38 Ill. Reg. 11767, effective May 23, 2014; amended at 43 Ill. Reg. 11938, effective October 1, 2019; amended at 46 Ill. Reg. 20205, effective December 6, 2022; amended at 47 Ill. Reg. 12038, effective July 28, 2023; amended at 48 Ill. Reg. 5259, effective March 19, 2024; amended at 48 Ill. Reg. 13372, effective August 26, 2024.

## SUBPART A: GENERAL

**Section 2800.120 Remote Attendance**

If a quorum of the members of the Council are physically present, as provided for in Section 2.01 of the Open Meetings Act [5 ILCS 120], a member not physically present may attend by way of video or audio conference if:

- a) The member is *prevented from physically attending* due to:
  - 1) *personal illness or disability*;
  - 2) *employment purposes or the business of the public body*;
  - 3) *a family or other emergency*;
  - 4) *unexpected childcare obligations. [5 ILCS 120/7]; and*
- b) The member notifies the Chair and/or the Council staff prior to the meeting, unless advance notice is impractical, of their desire to attend by way of video or audio conference; and
- c) A majority vote of the Council is held approving of the member's attendance by way of video or audio conference.

(Source: Added at 48 Ill. Reg. 13372, effective August 26, 2024)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Cannabis Regulation and Tax Act

2) Code Citation: 68 Ill. Adm. Code 1291

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1291.10	Amendment
1291.11	New Section
1291.15	New Section
1291.20	New Section
1291.25	New Section
1291.30	New Section
1291.50	Amendment
1291.60	New Section
1291.70	New Section
1291.90	New Section
1291.100	New Section
1291.110	New Section
1291.120	New Section
1291.130	New Section
1291.140	New Section
1291.200	New Section
1291.210	New Section
1291.211	New Section
1291.212	New Section
1291.213	New Section
1291.214	New Section
1291.215	New Section
1291.225	New Section
1291.230	New Section
1291.300	New Section
1291.301	New Section
1291.305	New Section
1291.308	New Section
1291.310	New Section
1291.320	New Section
1291.325	New Section
1291.330	New Section
1291.335	New Section
1291.340	New Section

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 4) Statutory Authority: Implementing and authorized by the Cannabis Regulation and Tax Act (Department of Financial and Professional Regulation Law) [410 ILCS 705].
- 5) Effective Date of Rule: August 20, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 47 Ill. Reg. 12526; August 25, 2023
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version: JCAR made several (in this case many) adjustments to the text of the rule for either technical, grammatical and/or clarification purposes. In certain instances, new language or new subsections were added (those instances are noted here) for consistency and clarification or in response to public comments.

"Such" is removed or replaced throughout:

1291.20 a), b), d) 2) and e) 3)

1291.25 b), c), d) 2) and e) 3)

1291.30 b)

1291.60 k)

1291.70 a), a) 21) and b)

1291.90 b) 1), c) 2), c) 3) A), c) 3) B) and c) 3) C)

1291.100 c) 1) C), f) 5) and j)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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1291.110 a) 11)

1291.120 a) 7)

1291.200 e) 5)

1291.210 c), f) 4) and f) 5) E)

1291.211 a) 6), a) 7), a) 8), a) 8) C) i) and a) 16)

1291.212 c), d) and e)

1291.213 d), e), f) and g)

1291.214 g) 2)

1291.215 a) and b) 4) F)

1291.225 a)

1291.300 b) 18), g) and h)

1291.305

"Identification" was changed to "ID" throughout:

1291.20 a), c) 1) – 5), d), d) 2), f) 1), f) 4) and g) 1)

1291.25 g) 1)

1291.60 h), i)

1291.70 a) 24) and e)

1291.213 c) 4)

1291.330 b) 6)

1291.335 a) 1)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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1291.340 a), g) 5), g) 8), g) 10) B) and i)

The following changes from the proposed version to the adopted version are (by Section) as follows:

In the Table of Contents, under SUBPART C: CHANGES TO DISPENSING ORGANIZATIONS, in the title of Section 1291.230, after "License", "and Location Parameters" is added to this adopted version.

Section 1291.10:

The definition of "ADA" was stricken from the proposed version.

The definition of "Adult Use Dispensing Organization License" is taken directly from the Act as opposed to the proposed version's definition in this adopted version.

A definition of "Agent-in-charge" is added to this adopted version.

The definition of "Application date" is stricken in this adopted version.

The definitions of "Cannabis", "Cannabis business establishment", "Cannabis flower" and "Cannabis-Infused product" are stricken and replaced with identical language italicized in this adopted version.

The definition of "Conditional license" is stricken in this adopted version.

The definition of "Director" is added to this adopted version.

The definition of "Dispense" is added to this adopted version.

The definition of "Dispensary Applicant" is italicized in this adopted version.

The definition of "DPH" and "Email address of record" is stricken in this adopted version.

In the definitions of "Early Approval Adult Use Dispensing Organization at a Secondary Site" and "Early Approval Adult Use Dispensing Organization License", the dates in both

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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are changed from January 1, 2020, in the proposed version, to June 25, 2019, in this adopted version.

The definition of "Limited access area" is added to this adopted version.

The term "family member" is added in the definition of "Member of an impacted family" to this adopted version.

"Section 55-25 of the Act" is added to the end of the definition of "Onsite Consumption Lounge" to this adopted version.

In the definition of "Point of Sale System", "State traceability system" was deleted from the proposed version and is replaced with "State Verification System" in this adopted version.

The definition of "Promptly" was deleted from the proposed version.

The definition of "Qualifying Applicant" is stricken in this adopted version.

The definition of "Restricted access area" is added to this adopted version.

In the definition of "Seller", "intending to" was replaced with "intends" in the adopted version.

The definition of "Service Professional" is added to this adopted version.

Section 1291.15:

In the second sentence of subsection a), after "or through", "a valid third-party authorization", was deleted from the proposed version and is changed to "an authorized third-party" with "The primary and alternate contact information must be different from each other and cannot be the same email address for each." added to this adopted version.

In subsection b) 2), references to "subsection (a)(1)" and "(a)(2)" were deleted from the proposed version and are changed to "(b)(1)" and "(b)(2)" respectively in this adopted version.

In subsection b) 6), in the "Dispensing Organization Licensing Fees – Pro-Rated Table" chart, two new rows for "January of even-numbered years" and "February of even-

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numbered years" were added above "March of even-numbered years" in this adopted version. Also, the bottom three rows below "December of odd-numbered years" ("January, February and March of odd-numbered years") were deleted from the proposed version.

Twice in subsection c) 1) B), after, "applicant", "for renewal" is added to this adopted version.

The first sentence of subsection d) 1) is italicized in this adopted version and in the second sentence, after "licensee", "may" was deleted from the proposed version and is changed to "shall" in this adopted version and after "1291.15", "no later than March 1 of the renewal year" is added to this adopted version.

In the first sentence in subsection d) 3), before "issue a Notice of Intent", the word "may" was deleted from the proposed version and, in that same subsection, after "20 calendar days", "from" was deleted from the proposed version and is replaced with "after" in this adopted version.

In subsection d) 4), "more than" is added before "20 calendar days" to this adopted version.

In subsection e) 2), in the first sentence, "Dispensing organizations who were issued their license as an" was deleted from the proposed version and "issued" is added before "pursuant to Section 15-15 of the Act" to this adopted version.

In subsection e) 4), "defined in this Section" was deleted after "any court" from the proposed version.

In subsection e) 5), a citation to the Act is added to this adopted version.

In subsection f), "in accordance with Section 1291.70." is added after "or this Part" to this adopted version.

Section 1291.20:

In subsection a), before, "by the Department", "approved" was deleted from the proposed version and is changed to "registered" in this adopted version.



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In the last sentence in subsection b), "such" was deleted from the proposed version and is changed to "the inaccessibility" in this adopted version.

In subsections c) 2) and 5), citations to the Act are added to this adopted version.

In subsection d) 1), the language in D) was deleted in the proposed version and the subsections E), F) and G) are re-lettered correctly (there were mistakenly two "G)"s in the proposed version) in this adopted version.

In subsection d) 1) G), after "the Department", "in the verification process" was deleted from the proposed version and is replaced with "necessary to verify the identity of the applicant" in this adopted version.

Several changes are made to subsection d) 2) in this adopted version:

The following sentence is added to the beginning of the subsection: "The Department will issue an agent ID card if all of the criteria under subsection (d)(1) is met and the applicant passes a background check." to this adopted version.

The first word of the next sentence, "Agents" was deleted in the proposed version and is replaced with "Applicants" in this adopted version.

In the third sentence, after "the Department", "may deny" was deleted from the proposed version and is changed to "will deny" in this adopted version. Also, in that same sentence after "dispensary", "except as a member of the public." is added to this adopted version.

In the final sentence of subsection d) 2), after "work", "at the dispensary" is added to this adopted version.

In subsection e) 1) and 2), after "apply", "under this subsection" was deleted from the proposed version and is replaced with "as an agent" in this adopted version.

In subsection 2) B), before "renewal", "license" is added to this adopted version.

Several changes are made to subsection e) 3) in this adopted version:

In the first sentence of subsection e) 3) before "from", "Individuals who received a certification of training" was deleted from the proposed version and is changed to "Training certifications" in this adopted version.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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The second sentence of this subsection, "Such individual is required to complete an approved responsible vendor program without appreciable delay." was deleted from the proposed version and is changed to, "An individual with a training certificate that is not accepted by the Department is required to complete an approved responsible vendor program within 20 days after the Department provides notice of the deficiency." in this adopted version.

The final sentence in this subsection, "The Department may grant an extension to the deadlines identified in subsection (b) on an individual basis if the individual can demonstrate they had a good faith belief that a training program they completed was approved by the Department." was deleted from the proposed version and is changed to "The Department will grant an extension to the deadlines established in subsection (e) on an individual basis so long as the individual demonstrates a good faith belief that a complete training program was approved by the Department." in this adopted version.

In subsection f) 1) at the start of the second sentence before "shall submit", "The holder of an agent card" was deleted from the proposed version and is replaced with "An agent" in this adopted version.

In subsection f) 2), before, "shall certify", "the individual" was deleted from the proposed version and is replaced with "the agent" in this adopted version.

In the first sentence in f) 3), after "restoration of a license", "that has terminated or expired" was deleted from the proposed version and is replaced with "due to termination of employment or expiration of the underlying license" in this adopted version.

In subsection f) 4) after "regards to any", "agent license, the licensee" was deleted from the proposed version and is replaced with "agent ID card, the agent" in this adopted version.

In the second sentence of subsection g) 1), before "an agent's license", "or otherwise discipline" is added to this adopted version.

At the end of subsection g) 3), after "duty", "For the purposes of this subsection, an employee is on-duty when they are being compensated for their work, including any paid lunch or break." is added to this adopted version.

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In subsection g) 4), after "consume", "cannabis or cannabis-infused products" is added to this adopted version.

Section 1291.25:

All of the language in subsection a), is italicized except "this Part" and "Managing includes" which is added before "participation" and the final sentence, "AICs may delegate some of their duties to agents registered under Section 1291.20. (Section 15-95 of the Act)." is also added to this adopted version.

Subsection d) 1) D) was deleted from the proposed version and d) 1) E) - H) are re-lettered as d) 1) D) - G) in this adopted version.

In subsection d) 1) F) ("G" in the proposed version), "AIC application" was deleted from the proposed version and is changed to "applicant" in this adopted version and after "Applicants shall only", "submit" was deleted from the proposed version and is changed to "have" in this adopted version and after "fingerprints", "taken that are" is added to this adopted version. Also, after "retrieved", "by the Department" was deleted from the proposed version.

In subsection d) 1) G), ("H" in the proposed version), "in the verification process" was deleted in the proposed version and is changed to "necessary to verify the identity of the applicant" in this adopted version.

In the first sentence of subsection d) 2) is added to this adopted version. In the second sentence, "Applicants" replaces "AICs" which was deleted from the proposed version. In the third sentence, after "the Department", "may" was deleted from the proposed version and is changed to "will", and "agent" is changed to "AIC". After "dispensary", "except as a member of the public" is added and after "work", "at the dispensary" is added to this adopted version.

In the first sentence of subsection d) 3), after "The Department", "may" was deleted from the proposed version and is changed to "will" in this adopted version.

In subsection e) 1), "All individuals who are required to apply under this subsection" was deleted from the proposed version and is changed to "AICs" in this adopted version.

In subsection e) 2), "Individuals required to apply under this subsection" was deleted from the proposed version and is changed to "AICs" in this adopted version.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

In subsection e) 2) B), "annual" is added after "individual's" to this adopted version.

In the first sentence in subsection e) 3), "Individuals who received a certification of training" was deleted in the proposed version and changed to "Training certifications" and the rest of that subsection e) 3) was deleted from the proposed version and rewritten as "An individual with a training certificate that is not accepted by the Department is required to complete an approved responsible vendor program within 20 days after the Department provides notice of the deficiency. The Department will grant an extension to the deadlines established in subsection (b) on an individual basis so long as the individual demonstrates a good faith belief that a complete training program was approved by the Department." in this adopted version.

In the first sentence of subsection f) 1), "from" was deleted from the proposed version and is changed to "after" in this adopted version.

In subsection f) 2), "As part of an agent's renewal, the individual" was deleted from the proposed version and is changed to "AICs" in this adopted version.

In subsection f) 3), after "restoration of a license", "that has terminated or expired" was deleted from the proposed version and is changed to "due to termination of employment or expiration of the underlying license" in this adopted version.

In the second sentence of g) 1), after "revoke", "or otherwise discipline" is added to this adopted version.

The original language in subsection g) 2) was deleted from the proposed version and is rewritten as with language directly from the Act.

Subsection g) 4) has been italicized (except "The citation to the Act") in this adopted version.

In subsection g) 8), "rules" was deleted from the proposed version and is changed to "this Part" and a citation to the Act is added at the end of that subsection to this adopted version.

The first line and half of the second line of subsection h) is italicized (except with slight changes to the wording in the opening paragraph and citations to the Act) in this adopted version.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## Section 1291.30:

In subsection a) 1), after "Part", "however, an individual does not need to register as a Principal Officer solely because of that person's close relationship or familial tie to the holder of a Financial Interest in a dispensing organization" is added to this adopted version.

In subsection a) 2), "Members" was deleted from the proposed version and is changed to "Managers" in this adopted version. Also, after "under", "Section 1291.210(d)(5);" was deleted from the proposed version and is changed to "Section 1291.210(f)(4). Managers include but are not limited to board members and corporate officers." in this adopted version.

In subsection b), "such" was deleted from the proposed version and is changed to "the inaccessibility" in this adopted version.

In subsection e) 1), "or associate with" is added before "principal officer" to this adopted version.

At the very end of subsection f) 2), "transaction" was deleted from the proposed version and is changed to "change of ownership or sale of the license" in this adopted version.

Subsection h) 1) is completely italicized (except for the citation to the Act) in this adopted version.

In subsection i) 1), after "financial interest", "or hold any legal, equitable, ownership, or beneficial interest, directly or indirectly," and a citation to the Act is added to this adopted version.

At the end of the first sentence in subsection i) 2) "this subsection" was deleted from the proposed version and is changed to "Section 15-36(c) of the Act." in this adopted version. After "20 calendar days", "from" was deleted from the proposed version and is changed to "after" in this adopted version and the last sentence was deleted from the proposed version and is changed to "The Department will rescind the Notice of Intent to Issue a Suspension Order if the dispensing organization and the principal officer demonstrate, and include documentation that supports, one of the following scenarios:" in this adopted version.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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## Section 1291.60:

In subsection r), "greater" was deleted from the proposed version and is changed to "different" in this adopted version.

In subsection s), "practice" was deleted from the proposed version and is changed to "dispense" in this adopted version.

In subsection u), the reference to the Nurse Practice Act rules (68 IAC 1300) was deleted from the proposed version.

In subsection w), "Knowingly" is added before "aiding" in this adopted version.

## Section 1291.70:

Most of 1291.70 a) 1) – 29) is italicized in this adopted version. The subsections listed below contain text that is not italicized:

In the opening paragraph of subsection a) - "actions listed in this subsection (a). Fines may not exceed \$20,000 for each violation".

In subsection a) 8) - "a certified copy of the record of the action taken by another jurisdiction being prima facie evidence thereof. This includes, but is not limited to, an adverse action by another state agency, U.S. jurisdiction, or foreign jurisdiction against a principal officer of a dispensing organization;"

In subsection a) 11) - "demonstrating an inability to carry out the responsibilities of a license-holder with reasonable skill, safety, and judgment under the Act;"

In subsection a) 16 – "within 14 calendar days" and "authority with".

In subsection a) 25) - "designate a full-time" and "under the Act; for the purposes of the AIC, "full-time" means an employee who works for at least 32 hours per week;"

In subsection a) 30), a citation to the Act is added to this adopted version.

In subsection a) 31, after "source", a citation to the Act is added and "The Department shall calculate inventory percentages over a monthly average" is added to this adopted version.

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Subsection b) was completely rewritten from the proposed version to "The Department may approve a corrective action plan for any licensee. Any approval of a corrective action plan is at the discretion of the Department. In approving a corrective action plan, the Department may consider any remedial actions undertaken by the licensee, including but not limited to: the licensee's cooperation in resolving the matter; if the licensee has initiated any mitigating actions; the licensee's past practices; the licensee's self-reporting; and any other factors otherwise specified in 20 ILCS 2105/2105-130(c)" in this adopted version.

In subsection c), a citation to the Act is added to this adopted version.

Subsection f) was deleted from the proposed version.

Section 1291.90:

In subsection a) 2), "this subsection" was deleted from the proposed version and is changed to "subsection (a)", and "and administrative hearings" is added before "shall adhere" to this adopted version. Also, the entire last sentence was deleted from the proposed version.

All of subsection a) 6) is italicized with a citation to the Act added to this adopted version.

All of subsection b) 2) is italicized (except "In lieu of or in addition to any disciplinary action initiated by the Department" and "and that a hearing is requested, the Department may withdraw the citation and instead file a complaint." plus the citation to the Act) in this adopted version.

In the first sentence of subsection c) 3) A), "file its response within five business days" was deleted from the proposed version. "Such brief or memorandum is not to" was deleted from the proposed version and is changed to "Briefs or memorandums must not" in this adopted version. Also, "unless" was deleted from the proposed version and is changed to "except" in this adopted version.

In subsection c) 3) B), "Such response is not to" was deleted from the proposed version and is changed to "Responses must not" and "unless" was deleted from the proposed version and is changed to "except" in this adopted version.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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In subsection c) 3) C), "Such reply is not to" was deleted from the proposed version and is changed to "Replies must not" in this adopted version and "unless" was deleted from the proposed version and is changed to "except" in this adopted version.

In subsection c) 3) D), "above briefing schedule" was deleted from the proposed version and is changed to "briefing schedule of subsections (c)(3)(A) through (c)(3)(C)" in this adopted version and after "days upon", "good cause shown and" was added to this adopted version.

In subsection c) 5), a citation to the Act is added at the end to this adopted version.

## Section 1291.100:

In the first sentence of subsection a), "applicant" was deleted from the proposed version and is changed to "entity" in this adopted version. In the second sentence, before "date", "during which the Department will receive applications to be approved as a responsible vendor provider unless the" was deleted from the proposed version and is changed to "If the" in this adopted version.

In subsection c) 1) C) and 5), "may allow such" was deleted from the proposed version and is changed to "will allow the" in this adopted version.

In subsection f), "in its discretion" was deleted from the proposed version.

In subsection f) 4), "If the training materials provided by the applicant do" was deleted from the proposed version is changed to "Who fails" in this adopted version.

In subsection f) 5), "modify the training materials" is added after "is unable or unwilling to," and "approval" was twice deleted from the proposed version and changed to "application" in this adopted version.

In subsection g), after "applicants", "who meet the requirements of this Section" is added to this adopted version and before "approval notice", "its" was deleted from the proposed version and is changed to "the" in this adopted version.

In subsection j), "promptly" was deleted from the proposed version and after "Department", "within five calendar days after hiring the new trainer" is added to this adopted version.



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In subsection l), after "deny", "any applicant for" was deleted from the proposed version.

Subsections m) and n) were deleted from the proposed version.

Section 1291.110:

The first sentence of subsection a) 1) has been italicized and a citation to the Act is added to this adopted version. In the second sentence, "Section" was deleted from the proposed version and is replaced with "topic" in this adopted version and after "enumerated", "below" was deleted from the proposed version and is replaced with "in this subsection (a)(1)" in this adopted version.

The first sentence of subsection a) 2) has been italicized and a citation to the Act is added in this adopted version. In the second sentence, "Section" was deleted from the proposed version and is replaced with "topic" in this adopted version.

The first sentence of subsection a) 3) has been italicized and a citation to the Act is added in this adopted version. In the second sentence, "Section" was deleted from the proposed version and is replaced with "topic" and the Act reference was re-written from the proposed version in this adopted version.

The first sentence of subsection a) 4) has been italicized and a citation to the Act is added in this adopted version. In the second sentence, "Section" was deleted from the proposed version and is replaced with "topic" and the Act reference was re-written from the proposed version in this adopted version.

The first sentence of subsection a) 5) has been italicized and a citation to the Act is added in this adopted version. In the second sentence, after "this", "topic" is added in this adopted version.

"Safe storage of cannabis" in the first sentence of subsection a) 6) has been italicized and a citation to the Act is added in this adopted version.

The first sentence of subsection a) 7) has been italicized and a citation to the Act is added in this adopted version. In the second sentence, "Section" was deleted from the proposed version and is replaced with "topic" in this adopted version.

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The first sentence of subsection a) 8) has been italicized and a citation to the Act is added in this adopted version. In the second sentence, "Section" was deleted from the proposed version and is replaced with "topic" in this adopted version.

The first sentence of subsection a) 9) has been italicized and a citation to the Act is added in this adopted version. In the second sentence, "Section may" was deleted from the proposed version and is replaced with "topic shall" in this adopted version.

The first sentence of subsection a) 10) has been italicized and a citation to the Act is added in this adopted version. In the second sentence, "Section may" was deleted from the proposed version and is replaced with "topic shall" in this adopted version and in the third sentence, "Section" was deleted from the proposed version and is changed to "topic" in this adopted version.

The first sentence of subsection a) 11) has been italicized and a citation to the Act is added in this adopted version. In the second sentence, "Section may" was deleted from the proposed version and is replaced with "topic shall" in this adopted version.

In the second sentence of subsection a) 12), "Section" was deleted from the proposed version and is replaced with "topic" in this adopted version.

In the second sentence of subsection a) 13), "Section" was deleted from the proposed version and is replaced with "topic" in this adopted version."

Subsection a) 14) was deleted from the proposed version.

In subsection b), "these rules" was deleted from the proposed version and is changed to "this Part" in this adopted version.

Section 1291.120:

Subsection a) 1) was rewritten as "Provide a safe and secure environment for responsible vendor instruction, which may include in-person, live-streamed, or pre-recorded classes, or a mix of the above" in this adopted version.

In subsection a) 4), after "approved", "IDFPR" was deleted from the proposed version and is changed to "Department" in this adopted version.

Section 1291.130:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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In subsection c) 2), "should" was deleted from the proposed version and is changed to "must" in this adopted version.

Section 1291.140:

In the first and second sentence of the Section, before "provider", "responsible vendor" is added to this adopted version.

Section 1291.200:

Subsection a) is rewritten for better clarity in this adopted version.

In subsection b) 3), after "block", "or alter" was deleted from the proposed version.

In subsection e) 1), after "blocks", "or alters" was deleted from the proposed version.

In subsection f), "rule" was deleted from the proposed version and is changed to "Section" in this adopted version.

Section 1291.210:

After the first sentence in subsection b), "Upon review, the Department will approve a proposed change of ownership or sale or transfer of a license that complies with the Act and this Part." is added to this adopted version.

In subsection d), "subsection, a "sale" shall include" was deleted from the proposed version and is changed to "Section, a "sale" includes" in this adopted version.

In subsection e), "subsection, a "transfer" shall include" was deleted from the proposed version and is changed to "Section, a "transfer" includes" in this adopted version.

In subsection f), "subsection" was deleted from the proposed version and is changed to "Section" in this adopted version.

In subsection f) 5), "may" was deleted from the proposed version and is changed to "will" in this adopted version.

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In subsection f) 5) B), "materially" is added before "influence" and "direct" is added after "influence" to this adopted version. Also, after "organization", "including but not limited to corporate decision-making, employment decisions, product selection, access to security systems, advertisement decisions" is added to this adopted version.

Subsection f) 5) C) was completely rewritten as "The person is an immediate family member of one or more persons in control of the dispensing organization and has a common purpose or motive relating to their collective ability to materially influence and direct the operational and managerial decisions of the dispensing organization. An "immediate family" member as used herein shall mean a spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), parents, siblings, and children whether by blood, marriage or adoption" in this adopted version.

In subsection f) 5) E), after "organization", "As used in this subsection "primary creditor" means a person who would receive an ownership interest requiring registration as a Principal Officer in a dispensing organization upon a default of a loan or other similar agreement" is added in this adopted version.

Subsection f) 5) F) was deleted from the proposed version.

Section 1291.211:

In subsection a), before "aid", "which may" was deleted from the proposed version and is changed to "to" in this adopted version.

In subsection a) 5), "entity" was deleted from the proposed version and is changed to "buyer" in this adopted version.

In subsection a) 6), after "pending", "or proof from the buyer that after reasonable attempts the buyer was unable to obtain certification" is added in this adopted version.

In subsection a) 7), after "incorporated in", "or proof from the buyer that after reasonable attempts the buyer was unable to obtain certification" is added in this adopted version.

In subsection a) 8), before "principal", "future" was deleted from the proposed version and is changed to "proposed" in this adopted version and in the second sentence, before "registration", "medical" is added in this adopted version. Also, in the last sentence,

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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"should" was deleted from the proposed version and is changed to "shall" in this adopted version.

In subsection a) 8) C) i), "U.S." is added before "Securities" to this adopted version.

In subsection a) 10), after "participants", "may be required to" was deleted from the proposed version and is changed to "that meet the definition of a principal officer must" in this adopted version.

In subsection a) 12, "dispensary registration" was deleted from the proposed version and is changed to "license" in this adopted version.

At the end of subsection a) 15), a citation to the Act is added to this adopted version.

Subsection a) 16) was completely rewritten as "The Department may waive the submission of certain documents upon a showing of a good faith attempt to comply, which may include a written explanation of the steps taken to acquire those documents or why the submission of documents would be not applicable" in this adopted version.

Section 1291.212:

At the end of subsection a) 2), after "Act", "in violation of Section 1291.15(d)(2)" was deleted from the proposed version.

In subsection a) 3), before "registration", "cannabis-related" is added to this adopted version.

The proposed versions' subsections a) 6) and 7) were deleted and subsections a) 8) – 12) from the proposed version are re-numbered as a) 6) – 10) in this adopted version. In this adopted version's a) 6) (subsection a) 8) in the proposed version), before "a conviction", "of the proposed entity has" was deleted from the proposed version and "have" replaced "has" in this adopted version. Also, the first words of the adopted versions' subsections a) 6) and 7) replaced "A" (deleted from the proposed versions' subsections a) 8) and 9)) from the proposed version with "The".

In subsection b), before "involved", "license" was deleted from the proposed version and is changed to "licensee" in this adopted version.

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In subsection d), before "inform", "promptly" was deleted from the proposed version and after "writing", "within five calendar days after receiving the notice." was added to this adopted version.

## Section 1291.213:

In the first sentence of Section 1291.213, "may" was deleted from the proposed version and is changed to "will" in this adopted version. Also, before "license", "dispensing organization" is added to this adopted version.

At the end of subsection a), after "require", "related to the change of ownership event" is added to this adopted version.

In the last sentence of subsection c), after "reallocation", "under this rule is subject to" was deleted from the proposed version and is changed to "must meet" in this adopted version.

In subsection c) 2), after "interests", "must be" was deleted from the proposed version and is changed to "are" in this adopted version.

In the first sentence of subsection c) 3), after "reallocation", "are permitted under this rule" was deleted from the proposed version and in the second sentence, after "include", the rest of that sentence was deleted from the proposed version and is changed to "that it was done in accordance with any bylaws, membership agreement, or other similar business entity documents agreed to by the owners or per affirmation" in this adopted version.

In subsection f), after "officer", a citation to the Act is added to this adopted version.

## Section 1291.214:

In subsection a), after "underlying", "dispensing organization" was deleted from the proposed version.

In subsection d), "subsection" was deleted from the proposed version and is changed to "Section" in this adopted version.

In subsection e), after "organizations", "and conditional licensees" is added to this adopted version.

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In subsection g) 3) before "conditional license", "dispensing organization or" was deleted from the proposed version.

In subsection g) 5) before "The term", "A CMSA for a Conditional Licensee shall automatically terminate upon the Conditional Licensee being issued its 15-36 License" is added to this adopted version. Also, after "The term of the CMSA", "for a 15-36 Licensee" is added in this adopted version.

## Section 1291.215:

In subsection b) 4) D), before "the successor in interest", "the individual named as" was deleted from the proposed version.

In subsection b) 4) F), after "shall be disclosed", "to the Department" is added to this adopted version.

In subsection c), is rewritten as "The Department will provide an approved successor in interest written approval to continue operations for a specific period of time." in this adopted version.

## Section 1291.225:

In subsection a), before "BLS", "specific" is added to this adopted version.

In subsection c), "Licensees who apply to relocate their dispensaries" and "Part may" were deleted from the proposed version and are changed to "Dispensing organizations that apply to relocate a dispensary" and "Section will" respectively in this adopted version.

In subsection d), "(a)" was deleted from the proposed version and is changed to "(b)" in this adopted version.

In subsection h), before "request", "may" was deleted from the proposed version and is changed to "will" in this adopted version.

In subsection j), "under subsection (a)" was deleted from the proposed version and a reference to the Act is added to this adopted version.

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## Section 1291.230:

In the Section title, after "License", "and Location Parameters" is added in this adopted version.

In subsection b), "the foregoing" was deleted from the proposed version and is changed to "subsection (a)" in this adopted version.

In subsection c), a reference to the Act is added to this adopted version.

Subsections d), e), e) 1) – 4), f) and g) are added to this adopted version.

## Section 1291.300:

In subsection b) 4), after "area", "which may include a pass-through window into the vaults. Any pass-through window from the vault to the restricted access area shall be capable of being closed and locked when not in use and shall not contain an opening greater than 9 inches" is added to this adopted version.

In subsection b) 18), after "height", "Dispensing organizations operating before January 1, 2023, are exempt from this requirement until the time that they move locations" is added to this adopted version.

Subsections c) and d) 1), 2) and 3) have been italicized and citations to the Act are added in this adopted version.

In subsection e) 1) E), "facial recognition compliant" was deleted from the proposed version and after "images", "that allow for facial recognition" is added to this adopted version.

In subsection e) 7), before "submit", "promptly" was deleted from the proposed version and after "by the Department", "within five calendar days after the outage" is added to this adopted version.

Subsection g) is rewritten in this adopted version as "A dispensary shall have a reinforced vault built to the specifications of this subsection (g), unless it is a dispensing organization which operated before January 1, 2023. Dispensing organizations which operated before January 1, 2023, are exempt from this subsection (g) until the time that they move locations" in this adopted version.



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In subsection g) 1) B) i), the full name of "ASTM" is written out as "American Society for Testing and Materials (ASTM) A1003" in this adopted version.

In subsection h), before "provided to the Department", "promptly" was deleted from the proposed version and after "to the Department", "within five calendar days after any changes are made" is added to this adopted version. Also, after "the Department confirms approval.", "A dispensing organization may permit a service professional who is not otherwise on the approved vendor list in the event of an emergency and after a good faith attempt to obtain the Department's pre-approval. In an emergency, the dispensing organization shall inform the Department as soon as possible of the event and the service professional's role" is added to this adopted version.

Section 1291.301:

In subsection e), "subsection" was deleted from the proposed version and is changed to "Section" in this adopted version.

Section 1291.305:

In the opening paragraph, after "floor", "unless the height restrictions are not feasible to comply with" is added to this adopted version.

A new subsection d) is added to this adopted version and subsections d) and e) of the proposed version are re-lettered as subsections e) and f) respectively in this adopted version.

Section 1291.310:

In subsection e) 3), before "cannabis due to theft", "medical" was deleted from the proposed version.

In subsection e) 4), after "storage requirements", "in its definition" was deleted from the proposed version and is changed to "of this subsection (e)(4)" in this adopted version.

The proposed versions' subsections e) 5) and e) 5) A) - F) were deleted and subsection e) 6) from the proposed version is re-numbered as e) 5) in this adopted version.

Section 1291.320:

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In subsection b), "promptly" was deleted from the proposed version and after "System", "within five calendar days after the return" is added to this adopted version.

Section 1291.330:

In subsection a) 2) F), "state traceability system" was deleted from the proposed version and is changed to "State Verification System" in this adopted version.

In subsection b) 2) F), "state traceability system" was deleted from the proposed version and is changed to "State Verification System" in this adopted version.

Section 1291.335:

The proposed version's subsection a) is re-organized as subsections a) 1) – 4) in this adopted version with subsections a) 3) and a) 4) containing new language not in the proposed version's subsection a).

In subsection b), after "third-party vendors", "operating" was deleted from the proposed version and is changed to "promoting or advertising" in this adopted version.

Section 1291.340:

In subsection c), after the first sentence of the proposed version, the rest of subsection c) is rewritten as "Outdoor consumption shall not be visible to the public (high fences, shrubs, etc., are permissible); and the interior of the onsite consumption lounge and dispensary shall be separated from the outdoor onsite consumption lounge by a locked and secured door. Patrons of the outdoor onsite consumption lounge may re-enter the interior onsite consumption lounge and dispensary's limited access area and bathrooms for the duration of their visit so long as a security guard, licensed agent, AIC or principal officer is stationed at the point of re-entry during all hours of the lounge's hours of operation. Onsite consumption lounge and dispensary staff may enter and exit all sections of the facility" in this adopted version.

In subsection f), "Onsite consumption lounges" was deleted from the proposed version and is changed to "Dispensaries" in this adopted version.

In subsection g) 3), after "lounge" "unless in accordance with 410 ILCS 705/15-100(c)(5)" is added to this adopted version.

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In subsection g) 5), after "accessible", "(except as otherwise permitted as a point of re-entry under subsection (c))" is added to this adopted version.

In subsection g) 7), after "food", "and drinks" is added to this adopted version.

Subsection g) 7) C) is added to this adopted version.

In subsection i), after "lounge", "and upon the inspector's or emergency personnel's direction" is added to this adopted version.

In subsection j), after "the minimum standards for all licensees", "with onsite consumption lounges" is added to this adopted version and after "in addition to", "penalties established elsewhere" was deleted from the proposed version and is changed to "any penalties established by another unit of government" in this adopted version.

- 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: This adopted rulemaking created a comprehensive regulatory structure for adult-use cannabis dispensaries, initially by the establishment of five Subparts into which the Sections within the rulemaking have been categorized. These Subparts included "General Provisions", "Responsible Vendor Program", "Changes to Dispensing Organizations", "Dispensing Organization Requirements" and one "Social Equity Criteria Lottery" which is already in effect and no changes were made to that besides updating its specific title identification.

The general provisions were adopted and contain definitions, procedures on granting variances, information on licensing applications, fees, and renewals for dispensing organizations, agents, agents-in-charge, and principal officers, parameters for unprofessional, dishonorable or unethical conduct and grounds for discipline, as well as administrative procedures to contest that discipline. The Responsible Vendor Program portion is included in the adopted amendments and outlines the application and approval process, curriculum requirements, programmatic requirements, recordkeeping, and the process for closing an approved program.

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The changes to dispensing organizations were also adopted and outlined the requirements for any changes to a dispensing organization including cosmetic and non-cosmetic changes to dispensing organization operations, changes of a license's ownership or control including the sale or transfer of a license, required documents and actions for making changes, prohibitions and denials, exceptions to the change of ownership request requirement, management service agreements and conditional management service agreements, death, incapacity, and receivership of a principal officer, relocation of an adult use dispensing organization license, changes to a conditional adult use dispensing organization license.

The dispensing organization requirements are included in the adopted amendments and provided regulations specific to dispensing organization licenses including security requirements, prohibition against minors in the dispensary and required identification to purchase, signage, purchaser privacy, inventory control system, returns and refunds, destruction of cannabis and cannabis infused products, recalls and product safety, sale of non-cannabis items, and onsite consumption lounges.

This adopted rulemaking created a comprehensive regulatory structure for adult-use cannabis dispensaries by incorporating the feedback and ideas of industry professionals. This comprehensive adult use rules package is the first of its kind in the Illinois cannabis market and brings clarity, efficiency, and increased consumer protections into the Illinois regulated cannabis market. The Department's goal for promulgating these comprehensive adult use rules was to promote a safe, effective, and consistent cannabis marketplace for both consumers and the growing Illinois cannabis industry.

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

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield, Illinois 62786

(217) 785-0810  
Fax: (217) 557-4451  
Craig.cellini@illinois.gov

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1291  
CANNABIS REGULATION AND TAX ACTSUBPART A: GENERAL PROVISIONS

Section	
1291.10	Definitions
<u>1291.11</u>	<u>Granting Variances</u>
<u>1291.15</u>	<u>Dispensing Organization Fees and Renewals</u>
<u>1291.20</u>	<u>Agent Fees, Application, and Credentialing</u>
<u>1291.25</u>	<u>Agent-In-Charge Fees, Application, and Credentialing</u>
<u>1291.30</u>	<u>Principal Officer Fees, Application, and Credentialing</u>
1291.50	Tied Applicant Lottery Conducted in 2021
<u>1291.60</u>	<u>Unprofessional, Dishonorable, or Unethical Conduct</u>
<u>1291.70</u>	<u>Grounds for Discipline</u>
<u>1291.90</u>	<u>Disciplinary and Non-Disciplinary Actions and Petitions for Rehearing or Reconsideration Pursuant to Section 55-50 of the Act</u>
1291.95	Tax Delinquency

SUBPART B: RESPONSIBLE VENDOR PROGRAM

<u>1291.100</u>	<u>Application and Approval Process</u>
<u>1291.110</u>	<u>Curriculum Requirements</u>
<u>1291.120</u>	<u>Programmatic Requirements</u>
<u>1291.130</u>	<u>Responsible Vendor Provider Recordkeeping</u>
<u>1291.140</u>	<u>Closure of an Approved Program</u>

SUBPART C: CHANGES TO DISPENSING ORGANIZATIONS

<u>1291.200</u>	<u>Cosmetic and Non-Cosmetic Changes to Dispensing Organization Operations</u>
<u>1291.210</u>	<u>Change of a License's Entity or Ownership or Control Structure and the Sale or Transfer of a License</u>
<u>1291.211</u>	<u>Required Documents and Actions for Change of Ownership or Sale or Transfer of a License Application</u>
<u>1291.212</u>	<u>Prohibitions and Denials</u>

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<a href="#">1291.213</a>	<a href="#">Exceptions to the Change of Ownership Request Requirement</a>
<a href="#">1291.214</a>	<a href="#">Consultant and Conditional Management Service Agreements Exception</a>
<a href="#">1291.215</a>	<a href="#">Death, Incapacity, and Receivership of a Principal Officer</a>
<a href="#">1291.220</a>	Relocation of an Early Approval Adult Use Dispensing Organization License at a Same Site
<a href="#">1291.225</a>	<a href="#">Relocation of an Adult Use Dispensing Organization License</a>
<a href="#">1291.230</a>	<a href="#">Changes to a Conditional Adult Use Dispensing Organization License and Location Parameters</a>

SUBPART D: DISPENSING ORGANIZATION REQUIREMENTS

<a href="#">1291.300</a>	<a href="#">Security Requirements</a>
<a href="#">1291.301</a>	<a href="#">Minors Prohibited in Dispensary</a>
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<a href="#">1291.340</a>	<a href="#">Onsite Consumption Lounges</a>

SUBPART E: SOCIAL EQUITY CRITERIA LOTTERY

1291.400	Conditional License Lottery under Section 15-35.20(c) of the Act
1291.405	Conditional License Distribution under Section 15-35.20(c) of the Act
1291.410	Conditional License Lottery Application under Section 15-35.20(c) of the Act
1291.420	Conditional License Post Lottery Proof Requirements under Section 15-35.20(c) of the Act
1291.440	Conditional Licensee Requirements under Section 15-35.20(c) of the Act

AUTHORITY: Implementing and authorized by the Cannabis Regulation and Tax Act [410 ILCS 705]

SOURCE: Adopted by emergency rulemaking at 43 Ill. Reg. 14934, effective December 9, 2019, for a maximum of 180 days; emergency rule expired June 5, 2020; adopted at 44 Ill. Reg. 14103, effective August 24, 2020; emergency amendment at 45 Ill. Reg. 9586, effective July 15, 2021, for a maximum of 150 days; Subpart B of the emergency amendment suspended by the Joint Committee on Administrative Rules at 45 Ill. Reg. 10881, effective August 18, 2021;

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suspension withdrawn at 45 Ill. Reg. 12206, effective September 16, 2021; emergency amendment to emergency rule at 45 Ill. Reg. 11851, effective September 16, 2021, for the remainder of the 150 days; emergency amendment at 45 Ill. Reg. 13442, effective October 12, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 16320, effective December 7, 2021; amended at 46 Ill. Reg. 2660, effective January 28, 2022; amended at 46 Ill. Reg. 20783, effective December 13, 2022; amended at 48 Ill. Reg. 13377, effective August 20, 2024.

SUBPART A: GENERAL PROVISIONS**Section 1291.10 Definitions**

Terms not defined in this Section shall have the same meaning as in the Cannabis Regulation and Tax Act [410 ILCS 705]. Nothing in this Part is intended to confer a property or other right, duty, privilege or interest entitling an applicant to an administrative hearing upon denial of a dispensing organization application. The denial of a dispensing organization application does not preclude judicial review of the denial. The following definitions are applicable for purposes of this Part:

"Act" means the Cannabis Regulation and Tax Act [410 ILCS 705].

~~"ADA" means the Americans With Disabilities Act of 1990 (42 U.S.C. 12101).~~

"Address of record" means the address ~~recorded~~~~record~~ by the Department in the applicant's application file maintained by the Department.

~~*"Adult Use Dispensing Organization License" means a license issued by the Department of Financial and Professional Regulation that permits a person to act as a dispensing organization under the Act and any administrative rule made in furtherance of the Act. (Section 1-10 of the Act)*~~  
~~"Adult Use Dispensing Organization License" means a license issued by the Department that permits a person to act as a dispensing organization under this Act and any administrative rule made in furtherance of this Act.~~

"Affiliate" means a ~~person~~~~Person~~ who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, that ~~person~~~~Person~~.

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"Affiliated entity" means any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the ~~person~~**Person**.

"Agent-in-charge" or "AIC" means a person licensed by the Department in charge of managing the dispensing organization.

"Applicant" means any person or entity who is applying to the Department for a Conditional Adult Use Dispensing Organization License, Adult Use Dispensing Organization License or an agent, agent-in-charge, or principal officer identification card issued under the Act or this Part, or to be approved as a Responsible Vendor Provider under the Act or this Part~~the proposed dispensing organization name as stated on a license application.~~

~~"Application date" is the date an application for approval was received by the Department.~~

*"Application points" means the number of points a dispensary applicant~~Dispensary Applicant~~ receives on an application for a Conditional Adult Use Dispensing Organization License. (Section 1-10 of the Act)*

~~"Application submission window" means the period between August 1<sup>st</sup> and August 15<sup>th</sup> of every odd numbered year during which the Department will receive applications to be approved as a Responsible Vendor Provider unless the date falls on a holiday or weekend in which case the window is extended to the next business day. The application submission window shall close at 5 p.m. central time on the final day on which applications are accepted.~~

~~"Approved list" is the list of providers.~~

"Approved Vendor List" means a list of service professionals approved by the Department to work or perform services at a specific dispensing organization.

"Assign" or "Assignment" means granting an allocation of ownership interest or control in a dispensing organization to an existing principal officer or to a non-licensed third party.



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"BLS region" means a region in Illinois used by the United States Bureau of Labor Statistics to gather and categorize certain employment and wage data. The 17 regions in Illinois are:

*Bloomington* ([DeWitt County](#); [McLean County](#)),

*Cape Girardeau* ([Alexander County](#)),

*Carbondale-Marion* ([Jackson County](#); [Williamson County](#)),

*Champaign-Urbana* ([Champaign County](#); [Ford County](#); [Piatt County](#)),

*Chicago-Naperville-Elgin* ([Cook County](#); [DeKalb County](#); [DuPage County](#); [Grundy County](#); [Kane County](#); [Kendall County](#); [Lake County](#); [McHenry County](#); [Will County](#)),

*Danville* ([Vermilion County](#)),

*Davenport-Moline-Rock Island* ([Henry County](#); [Mercer County](#); [Rock Island County](#)),

*Decatur* ([Macon County](#)),

*Kankakee* ([Kankakee County](#)),

*Peoria* ([Marshall County](#); [Peoria County](#); [Stark County](#); [Tazewell County](#); [Woodford County](#)),

*Rockford* ([Boone County](#); [Winnebago County](#)),

*St. Louis* ([Bond County](#); [Calhoun County](#); [Clinton County](#); [Jersey County](#); [Madison County](#); [Macoupin County](#); [Monroe County](#); [St. Clair County](#)),

*Springfield* ([Menard County](#); [Sangamon County](#)),

*Northwest Illinois nonmetropolitan area* ([Bureau County](#); [Carroll County](#); [Jo Daviess County](#); [LaSalle County](#); [Lee County](#); [Ogle County](#); [Putnam County](#); [Stephenson County](#); [Whiteside County](#)),

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*West Central Illinois nonmetropolitan area* ([Adams County](#); [Brown County](#); [Cass County](#); [Christian County](#); [Fulton County](#); [Greene County](#); [Hancock County](#); [Henderson County](#); [Knox County](#); [Livingston County](#); [Logan County](#); [Mason County](#); [McDonough County](#); [Montgomery County](#); [Morgan County](#); [Moultrie County](#); [Pike County](#); [Schuyler County](#); [Scott County](#); [Shelby County](#); [Warren County](#)),

*East Central Illinois nonmetropolitan area* ([Clark County](#); [Clay County](#); [Coles County](#); [Crawford County](#); [Cumberland County](#); [Douglas County](#); [Edgard County](#); [Effingham County](#); [Fayette County](#); [Iroquois County](#); [Jasper County](#); [Lawrence County](#); [Marion County](#); [Richland County](#)), *and*

*South Illinois nonmetropolitan area* ([Edwards County](#); [Franklin County](#); [Gallatin County](#); [Hamilton County](#); [Hardin County](#); [Jefferson County](#); [Johnson County](#); [Massac County](#); [Perry County](#); [Pope County](#); [Pulaski County](#); [Randolph County](#); [Saline County](#); [Union County](#); [Wabash County](#); [Wayne County](#); [White County](#)). (Section 1-10 of the Act)

"Bulk cannabis inventory" means cannabis and cannabis-infused products stored in the reinforced vault in clear, heat-sealed or taped shrink wrap bags or sheeting that is labeled with the date the inventory is sealed, the last four digits of the batch number, the number of items contained within the wrapping, and the date the inventory was last counted. Bulk [cannabis inventory](#) ~~Cannabis Inventory~~ is included in the dispensing organization's total inventory available for sale.

"Buyer" means [a prospective or current dispensing organization intending to buy or receive the license or licenses of a seller in accordance with the change of ownership parameters of this Part.](#)

"By lot" means a randomized method of choosing between two or more applicants.

*"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including:*

*[derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not;](#)*

*[the seeds thereof, the resin extracted from any part of the plant; and](#)*

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any compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction.

"Cannabis" does not include:

the mature stalks of the plant;

fiber produced from the stalks, oil or cake made from the seeds of the plant;

any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination;

industrial hemp as defined and authorized under the Industrial Hemp Act [505 ILCS 89].

"Cannabis" does include cannabis flower, concentrate, and cannabis-infused products. (Section 1-10 of the Act)

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization. (Section 1-10 of the Act)

"Cannabis flower" means marijuana, hashish, and other substances that are:

identified as including any parts of the plant cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis; and

raw kief, leaves, and buds. (Section 1-10 of the Act)

"Cannabis flower" does not include resin that has been extracted from any part of a plant, nor any compound, manufacture, salt, derivative, mixture, or preparation of a plant, its seeds, or resin. (Section 1-10 of the Act)

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"Cannabis-Infused product" means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis or cannabis concentrate that is not intended to be smoked. (Section 1-10 of the Act)

~~"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including:~~

~~derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not;~~

~~the seeds thereof, the resin extracted from any part of the plant; and~~

~~any compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction.~~

~~"Cannabis" does not include:~~

~~the mature stalks of the plant;~~

~~fiber produced from the stalks, oil or cake made from the seeds of the plant;~~

~~any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination;~~

~~industrial hemp as defined and authorized under the Industrial Hemp Act [505 ILCS 89].~~

~~"Cannabis" does include cannabis flower, concentrate, and cannabis infused products.~~

~~"Cannabis business establishment" means a cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization.~~

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~~"Cannabis flower" means marijuana, hashish, and other substances that are:~~

~~identified as including any parts of the plant cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis; and~~

~~raw kief, leaves, and buds~~

~~"Cannabis flower" does not include resin that has been extracted from any part of a plant, nor any compound, manufacture, salt, derivative, mixture, or preparation of a plant, its seeds, or resin.~~

~~"Cannabis Infused product" means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis or cannabis concentrate that is not intended to be smoked.~~

"Collateral" means pledging a license and/or any current ownership interest, such as a dispensing organization license or a principal officer's license, ownership, or interest, in the licenses, ownership, or interest as security against an existing or prospective debt.

*"Conditional Adult Use Dispensing Organization License" or "conditional license" means a contingent license awarded to applicants for an Adult Use Dispensing Organization License that reserves the right to an Adult Use Dispensing Organization License if the applicant meets certain conditions described in the Act but does not entitle the recipient to begin purchasing or selling cannabis or cannabis-infused products. (Section 1-10 of the Act)*

~~"Conditional license" means a Conditional Adult Use Dispensing Organization License.~~

"Conditional License Phase" or "Conditional Phase" means the period after which an entity is issued a Conditional Adult Use Dispensing Organization License prior to the issuance of any associated Adult Use Dispensing Organization License as described in Sections 15-25(e), 15-35(c); and 15-35.10(c) of the Act.

"Consultant or Conditional Management Service Agreement" or "CMSA" means any agreement, contract, arrangement, or other type of formal understanding between a conditional licensee or dispensing organization and a management services contractor, where the contractor provides professional staffing,

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administrative, operational, advisory, management, or other general consulting services to the conditional licensee or dispensing organization in exchange for remuneration.

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

"Director" means the Director of the Division of Professional Regulation within the Department.

"Dispensary Applicant" means the proposed dispensing organization name as stated on an application for a Conditional Adult Use Dispensing Organization License. (Section 1-10 of the Act)~~"Dispensary Applicant" means the proposed dispensing organization name as stated on an application for a Conditional Adult Use Dispensing Organization License.~~

"Dispense" means to interpret, verify computer entry of, select the cannabis or cannabis-infused product for, prepare and/or hand-deliver cannabis or cannabis-infused product to a purchaser, registered medical patient or caregiver.

*"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Part, "dispensing organization" includes a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130] or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License. (Section 1-10 of the Act)*

~~"Dispensing Organization License" or "License" means any Early Approval Adult Use Dispensing Organization License, Conditional Adult Use Dispensing Organization License, or Adult Use Dispensing Organization License.~~

"Dispensing organization agent ID card" or "agent ID card" means a document issued by the Department that identifies a person as a dispensing organization agent, agent-in-charge, or principal officer.

"DOA" means the Illinois Department of Agriculture.

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~~"DPH" means the Illinois Department of Public Health.~~

~~"Email address of record" means a primary or alternate contact email address recorded by the Department in the applicant's application file maintained by the Department.~~

"Early Approval Adult Use Dispensing Organization at a Secondary Site" or "secondary site" means a license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Program Act as of June 25, 2019 to begin selling cannabis or cannabis-infused product to purchasers as permitted by the Act on January 1, 2020 at a different dispensary location from its existing registered medical dispensary location. (Section 1-10 of the Act)

"Early Approval Adult Use Dispensing Organization License" or "Same-Site Licensee" means a license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Program Act as of June 25, 2019 to begin selling cannabis or cannabis-infused product to purchasers as permitted by the Act as of January 1, 2020. (Section 1-10 of the Act)

"Eligible applicant" means a tied applicant eligible to participate in the process by which a remaining available license is distributed by lot.

"Firearm injury" means a gunshot wound or penetrating injury from a weapon that uses a powder charge to fire a projectile. Weapons that use a power charge include handguns, rifles, and shotguns. Injuries from air- and gas-powered guns, BB guns, and pellet guns are not considered firearm injuries as these types of guns do not use a powder charge to fire a projectile.

"Financial Interest" means any actual or future right to ownership, investment or compensation arrangement, either directly or indirectly, through business, investment, spouse, parent or child, in the dispensing organization. Financial interest does not include ownership of investment securities in a publicly-held corporation that is traded on a national securities exchange or over-the-counter market in the United States, provided the investment securities held by the person and the person's spouse, parent or child, in the aggregate, do not exceed 5% ownership in the dispensing organization.

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"HIPAA" means the Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) and the HIPAA Privacy Rule as found at 45 CFR 164.

"Individual" means a natural person.

"ISP" means the Illinois State Police.

"Laboratory" means an independent laboratory located in Illinois and approved by DOA to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research or analysis.

*"Limited access area" means a room or other area under the control of a cannabis dispensing organization licensed under this Act and upon the licensed premises where cannabis sales occur with access limited to purchasers, dispensing organization owners and other dispensing organization agents, or service professionals conducting business with the dispensing organization, or, if sales to registered qualifying patients, caregivers, provisional patients, and Opioid Alternative Pilot Program participants licensed pursuant to the Compassionate Use of Medical Cannabis Program Act are also permitted at the dispensary, registered qualifying patients, caregivers, provisional patients, and Opioid Alternative Pilot Program participants. (Section 1-10 of the Act)*

*"Member of an impacted family", "family member", or "impacted family member" means an individual who has a parent, legal guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to June 25, 2019, was arrested or convicted of, or adjudicated delinquent for any offense that is eligible for expungement under the Act. (Section 1-10 of the Act)*

*"Management Services Agreement" means any agreement, contract, arrangement, or other type of formal understanding between a management services contractor and a dispensing organization where the management services contractor and a dispensing organization where the management services contractor provides professional staffing, such as, administrative, operational, advisory, consulting or management services to a dispensing organization.*

*"Management Services Contractor" means a third-party vendor-contractor entity that provides professional staffing, administrative, operational, advisory, consulting or management services to a dispensing organization.*



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"Notify" means to send via regular United States mail or email.

"Onsite Consumption Lounge" means an establishment connected to a licensed early approval adult use dispensing organization at a secondary site or a licensed adult use dispensing organization in which cannabis or cannabis-infused product is heated, burned, smoked, or consumed under section 55-25 of the Act.

"Ownership and control" means ownership of at least 51% of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital assets, and profits and losses of the business proportionate to percentage of ownership. (Section 1-10 of the Act)

~~"On-site instruction" means class is held at a physical location in-person or remotely by real-time video technology tools.~~

~~"Person" means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court. (Section 1-10 of the Act)~~

~~"Principal officer" includes a cannabis business establishment applicant or licensed cannabis business establishment's board member, owner with more than 1% interest of the total cannabis business establishment or more than 5% interest of the total cannabis business establishment of a publicly traded company, president, vice president, secretary, treasurer, partner, officer, member, manager member, or person with a profit sharing, financial interest, or revenue sharing arrangement. This definition includes a person with authority to control the cannabis business establishment or a person who assumes responsibility for the debts of the cannabis business establishment. (Section 1-10 of the Act)~~

"Point of Sale System" means a computer system capable of completing cannabis purchases, tracking cannabis inventory, and communicating cannabis inventory to the State Verification System.

~~"Qualifying Applicant" means an applicant that submitted an application pursuant to Section 15-30 of the Act that received at least 85% of 250 application points available under Section 15-30 as the applicant's final score and meets the~~

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~~definition of "Social Equity Applicant" as defined in the Act. (Section 1-10 of the Act)~~

"Reinforced vault" means a room built to the specifications listed in Section 1291.300(g)~~1291.220(g)~~.

"Remaining available license" means a license in a BLS region that has not been awarded by the Department at the conclusion of the scoring process period. There may be more than one remaining available license in a BLS region. For example, if four licenses are available in a BLS region and the five highest scoring dispensary applicants~~Dispensary Applicants~~ receive scores of 245, 240, 235, 235, and 235 points, the applicants receiving 245 and 240 application points will be awarded licenses and the three applicants receiving 235 points may become eligible applicants~~Eligible Applicants~~. Likewise, if one license is available in a BLS region and there are five dispensary applicants~~Dispensary Applicants~~ with the highest score, all five dispensary applicants~~Dispensary Applicants~~ may become eligible applicants~~Eligible Applicants~~.

"Responsible Vendor Program" or "Program" means a training course or module offered by an approved Responsible Vendor Provider that provides at least two hours of class instruction on topics outlined in Section 1291.110.

"Responsible Vendor Provider" or "Provider" means a person or entity approved by the Department to offer a responsible vendor program and issue certifications pursuant to Section 15-40(k) of the Act.

"Responsible Vendor Trainer" or "Trainer" means an individual who is employed or contracted by a responsible vendor provider to provide the instruction for a responsible vendor program.

"Restricted access area" means a building, room or other contiguous area under control of the dispensing organization and upon the registered premises with access limited to dispensary agents only, where cannabis is stored, packaged, sold or processed for sale.

"Scoring process period" is the period of time between the conclusion of the submission period for a conditional license application and when the Department publishes the names of tied applicants that may become eligible applicants.

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

"Seller" means a dispensing organization that intends to change its ownership or sell or transfer its license or licenses.

"Service professional" means a person who must be present at the dispensary to perform work, including but not limited to those installing or maintaining security devices, delivering cannabis, providing construction services, and auditing or accounting services, etc. It also means a person who is a prospective buyer or investor in a license who has been approved in a form or manner prescribed by the Department.

"State verification system" means a web-based system established and maintained by the State of Illinois that is available to the Department, DOA, ISP, and dispensing organizations for the tracking of the date of sale, amount, and price of cannabis purchased by purchasers.

*"Tied applicant" means an application submitted by a dispensary applicant~~Dispensary Applicant~~ pursuant to Section 15-30 of the Act that received the same number of application points under Section 15-30 of the Act as the dispensary applicant's~~Dispensary Applicant's~~ final score as one or more top-scoring applications in the same BLS region and would have been awarded a license but for the one or more other top-scoring applications that received the same number of application points. Each application for which a dispensary applicant~~Dispensary Applicant~~ was required to pay a required application fee for the application period ending January 2, 2020 shall be considered an application of a separate tied applicant~~Tied Applicant~~. (Section 1-10 of the Act)*

"Top participant" means an applicant drawn by lot in a winning slot such that it has the opportunity to be issued a conditional license.

"Victim" means

a person injured as a result of a firearm injury perpetrated or attempted against them;

the spouse, parent, or child of a person killed or injured as a result of a firearm injury perpetrated or attempted against the person, or anyone

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living in the household of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child;

a person injured while attempting to assist a person against whom a firearm injury is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances;

a person injured while assisting a law enforcement official apprehend a person who has perpetrated a firearm injury or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official; or

a person who personally witnessed a firearm injury.

The victim must not be the offender in the criminal act and must not have provoked or incited the crime.

(Source: Amended at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.11 Granting Variances**

The Director may grant variances from this Part in individual cases when the director finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of that variance; and
- c) The rules from which the variance is granted would be unreasonable or unnecessarily burdensome.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.15 Dispensing Organization Fees and Renewals**

- a) Communication with the Department. The Department will only communicate with the dispensing organization's primary contact, alternate contact, or through an authorized third-party. The primary and alternate contact information must be different from each other and cannot be the same email address for each. In order

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to change its primary or alternate contact information, a dispensing organization must submit a request to change from the current primary or alternate contact email address the Department has on record. If the current email addresses are inaccessible, the dispensing organization must submit a certification attesting to the inaccessibility and requesting the change.

- b) Fees. The following are the fees for dispensing organizations. All fees are nonrefundable and all monies collected under the Act shall be deposited in the Cannabis Regulation Fund in the State Treasury.
- 1) The application fee for a change of ownership or sale or transfer of a license is \$5,000 for each license involved in the transaction. A fee shall be remitted to the Department for each Adult Use Dispensing Organization License or Registered Medical Cannabis Organization License involved in the transaction.
  - 2) The application fee for an exception to a change of ownership or sale or transfer of a license, as those exceptions are defined in Section 1291.213, is \$1,000. If the Department determines that an exception does not apply and the transaction is a change of ownership or sale or transfer of a license, then the licensee shall pay the fees required under subsection (b)(1), minus any monies already paid pursuant to this subsection (b)(2).
  - 3) The licensing fee for a dispensing organization is \$60,000.
  - 4) The renewal fee for a dispensing organization is \$60,000.
  - 5) The late fee for renewal of a dispensing organization is \$5,000.
  - 6) Licensing fees may be paid on a pro-rated basis based on the following license issuance dates:

Dispensing Organization Licensing Fees – Pro-Rated Table

<u>Month</u>	<u>Fee</u>
<u>January of even-numbered years</u>	<u>\$5,000</u>
<u>February of even-numbered years</u>	<u>\$2,500</u>
<u>March of even-numbered years</u>	<u>\$60,000</u>
<u>April of even-numbered years</u>	<u>\$57,500</u>

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<u>May of even-numbered years</u>	<u>\$55,000</u>
<u>June of even-numbered years</u>	<u>\$52,500</u>
<u>July of even-numbered years</u>	<u>\$50,000</u>
<u>August of even-numbered years</u>	<u>\$47,500</u>
<u>September of even-numbered years</u>	<u>\$45,000</u>
<u>October of even-numbered years</u>	<u>\$42,500</u>
<u>November of even-numbered years</u>	<u>\$40,000</u>
<u>December of even-numbered years</u>	<u>\$37,500</u>
<u>January of odd-numbered years</u>	<u>\$35,000</u>
<u>February of odd-numbered years</u>	<u>\$32,500</u>
<u>March of odd-numbered years</u>	<u>\$30,000</u>
<u>April of odd-numbered years</u>	<u>\$27,500</u>
<u>May of odd-numbered years</u>	<u>\$25,000</u>
<u>June of odd-numbered years</u>	<u>\$22,500</u>
<u>July of odd-numbered years</u>	<u>\$20,000</u>
<u>August of odd-numbered years</u>	<u>\$17,500</u>
<u>September of odd-numbered years</u>	<u>\$15,000</u>
<u>October of odd-numbered years</u>	<u>\$12,500</u>
<u>November of odd-numbered years</u>	<u>\$10,000</u>
<u>December of odd-numbered years</u>	<u>\$7,500</u>

- c) Hardship Waiver. Dispensing organizations may seek a hardship waiver for 50% of a dispensing organization's renewal fee under Section 15-45 of the Act.
- 1) In order to qualify for a hardship waiver, dispensing organization licensees must:
- A) Attest to their status as a social equity applicant in a form or manner prescribed by the Department.
- B) Attest that the dispensing organization or applicant for renewal, including all individuals and entities with 10% or greater ownership and all parent companies, subsidiaries, and affiliates, has less than a total of \$750,000 of income in the previous calendar year; and that dispensing organization or applicant for renewal, including all individuals and entities with 10% or greater ownership and all parent companies, subsidiaries, and affiliates, have no more than two other licenses for cannabis business establishments in the State of Illinois.

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- C) Provide income verification by the Illinois Department of Revenue.
- 2) Licensees may only qualify for a hardship waiver for the licensee's first renewal cycle.
- d) Renewals
- 1) An Adult Use Dispensing Organization License will expire on March 31 of each even-numbered year. (Section 15-45 of the Act) The licensee shall renew the license during the 90 calendar days preceding the expiration date by submitting a renewal application and paying the fee required by Section 1291.15 no later than March 1 of the renewal year. If a license is not renewed before the license expires, the dispensing organization must cease operations until the license has been renewed.
- 2) If a dispensing organization does not renew its license, it shall notify the Department, not less than three months prior to the closing date or as otherwise authorized by the Department.
- 3) If a dispensing organization does not renew its license within 90 calendar days after its expiration, the Department may deem the license to be abandoned and issue a Notice of Intent to Issue a Permanent Revocation Order. The Notice of Intent to Issue a Permanent Revocation Order shall specify the reason for the intended action and notify the licensee that it has 20 calendar days after the date the notice is mailed or e-mailed to present to the Department a written response contesting the Department's intended action. A written response will be considered by the Department only if the dispensing organization provides documentation that:
- A) the license was renewed within the required timeframe; or
- B) a renewal application was submitted prior to the Notice of Intent to Issue a Permanent Revocation being issued.
- 4) If the Department does not receive a written response from the licensee that establishes one of the grounds provided in subsection (c)(1) or (2) and more than 20 calendar days have lapsed since the date of the issuance of

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the Notice of Intent to Issue a Permanent Revocation Order, the Director shall issue an order permanently revoking the license of the licensee.

- e) Dispensing Organization Duties and Prohibitions
- 1) A dispensing organization license shall be valid only for the specific dispensing organization identified on the license and for the specific location proposed and approved by the Department.
  - 2) Early Approval Adult Use Dispensing Organization Licensees ("same site") issued pursuant to Section 15-15 of the Act or Early Approval Adult Use Dispensing Organization License at secondary sites ("secondary site") issued pursuant to Section 15-20 of the Act cannot be severed from the associated medical registration. The ownership structures for a same-site or secondary site shall remain identical to the associated medical registration. Same-site licensees seeking relocation must relocate both the same-site license and associated medical registration to the same location. Any change of ownership or sale or transfer involving a medical registration must also include its associated same-site and secondary site licenses and vice versa.
  - 3) Dispensing organizations are responsible for ensuring it and its agents adhere to the codes of conduct and grounds for discipline identified in Sections 1291.60 and 1291.70.
  - 4) Dispensing organizations have a duty to report to the Department, within 14 calendar days, any adverse action taken against the dispensing organization, or its agent, by a licensing authority with jurisdiction in any state or any territory of the United States or any foreign jurisdiction, any governmental agency, any law enforcement agency or any court;
  - 5) Dispensing organizations are prohibited from assigning a dispensing organization license. (See Section 15-60(g) of the Act.)
  - 6) Dispensing organizations are prohibited from using a dispensing organization license as collateral to secure an existing or prospective debt.
- f) The Department may suspend or revoke a dispensing organization license for a violation of the Act or this Part in accordance with Section 1291.70.



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(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.20 Agent Fees, Application, and Credentialing**

- a) All individuals who have access to a dispensing organization's restricted access area and who are not otherwise registered as an agent-in-charge, a principal officer, or are identified on the dispensary's approved vendor list, are required to be registered by the Department as an agent and be issued an agent ID card. These individuals include, but are not limited to:
- 1) Individuals involved with in-take of cannabis or cannabis-infused product deliveries;
  - 2) Individuals fulfilling cannabis or cannabis-infused product orders;
  - 3) Individuals involved with the destruction of cannabis or cannabis-infused products;
  - 4) Individuals entering purchasers' cannabis or cannabis-infused product orders into any point of sale system used by a dispensing organization; and
  - 5) Individuals employed by the dispensing organization that engage in inventory verifications.
- b) Communications with the Department. The Department will only communicate with the agent's email address the Department has on record, or with a third-party so long as a third-party authorization form is submitted. In order to change its contact information, an agent must submit a request to the Department from the email address the Department has on record. If the current email address is inaccessible, the agent must submit a certification attesting to the inaccessibility and request the change.
- c) Fees. The fees for an agent are as follows. All fees are nonrefundable and all monies collected under the Act shall be deposited in the Cannabis Regulation Fund in the State Treasury.
- 1) The application fee for an agent ID card is \$100. This fee includes the physical card. (See Section 15-40(a)(5) of the Act.)

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- 2) The annual renewal fee for an agent ID card is \$100. (See Section 15-45(d)(2) of the Act.)
  - 3) The late fee for renewal of an agent ID card is \$50.
  - 4) The fee for the issuance of a replacement agent ID card is \$50.
  - 5) The fee to restore an agent ID card is \$100. (See Section 15-40(b) of the Act.)
- d) Agent ID Card Application. Prior to performing the duties of an agent within a dispensing organization, an agent ID card application shall be submitted by a dispensing organization principal officer or agent-in-charge in a form or manner provided by the Department.
- 1) Completed applications shall include the following:
    - A) The name of the dispensing organization employing the agent, and the address of the dispensary;
    - B) A copy of the applicant's valid driver's license or a State-issued identification;
    - C) Electronic picture of applicant taken within 30 days of the application submission;
    - D) The applicant's social security number;
    - E) The application fee;
    - F) Department background check authorizations in compliance with 410 ILCS 705/5-20. These authorizations include Fingerprint Consent Forms and livescan vendor receipt demonstrating that the agent applicant has applied for a fingerprint-based criminal history records check. Applicants shall only have valid fingerprints taken that are capable of being retrieved by the Department; and

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- G) Any additional information requested by the Department necessary to verify the identity of the applicant.
- 2) The Department will issue an agent ID card if all of the criteria under subsection (d)(1) is met and the applicant passes a background check. Applicants may begin working at a dispensary once an application has been submitted. If the applicant is notified of a deficiency in their application, the applicant must submit the information or documentation requested within 30 calendar days of the notification requesting the information or documents. If the applicant fails to provide the requested documentation or information, the Department will deny the issuing of the agent ID card, and the applicant may no longer enter the dispensary except as a member of the public. Applicants may not work at the dispensary after receiving a Notice of Intent to Deny Licensure as defined by the Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110.30).
- 3) The Department will communicate with the applicant's contact information on file, including the applicant's email address of record, the primary contact, and/or the alternate contact associated with the application.
- e) Agent Training
- 1) All individuals who are required to apply as an agent shall annually complete eight hours of training through an approved Responsible Vendor Program.
- 2) Individuals required to apply as an agent shall complete the Responsible Vendor Program:
- A) Within 90 calendar days of commencing initial employment at a dispensary; and
- B) Within 45 calendar days before the individual's license renewal is due or within 45 calendar days after the individual's renewal has been approved; unless,

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- C) The individual commences employment at a new dispensing organization within one year of that individual's annual or renewal requirements in the above subsection (e)(2)(A) or (B).
- 3) Training certifications from a provider who is not an approved responsible vendor provider will not be accepted by the Department. An individual with a training certificate that is not accepted by the Department is required to complete an approved responsible vendor program within 20 days after the Department provides notice of the deficiency. The Department will grant an extension to the deadlines established in subsection (e) on an individual basis so long as the individual demonstrates a good faith belief that a complete training program was approved by the Department.
- f) Agent Renewal and Restoration
- 1) All agent ID cards shall expire one year from the date the agent ID card is issued. An agent shall submit an online renewal application to renew the agent ID card no later than 30 calendar days preceding the card's expiration date.
- 2) As part of an agent's renewal, the agent shall certify to the Department that they are in compliance with the required annual responsible vendor program training.
- 3) An agent seeking restoration of a license due to termination of employment or expiration of the underlying license shall have the license restored upon request to the Department and payment of the required fee. A restored agent must comply with subsection (d) upon beginning employment.
- 4) At any time after the successful completion of any term of suspension, placement on probationary status or other disciplinary action taken by the Department with regards to any agent ID card, the agent may file a petition for restoration in accordance with 68 Ill. Adm. Code 1110.30.
- g) Agent Duties and Prohibitions

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- 1) All individuals registered as an agent are subject to the codes of conduct and grounds for discipline identified in Sections 1291.60 and 1291.70. The Department may suspend, revoke, or otherwise discipline an agent's license, registration, and/or agent ID card for a violation of the Act or this Part.
- 2) An individual registered as an agent shall not otherwise be registered as an agent-in-charge under Section 1291.25.
- 3) An agent shall not dispense cannabis or cannabis-infused products to other agents or employees of the dispensing organization if the purchasing agent or employee is on duty. For the purposes of this subsection, an employee is on-duty when they are being compensated for their work, including any paid lunch or break.
- 4) Agents shall not consume cannabis or cannabis-infused products on the premises of the dispensing organization.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.25 Agent-In-Charge Fees, Application, and Credentialing**

- a) The agent-in-charge shall be a principal officer or full-time agent of the dispensing organization and shall manage the dispensary. Managing the dispensary includes, but is not limited to, responsibility for opening and closing the dispensary, delivery acceptance, oversight of sales and dispensary agents, recordkeeping, inventory, dispensary agent training, and compliance with the Act and this Part. Managing includes participation in affairs also includes the responsibility for maintaining all files subject to inspection by the Department at the dispensary. (Section 15-95 of the Act) AICs may delegate some of their duties to agents registered under Section 1291.20.
- b) Communications with the Department. The Department will only communicate with the AIC's email address the Department has on record, or with a third-party so long as a third-party authorization form is submitted. In order to change its contact information, an AIC must submit a request to the Department from the email address the Department has on record. If the current email address is inaccessible, the AIC must submit a certification attesting the inaccessibility and requesting the change.

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- c) AIC Fees. The fees for AIC are as follows. All fees are nonrefundable and all monies collected under the Act shall be deposited in the Cannabis Regulation Fund in the State Treasury.
- 1) The application fee for an AIC identification card is \$100. This fee includes the physical card.
  - 2) The annual renewal fee for an AIC identification card is \$100.
  - 3) The late fee for renewal of an AIC identification card is \$50.
  - 4) The fee for the issuance of a replacement AIC identification card is \$50.
  - 5) The fee to restore a terminated AIC identification card is \$100.
- d) AIC Application. Prior to performing the duties of an AIC within a dispensing organization, an AIC application shall be submitted by the applicant in a form or manner provided by the Department.
- 1) The application shall include, but not be limited to the following:
    - A) The name of the dispensing organization employing the AIC, and the address of the dispensary;
    - B) A copy of the applicant's valid driver's license or a State issued identification;
    - C) Electronic picture of applicant taken within 30 days of the application submission;
    - D) The applicant's social security number;
    - E) The application fee;
    - F) Department background check authorizations in compliance with 410 ILCS 705/5-20. These authorizations include Fingerprint Consent Forms and livescan vendor receipt demonstrating that the applicant has applied for a fingerprint-based criminal history

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records check. Applicants shall only have valid fingerprints taken that are capable of being retrieved; and

- G) Any additional information requested by the Department necessary to verify the identity of the applicant.
- 2) The Department will issue an AIC identification card if all of the criteria under subsection (d)(1) is met and the applicant passes a background check. Applicants may begin working at a dispensary once an application has been submitted. If the applicant is notified of a deficiency in their application, the applicant must submit the information or documentation requested within 30 calendar days of the notification requesting the information or documents. If the applicant fails to provide the requested documentation or information, the Department will deny the issuing of the AIC identification card, and the applicant may no longer enter the dispensary except as a member of the public. Applicants may not work at the dispensary after receiving a Notice of Intent to Deny Licensure as defined by the Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110.30).
- 3) The Department will communicate with the applicant's contact information on file, including the applicant's email address of record, the primary contact, and/or the alternate contact associated with the application.
- e) AIC Training
- 1) AICs shall annually complete eight hours of training through an approved responsible vendor program.
- 2) AICs shall complete the responsible vendor program:
- A) Within 90 calendar days of commencing initial employment at a dispensary; and
- B) Within 45 calendar days before the individual's annual renewal is due or within 45 calendar days after the individual's renewal has been approved; unless,

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- C) The individual commences employment at a new dispensing organization within one year of that individual's annual or renewal requirements in the above subsection (e)(1) or (e)(2).
- 3) Training certifications from a provider who is not an approved responsible vendor provider will not be accepted by the Department. An individual with a training certificate that is not accepted by the Department is required to complete an approved responsible vendor program within 20 days after the Department provides notice of the deficiency. The Department will grant an extension to the deadlines established in subsection (b) on an individual basis so long as the individual demonstrates a good faith belief that a complete training program was approved by the Department.
- f) AIC Renewal and Restoration
- 1) All AIC identification cards shall expire one year after the date they are issued. The holder of a card may renew the card 45 calendar days preceding the expiration date by submitting a renewal application and paying the required renewal fee.
- 2) AICs shall certify to the Department that they are in compliance with the required annual responsible vendor program training.
- 3) An AIC seeking restoration of a license due to termination of employment or expiration of the underlying license shall have the license restored upon request to the Department and payment of fee required.
- 4) At any time after the successful completion of any term of suspension, placement on probationary status or other disciplinary action taken by the Department with regards to any AIC license, the licensee may file a petition for restoration in accordance with 68 Ill. Adm. Code 1110.30.
- g) AIC Duties and Prohibitions
- 1) All individuals registered as an AIC are subject to the codes of conduct and grounds for discipline identified in Sections 1291.60 and 1291.70, as well as subsection (h). The Department may suspend, revoke, or



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otherwise discipline an AIC's license, registration, and/or agent ID card for a violation of the Act or this Part.

- 2) An AIC is responsible for notifying the Department of a change in the employment status of all dispensing organization agents within five business days after the change, including notice to the Department if the termination of an agent was for diversion of product or theft of currency. (Section 15-95(e) of the Act)
  - 3) An AIC shall work at least 32 hours per week at their assigned dispensary in order to qualify as "full-time" for the purposes of this Part.
  - 4) An AIC is responsible for notifying the Department of a change in the employment status of all dispensing organization agents within five business days after the change, including notice to the Department if the termination of an agent was for diversion of product or theft of currency. (Section 15-95(e) of the Act)
  - 5) An AIC is responsible for notifying the Department of any changes made to the approved vendor list.
  - 6) An AIC is responsible for ensuring the daily inventory count as required by Section 1291.310(e) is completed.
  - 7) An AIC is responsible for managing the dispensary.
  - 8) An AIC is responsible for implementing the dispensary's records retention policy, including: the preparation, obtaining, or keeping records, logs, reports, or other documents in connection with Act and this Part; and for, upon request by the Department, making any documents immediately available for inspection and copying by the Department, the Department's authorized representative, or others authorized by law to review the documents. (See Section 15-135(e) of the Act.)
- h) AIC Disciplinary Actions. In addition to any action initiated pursuant to Sections 1291.60 and Section 2191.70, the Department may deny an application or renewal or discipline or revoke an agent-in-charge identification card for any of the following reasons in accordance with the Act and 20 ILCS 2105/2105-130:

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- 1) Submission of misleading, incorrect, false, or fraudulent information in the application or renewal application;
- 2) Violation of the requirements of the Act or this Part;
- 3) Fraudulent use of the agent-in-charge identification card;
- 4) Selling, distributing, transferring in any manner, or giving cannabis to any unauthorized person;
- 5) Theft of cannabis, currency, or any other items from a dispensary;
- 6) Tampering with, falsifying, altering, modifying, or duplicating an agent-in-charge identification card;
- 7) Tampering with, falsifying, altering, or modifying the surveillance video footage, point-of-sale system, or the State's verification system;
- 8) Failure to notify the Department immediately upon discovery that the agent-in-charge identification card has been lost, stolen, or destroyed;
- 9) Failure to notify the Department within five business days after a change in the information provided in the application for an agent-in-charge identification card;
- 10) Conviction of a felony offense in accordance with Sections 2105-131, 2105-135, and 2105-205 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois [20 ILCS 2105] or any incident listed in the Act or this Part following the issuance of an agent-in-charge identification card;
- 11) Dispensing to purchasers in amounts above the limits provided in the Act;  
or
- 12) Delinquency in filing any required tax returns or paying any amounts owed to the State of Illinois. (Section 15-95(i) of the Act)

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

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**Section 1291.30 Principal Officer Fees, Application, and Credentialing**

- a) In addition to any individuals identified in the dispensing organization's by-laws as principal officers, the following individuals are considered principal officers of a dispensing organization and shall register and be approved by the Department:
- 1) Those individuals who meet the definition of a "principal officer" as defined in the Act and this Part, however, an individual does not need to register as a Principal Officer solely because of that person's close relationship or familial tie to the holder of a Financial Interest in a dispensing organization;
  - 2) Managers of a management services contractor who have entered into an agreement with a dispensing organization under Section 1291.210(f)(4). Managers include but are not limited to board members and corporate officers.
  - 3) If a corporation, the officers of the corporation;
  - 4) If a partnership, the partners;
  - 5) If a limited liability company, the members and managers of the limited liability company;
  - 6) If an association or cooperative, the members of the association or cooperative;
  - 7) If a joint venture, the individuals who signed the joint venture agreement; and
  - 8) If a business organization other than the types listed in subsections (a)(1) through (5), the members of the business organization.
  - 9) If a trust has any interest in a dispensing organization license, the dispensing organization must disclose to the Department the trustee and all beneficiaries of and participants in the trust, on a form or manner prescribed by the Department. Trust beneficiaries and participants may be required to register as principal officers if they meet the definition of a principal officer. The Department may not approve a trust if any trust

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beneficiary or participant is a person that is otherwise prohibited from having an ownership interest in the entity.

- b) Communications with the Department. The Department will only communicate with the principal officer's email address the Department has on record, or with a third-party so long as a third-party authorization form is submitted. In order to change its contact information, a principal officer must submit a request to the Department from the email address the Department has on record. If the current email address is inaccessible, the principal officer must submit a certification attesting to the inaccessibility and requesting the change.
- c) Principal Officer Fees. The fees for a principal officer are as follows. All fees are nonrefundable. All monies collected under the Act shall be deposited in the Cannabis Regulation Fund in the State Treasury.
- 1) The application fee for a principal officer agent identification card is \$100. This fee includes the physical card.
  - 2) The annual renewal fee for a principal officer agent identification card is \$100.
  - 3) The late fee for renewal of a principal officer agent identification card is \$50.
  - 4) The fee for the issuance of a replacement principal officer agent identification card is \$50.
  - 5) The fee to restore a terminated principal officer agent identification card is \$100.
- d) A principal officer is not required to complete a responsible vendor program if the principal officer does not otherwise meet the requirements in Section 1291.20(a).
- e) Principal Officer Application. A principal officer application shall be submitted by the dispensing organization in a form or manner provided by the Department. Principal officer applications shall be submitted for all new principal officers and at any time an application is needed pursuant to Section 1291.211. Principal officer applications shall include, but not be limited to, the following:

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- 1) The name and license number of the dispensing organization employing or associated with the principal officer, and the address of the dispensary;
  - 2) Unless the background check exception under subsection (f) applies, Department background check authorizations in compliance with 410 ILCS 705/5-20. These authorizations include fingerprint consent forms and livescan vendor receipt demonstrating that the principal officer applicant has applied for a fingerprint-based criminal history records check. Applicants shall only submit valid fingerprints capable of being retrieved by the Department;
  - 3) A copy of the applicant's valid driver's license or a State-issued identification;
  - 4) Electronic picture of applicant taken within 30 days of the application;
  - 5) The applicant's social security number;
  - 6) The application fee;
  - 7) A certification that the individual is tax compliant pursuant to 410 ILCS 705/45-20.
  - 8) A certification that the individual is compliant with all other aspects of Article 2105 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105]; and
  - 9) Any additional information requested by the Department in the verification process.
- f) For all changes of ownership or sales of a license pursuant to subsection 1291.211, each proposed principal officer must also submit to the Department background check authorizations as part of its principal officer applications in compliance with Section 1291.30(e).
- 1) The Department may waive the requirement for fingerprint consent forms and livescan vendor receipt if the underlying transaction is a transfer, as that term is defined in this Part.

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- 2) The Department may also waive the requirement for fingerprint consent forms and livescan vendor receipt if the principal officers have submitted principal officer applications within the previous 12 months of the closing date of the change of ownership or the sale of the license.
- g) Principal Officer Renewals and Restoration
- 1) All principal officer agent identification cards shall expire one year from the date they are issued. The holder of a card may renew the card 45 calendar days preceding the expiration date by submitting a renewal application and paying the required renewal fee.
  - 2) A principal officer agent seeking restoration of a license that has terminated or expired shall have the license restored upon request to the Department and payment of fee required.
  - 3) At any time after the successful completion of any term of suspension, placement on probationary status or other disciplinary action taken by the Department with regards to any agent license, the licensee may file a petition for restoration in accordance with 68 Ill. Adm. Code 1110.30.
- h) Principal Officer Duties and Prohibitions
- 1) *A principal officer not in compliance with the requirements of the Act shall be removed from his or her position with the dispensing organization or shall otherwise terminate his or her affiliation. Failure to do so may subject the dispensing organization to discipline, suspension, or revocation of its license by the Department in accordance with the Act and 20 ILCS 2105/2105-130. (Section 15-50(h) of the Act)*
  - 2) All individuals registered as a principal officer are subject to Sections 1291.60 and 1291.70.
  - 3) Principal officers are prohibited from assigning their principal officer license.
  - 4) Principal officers are prohibited from using their principal officer license as collateral to secure an existing or prospective debt.

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i) Principal Officer License Limitations

- 1) A person or entity shall not be a principal officer, have a financial interest, or hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in more than 10 dispensing organizations. (See Section 15-36(c) of the Act.)
- 2) The Department will issue a Notice of Intent to Issue a Suspension Order to all dispensing organizations held by any person or entity or entities that the Department determines is a principal officer and/or holds a financial interest in more than 10 Adult Use Dispensing Organization Licenses, as well as the individual principal officer, in violation of Section 15-36(c) of the Act. The notice shall specify the reason for the intended action and notify the dispensing organization and the principal officer that they have 20 calendar days after the date the notice is mailed or emailed to the address of record, to present the Department with a written response contesting the intended action. The Department will rescind the Notice of Intent to Issue a Suspension Order if the dispensing organization and the principal officer demonstrate, and include documentation that supports, one of the following scenarios:
  - A) The person or entity has been incorrectly identified as a principal officer of more than 10 dispensing organizations and/or having a financial interest in more than 10 dispensing organizations; or
  - B) The person or entity is no longer a principal officer of more than 10 dispensing organizations and/or no longer has financial interest in more than 10 dispensing organizations, as supported by proof of resignation letters and current tables of organization, ownership, and control.
- 3) If the Department does not receive a written response that establishes one of the grounds provided in subsection (i)(2) within 20 calendar days after the date the notice was issued, the Director shall issue an order suspending the license of each dispensing organization in which the person or entity is a principal officer and/or has a financial interest.
- 4) The dispensing organizations may file for restoration of its license as provided in Section 1291.90 once the person or entity is no longer a

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[principal officer or has a financial interest in more than 10 dispensing organizations.](#)

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.50 Tied Applicant [Lottery Conducted in 2021](#)**

- a) A tied applicant may qualify as an eligible applicant subject to the following:
  - 1) A tied applicant is prohibited from becoming an eligible applicant if a principal officer of the tied applicant is a principal officer of more tied applicants than the number of remaining available licenses. For example, if an individual is a principal officer of four tied applicants and there are two remaining available licenses, no more than two of those tied applicants may become eligible applicants.
  - 2) A tied applicant is prohibited from becoming an eligible applicant if a principal officer of a tied applicant resigns after the conclusion of the scoring process period.
  - 3) A tied applicant is prohibited from becoming an eligible applicant if, after the conclusion of the declination period identified in subsection (b), a principal officer of the applicant is a principal officer of more tied applicants than the number of remaining available licenses.
- b) A tied applicant may decline to become an eligible applicant by informing the Department within five business days after the conclusion of the scoring process. The declination must be submitted on forms approved by the Department.
- c) If, at the conclusion of the scoring process period, there are two or more eligible applicants, the Department may distribute the remaining available licenses by lot subject to the following:
  - 1) The Department shall publish a list of eligible applicants at least five business days before the day the remaining available licenses are distributed.
  - 2) The drawing by lot for all remaining available licenses will occur on the same day.



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- 3) For each BLS region, the Department will draw a number of eligible applicants equal to five times the number of remaining eligible applicants.
- 4) Within each BLS region, the first eligible applicant drawn will have the first right to a remaining available license. The second eligible applicant drawn will have the second right to a remaining available license. The same pattern will continue for each subsequent eligible applicant drawn.
- 5) The process for distributing remaining available licenses will be recorded by the Department in a format selected by the Department.
- 6) If, upon being selected for a remaining available license, the eligible applicant has a principal officer that is a principal officer in more than 10 Early Approval Adult Use Dispensing Organization Licenses, Conditional Adult Use Dispensing Organization Licenses, Adult Use Dispensing Organization Licenses, the licensees and the eligible applicant listing that principal officer must choose which license to abandon pursuant to Section 15-36(d) of the Act, and notify the Department in writing within the timeframe identified in 1291.50(b). If the eligible applicant or licensees do not notify the Department as required, the Department will refuse to issue to the eligible applicants all remaining available licenses obtained by lot in all BLS regions.
- 7) All remaining available licenses that have been abandoned shall be distributed to the next eligible applicant drawn by lot. If there are no additional eligible applicants, the license shall be awarded to the applicant receiving the next highest number of application points in the BLS region.

(Source: Amended at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.60 Unprofessional, Dishonorable, or Unethical Conduct**

Unprofessional, dishonorable, or unethical conduct includes, but is not limited to, the following actions and/or omissions:

- a) Failing to establish and maintain effective controls against the theft or diversion of cannabis;

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- b) Committing, or attempting to commit, theft or diversion of cannabis;
- c) Failing to follow rules and procedures established by the dispensing organization;
- d) Failing to comply with law enforcement agencies, other state, local or federal agencies, or the Department;
- e) Discriminating in any manner against a person or group based on religion, race, creed, color, gender, gender identity, sexual orientation, age, disability or national origin;
- f) Selling products to a medical cannabis patient who is a minor in violation of the Illinois Department of Public Health rules (77 Ill. Adm. Code 946.280);
- g) Selling or attempting to sell products to an individual under age 21 or failing to establish or maintain effective controls against selling cannabis to an individual under age 21;
- h) Misuse or attempted misuse of an agent ID card, and/or medical cannabis patient card, including, but not limited to: operating under an expired agent ID card, and/or medical cannabis patient card, falsely presenting oneself as a licensed agent, AIC, principal officer, and/or medical cannabis patient;
- i) Tampering with, falsifying, altering, modifying or duplicating an agent ID card, and/or medical cannabis patient card, or any attempt thereof;
- j) Misrepresentation or attempt to misrepresent cannabis and/or cannabis-infused product, including, but not limited to, weight, quality, percentage of THC, or efficacy;
- k) Failing to report to the Department that the dispensing organization has received notice in any form or from any person, that cannabis or cannabis-infused products produced in a licensed cultivation center, craft grower, or infuser organization has failed a test performed by a laboratory within two calendar days. Tests may include, but are not limited to, all information contained within the laboratory testing rules found at 8 Ill. Adm. Code 700;
- l) Allowing an individual into a limited access area who is not permitted into a limited access area, as that term is defined in the Act;

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- m) Engaging in activity that requires a license under the Act or this Part while not holding an active license;
- n) Making or filing a report or record that the individual knows to be false;
- o) Intentionally or negligently failing to file a report or keep records as required by the Act or this Part;
- p) Knowingly selling or transferring cannabis using a patient's medical cannabis card after the death of the person who holds the medical cannabis card;
- q) Failing to keep a dispensary in sanitary condition, including, but not limited to, failing to keep the dispensary free from insects, rodents and/or vermin; or from mold and/or fungus; and/or complying with local health code requirements;
- r) Billing or charging for quantities of cannabis different than was dispensed;
- s) Demonstrating actual or potential inability to dispense under the Act or this Part with reasonable skill, safety or judgment;
- t) Engaging in activities that cause actual harm to any member of the public;
- u) Dispensing cannabis after the use by date on the label of cannabis;
- v) Dispensing defective cannabis which shall include, but is not limited to, cannabis which has failed any laboratory testing, cannabis that has expired, cannabis that has been tampered with, or cannabis that otherwise poses a threat to public safety;
- w) Knowingly aiding or assisting another in any of the above violations; or
- x) Any violation of the Act or this Part.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.70 Grounds for Discipline**

- a) The Department may deny issuance, refuse to renew or restore, or may reprimand, place on probation, suspend, revoke, or take other disciplinary or

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non-disciplinary action against any licensee, may impose a fine for any of the actions listed in this subsection (a). Fines may not exceed \$20,000 for each violation.

- 1) Material misstatement in information furnished to the Department;
- 2) Violations of the Act or this Part;
- 3) Obtaining an authorization or license by fraud or misrepresentation;
- 4) A pattern of conduct that demonstrates incompetence or that the applicant or licensee has engaged in conduct or actions that would constitute grounds for discipline under the Act;
- 5) Aiding or assisting another person in violating any provision of the Act or this Part;
- 6) Failing to respond to a written request for information by the Department within 30 calendar days;
- 7) Engaging in unprofessional, dishonorable, or unethical conduct, such as those criteria under Section 1291.60, or of a character likely to deceive, defraud, or harm the public;
- 8) Adverse action by another United States jurisdiction or foreign nation; a certified copy of the record of the action taken by another jurisdiction being prima facie evidence thereof. This includes, but is not limited to, an adverse action by another state agency, U.S. jurisdiction, or foreign jurisdiction against a principal officer of a dispensing organization;
- 9) A finding by the Department that the licensee, after having their license placed on suspended or probationary status, has violated the terms of the suspension or probation;
- 10) Conviction, entry of a plea of guilty, nolo contendere, or the equivalent in a State or federal court of a principal officer or AIC of a felony offense in accordance with Sections 2105-131, 2105-135, and 2105-205 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois [20 ILCS 2105/2105];

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- 11) Excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug demonstrating an inability to carry out the responsibilities of a license-holder with reasonable skill, safety, and judgment under the Act;
- 12) A finding by the Department of a discrepancy in a Department audit of cannabis;
- 13) A finding by the Department of a discrepancy in a Department audit of capital or funds;
- 14) A finding by the Department of acceptance of cannabis from a source other than an adult use cultivation center, craft grower, infuser, or transporting organization licensed by the Department of Agriculture, or a dispensing organization licensed by the Department;
- 15) An inability to operate using reasonable judgment, skill, or safety due to physical or mental illness or other impairment or disability, including, without limitation, deterioration through the aging process or loss of motor skills or mental incompetence;
- 16) Failing to report to the Department, within 14 calendar days, any adverse action taken against the dispensing organization, or its agent, by a licensing authority with jurisdiction in any state or any territory of the United States or any foreign jurisdiction, any governmental agency, any law enforcement agency or any court defined in this Section;
- 17) Any violation of the dispensing organization's policies and procedures submitted to the Department annually as a condition for licensure;
- 18) Failure to inform the Department of any change of address, including email addresses, within 10 business days of the change;
- 19) Disclosing customer names, personal information, or protected health information in violation of any State or federal law;
- 20) Operating a dispensary without or prior to obtaining a license from the Department;

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- 21) Performing duties authorized by the Act prior to receiving a license to perform such duties;
- 22) Dispensing cannabis when prohibited by the Act or this Part;
- 23) Any fact or condition that, if it had existed at the time of the original application for the license, would have warranted denial of the license;
- 24) Permitting a person without a valid agent ID card to perform licensed activities under the Act;
- 25) Failure to designate a full-time AIC as required by Article 15 under the Act; for the purposes of the AIC, "full-time" means an employee who works for at least 32 hours per week;
- 26) Failure to provide the training required by Section 15-40(3)(i) of the Act within the provided timeframe;
- 27) Personnel insufficient in number or unqualified in training or experience to properly operate the dispensary business;
- 28) Any pattern of activity that causes a harmful impact on the community;
- 29) Failing to prevent diversion, theft, or loss of cannabis; (Section 15-145 of the Act)
- 30) Shielding a dispensing organization's ownership and control from the Department. (See Section 15-50(d) of the Act.) Shielding ownership and control includes but is not limited to: failing to properly disclose and register all individuals who meet the definition of a principal officer; failing to submit current and accurate tables of organization, ownership, and control; submitting false or misleading information regarding principal officers, ownership and control, or tables of organization, ownership, and control to the Department or to a unit of local government, State agency, other State, third-party, or as otherwise required by law; or any other similar action; and

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- 31) Carrying more than 40% of products available for sale from a single source. (See Section 15-70(p)(5) of the Act.) The Department shall calculate inventory percentages over a monthly average.
- b) The Department may approve a corrective action plan for any licensee. Any approval of a corrective action plan is at the discretion of the Department. In approving a corrective action plan, the Department may consider any remedial actions undertaken by the licensee, including but not limited to: the licensee's cooperation in resolving the matter; if the licensee has initiated any mitigating actions; the licensee's past practices; the licensee's self-reporting; and any other factors otherwise specified in 20 ILCS 2105/2105-130(c).
- c) All fines and fees imposed under this Section shall be paid within 60 calendar days after the effective date of the order or citation imposing the fine or as otherwise specified in the order or citation. (See Section 15-145(b) of the Act.)
- d) All proceedings for disciplinary action shall adhere to the rules for practice in Administrative Hearings under 68 Ill. Adm. Code 1110.
- e) Upon receipt of a circuit court order establishing that an AIC or principal officer holding an agent ID card is subject to involuntary admission, as that term is defined in Section 1-119 or 1-119.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5], the Department shall suspend that card.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.90 Disciplinary and Non-Disciplinary Actions and Petitions for Rehearing or Reconsideration Pursuant to Section 55-50 of the Act**

- a) Disciplinary Action Initiated by the Department
- 1) The Department may initiate a disciplinary action against a dispensing organization or any cannabis business establishment license under its jurisdiction, including any license issued pursuant to Sections 1291.15, 1291.20, 1291.25, or 1291.30, for any violation of the Act or a rule adopted in accordance with the Act, including Sections 1291.60 and 1291.70.

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- 2) For the purposes of this subsection (a), a "disciplinary action" includes but is not limited to: a complaint filed by the Department, an intent to deny a license, and a refusal to renew a license. Disciplinary actions may or may not include the imposition of a monetary fine. All disciplinary actions taken by the Department are a matter of public record.
  - 3) If a license issued pursuant to Sections 1291.15, 1291.20, 1291.25, or 1291.30, or any other cannabis business establishment regulated by the Department has any disciplinary action initiated against it by the Department, proceedings for that disciplinary action and administrative hearings shall adhere to 68 Ill. Adm. Code 1110 and the Administrative Review Law [735 ILCS 5/Art. III].
  - 4) Notice for any disciplinary action taken shall comply with the provisions of 68 Ill. Adm. Code 1110.20.
  - 5) At any time after the successful completion of a minimum term of indefinite probation or suspension issued by the Department, including those licenses issued pursuant to Sections 1291.15, 1291.20, 1291.25, or 1291.30, the licensee may file a petition for restoration in accordance with 68 Ill. Adm. Code 1130.30.
  - 6) *If the Department suspends, permanently revokes, or otherwise disciplines the Early Approval Adult Use Dispensing Organization License of a dispensing organization that also holds a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, the Department may consider the suspension, permanent revocation, or other discipline of the medical cannabis dispensing organization license. (Section 15-15(o) of the Act)*
- b) Non-Disciplinary Orders and Non-Disciplinary Actions
- 1) In lieu of or in addition to any disciplinary action initiated by the Department, the Department may, in its discretion, negotiate the terms of and enter into any non-disciplinary orders with a licensee. Non-disciplinary orders are non-public.
  - 2) In lieu of or in addition to any disciplinary action initiated by the Department, *the Department may*, in its discretion, *issue a non-*



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disciplinary action, including a citation, for minor violations of the Act or this Part. Any such citation issued by the Department may be accompanied by a fee. The fee shall not exceed \$20,000 per violation. The citation shall be issued to the licensee and shall contain the licensee's name and address, the licensee's license number, a brief factual statement, the Sections of the law allegedly violated, and the fee, if any, imposed. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to request a hearing, and that a hearing is requested, the Department may withdraw the citation and instead file a complaint. If the licensee does not dispute the matter in the citation with the Department within 30 days after the citation is served, then the citation shall become final and not subject to appeal. (Section 15-140 of the Act)

- c) Petitions for Rehearing or Reconsideration Pursuant to Section 55-50 of the Act
- 1) Within 20 business days after notification of any order or decision by the Department regarding a dispensing organization's license or a conditional license, a dispensing organization or conditional licensee may file with the Department a Petition for Rehearing or Reconsideration of the order or decision. This subsection does not apply to any recommendations made by an Administrative Law Judge under 68 Ill. Adm. Code 1110, which are not orders or decisions.
  - 2) Petitions shall include a brief summary of the facts and legal arguments and shall not exceed five pages unless for good cause shown.
  - 3) Upon receipt of a petition, the Department shall notify the petitioner of the briefing schedule, which shall be as follows, unless otherwise extended:
    - A) Petitioner has seven calendar days to file a brief or memorandum in support of its petition. Briefs or memorandums must not exceed 10 pages, except for good cause shown. This page limitation does not include any exhibits which may accompany the brief or memorandum.
    - B) The Department has seven calendar days to file its response. Responses must not exceed 10 pages, except for good cause

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shown. This page limitation does not include any exhibits which may accompany the brief or memorandum.

C) After the Department files its response, the dispensing organization has seven calendar days to file any reply. Replies must not exceed 10 pages, except for good cause shown.

D) The Department may extend the briefing schedule of subsections (c)(3)(A) through (c)(3)(C) for an additional 30 calendar days upon good cause shown and prior written notice to the petitioner.

4) After the petitioner files its reply or if its response goes unanswered after 10 calendar days, the Director shall issue a final order. This final order is a final administrative decision under Section 55-55 of the Act.

5) If the Department fails to act on the petition within 30 calendar days, or the date the time for rendering a decision was extended for good cause shown, the original order or decision of the Department is a final administrative decision under Section 55-55 of the Act. (See Section 55-50 of the Act.)

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

SUBPART B: RESPONSIBLE VENDOR PROGRAMSection 1291.100 Application and Approval Process

a) Before any entity can offer a responsible vendor program, the entity shall first apply to and receive approval for the program from the Department and pay the applicable fee. The application submission window is the period between August 1<sup>st</sup> and August 15<sup>th</sup> of every odd-numbered year. If the date falls on a holiday or weekend in which case the window is extended to the next business day. The application submission window shall close at 5 PM Central Time on the final day on which applications are accepted.

b) All responsible vendor provider approvals will expire on September 30 of each odd-numbered year. Approvals are not subject to renewal. All current responsible vendors must reapply during the application submission window to remain an approved program.

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- c) Applications for approval shall be submitted on forms provided by the Department and shall include:
- 1) The first and last name of each responsible vendor trainer currently employed by the program and the following document for each current trainer:
    - A) A resume and/or a curriculum vitae;
    - B) A written statement detailing the trainer's relevant experience; and
    - C) A signed certification from the trainer that they do not hold an ownership interest in a cannabis business establishment, unless the trainer was approved in the 2021 cycle in which case, the Department will allow the trainer to proceed;
  - 2) A general outline of the responsible vendor program;
  - 3) All training materials and curriculum consistent with Section 1291.120;
  - 4) A blank copy of the pre-test and post-test required by Section 1291.120(a)(2);
  - 5) A signed statement from each individual with an ownership interest in the applicant confirming that the individual does not hold an ownership interest in a cannabis business establishment nor is the individual owner an agent, employee, or affiliate of a cannabis business establishment or an affiliated entity of a cannabis business establishment, unless the individual is a member of an applicant which was approved in the 2021 cycle in which case, the Department will allow the an Individual to be approved; and
  - 6) The application fee of \$2,000.
- d) The application shall be signed by a representative of the entity applying to be a responsible vendor provider certifying that all information contained in the application is true and accurate.

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- e) All required materials shall be submitted during the application submission window. The Department will not accept applications any other time. Early or late applications will not be accepted.
- f) The Department may refuse to issue an approval to any applicant:
- 1) Who is unqualified to perform the duties required of a provider;
  - 2) Who fails to disclose or makes misrepresentations of any information called for in the application;
  - 3) Who fails to provide all required application materials; or
  - 4) Who does not demonstrate knowledge of the rules and laws for dispensing cannabis in Illinois or demonstrates a misunderstanding of the rules and laws.
  - 5) If an application is submitted in the application window, the Department may inform the applicant of a deficiencies in the application. An applicant may modify their training materials to meet the above requirements for 30 days following the notice. If the applicant is unable or unwilling to modify the training materials, then the Department shall deny the approval. If the Department denies the approval, it shall provide a detailed description of the reasons for the denial.
- g) The Department will send approval notices to successful applicants who meet the requirements of this Section. Approved responsible vendor providers may begin offering training upon receipt of the approval notice. Only responsible vendor providers approved by the Department can provide a responsible vendor program.
- h) An approval for a responsible vendor provider shall be valid only for the provider named in the application. An approval is not transferable or assignable.
- i) A responsible vendor provider may not subcontract or engage with an outside third-party to offer any of its training.
- j) If the responsible vendor provider hires new trainers who were not previously disclosed at the time of the provider's original application of subsection (c)(1), the

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provider shall submit the required information and documents of any new trainers to the Department within five calendar days after hiring the new trainer.

- k) The Department may rescind its approval of a responsible vendor provider that allows an individual or entity that has not been disclosed to the Department to offer its training course.
- l) The Department shall deny a responsible vendor provider application where the provider or proposed trainer holds an ownership interest in a cannabis business establishment or is the individual owner an agent, employee, or affiliate of a cannabis business establishment or an affiliated entity of a cannabis business establishment.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.110 Curriculum Requirements**

- a) The curriculum for a responsible vendor program shall include, at a minimum, the following topics:
  - 1) *Health and safety concerns of cannabis use, including the responsible use of cannabis, its physical effects, onset of physiological effects, recognizing signs of impairment and overconsumption, and appropriate responses in the event of overconsumption.* (Section 15-40(i)(3)(i) of the Act) This topic shall specifically include information on the health risks associated with the use or abuse of cannabis, how cannabis can affect an individual's health, dosing, the criteria and severity for cannabis use disorder listed in the Diagnostic and Statistical Manual of Mental Disorders, fifth edition ("DSM-5"), and the contact information for the Illinois Poison Center. The criteria for Cannabis Use Disorder listed in DSM-5 can be found at <https://thriveworks.com/help-with/addiction/marijuana-addiction-cannabis-use-disorder/> and are also enumerated in this subsection (a)(1). The DSM-5 defines a mild cannabis use disorder as having the presence of 2-3 of the criteria within the last twelve months, moderate is 4-5 in the last twelve months, and severe is 6 or more within the last twelve months.
    - A) Cannabis is often taken in larger amounts or over a longer period than was intended.

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- B) There is a persistent desire or unsuccessful efforts to cut down or control cannabis use.
- C) A great deal of time is spent in activities necessary to obtain cannabis, use cannabis, or recover from its effects.
- D) Craving, or a strong desire or urge to use cannabis.
- E) Recurrent cannabis use results in failure to fulfill role obligations at work, school, or home.
- F) Continued cannabis use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of cannabis.
- G) Important social, occupational, or recreational activities are given up or reduced because of cannabis use.
- H) Recurrent cannabis use in situations in which it is physically hazardous.
- I) Cannabis use continues despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by cannabis.
- J) Tolerance, as defined by either:
  - i) a need for markedly increased cannabis to achieve intoxication or desired effect; or
  - ii) a markedly diminished effect with continued use of the same amount of the substance.
- K) Withdrawal, as manifested by either:
  - i) the characteristic withdrawal syndrome for cannabis; or
  - ii) cannabis is taken to relieve or avoid withdrawal symptoms.

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- 2) Training on laws and regulations on driving while under the influence and operating a watercraft or snowmobile under the influence. (Section 15-40(i)(3)(ii) of the Act) This topic shall specifically include information on possible penalties for refusing a chemical test and the level of concentrations of tetrahydrocannabinol that can form the basis for a driving under the influence conviction;
- 3) Sales to minors prohibition. (Section 15-40(i)(3)(iii) of the Act) This topic shall include penalties levied under Section 10-20 of the Act and Section 6-20 of the Illinois Liquor Control Act of 1934 [235 ILCS 5].
- 4) Quantity limits on sales to purchasers. (Section 15-40(i)(3)(iv) of the Act) This topic shall include information on the purchasers and patient limits as provided in Section 10-10 of the Act and Section 10(a) of the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130];
- 5) Acceptable forms of identification. (Section 15-40(i)(3)(v) of the Act) This topic shall specifically include information on the acceptable forms of identification for:
  - A) Verifying age as provided in Section 10-20(e) of the Act;
  - B) Verifying residency;
  - C) The forms of identification that cannot serve as evidence of the purchaser's state of residence; and
  - D) Information on the proper methods for checking an ID.
- 6) Safe storage of cannabis, including information about preventing the accidental consumption by minors by storing cannabis in a locked place and/or in child resistant containers; (Section 15-40(i)(3)(vi) of the Act)
- 7) Compliance with all inventory tracking system regulations. (Section 15-40(i)(3)(vii)) This topic shall include information regarding the requirements of Section 15-75 of the Act and shall explain the difference between the State Verification System and any commercial inventory system a dispensing organization may use to track inventory. Additionally, this topic must highlight the importance of verifying the

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physical inventory in the dispensary against the inventory reported in the State Verification System;

- 8) Waste handling, management, and disposal. (Section 15-40(i)(3)(viii) of the Act) This topic shall include information on the proper disposal and destruction of cannabis waste in accordance with Section 15-90 of the Act;
- 9) Health and safety standards. (Section 15-40(i)(3)(ix) of the Act) This topic shall include information including, but not limited to, the following: safe and healthy working conditions for employees including worker rights and protections guidance issued by the Occupation Safety and Health Administration, and health and safety guidelines issued by the Illinois Department of Public Health and local health departments. It shall also include information regarding any specific cannabis-related public health and safety standards, guidelines, mandates, or orders that may be in place at the time of the training;
- 10) Security surveillance requirements. (Section 15-40(i)(3)(xi) of the Act) This topic shall specifically include information on where surveillance cameras should be located in a dispensary to ensure that all required areas are covered and where cameras are prohibited by law (e.g., bathrooms and locker rooms). Additionally, this topic shall include information regarding the Department's and Illinois State Police's (ISP's) ability to access all surveillance cameras remotely and at any time, and that all recordings must be saved for a period of a least 90 calendar days;
- 11) Permitting inspections by State and local licensing and enforcement authorities. (Section 15-40(i)(3)(xii) of the Act) This topic shall specifically include instruction on allowing inspections by the Department, ISP, and local law enforcement officials, and the best practices for verifying with the relevant agencies that those individuals are authorized to inspect the dispensary;
- 12) Purchaser privacy. This topic shall specifically include instruction on HIPAA protections for medical cannabis patients, the prohibition on collecting an adult use purchaser's personal information without the purchaser's consent, and maintaining a purchaser's confidentiality; and



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- 13) Packaging and labeling requirements. This topic shall include the packaging and labeling information provided in Section 55-21 of the Act and 8 Ill. Adm. Code 1000.420 or their successor provisions.
- b) Providers have a continuing obligation after they are approved to update their curriculum within 30 calendar days of the effective date of any amendment to the Act or this Part that alters the accuracy of their curriculum. Any updates to the curriculum shall be submitted to the Department for approval before the provider includes the amended curriculum in its course.
- c) After a provider has been approved, it may update its curriculum to reflect changes in the industry, scientific knowledge, or for any other reason. Any updates to the curriculum must be submitted to the Department for approval before the provider includes the amended curriculum in its course.
- d) Failure to submit any updated materials, as required in subsections (b) and (c), may result in the Department rescinding its approval of the provider.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.120 Programmatic Requirements**

- a) To maintain approval by the Department, a responsible vendor provider must meet the following requirements:
- 1) Provide a safe and secure environment for responsible vendor instruction, which may include in-person, live-streamed, or pre-recorded classes, or a mix of the above.
- 2) Provide a pre-test and post-test to participants to assess the program's effectiveness and to assess any increase in knowledge in the curriculum areas described in Section 1291.110. The responsible vendor provider shall make a copy of the pre-test, post-test, or a copy of any individual's examination or related records available to the Department upon request. Passage of the written examination shall require a score of 70%. A participant who fails to score at least 70% on the post-test shall not receive a certificate of proof of completion.

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- 3) Maintain a roster of individuals who have completed a responsible vendor program. The roster shall include the participant's name, address, telephone number, employers, and date of birth of each individual who completed the program, including those who passed and failed the program, and the date each individual completed the program. The roster shall be made available to the Department upon request.
- 4) Issue a certification of completion to each individual who successfully completes the program indicating that the individual has completed an approved Department responsible vendor training program. The certification must include:
  - A) Individual's first and last name;
  - B) Number of completed hours of instruction;
  - C) Trainer's name;
  - D) Date of completion;
  - E) Name of the approved responsible vendor provider; and
- 5) Submit a semi-annual report to the Department by July 15 for the reporting period of January 1 through June 30 and by January 15 for the reporting period of July 1 through December 31. Each report shall contain the following information:
  - A) The number of participants trained during the reporting period;
  - B) The number of classes scheduled and completed during the reporting period and the locations of each class;
  - C) The total fees charged by the provider during the reporting period; and
  - D) The number of dispensaries represented by participants completing a responsible vendor program and the respective counties of those dispensaries.

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- 6) Submit a fee schedule indicating the cost of the program, if any. The responsible vendor provider must notify the Department within five business days of any change to the fee schedule.
- 7) Notify the Department before a new trainer begins providing instruction of the provider's responsible vendor program. The notification shall include:
  - A) The name of the responsible vendor provider;
  - B) The name of the trainer;
  - C) The trainers' resume and/or a curriculum vitae;
  - D) A written statement detailing the trainer's relevant experience; and
  - E) A signed statement from the trainer attesting that they do not hold an ownership interest in a cannabis business establishment.
- b) The Department may attend any in-person or remote, real time online video instruction at any time. Upon request, a provider must make any login information or class places and times available to the Department.
- c) Failure to comply with this Section or any other provisions of the Act or this Part will result in the Department withdrawing its approval.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.130 Responsible Vendor Provider Recordkeeping**

- a) Responsible vendor providers' records shall be maintained electronically and be available for inspection by the Department upon request. The Department may audit any records held by the responsible vendor at any time.
- b) Responsible vendor providers shall develop recordkeeping policies and procedures consistent with this Part.
- c) Responsible vendor providers shall retain all records for at least three years from the date of creation and shall include, but not be limited to, the following:

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- 1) Program training materials;
- 2) Enrollment rosters and training records for registrants – records must include registrants who successfully completed the program and those who did not complete or failed the program;
- 3) Completed program certificates for each successful individual;
- 4) Storage and transfer of records. If a responsible vendor provider ceases operations due to insolvency, revocation, bankruptcy or for any other reason, all records must be preserved at the expense of the responsible vendor for at least three years in a form and location in Illinois acceptable to the Department. The provider shall retain the records longer if requested by the Department. The provider shall notify the Department of the location where the records are stored or transferred;
- 5) Approval notifications from the Department; and
- 6) All other records, policies, and procedures required by the Act and this Part.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.140 Closure of an Approved Program**

The following procedures shall be followed for closure of an approved responsible vendor provider and removal from the approved list. The responsible vendor provider shall:

- a) Notify the Department, in writing, postmarked or emailed at least 30 calendar days in advance of the closing date.
- b) Notify individuals who have completed or are in the process of completing the program of the closure at least 15 calendar days in advance of the closing date and of the location where their completion records will be maintained for at least three years from the closing date.
- c) Stop enrolling individuals immediately and provide refunds in the full amount of the program's fee to individuals who will be unable to complete the program.

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- d) Notify the Department in writing the names of the persons responsible for the maintenance of records for at least three years from the date of closure.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

SUBPART C: CHANGES TO DISPENSING ORGANIZATIONSSection 1291.200 Cosmetic and Non-Cosmetic Changes to Dispensing Organization Operations

- a) Cosmetic changes to a dispensary do not require Department approval.
- b) Cosmetic changes are changes made to the physical appearance of the dispensing organization not requiring structural changes to the building. Cosmetic changes include, but are not limited to:
- 1) Painting;
  - 2) Decorations;
  - 3) Movement of furniture or shelving that does not block the view of an existing security camera;
  - 4) Movement of any non-cannabis products such as clothing or stickers; or
  - 5) Movement of the storage of any non-cannabis products.
- c) A dispensing organization must obtain the Department's approval before making any non-cosmetic changes to the dispensary.
- d) Approval for any proposed non-cosmetic change must be requested by the dispensing organization in writing in a form or manner prescribed by the Department. If the Department does not approve the proposed non-cosmetic changes, the dispensing organization is prohibited from undertaking those changes.
- e) For the purposes of this Section, non-cosmetic changes include, but are not limited to:

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- 1) any change which blocks the view of an existing security camera;
  - 2) any structural or non-structural change to the dispensing organization's floorplan;
  - 3) any change of the square footage of the dispensary;
  - 4) any structural change to the vault where cannabis or cannabis-infused products are stored;
  - 5) the sealing off, creation of or relocation of a common entryway, doorway, passage or other means of public ingress and/or egress, when the common entryway, doorway, passage, or window alters or changes limited access areas, such as the cultivation, harvesting, manufacturing, testing, or sale of cannabis within the dispensing organization;
  - 6) any change which requires a local government permit; or
  - 7) any physical modification to the dispensary that impacts the operation of the dispensary in a manner inconsistent with the plans previously submitted and approved by the Department.
- f) This Section does not exempt dispensing organizations from complying with any local licensing authority or local jurisdiction requirements regarding changes, alterations, or modifications to the dispensary.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.210 Change of a License's Entity or Ownership or Control Structure and the Sale or Transfer of a License**

- a) A license issued by the Department shall be valid only for the specific dispensing organization identified on the application and for the specific location proposed and approved by the Department.
- b) Any proposed change of ownership or sale or transfer of a license must be requested by the dispensing organization in a form or manner prescribed by the Department. Upon review, the Department will approve a proposed change of ownership or sale or transfer of a license that complies with the Act and this Part.

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If the Department does not approve of the proposed changes, the dispensing organization is prohibited from undertaking those changes.

- c) The Department shall receive approval from the current dispensing organization to engage with the buyer regarding the Department's review and approval of any change of ownership or sale or transfer of a license. Approval shall be on a form or manner provided by the Department and made readily available on its website.
- d) As used in this Section, a "sale" includes but is not limited to a transaction to acquire at least 51% of the dispensing organization licenses between an existing license holder and a buyer that is not already registered as a principal officer on the affected licenses.
- e) As used in this Section, a "transfer" includes but is not limited to a transaction to acquire a dispensing organization license, which results in a change of at least 51% of the ownership structure of the dispensing organization, between persons that are already registered as principal officers on the affected licenses. A "transfer" shall not include a reallocation as described in Section 1291.213(c).
- f) As used in this Section, a "change of ownership" means any or all of the following, or any combination thereof:
  - 1) Any action which results in a change of at least 51% of the ownership structure of the dispensing organization;
  - 2) A change in an employee identification number (EIN) associated with the dispensing organization;
  - 3) The addition of a person that will have a revenue sharing arrangement with or assume the responsibility for the debts of the dispensing organization;
  - 4) Any agreement or contract between a dispensing organization and a third-party MSC in which the MSC offers its services or expertise to the dispensing organization through an instrument, such as a management service agreement that does not otherwise meet the exception for a consultant or conditional management service agreement under Section 1291.214. If an agreement or contract between a dispensing organization and a third-party exists that does not meet the limited exception under

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Section 1291.214, then all individuals who meet the definition of a principal officer under Section 1291.30 and the Act shall be approved by the Department prior to the agreement or contract taking effect; or

- 5) Any action which indicates a change in control over the dispensing organization. In evaluating whether a person exerts "control" over a dispensing organization, the Department will consider the totality of the evidence, including, but not limited to, the following or any combination thereof:
- A) Any action which results in a person owning or controlling at least 51% of the dispensing organization that does not otherwise qualify for an exemption under Section 1291.213, if any;
  - B) The person's ability to materially influence and direct the operational and managerial decisions of the dispensing organization including but not limited to corporate decision-making, employment decisions, product selection, access to security systems, advertisement decisions;
  - C) The person is an immediate family member of one or more persons in control of the dispensing organization and has a common purpose or motive relating to their collective ability to materially influence and direct the operational and managerial decisions of the dispensing organization. An "immediate family" member as used herein shall mean a spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), parents, siblings, and children whether by blood, marriage or adoption; or
  - D) The person has the ability to control the proxy machinery or to win a proxy contest;
  - E) The person is a primary creditor or a guarantor, such as through a loan or guaranty agreement, of the dispensing organization. As used in this subsection "primary creditor" means a person who would receive an ownership interest requiring registration as a Principal Officer in a dispensing organization upon a default of a loan or other similar agreement.



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(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.211 Required Documents and Actions for Change of Ownership or Sale or Transfer of a License Application**

- a) When requesting approval for a change of ownership or sale or transfer of a license, the following documents or information shall be included as part of the application for approval. The Department may request any other documents or information to aid its review of the proposed transaction and dispensing organizations are required to produce any document or information the Department requests.
- 1) Written narrative identifying each impacted license, the current ownership of each impacted license, the nature of the proposed transaction, and the proposed new ownership structure as a result of the proposed transaction;
  - 2) An illustration of the proposed transaction that demonstrates the pre-transaction structure, the transaction, and the post-sale structure;
  - 3) Purchase or transaction agreement;
  - 4) Operating agreement of the buyer that will hold the licenses if approved;
  - 5) Articles of incorporation of the buyer that will hold the licenses if approved;
  - 6) If the buyer operates any cannabis businesses within any non-Illinois jurisdiction, certification from the jurisdiction of any non-Illinois regulatory body stating the date of issuance of the license, and whether the records of the regulatory body contain any record of disciplinary action taken or pending, or proof from the buyer that after reasonable attempts the buyer was unable to obtain certification;
  - 7) Letters of good standing from the jurisdiction in which the buyer is incorporated in, or proof from the buyer that after reasonable attempts the buyer was unable to obtain certification;

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- 8) Table of Organization, Ownership, and Control of the post-transaction ownership structure. The table shall identify all intended proposed principal officers and entities that through direct or indirect means, will manage, own, or control the interest and assets of the license or medical registration holder. If the entities have boards, all board members shall be identified. The Table of Organization, Ownership and Control shall also identify the following information:
- A) The proposed new management structure including:
- i) the name of each business entity;
  - ii) the office or position held by each individual;
  - iii) the percentage ownership interest of each individual and business entity; and
  - iv) if the business entity has a parent company, the name of each parent company's principal officers and the percentage ownership interest.
- B) All business entities identified in the table must identify each individual's title and ownership share, regardless of whether they meet the definition of a principal officer.
- C) If a business entity identified in the table is a publicly traded company, the following information shall be provided in the Table of Organization Ownership and Control:
- i) The name and percentage of ownership interest of each individual or business entity with ownership of more than 5% of the voting shares of the entity, to the extent the information is known or contained in 13D or 13G U.S. Securities and Exchange Commission filings.
  - ii) To the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together exercise control over or own more than 10% of the voting shares of the entity.

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- 9) All proposed principal officers shall submit a principal officer application in compliance with Section 1291.30;
- 10) If a trust has any interest in a dispensing organization license, the dispensing organization must disclose to the Department the trustee and all beneficiaries of/participants in the trust, on a form or manner prescribed by the Department. Trust beneficiaries and participants that meet the definition of a principal officer must register as principal officers. The Department may not approve a trust if any trust beneficiary or participant is a person that is otherwise prohibited from having an ownership interest in the entity.
- 11) Any relevant financial or ownership disclosures of the buyer, including, but not limited, to any documents involving guaranties, trusts, financing agreements, convertible debt arrangements, employment agreements, stock options, warrants, grants, buy-sell agreements, inheritance, and/or gifting;
- 12) Updated license materials, such as any amended policies and procedures, and any other changes that may be made in accordance with Subpart D;
- 13) Any dispensary name registrations, such as a DBA (doing-business-as);
- 14) Federal tax identification issuance letter from the IRS for any entities holding ownership of the licenses post-transfer;
- 15) If change of ownership or sale or transfer involves a license that was required to submit a community engagement plan as part of licensure, the buyer must provide a community engagement plan that is the same or similar to the one provided as part of the licensee's application (see Section 15-60(h) of the Act); and
- 16) The Department may waive the submission of certain documents upon a showing of a good faith attempt to comply, which may include a written explanation of the steps taken to acquire those documents or why the submission of documents would be not applicable.

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- b) If the Department determines the application materials and proposed new principal officer applications are complete, it will perform a site inspection of the dispensaries before approving the sale and issuing the new dispensing organization licenses. In determining the scope of this inspection, the Department may consider the history for compliance of the dispensing organization and whether the dispensing organization is subject to any ongoing monitoring.
- c) All outstanding Department-imposed fees and fines on the current license numbers must be paid to the Department before the change of ownership or sale or transfer of a license is approved.
- d) The seller shall deliver all business, training, and operational records to the buyer. The buyer shall retain those records for five years from the transfer date.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.212 Prohibitions and Denials**

- a) The Department may deny a request for a change of ownership or sale or transfer of a dispensing organization license for reasons including, but not limited to, the following:
  - 1) The entity is attempting to sell or transfer a Conditional Adult Use Dispensing Organization License.
  - 2) The entity is attempting to sell or transfer an Early Approval Adult Use Dispensing Organization License ("same-site") issued under Section 15-15 of the Act and Early Approval Adult Use Dispensing Organization Licenses at secondary sites ("secondary site") issued under Section 15-20 of the Act.
  - 3) The proposed principal officers, entity, or entity's owners held a cannabis-related registration and/or license that has been subjected to an adverse action by any licensing jurisdiction in the United States or any foreign jurisdiction, any governmental agency, any law-enforcement agency, or any court;
  - 4) The proposed principal officers, entity, or entity's owners, employees, agents or representatives submitted information to the Department that

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was deceptive, misleading, false, or fraudulent or that tended to deceive or create a misleading impression whether directly or by omission or ambiguity;

- 5) The proposed principal officers, entity, or entity's owner, employees, agents, third-party agents, independent contractors, or representatives made statements to any regulatory or governmental authority that are deceptive, misleading, false, or fraudulent, or that tend to deceive or create a misleading impression, whether directly, or by omission or ambiguity;
  - 6) The proposed principal officers, entity, or entity's owners have a conviction for distribution of a controlled substance to a minor;
  - 7) The proposed principal officers, entity, or entity's owners conduct in Illinois or another jurisdiction posed or could pose a risk to the public health, safety, or welfare; and the risk posed by the proposed new ownership entity actions relates or could relate to the operation of a cannabis business;
  - 8) The proposed principal officer's entity, or entity's owners have engaged in unprofessional or unethical conduct in Illinois or any jurisdiction, regardless of whether such conduct has resulted in any litigation, discipline, adverse action, or settlement;
  - 9) The entity did not commit to the same or similar community engagement plan provided as part of the original dispensing organization's application;  
or
  - 10) The change of ownership or sale or transfer of the license would result in a single person or entity having a direct or indirect financial interest in more than 10 dispensing organization licenses, as prohibited by 410 ILCS 70/15-36(c).
- b) Buyer may agree to accept any Department-initiated encumbrances a dispensing organization license may have besides a formal complaint initiated against the license. If the dispensing organization licensee involved in a proposed change of ownership or sale or transfer has a complaint filed against it by the Department prior to or during the Department's review of the transaction, then the

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Department's review of the change of ownership or sale or transfer of a license shall cease until the corresponding case of the formal complaint is resolved.

- c) If the seller entered into an agreement with the Department, such as a consent order or a non-disciplinary action as defined in Section 1291.60, the agreement may, with the buyer's consent, transfer to the buyer and the new dispensing organization license number unless otherwise resolved prior to the approval of the change of ownership or sale or transfer of a license.
- d) A buyer or seller may withdraw a change of ownership or sale or transfer of a license request at any time with notice provided to the Department in writing. The Department shall inform the other party of the withdrawal in writing within five calendar days after receiving the notice.
- e) If a dispensing organization fails to respond to a request or inquiry of the Department regarding a proposed change of ownership or sale or transfer within 90 calendar days of the request or inquiry, the change of ownership or sale or transfer of a license will be considered withdrawn and the Department will provide written notice to both buyer and seller. Any fees paid are non-refundable and shall be paid at the time of application.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.213 Exceptions to the Change of Ownership Request Requirement**

The Department will consider the following to not be a change of ownership or sale or transfer of a dispensing organization license:

- a) Death, Incapacity, and Receivership of a Principal Officer. The death, incapacity, or receivership of a principal officer may not result in the change of ownership or sale or transfer of the licenses for fee purposes, however; the dispensing organization shall notify the Department of the affected principal officer within 10 business days of that principal officer's triggering event. The dispensing organization shall provide the Department any updated necessary policies and procedures, Tables of Organization, Ownership, and Control, and any other documents the Department may require related to the change of ownership event.
- b) Conversion. A dispensing organization may combine with or convert, including, but not limited to, under the Entity Omnibus Act [805 ILCS 415], for the

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exclusive purpose of changing its entity jurisdiction to one of the states or territories of the United States or the District of Columbia, its entity type or change the legal name of an entity without filing a change of ownership or sale or transfer of a license request. This exception applies only if the principal officers' interests will remain the same after the combination, conversion, or change of legal name, and there will not be any new principal officers (individuals or entities). Within 14 calendar days of the combination, conversion, or change of legal name the dispensing organization must submit the following to the Department:

- 1) A copy of the transaction documents;
  - 2) A copy of any documents submitted to the Illinois Secretary of State;
  - 3) A copy of any document submitted to the Secretary of State or similar regulator of another state if the entity is organized under the laws of a state of the United States other than Illinois, a territory of the United States, or the District of Columbia;
  - 4) Identification of the dispensing organization's or principal owners' registered agents; and
  - 5) Identification of any principal officer for which disclosure is required by Section 1-10 of Act and 68 Ill. Adm. Code 1291.10.
- c) Reallocation of Owner's Interests Among Remaining Principal Officers. A dispensing organization may reallocate the ownership interests among existing principal officers if it provides notification of the reallocation to the Department and there are no new principal officers, or the reallocation does not otherwise result in a change of ownership or sale or transfer of the license pursuant to Section 1291.210. A reallocation must meet the following requirements:
- 1) The interests being reallocated results in a change of less than 51% of the ownership structure of the dispensing organization;
  - 2) All interests are reallocated to other existing principal officers;
  - 3) Only consensual reallocations where all principal officers whose ownership percentages will change agree to the reallocation. Proof that

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the transfer was consensual may include that it was done in accordance with any bylaws, membership agreement, or other similar business entity documents agreed to by the owners or per affirmation.

- 4) If any principal officer will not hold any interest or remain a principal officer in a dispensing organization following the reallocation, that principal officer shall return their dispensing organization agent ID card to the Department in accordance with Section 15-40(d) of the Act; and
  - 5) All principal officers remain responsible for all actions of the dispensing organization while they were a principal officer and are subject to administrative action based on the same regardless of the reallocation.
- d) Dissolution of Intermediary Companies. The dissolution of any intermediary companies of a licensee shall not be considered a change of ownership or sale or transfer of a license so long as the ultimate parent company of the license holding entity or entities remains the same, the ownership percentages of the existing principal officers remain the same, and no new intermediary companies or principal officers are added to the existing ownership structure. If any holding companies of a dispensing organization are dissolved, the licensee shall submit an updated Table of Organization, Ownership, and Control to the Department for the Department's approval prior to any change taking effect.
  - e) Addition of Intermediary Companies. The addition of any intermediary companies of a licensee shall not be considered a change of ownership or sale or transfer of a license so long as the ultimate parent company of the license holding entity or entities remains the same, the ownership percentages of the existing principal officers remain the same, and no new principal officers are added to the existing ownership structure. If any holding companies are added to the ownership structure of a dispensing organization, the licensee shall submit an updated Table of Organization, Ownership, and Control to the Department for the Department's approval prior to any change taking affect.
  - f) Change of Executive Officer or Member of the Board of Directors. A change of ownership or sale or transfer of a license application is not required for the removal or addition of an executive officer or member of the board of directors of a dispensing organization so long as the change does not otherwise qualify as a change of ownership or sale or transfer of a license as outline in Section 1291.210. However, the addition of an executive officer or member of the board



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of directors must be approved by the Department as a principal officer in accordance with Section 15-60(b) of the Act prior to any change taking effect.

- g) A Consultant or Conditional Management Service Agreement ("CMSA") or Other Similar Agreement That Is Executed Pursuant to Section 1291.214. If a CMSA or similar agreement is submitted for review with terms that are not substantially similar to those outlined in Section 1291.214, the agreement or contract will be considered a change of ownership or sale or transfer of a license pursuant to Section 1291.210 and must proceed through the process outlined in Section 1291.211.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.214 Consultant and Conditional Management Service Agreements Exception**

- a) Pursuant to this Section, a dispensing organization or conditional licensee and a management services contractor may contract for a consultant or Conditional Management Service Agreement ("CMSA") that does not qualify as a change of ownership or sale or transfer of a license under Section 1291.210 such that any contractors are required to register as a principal officer of the underlying licenses.
- b) Services provided under a CMSA may include, but are not limited to, management or supervision, operations, technical assistance, consulting, hiring employees, accounting, recordkeeping, leasing of equipment or real or intellectual property, and provision of goods or materials.
- c) A CMSA is prohibited from being sold, assigned, or otherwise transferred to a third-party.
- d) Prior to the execution of any CMSA submitted pursuant to this Section, a dispensing organization or conditional licensee shall submit to the Department:
- 1) A third-party authorization form;
  - 2) A copy of the CMSA and any related agreements between the parties; and
  - 3) The operating agreement of the management services contractor.

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- e) Dispensing organizations and conditional licensees must get approval from the Department prior to execution of a CMSA.
- f) Dispensing organizations and conditional licensees must obtain approval from the Department prior to making any material changes to a CMSA. Prior to any material change to a CMSA, the dispensing organization or conditional licensee must submit to the Department, a copy of any proposed material changes to the Management Services Agreement and any related agreements between the parties, any proposed material changes to information detailing any remuneration paid, or to be paid, to the management services contractor by the dispensing organization; and any proposed material changes to any previously required submissions.
- g) A CMSA must clearly identify the licenses it applies to and contain the following provisions to be approved by the Department in order to qualify for this exception:
  - 1) The terms of the CMSA shall include a single, fixed fee and are prohibited from including percentage-based commissions, profit-sharing, or interest rates;
  - 2) A CMSA shall acknowledge that the management services contractor and its owners, principals, and staff who are engaged, directly or indirectly, in operating the cannabis business, are supervised in those operations by the dispensing organization and its principal officers;
  - 3) A CMSA shall acknowledge that the management services contractor and its owners, principals, and staff do not have a security interest in the conditional license;
  - 4) A CMSA shall acknowledge that the management services contractor and its owners, principals, and staff do not have an ownership interest or any right, including a future or contingent right, to obtain any ownership interest in the dispensing organization or conditional license; and
  - 5) A CMSA for a Conditional Licensee shall automatically terminate upon the Conditional Licensee being issued its 15-36 License. The term of the CMSA for a 15-36 Licensee shall not exceed five years.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

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**Section 1291.215 Death, Incapacity, and Receivership of a Principal Officer**

- a) In the event of the death, incapacity, receivership, or other event rendering one or more principal officer incapable of performing the duties associated with the license, the principal officer, principal officers' successor in interest (e.g., appointed guardian, executor, administrator, receiver, trustee), or dispensing organization shall notify the Department in writing within 10 business days of the triggering event. The notification shall be supported by proof, such as a death certificate or court order, and shall be on a form or manner prescribed by the Department.
- b) As soon as reasonably possible after a triggering event described in subsection (a), and in order to continue the operations of the dispensing organization, the Department may approve a successor in interest to act on behalf of the affected principal officer. As used in this subsection, "successor in interest" is an individual who has the authority to act on behalf of the affected principal officer (e.g., appointed guardian, executor, administrator, receiver, custodian, trustee), as documented by a court order or other similar document appointing guardianship, receivership, administration or through a will or trust. The successor in interest is subject to all terms and conditions under which a principal officer is held to, however, the Department's approval of the successor in interest creates no vested right to the future approval as a principal officer for the successor in interest. The Department may approve a successor in interest if the individual or the dispensing organization submits the following:
- 1) The name of the successor in interest;
  - 2) The name of the principal officer for which the successor in interest is succeeding along with the corresponding principal officer license numbers;
  - 3) The phone number, mailing address, and email address of the successor in interest; and
  - 4) Documentation demonstrating the following:

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- A) That the principal officer is incapable of performing the duties associated with the license including, but not limited to, a death certificate or court order;
  - B) That the successor in interest is at least 21 years of age;
  - C) That the successor in interest is not delinquent in filing any required tax return or paying any amount owed to the State of Illinois as evidenced by the Illinois Department of Revenue;
  - D) That the successor in interest is the principal officers' legal successor as evidenced by documentation such as a court order appointing guardianship, receivership, or a will or trust agreement;
  - E) An attestation that naming the successor in interest will not have the effect of granting any of the owners or principal officers, including the successor in interest, direct or indirect ownership or control of more than 10 adult use dispensing organization licenses; and
  - F) If the affected principal officer's ownership interest is held by a trust, that trust shall be disclosed to the Department within 10 business days of the trust receiving the impacted ownership interest in compliance with the trust disclosure parameters in Section 1291.30.
- c) The Department will provide an approved successor in interest written approval to continue operations for a specific period of time.
  - d) The Department may request an updated Table of Organization, Ownership, and Control in order to reflect a successor in interest.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.225 Relocation of an Adult Use Dispensing Organization License**

- a) Adult use dispensing organization licenses issued in a specific BLS region shall remain in that BLS region, even if the license changes its ownership or is sold or

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transferred, unless the Act specifically allows a license to change BLS regions pursuant to Section 15-25(e-5) of the Act.

- b) Adult use dispensing organizations whose licenses were issued pursuant to Section 15-15 or Section 15-36 of the Act may submit an application on forms provided by the Department to relocate their dispensary.
- c) Dispensing organizations that apply to relocate a dispensary to a new location pursuant to this Section will be approved, subject to all other statutory and administrative requirements, if:
  - 1) The proposed location is within the same BLS region, as defined in 68 Ill. Adm. Code 1291.10 that the dispensing organization's corresponding conditional license was awarded in; or
  - 2) The proposed location is in the same geographic district as those geographic districts are defined in 68 Ill. Adm. Code 1290.20, if the original dispensing organization license was issued pursuant to Section 15-15 of the Act; and
  - 3) The adult use dispensing organization shall submit the fee required for the relocation of its existing associated medical registration. This shall be the only fee required for the same-site licensee to relocate.
- d) The Department shall approve or deny an application to relocate under subsection (b) within 30 calendar days of receiving a completed application.
- e) If the Department does not approve or deny an application to relocate under subsection (a) within 30 calendar days of receiving a completed application, the application shall be deemed to be approved.
- f) If the Department denies an application to relocate pursuant to subsection (a), it shall do so in writing and provide a specific reason for the denial.
- g) An application to relocate shall be deemed complete upon submission of all documents required by the application form provided by the Department.
- h) If, upon reviewing the application, the Department discovers any documentation required by the Department's application to relocate is missing, the Department

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will request the missing documentation. In this case, the application is not complete until the missing documentation is submitted.

- i) After receiving the Department's approval to relocate under subsection (a), the adult use dispensing organization license shall submit floorplans of the new location for the Department's approval in a form or manner prescribed by the Department. The Department shall approve or deny the floorplans within 10 business days of the Department's receipt of the floorplans.
- j) Prior to the commencement of operations at a new location that was approved by the Department, the adult use dispensing organization license must also pass a building and site inspection conducted by the Department in accordance with Section 15-60(j)(5) of the Act. The adult use dispensing organization license shall request a building and site inspection of the new site on forms provided by the Department. The Department shall schedule a building and site inspection within 10 business days upon receiving the adult use dispensing organization license's request for a building and site inspection.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.230 Changes to a Conditional Adult Use Dispensing Organization License and Location Parameters**

- a) A conditional adult use dispensing organization license cannot be sold, transferred, or assigned and the conditional license holder cannot in any way change its ownership structure, including by removing or adding any principal officers, except in the event of the death of a principal officer.
- b) Notwithstanding subsection (a), this prohibition does not preclude third parties who are not registered as principal officers from investing in, lending to, or otherwise providing capital to the conditional adult use dispensing organization license holder.
- c) Pursuant to this Section, third parties are not required to register as principal officers of the conditional adult use dispensing organization license holder so long as any third party interest cannot be realized or otherwise vest until the Conditional Adult Use Dispensing Organization License holder is issued a corresponding Adult Use Dispensing Organization License under Section 15-36. In order to realize that interest or have the interest vest, all third parties are subject

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to the Department's approval processes under Section 15-60(b) of the Act, either through the sale or transfer of the Adult Use Dispensing Organization License to the third party or through the third party's registration and approval as principal officer to the Adult Use Dispensing Organization License holder.

- d) In order to become operational, a conditional licensee shall be issued an adult use dispensing organization license pursuant to Section 15-36 of the Act by the conditional license's expiration date.
- e) In order to identify or find a physical location, a conditional licensee shall provide proof of its physical location to the Department at least 30 days prior to the conditional license's expiration date. Proof shall include, but is not limited to, one of the following:
- 1) proof of building ownership by the conditional licensee;
  - 2) agreement to purchase building or lease that is dependent on zoning or state license approval;
  - 3) signed lease for the term of the initial license; or
  - 4) proof of zoning approval or application for zoning approval.
- f) The Department may rescind a conditional license even after submitting proof in accordance with subsection (e), if, after an unreasonable time and considering the totality of the conditional license's steps towards becoming operational, the conditional licensee has not become operational as identified in subsection (d).
- g) A conditional license holder shall provide evidence that the location is not within 1,500 feet of an existing dispensing organization.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

SUBPART D: DISPENSING ORGANIZATION REQUIREMENTSSection 1291.300 Security Requirements

- a) A dispensing organization shall develop and implement a security plan to deter and prevent improper entry into the dispensary and theft of cannabis or currency.

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- b) Security measures in the plan shall include, but not be limited to, the following:
- 1) Establishing a locked door or barrier between the dispensary's public entrance and the limited access area;
  - 2) Preventing individuals from remaining on the premises if they are not engaging in activity permitted by the Act or this Part. Any physical removal shall comply with State and federal laws;
  - 3) Maintaining a policy that addresses the maximum capacity;
  - 4) Dispensing all cannabis from the restricted access area, which may include a pass-through window into the vaults. Any pass-through window from the vault to the restricted access area shall be capable of being closed and locked when not in use and shall not contain an opening greater than 9 inches;
  - 5) Storing cannabis during all hours in an enclosed locked room or cabinet that is accessible only to dispensing organization agents;
  - 6) Storing cannabis during non-operational hours in a locked reinforced vault room;
  - 7) Storing currency during non-operational hours in a locked reinforced vault room or other location in a manner as to prevent diversion, theft or loss;
  - 8) Keeping the reinforced vault room securely locked and protected from unauthorized entry at all times;
  - 9) Keeping an electronic daily log of dispensing organization agents who access the reinforced vault room;
  - 10) Maintaining all locks and security equipment in good working order including a manual lock on all doors leading to the exterior of the dispensing organization;
  - 11) Maintaining an operational security and alarm system at all times;



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- 12) Preventing keys from being left in locks or stored in a location accessible to individuals other than specifically authorized personnel;
  - 13) Maintaining integrity of security systems, including, but not limited to, limiting access to combination numbers, passwords or other security measures to specifically authorized agents;
  - 14) Ensuring the dispensary interior and exterior premises are sufficiently lit to facilitate surveillance;
  - 15) Ensuring that trees, bushes and other foliage outside of the dispensary premises do not allow for an individual or individuals to conceal themselves and that trees, bushes, and other foliage outside of the dispensary premises do not obstruct the view of the perimeter of the dispensary;
  - 16) Developing policies and procedures for immediately securing all product and currency following any instance of diversion, theft or loss of cannabis; for conducting an investigation into the cause of the diversion, theft, or loss; and to remediate any deficiencies that may have allowed the diversion, theft, or loss to occur;
  - 17) Developing sufficient additional safeguards in response to any special security concerns, or as required by the Department; and
  - 18) Installing counters which separate limited access areas from restricted access areas which are at least 48" in height, except counters spanning up to 36" in length may be reduced to no lower than 33" and not higher than 36" in height. Dispensing organizations operating before January 1, 2023, are exempt from this requirement until the time that they move locations.
- c) *A dispensing organization shall provide additional security measures as needed and appropriate for the community where it operates. (Section 15-100(f) of the Act)*
- d) *Restricted Access Areas*
- 1) *All restricted access areas must be identified by the posting of a sign that shall be a minimum of 12" x 12" and that states "Do Not Enter –*

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*Restricted Access Area – Authorized Personnel Only" in lettering no smaller than 1" in height.*

- 2) *All restricted access areas shall be clearly described in the floor plan of the dispensing organization, in the form and format directed by the Department, reflecting walls, partitions, counters and all areas of entry and exit. The floor plan shall show all storage, disposal and retail sales areas.*
- 3) *All restricted access areas must be secure, with locking devices that prevent access from the limited access areas. (Section 15-100(g) of the Act)*

e) Security and Alarm Systems

- 1) A dispensing organization shall have a security system designed to monitor, prevent and detect unauthorized intrusion, and theft or loss of cannabis or currency. The system shall use commercial grade equipment and be installed by an Illinois-licensed private alarm contractor or private alarm contractor agency. The system shall include, at a minimum:
  - A) A perimeter alarm on all entry points to the dispensary;
  - B) Glass break protection and security shatterproof film on perimeter windows;
  - C) A failure notification system that provides an alert to designated dispensing organization agents within five minutes of any operational failure of the surveillance system. The alert must be by phone or text message;
  - D) A sufficient number of panic and hold up buttons and alarms, a duress alarm, and an after-hours intrusion detection alarm, each of which will directly or indirectly notify the Public Safety Answering Point ("PSAP") for the law enforcement agency having primary jurisdiction;
  - E) Security equipment to deter and prevent unauthorized entrance into the dispensary, including electronic door locks on the doors in or

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providing access to limited and restricted access areas, and devices or a series of devices to detect unauthorized intrusion. Dispensing organizations must have video surveillance capable of producing images that allow for facial recognition at each door leading to the exterior of the dispensary;

- F) Video surveillance monitors with 19-inch screens or larger;
- G) Video surveillance that provides unobstructed views of all enclosed dispensary areas, unless prohibited by law. The surveillance equipment used must capture the image, with clear and certain identification, of any person entering or exiting the limited access area;
- H) Video surveillance that provides unobstructed views of all outside areas, the storefront, and the parking lot. The surveillance equipment used must capture the image, with clear and certain identification, of any person entering or exiting the dispensary, the immediate surrounding area, and the license plates of vehicles in the parking lot;
- I) Video surveillance at each point-of-sale terminal which captures the sale, the individuals, and the computer monitors used for the sale. The surveillance equipment used must capture the image, with clear and certain identification of any person involved in the sale;
- J) Video surveillance, available for immediate viewing by the Department, that provides 24-hour recordings which are correctly time and date stamped. Recordings shall be retained for no less than 90 calendar days, and may not be deleted without Department approval if the dispensing organization is aware of the loss or theft of cannabis; a pending criminal, civil or administrative investigation; or a legal proceeding for which the recording may contain relevant information;
- K) Video surveillance that will immediately and at any time produce a clear, color still photo from the surveillance video, either live or recorded;

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- L) Video surveillance that will export still images in a JPG, BMP, GIF, or JPEG image format. Exported video shall have the ability to be archived in a format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in a file format that can be played on a standard computer operating system.
- M) Any video surveillance that is required to produce facial recognition compliant images shall be at a minimum of 80 pixels per camera.
- 2) All security system equipment and recordings shall be maintained in good working order, in a secure location so as to prevent theft, loss, destruction or alterations.
- 3) Access to surveillance monitoring recording equipment shall be limited to persons that are essential to surveillance operations, law enforcement, security system service personnel and Department personnel. A current list of authorized dispensary agents and service personnel that have access to the surveillance equipment must be available to the Department upon request.
- 4) All security and video surveillance equipment shall be inspected and tested at regular intervals, not to exceed one month from the previous inspection and test to ensure the systems remain functional.
- 5) The security system shall provide protection against theft and diversion that is facilitated or hidden by tampering with computers or electronic records.
- 6) In the event of a power outage, the dispensary shall ensure all access doors remain secure and any video surveillance system remains fully operational for no less than four hours.
- 7) The dispensing organization must immediately report any security system outage to the Department, including, but not limited to, any loss of video

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recordings, and must submit an outage report in the form and format directed by the Department within five calendar days after the outage.

- f) All electronic video surveillance monitoring must record at least the equivalent of 8 frames per second and be available to the Department and ISP 24 hours a day in real-time via a secure web-based portal with reverse functionality.
- g) A dispensary shall have a reinforced vault built to the specifications of this subsection (g), unless it is a dispensing organization which operated before January 1, 2023. Dispensing organizations which operated before January 1, 2023, are exempt from this subsection (g) until the time that they move locations:
- 1) The walls, floors, and ceilings of a vault shall be constructed of:
    - A) At least 8" of reinforced concrete; or
    - B) All of the following:
      - i) 18-gauge studs made of galvanized sheet metal meeting requirements of American Society for Testing and Materials (ASTM) A1003;
      - ii) 9-gauge, Type II, Class 1 carbon steel security mesh and attachment clips meeting ASTM F1267 on either side of the studs; and
      - iii) Comparable materials and standards as approved by the Department.
  - 2) The door and frame unit of the vault shall conform to the following specifications or the equivalent: 30 man-minutes against surreptitious entry, 10 man-minutes against forced entry, 20 man-hours against lock manipulation and 20 man-hours against radiological techniques;
  - 3) A vault, if operations require it to remain open for frequent access, shall be equipped with a "day-gate" which is self-closing and self-locking, or the equivalent, for use during the hours of operation in which the vault door is open;

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- 4) The walls or perimeter of a vault shall be equipped with an alarm, which upon unauthorized entry transmits a signal directly to a central station protection company, a local or State police agency which has a legal duty to respond or a 24-hour control station operation by the registrant; and
- 5) The door of a vault shall be equipped with contact switches.
- h) Approved Vendor List. A dispensing organization shall submit a list to the Department of the names and contact information of all service professionals who will work at the dispensary for approval. The list shall include a description of the type of business or service provided. Changes to the approved vendor list shall be provided to the Department within five calendar days after any changes are made. No service professional shall work in the dispensary until the individual's name is provided to the Department on the approved vendor list and the Department confirms approval. A dispensing organization may permit a service professional who is not otherwise on the approved vendor list in the event of an emergency and after a good faith attempt to obtain the Department's pre-approval. In an emergency, the dispensing organization shall inform the Department as soon as possible of the event and the service professional's role. Examples of service professionals include, but are not limited to, cannabis transporters, IT professionals, security professionals, cleaning services, and other individuals whose work requires them to be within the actual dispensary.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.301 Minors Prohibited in Dispensary**

- a) Unless otherwise authorized pursuant to the Compassionate Use of Medical Cannabis Program Act or the Act, no persons under the age of 21 shall be allowed entry into a dispensing organization.
- b) Each dispensing organization is responsible for checking and verifying customer identification prior to any customer entering the limited access area. Each dispensing organization is responsible for all individuals entering the dispensing organization.
- c) Each dispensing organization shall use an electronic reader or electronic scanning device to scan a purchaser's government-issued identification if scanning the identification is possible in accordance with Section 10-20 of the Act.

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Government-issued identification that cannot be scanned may still be accepted at the dispensing organization's discretion.

- d) Dispensing organizations may accept identification that does not contain an expiration date in order to verify the age of a purchaser, so long as the dispensing organization is otherwise able to verify the validity of the identification. This does not include an expired identification document, unless otherwise permitted by law.
- e) As used in this Section, "government-issued identification" means a document issued by a unit of government, foreign or domestic, which identifies, at a minimum, the name, image, and date of birth of the Individual. "Government-issued identifications" include, but are not limited to, passports; driver's licenses; temporary visitor driver's licenses; consular identification cards; international election identification cards; tribal identification cards and indigenous reservation government identification cards; visas; permanent resident cards; and municipal, local, or state identification cards.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.305 Signage**

All of the required signage in this Part shall be hung no lower than 4' and no higher than 9' from the floor unless the height restrictions are not feasible to comply with and shall not be obstructed.

- a) All dispensing organizations must display placards that state the following:
- 1) "Cannabis consumption can impair cognition and driving, is for adult use only, may be habit forming, and should not be used by pregnant or breastfeeding women."; and
  - 2) "Adult Use Purchasers are not required to disclose personal information to the dispensing organization in order to purchase cannabis or cannabis infused products. Dispensing organizations must allow anonymous purchases, if requested."
- b) Any dispensing organization that sells edible cannabis-infused products must display placards that state the following:

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- 1) "Edible cannabis-infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens."; and
  - 2) "The effects of cannabis products can vary from person to person, and it can take as long as two hours to feel the effects of some cannabis-infused products. Carefully review the portion size information and warnings contained on the product packaging before consuming."
- c) All dispensing organizations shall prominently post notices inside the dispensing organizations identifying the following activities that are strictly prohibited and punishable by law:
- 1) No minors permitted on the premises unless the minor is a minor qualifying patient under the Compassionate Use of Medical Cannabis Program Act;
  - 2) Distribution of adult use cannabis to persons under the age of 21 is prohibited;
  - 3) Transportation of cannabis or cannabis products across state lines is prohibited;
  - 4) Cannabis remains federally illegal; and
  - 5) Smoking cannabis in a public place is prohibited.
- d) Dispensing organizations licensed under Section 115 of the Compassionate Use of Medical Cannabis Program Act shall post the signage in subsection (c)(1) notice as written. Organizations licensed under Section 15-65 of the Cannabis Regulation and Tax Act shall post the subsection (c)(1) notice stating, "no minors permitted on the premises".
- e) All of the required signage in this Part shall be no smaller than 24" tall by 36" wide, with typed letters no smaller than 2". The signage shall be clearly visible and readable by customers. The signage shall be placed in the area where cannabis and cannabis-infused products are sold and may be translated into additional languages as needed. The Department may require a dispensary to



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display the required signage in a different language, other than English, if the Secretary deems it necessary.

- f) Handouts shall not be used in place of the required signage.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.308 Purchaser Privacy**

- a) Dispensing organizations are prohibited from obtaining, collecting, maintaining, recording, and/or storing a purchaser's personal information from the transaction itself without the purchaser's consent. Any identifying or personal information of a purchaser obtained or received during a transaction shall not be retained, used, shared, or disclosed for any purpose except as authorized by the Act or this Part. Dispensaries shall ensure their internal systems delete all purchaser personal information within 24 hours after any purchase is completed.
- b) Personal information includes, but is not limited to, a purchaser's name, address, birthdate, and/or email address.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.310 Inventory Control System**

- a) A dispensing organization AIC shall have primary oversight of the dispensing organization's State Verification System and Point of Sale System. The inventory Point of Sale System shall be real-time, web-based and accessible by the Department 24 hours a day, seven days a week.
- b) A dispensing organization shall establish an account with the State Verification System that documents:
- 1) Each sales transaction at the time of sale;
  - 2) Each day's beginning inventory, acquisitions, sales, disposal and ending inventory;

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- 3) All acquisitions of cannabis and cannabis-infused products from a cultivation center, craft grower, infuser, transporter, or dispensary including:
- A) A description of the products including the quantity, strain, variety and batch number of each product received;
  - B) The name and license identification number of the cultivation center, craft grower, infuser, transporter, or dispensary providing the cannabis and cannabis infused products;
  - C) The name and license identification number of the cultivation center or transporter agent delivering the cannabis;
  - D) The name and license identification number of the dispensing organization agent receiving the cannabis; and
  - E) The date of acquisition.
- 4) The disposal of cannabis, including:
- A) A description of the products being disposed, including the quantity, strain, variety, batch number and reason for the cannabis being disposed;
  - B) The method of disposal; and
  - C) The date and time of disposal.
- c) A dispensing organization shall use a point of sale system that establishes and maintains an interface with the State Verification System to track the sale of cannabis, consistent with the Act and this Part.
- d) Upon cannabis delivery, a dispensing organization shall confirm the product's name, strain name, weight, identification number, and quantity on the manifest matches the information on the cannabis product label and package. The product name listed and the weight listed in the State Verification System shall match the product packaging.

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- e) An AIC shall conduct a daily physical count of all inventory, except as permitted under subsection (e)(4) and also conduct a reconciliation documenting and balancing cannabis inventory by confirming the State Verification System matches the dispensing organization's point of sale system and the amount of physical product at the dispensary. The daily physical count shall include checking the use-by date for all inventory and quarantining any expired product.
- 1) A dispensing organization must receive Department approval prior to completing an inventory adjustment. It shall provide a detailed reason for the adjustment. Inventory adjustment documentation must be kept at the dispensary for two years from the date performed.
  - 2) If, after the daily inventory reconciliation the dispensing organization identifies an imbalance in the amount of cannabis due to mistake, the dispensing organization shall determine how the imbalance occurred and, immediately upon discovery, take and document corrective action. If the dispensing organization cannot identify the reason for the mistake within two calendar days after first discovery, it shall inform the Department immediately in writing of the imbalance and the corrective action taken to date. The dispensing organization shall work diligently to determine the reason for the mistake. The dispensing organization shall complete its investigation within 10 business days. If the investigation is not complete within 10 business days, the dispensary shall notify the Department of next steps and a contemplated deadline. The Department may extend the investigation period upon a showing of good cause.
  - 3) If, after the daily inventory reconciliation or through other means, the dispensing organization identifies an imbalance in the amount of cannabis due to theft, criminal activity or suspected criminal activity, the dispensing organization shall immediately determine the manner in which the theft or criminal activity occurred and take and document corrective action. Within 24 hours after the first discovery of the reduction due to theft, criminal activity or suspected criminal activity, the dispensing organization shall inform the Department and ISP in writing.
  - 4) A dispensing organization is not required to perform a daily physical count of bulk cannabis inventory if stored pursuant to the requirements in this Part. The dispensing organization must verify daily that any bulk cannabis inventory meets the storage requirements of this subsection

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(e)(4). If the packaging of bulk cannabis inventory becomes torn or tampered with it must be recounted and resealed before the completion of the next daily physical count. Bulk cannabis inventory must be counted monthly by physically removing each item from the sealed containers, counting each item, and checking the expiration date. Bulk cannabis inventory must then be resealed and labeled with the last date it was counted. All expired product must be destroyed in accordance with Section 1291.325. For the purposes of this Section "bulk cannabis inventory" means cannabis and cannabis-infused products stored in the reinforced vault in clear, heat-sealed or taped shrink wrap bags or sheeting that is labeled with the date the inventory is sealed, the last four digits of the batch number, the number of items contained within the wrapping and the date the inventory was last counted. Bulk cannabis inventory is included in the dispensing organization's total inventory available for sale.

- 5) The AIC shall certify their consideration of the factors in this subsection (e)(5) on a form provided by the Department.
- f) A dispensing organization shall maintain the documentation required in this Section in a secure locked location at the dispensing organization.
- g) A dispensing organization shall ensure the oldest stock of cannabis and cannabis-infused product is dispensed first. A dispensing organization may deviate from this requirement upon Department approval.
- h) If cannabis is abandoned at a dispensing organization, it shall be accounted for and destroyed in compliance with this Part.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.320 Returns and Refunds**

A dispensing organization may create a policy allowing for the return and refund of damaged, inadequate or erroneously dispensed cannabis subject to the following provisions:

- a) The policy shall not permit the resale of any returned cannabis product if the tamper-evident seal has been broken or the product has left the premises.

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- b) Any returned product must be entered into the State Verification System within five calendar days after the return.
- c) All returned product that has either left the premises or has the tamper-evident seal broken must be destroyed in accordance with Section 15-90 of the Act.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.325 Destruction of Cannabis and Cannabis Infused Products**

- a) Any cannabis and cannabis-infused products to be destroyed shall be destroyed by rendering it unusable following the methods set forth in this Section.
- b) Any product to be destroyed shall be destroyed on the same day and time weekly unless otherwise approved by the Department on a case-by-case basis. A dispensing organization shall notify the Department and ISP of this day and time at the initial registration inspection. Any change in the day and time must be communicated to the Department and ISP at least three business days before the implementation.
- c) The allowable method to render cannabis waste unusable is by grinding and incorporating the cannabis waste with other ground materials so the resulting mixture is at least 50% non-cannabis waste by volume. Other methods to render cannabis waste unusable must be approved by the Department before implementation. Material used to grind with the cannabis falls into two categories, compostable waste and non-compostable waste.
  - 1) Compostable Mixed Waste: Cannabis waste to be disposed as compost feedstock or in another organic waste method (e.g., anaerobic digester) may be mixed with the following types of waste materials:
    - A) Food waste;
    - B) Yard waste; or
    - C) Other wastes as approved by the Department (e.g., agricultural material, biodegradable products and paper, clean wood, fruits and vegetables, plant matter).

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- 2) Non-compostable Mixed Waste: Cannabis waste to be disposed in a landfill or by another disposal method may be mixed with the following types of waste materials:
- A) Paper waste;
  - B) Cardboard waste;
  - C) Plastic waste;
  - D) Soil; or
  - E) Other wastes as approved by the Department (e.g., non-recyclable plastic, broken glass, leather).
- d) Cannabis waste rendered unusable following the methods described in this Section can be disposed. Disposal of the cannabis waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:
- 1) Compostable Mixed Waste: Compost, anaerobic digester or other facility with approval of the jurisdictional health department.
  - 2) Non-compostable Mixed Waste: Landfill, incinerator or other facility with approval the jurisdictional health department.
- e) All cannabis flower product shall be weighed, recorded and entered into the State Verification System prior to rendering it unusable. This event shall be performed by an AIC, or under the supervision of the AIC, and conducted under video surveillance.
- f) Electronic documentation of destruction and disposal shall be maintained for a period of at least five years.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.330 Recalls and Product Safety**

- a) Voluntary Recalls

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- 1) Each dispensing organization shall have policies and procedures governing voluntary recalls of cannabis products.
  - 2) All voluntary recall policies and procedures shall include the following at a minimum:
    - A) *A mechanism reasonably calculated to contact purchasers who have, or likely have, obtained the product from the dispensary, including information on the policy for return of the recalled product. This may include outreach via media, as necessary and appropriate;*
    - B) *A mechanism to identify and contact the adult use cultivation center, craft grower, or infuser that manufactured the cannabis;*
    - C) *Policies for communicating with the Department, the Department of Agriculture, and the Department of Public Health within 24 hours of discovering defective or potentially defective cannabis;*
    - D) Policies for the collection of recalled product;
    - E) *Policies for destruction of any recalled cannabis product that comply with Section 1291.325; and*
    - F) Entry of recalled product into the State Verification System prior to destruction. (Section 15-65 of the Act)
  - 3) Voluntary recalls may be initiated at any time as determined by the dispensing organization.
- b) Mandatory Recalls
- 1) The Department may require dispensing organizations to conduct a recall of a cannabis product that is adulterated, misbranded, or otherwise poses a danger to public safety.
  - 2) The dispensing organization shall maintain policies and procedures for a mandatory recall that shall include, at a minimum:

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- A) *A mechanism reasonably calculated to contact purchasers who have, or likely have, obtained the product from the dispensary, including information on the policy for return of the recalled product. This may include outreach via media, as necessary and appropriate;*
  - B) *A mechanism to identify and contact the adult use cultivation enter, craft grower, or infuser that manufactured the cannabis;*
  - C) *Policies for communicating with the Department, the department of Agriculture, and the Department of Public Health within 24 hours of discovering defective or potentially defective cannabis;*
  - D) *Policies for the collection of recalled product;*
  - E) *Policies for destruction of any recalled cannabis product that comply with Section 1291.325; and*
  - F) *Entry of recalled product into the State Verification System prior to destruction. (Section 15-65 of the Act)*
- 3) *The Department may issue a mandatory recall and require dispensing organizations to immediately cease distribution of a cannabis product and recall the cannabis if the Department determines both of the following:*
- A) *The cultivation, manufacture, distribution, or sale of the cannabis or cannabis product creates or poses an immediate and serious threat to human life or health; and*
  - B) *A recall is necessary to ensure the health and safety of affected cannabis consumers.*
- 4) *The Department may require a dispensing organization to quarantine product without destruction for a minimum of 72 hours or until further notice of the Department, whichever occurs later, if the Department suspects the product is adulterated, misbranded, or otherwise poses a danger to public safety.*



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- 5) The Department may require a dispensing organization to submit cannabis product that is suspected to be adulterated, defective, misbranded, or otherwise poses a danger to public safety to laboratory testing from a testing laboratory approved by the Illinois Department of Agriculture. If the laboratory testing demonstrates the cannabis product is safe for consumption the Department may approve the dispensing organization to move the product back into active stock.
- A) For the purposes of this Section, "adulterated" shall include, but is not limited to, cannabis that has been tampered with by having the tamper-proof seal broken, cannabis that has been altered after it has been packaged, or cannabis that has materially changed condition since laboratory testing.
- B) For the purposes of this Section, "defective" shall have the same meaning as in Section 1291.60.
- 6) In ordering a mandatory recall of cannabis pursuant to this Section, the director of the Department shall issue an order to that effect, which shall also include affidavits sufficient to lay out the factual basis for the recall.
- 7) Whenever the Department issues a mandatory recall, an affected dispensing organization may file a request for hearing within 30 days of the recall. All requests for hearing and any associated proceedings shall follow the rules of Practice in Administrative Hearings at 68 Ill. Adm. Code 1110.
- A) In the event a dispensing organization files a request for hearing, a formal hearing shall begin within 30 days of the filing of the request and shall be completed without appreciable delay.
- B) The Department shall bear the burden of proving the recalled cannabis is defective, adulterated, misbranded, or otherwise poses a danger to public safety.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.335 Sale of Non-Cannabis Items**

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- a) Dispensing Organizations shall only sell items that are cannabis, cannabis paraphernalia, or related supplies.
- 1) "Related supplies" means branded merchandise including, but not limited to, clothing, water bottles, or keychains. Merchandise may include the dispensing organization's name and logo in compliance with Section 55-20 of the Act.
  - 2) "Related supplies" also includes non-branded decorative or material items such as periodicals, ornaments, pins, or similar items.
  - 3) "Related supplies" also includes pre-packaged food and pre-packaged non-alcoholic beverages.
  - 4) The Department may approve additional items not specifically identified above at a licensed dispensing organization's request. In doing so, the Department shall consider the similarity of the items to the criteria listed in this subsection (a).
- b) Dispensing organizations may allow third-party vendors to promote or advertise in the public access area of the dispensary. All advertisements by third-party vendors must comply with Section 55-20 of the Act. The dispensing organization is responsible for ensuring compliance with the Act and this Part for all third-party vendors promoting or advertising inside of the dispensary. The dispensing organization shall give the Department written notice of all third-party vendors at least three business days in advance of promoting or advertising.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

**Section 1291.340 Onsite Consumption Lounges**

- a) Dispensing organizations may operate an onsite consumption lounge within its dispensary only if its unit of local government has authorized it to do so pursuant to Section 55-25 of the Act. Proof of authorization must be submitted to the Department.
- b) Dispensing organizations may only operate an onsite consumption lounge at the dispensary's address or in a building contiguous to the dispensary. If the dispensary's onsite consumption lounge is within the dispensary, the dispensary

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shall maintain a designated area for the purpose of the heating, burning, smoking, or consuming activities that is separate from the remainder of the dispensary.

- c) If specially authorized by its unit of local government, dispensaries may operate an outdoor onsite consumption lounge. Outdoor consumption shall not be visible to the public (high fences, shrubs, etc., are permissible); and the interior of the onsite consumption lounge and dispensary shall be separated from the outdoor onsite consumption lounge by a locked and secured door. Patrons of the outdoor onsite consumption lounge may re-enter the interior onsite consumption lounge and dispensary's limited access area and bathrooms for the duration of their visit so long as a security guard, licensed agent, AIC or principal officer is stationed at the point of re-entry during all hours of the lounge's hours of operation. Onsite consumption lounge and dispensary staff may enter and exit all sections of the facility.
- d) Dispensaries which are authorized by their unit of local government to operate an onsite consumption lounge at its dispensary shall abide by all local rules, regulations, and ordinances, including, but not limited to: zoning regulations, local health and safety standards, and fire safety regulations.
- e) Dispensaries seeking to operate an onsite consumption lounge at its dispensary must be approved by the Department in a form or manner prescribed by the Department. In seeking approval, the dispensary shall submit, at a minimum, the following:
- 1) A copy of the unit of local government's authorization to operate an onsite consumption lounge and any supporting documents thereof;
  - 2) A copy of the proposed floor plan of the onsite consumption lounge;
  - 3) Identification of all staff who will work at the onsite consumption lounge;
  - 4) A copy of the dispensary's policies and procedures for the onsite consumption lounge, including, but not limited to, any policies and procedures regarding pricing, security measures, staffing plans, hours of operation, etc. and those required by subsection (g)(9);
  - 5) A copy of the security plan of the onsite consumption lounge;

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- 6) A copy of the lease or landlord consent to operate an onsite consumption lounge or proof of ownership of the land the onsite consumption lounge is located; and
  - 7) A copy of the policies and procedures of the onsite consumption including all information required by Sections 15-65 and 15-110 of the Act.
- f) Dispensaries are prohibited from initiating any material changes to the consumption lounge without prior approval by the unit of local government and the Department.
- g) A dispensary may operate an onsite consumption lounge subject to the following conditions:
- 1) All employees of an onsite consumption lounge shall be a licensed agent or agent-in-charge of the dispensary;
  - 2) Dispensaries shall verify all individuals entering an onsite consumption lounge are in compliance with Section 10-20 of the Act;
  - 3) Cannabis and cannabis infused products shall not be dispensed in the onsite consumption lounge unless in accordance with 410 ILCS 705/15-100(c)(5);
  - 4) Onsite consumption lounges must be separate and distinct from the remainder of the dispensary, including the public access area, the limited access area, and the restricted access area, and is separated from the remainder of the dispensary by a door capable of being locked;
  - 5) Onsite consumption lounges shall not be publicly accessible (except as otherwise permitted as a point of re-entry under subsection (c)), unless the entrance also includes its own public access area and security guard during all hours of operation;
  - 6) Onsite consumption lounges shall not hold any liquor license issued under 235 ILCS 5/5-1 or any gaming license issued under 230 ILCS 40/90;
  - 7) Onsite consumption lounges are permitted to serve food and drinks so long as the following conditions are met:

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- A) The onsite consumption lounge has obtained the necessary certifications or licenses to serve food, other than cannabis-infused products, that are required by the unit of local government and State law;
  - B) The onsite consumption lounge complies with the Illinois Food Code (77 Ill. Adm. Code 750) and the Food Handling Regulation Enforcement Act [410 ILCS 625]; and
  - C) Such food or drink qualifies as a "related supply" as that term is defined in Section 1291.335.
- 8) The onsite consumption lounge shall have security cameras, which comply with Section 15-100(i)(2) of the Act, facing any areas of ingress or egress. Cameras are not required to record those consuming products, only those entering and leaving through areas of ingress or egress;
- 9) All cash and currency collected at the onsite consumption lounge shall be treated the same as cash and currency collected by the dispensary and shall be stored securely in compliance with Section 15-100 of the Act;
- 10) Copy of internal policies shall be kept onsite within the onsite consumption lounge that shall include, at a minimum:
- A) A business plan that includes a description of the proposed hours of operation;
  - B) A responsible operations plan that includes a detailed explanation of how employees will monitor and prevent over-intoxication, underage access to the onsite consumption lounge, the illegal sale or distribution of cannabis or cannabis-infused products within the onsite consumption lounge, and any other potential criminal activity on the premises. Operation plans may also identify how to best prevent impaired driving by encouraging consumers to consider alternative transportation options;
  - C) A documented employee training plan that addresses all components of the responsible operations plan; and

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- D) A cannabis product destruction and waste management plan that meets the requirements of this Part, as applicable, for destroying and disposing of cannabis waste left at the onsite consumption lounge.
- 11) Only persons 21 years of age or older shall be permitted access to onsite consumption lounges;
- 12) The onsite consumption lounge shall have a smoke-free area for both employees and the Department to monitor the onsite consumption lounge;
- 13) The onsite consumption lounge shall have a ventilation system that directs air from the consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line, if consumption by inhalation is permitted;
- 14) If cannabis is abandoned in the consumption lounge, it must be destroyed in compliance with Section 1291.325;
- 15) Dispensaries may charge a fee for entrance and usage of onsite consumption lounges; and
- 16) Any other requirements that the Department deems necessary based on local zoning authorities or unique security concerns.
- h) Onsite consumption lounges remain subject to random inspections by the Department.
- i) If Department inspectors or emergency personnel enter the onsite consumption lounge and upon the inspector's or emergency personnel's direction, a dispensary is responsible for ensuring that all consumption and other activities, including sales within the dispensary, cease until the personnel have completed their investigation or services and have left the premises.
- j) State standards and requirements. Any standards, requirements, and rules regarding the health and safety, environmental protection, testing, security, food safety, and worker protections established by the State shall be the minimum

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standards for all licensees with onsite consumption lounges under the Act statewide, where applicable. Knowing violations of any State or local law, ordinance, or rule conferring worker protections or legal rights on the employees of a licensee may be grounds for disciplinary action under the Act, in addition to any penalties established by another unit of government.

(Source: Added at 48 Ill. Reg. 13377, effective August 20, 2024)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 1) Heading of the Part: Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 102
- 3) Section Number: 102.65                      Adopted Action:  
New Section
- 4) Statutory Authority: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. XI and 12-13] implementing and authorized by Executive Order 2005-3, effective July 1, 2005.
- 5) Effective Date of Rule: August 26, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: 48 Ill. Reg. 6433; May 3, 2024
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Language was added, removed and punctuation updated as follows:

In section 102.65(a), "for coverage of services under the Illinois Medical Assistance", "Program" and "the" were removed; "abandoned" was changed to "a relinquished".

In section 102.65(b)(1), "Illinois" was removed, and an apostrophe was added after "Services".

In section 102.65(b)(2), "state" was removed.

In section 102.65(c), "the infant shall be deemed eligible for medical" are italicized; "Assistance" are italicized and lowercased; and "program" was removed and "[325 ILCS 2/45]" was added.



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In section 102.65(d), "medical" was added after the word "new"; "for medical coverage" was removed; and "receive a new certification period at" was changed to "continue to be eligible for medical assistance at the time of".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The adopted rulemaking for 89 IAC 102.65 pursuant to Public Act 103- 0501, requires a hospital to complete and submit an application for medical assistance (HFS-2378H - Instructions for Mail-In Application for Medical Benefits) on behalf of an abandoned newborn infant. As noted in the manual changes, the rule offers a direct method to submit the application, even if the application cannot be completed due to limited information, via email as an attachment. A Provider Notice on Abandoned Newborns – Hospital Responsibility to Submit Medicaid Application per Public Act 103-0501 was issued 01/23/2024.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Katie Hill  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

(217) 782-1233  
HFS.Rules@Illinois.gov

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER a: GENERAL PROVISIONS

## PART 102

## RIGHTS AND RESPONSIBILITIES

## Section

102.1	Incorporation by Reference
102.10	Rights of Clients
102.20	Nondiscrimination
102.21	Voter Registration
102.25	Grievance Rights of Clients
102.30	Confidentiality of Case Information
102.35	Case Records
102.40	Freedom of Choice
102.50	Reporting Change of Circumstances
102.60	Referral Requirements
102.63	Reporting Child Abuse/Neglect
<a href="#">102.65</a>	<a href="#">Abandoned Newborn Infant</a>
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.100	Excess Assistance (Recodified)
102.110	Recoupment of Overpayments (Recodified)
102.120	Correction of Underpayments
102.200	Recovery of Assistance
102.210	Estate Claims
102.220	Real Property Liens
102.230	Filing and Renewal of Liens
102.235	Liens on Property of Institutionalized Recipients
102.240	Foreclosure of Liens
102.250	Release of Liens
102.260	Personal Injury Claims

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- 102.270 Convictions of Fraud – Eligibility  
102.280 Single Conviction of Fraud – Administrative Review Board

**AUTHORITY:** Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. XI and 12-13] implementing and authorized by Executive Order 2005-3, effective July 1, 2005.

**SOURCE:** Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective January 26, 1995; emergency amendment at 19 Ill. Reg. 12320, effective August 14, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 883, effective December 29, 1995; amended at 21 Ill. Reg. 619, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 4037, effective March 14, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7438, effective June 1, 1997; amended at 21 Ill. Reg. 11955, effective August 13, 1997; amended at 24 Ill. Reg. 10294, effective July 1, 2000; amended at 25 Ill. Reg. 16111, effective December 1, 2001; amended at 35 Ill. Reg. 14486, effective August 12, 2011; amended at 36 Ill. Reg. 4119, effective March 1, 2012; amended at 38 Ill. Reg. 5944, effective February 26, 2014; amended at 47 Ill. Reg. 18017, effective November 21, 2023; amended at 48 Ill. Reg. 13502, effective August 26, 2024.

**Section 102.65 Abandoned Newborn Infant**

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- a) Effective January 1, 2024, in compliance with the Abandoned Newborn Infant Protection Act [325 ILCS 2] and in coordination with 89 Ill. Adm. Code 300.180, all hospitals shall complete, based on available information, and submit a medical application on behalf of a relinquished newborn infant ("infant") under their care, where:
- 1) The infant is 30 days old or less, based on the reasonable belief of a licensed physician; and
  - 2) The infant was born outside of the hospital and later relinquished to a hospital, police station, fire station or emergency medical facility.
- b) Hospitals providing medical care to the infant shall:
- 1) Complete form HFS-2378H (Instructions for Mail-In Application for Medical Benefits Form), which is available on the Department of Healthcare and Family Services' public website; and
  - 2) Submit form HFS-2378H via email as an attachment to [HFS.ACA@Illinois.gov](mailto:HFS.ACA@Illinois.gov), with subject line "Abandoned Newborn Application".
- c) Applications shall be processed by the Department, and *the infant shall be deemed eligible for medical assistance* for 12 months. [325 ILCS 2/45]
- d) After the initial eligibility period, the caring agency or adult may submit a new medical application, as the infant will not automatically continue to be eligible for medical assistance at the time of redetermination.

(Source: Added at 48 Ill. Reg. 13502, effective August 26, 2024)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.830                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].
- 5) Effective Date of Rule: August 26, 2024
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: 48 Ill. Reg. 7543; May 24, 2024
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This adopted rulemaking amends the Department's notification policy to nursing facilities of their support and capital rates to annually instead of no later than 30 days before the beginning of the rate/fiscal year. The proposed rulemaking also amends the Department's notification policy to nursing facilities of their nursing rate to quarterly instead of no later than 30 days before the beginning of the rate quarter. Both amendments are to align the Code with the Department's current policy.

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This adopted rulemaking is also a response to a recent class action lawsuit filed against the Department in Sangamon County (Generations at Applewood v. HFS). The lawsuit was filed by a group of nursing homes who have accused the Department of violating procedural due process by failing to issue annual rate change notices. The nursing homes are seeking a writ of mandamus compelling the Department to issue new annual notices for the preceding five years. The Department intends to respond by demonstrating it complied with the language of the current rule by issuing both annual and quarterly notices. However, due to changes in the rate calculation process, the Department is no longer able to meet the timeliness requirements of the current rule for its annual notices. Amending the rules will ensure the annual notices are timely and may also end the litigation by making all of the allegations against the Department moot.

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

Katie Hill  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

(217) 782-1233  
HFS.Rules@Illinois.gov

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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## 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

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

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- Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment Of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
- 140.55 Electronic Data Interchange Service
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)
- 140.74 Resolution of Claims Related to Inaccurate or Updated Enrollment Information
- 140.75 Managed Care – Disputed Provider Claims Resolution Process

## SUBPART C: PROVIDER ASSESSMENTS

## Section

- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund



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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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- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section

- 140.400 Payment to Practitioners
- 140.402 Copayments for Non-institutional Medical Services
- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- 140.423 Licensed Clinical Psychologist Services
- 140.424 Licensed Clinical Social Worker Services
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirements for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)

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140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Registered Nurse Services
140.436	Limitations on Advanced Practice Registered Nurse Services
140.438	Diagnostic Imaging Services
140.439	Critical Access Care Pharmacy Payment
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Drug Product Prior Approval and the Preferred Drug List
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescribed Drugs
140.446	Over-the-Counter Items (Repealed)
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling
140.452	Community-based Mental Health Providers Qualified for Payment
140.453	Community-based Mental Health Service Definitions and Professional Qualifications
140.454	Types of Mental Health Services
140.455	Payment for Mental Health Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Hospital-Based and Encounter Rate Clinic Payments
140.465	Adaptive Behavior Support Services
140.466	Rural Health Clinics (Repealed)
140.467	Independent Clinics
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140.470	Eligible Home Health Care, Nursing and Public Health Providers
140.471	Description of Home Health Care Services
140.472	Home Health Care Services
140.473	Prior Approval for Home Health Care Services
140.474	Payment for Home Health Care Services
140.475	Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
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140.477	Limitations on Equipment, Prosthetic Devices and Orthotic Devices
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140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Medical Transportation Limitations and Authorization Process
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140.494	Record Requirements for Medical Transportation Services
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140.498	Fingerprint-Based Criminal Background Checks
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140.505	Informal Hearing Process for Denial of Payment for New ICF/MR Admissions
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140.510	Determination of Need for Group Care
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140.513	Notification of Admissions and Changes in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
140.516	Recipient Management of Funds
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140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
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- 140.543 Time Standards for Filing Cost Reports
- 140.544 Access to Cost Reports (Repealed)
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- 140.550 Update of Operating Costs
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- 140.554 Component Inflation Index (Repealed)
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- 140.566 Out-of-State Placement
- 140.567 Level II Incentive Payments (Repealed)
- 140.568 Duration of Incentive Payments (Repealed)
- 140.569 Clients With Exceptional Care Needs
- 140.570 Capital Rate Component Determination
- 140.571 Capital Rate Calculation
- 140.572 Total Capital Rate
- 140.573 Other Capital Provisions
- 140.574 Capital Rates for Rented Facilities
- 140.575 Newly Constructed Facilities (Repealed)
- 140.576 Renovations (Repealed)
- 140.577 Capital Costs for Rented Facilities (Renumbered)
- 140.578 Property Taxes
- 140.579 Specialized Living Centers
- 140.580 Mandated Capital Improvements (Repealed)
- 140.581 Qualifying as Mandated Capital Improvement (Repealed)
- 140.582 Cost Adjustments
- 140.583 Campus Facilities
- 140.584 Illinois Municipal Retirement Fund (IMRF)
- 140.590 Audit and Record Requirements
- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers For Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)

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- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
- 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
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- 140.651 Decertification of Day Programs
- 140.652 Terms of Assurances and Contracts
- 140.680 Effective Date of Payment Rate
- 140.700 Discharge of Long Term Care Residents
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- 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND  
LOCAL GOVERNMENTAL ENTITIES

## Section

- 140.850 Reimbursement of Administrative Expenditures
- 140.855 Administrative Claim Review and Reconsideration Procedure
- 140.860 County Owned or Operated Nursing Facilities
- 140.865 Sponsor Qualifications (Repealed)
- 140.870 Sponsor Responsibilities (Repealed)
- 140.875 Department Responsibilities (Repealed)
- 140.880 Provider Qualifications (Repealed)
- 140.885 Provider Responsibilities (Repealed)
- 140.890 Payment Methodology (Repealed)
- 140.895 Contract Monitoring (Repealed)
- 140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

## Section

- 140.900 Reimbursement For Nursing Costs For Geriatric Residents In Group Care Facilities (Recodified)
- 140.901 Functional Areas of Needs (Recodified)
- 140.902 Service Needs (Recodified)

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140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

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

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140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered In Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)



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- 140.968 Validity of Contracts (Recodified)
- 140.970 Termination of ICARE Contracts (Recodified)
- 140.972 Hospital Services Procurement Advisory Board (Recodified)

## SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

## Section

- 140.990 Primary Care Case Management Program (Repealed)
- 140.991 Primary Care Provider Participation Requirements (Repealed)
- 140.992 Populations Eligible to Participate in the Primary Care Case Management Program (Repealed)
- 140.993 Care Management Fees (Repealed)
- 140.994 Panel Size and Affiliated Providers (Repealed)
- 140.995 Mandatory Enrollment (Repealed)
- 140.996 Access to Health Care Services (Repealed)
- 140.997 Payment for Services (Repealed)

## SUBPART J: ALTERNATE PAYEE PARTICIPATION

## Section

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

## SUBPART K: MANDATORY MCO ENROLLMENT

## Section

- 140.1010 Mandatory Enrollment in MCOs

## SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

## Section

- 140.1300 Definitions
- 140.1310 Recovery of Money
- 140.1320 Penalties
- 140.1330 Enforcement

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140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
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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; preemptory 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;

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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

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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

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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

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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 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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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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.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

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



## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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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,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

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,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

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. 2046, effective January 21, 2022; amended at 46 Ill. Reg. 5229, effective March 11, 2022; amended at 46 Ill. Reg. 5725, effective March 25, 2022; emergency amendment at 46 Ill. Reg. 8348, effective May 2, 2022, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 12115, effective July 1, 2022, for a maximum of 150 days; emergency expired November 27, 2022; amended at 46 Ill. Reg. 16740, effective September 20, 2022; amended at 46 Ill. Reg. 18061, effective October 27, 2022; amended at 46 Ill. Reg. 19641, effective November 28, 2022; amended at 47 Ill. Reg. 3738, effective March 1, 2023; amended at 47 Ill. Reg. 16385, effective November 3, 2023; amended at 47 Ill. Reg. 18024, effective November 21, 2023; amended at 48 Ill. Reg. 864, effective December 27, 2023; emergency amendment at 48 Ill. Reg. 5768, effective March 28, 2024, for a maximum of 150 days; amended at 48 Ill. Reg. 11981, effective July 25, 2024; amended at 48 Ill. Reg. 13507, effective August 26, 2024.

## SUBPART E: GROUP CARE

**Section 140.830 Appeals of Rate Determinations**

- a) Except as indicated in subsection (b) ~~of this Section~~, the Department shall notify all nursing facilities of their support and capital rates annually ~~for the next year no later than 30 days before the beginning of the rate year, which shall be the same as the State's fiscal year~~. Appeals of rate determinations shall be submitted in writing to the Department. Except as indicated in subsection (b) ~~of this Section~~, appeals received within 30 days after rate notification shall, if upheld, be made effective as of the beginning of the rate year. The effective date of all other upheld appeals shall be the first day of the month after the date the complete appeal was received.
- b) The Department shall notify all nursing facilities of their nursing rate quarterly ~~no later than 30 days before the beginning of the rate quarter pursuant to 89 Ill. Adm.~~

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

~~Code 147.150~~. Appeals shall be submitted to the Department no later than 30 days after the date of the Department's notice to the facility of the rate. The results of an appeal shall become effective the first day of the applicable quarter.

- c) Appeals of rate determinations under this Section shall be submitted in writing to the Chief, Bureau of Long Term Care. The Department shall rule on all appeals within 120 days after the date of appeal, except that if the Department requires additional information from the facility the period shall be extended until such time as the information is provided. Except for the rate identified in subsection (b) ~~of this Section~~, appeals for any rate year must be filed before the close of the rate year.

(Source: Amended at 48 Ill. Reg. 13507, effective August 26, 2024)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SEPTEMBER MEETING AGENDA

BILANDIC BUILDING  
ROOM C-600  
CHICAGO, ILLINOIS  
11:00 A.M.  
SEPTEMBER 10, 2024

**NOTICE:** JCAR policy is 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 rulemaking, they should submit written comments to the JCAR Office at the following address:

Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706  
217/785-2254 jcar@ilga.gov

**AGENDA****I. Attendance Roll Call****II. Approval of August 14, 2024 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**Agriculture

1. Weights and Measures Act (8 Ill. Adm. Code 600)  
8-600-24-00001  
-First Notice Published: 48 Ill. Reg. 1 – 1/5/24  
-Expiration of Second Notice: 9/15/24

Capital Development Board

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SEPTEMBER MEETING AGENDA

2. Illinois Energy Conservation Code (71 Ill. Adm. Code 600)  
71-600-24-08158  
-First Notice Published: 48 Ill. Reg. 8158 – 6/7/24  
-Expiration of Second Notice: 10/22/24

Commerce and Economic Opportunity

3. Illinois Film Production Services Tax Credit Program (14 Ill. Adm. Code 528)  
14-528-24-07901  
-First Notice Published: 48 Ill. Reg. 7901 – 5/31/24  
-Expiration of Second Notice: 9/18/24

Education

4. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)  
23-1-24-06715  
-First Notice Published: 48 Ill. Reg. 6715 – 5/10/24  
-Expiration of Second Notice: 10/9/24

Emergency Management Agency and Office of Homeland Security

5. State Not-For-Profit Security Grant Program (29 Ill. Adm. Code 120)  
29-120-24-04525  
-First Notice Published: 48 Ill. Reg. 4525 – 3/29/24  
-Expiration of Second Notice: 10/3/24

Financial and Professional Regulation

6. Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)  
68-1455-24-07918  
-First Notice Published: 48 Ill. Reg. 7918 – 5/31/24  
-Expiration of Second Notice: 9/20/24

Housing Development Authority

7. Homeowner Mortgage Revenue Bond Program (47 Ill. Adm. Code 260)  
47-260-24-06726  
-First Notice Published: 48 Ill. Reg. 6726 – 5/10/24  
-Expiration of Second Notice: 10/9/24

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SEPTEMBER MEETING AGENDA

8. Homeownership Mortgage Loan Program (47 Ill. Adm. Code 300)  
47-300-24-06737  
-First Notice Published: 48 Ill. Reg. 6737 – 5/10/24  
-Expiration of Second Notice: 10/9/24

Human Services

9. Office of Inspector General Investigations of Alleged Abuse, Neglect, or Financial Exploitation in State-Operated Facilities and Community Agencies (59 Ill. Adm. Code 50)  
59-50-24-06197  
-First Notice Published: 48 Ill. Reg. 6197 – 4/26/24  
-Expiration of Second Notice: 9/15/24
10. Child Care (89 Ill. Adm. Code 50)  
89-50-24-09217  
-First Notice Published: 48 Ill. Reg. 9217 – 7/5/24  
-Expiration of Second Notice: 10/9/24
11. Fiscal/Administrative Recordkeeping and Requirements (89 Ill. Adm. Code 509)  
89-509-24-02769  
-First Notice Published: 48 Ill. Reg. 2769 – 2/23/24
12. Electronic Prescription Monitoring Program (77 Ill. Adm. Code 2080)  
77-2080-24-04540  
-First Notice Published: 48 Ill. Reg. 4540 – 3/29/24  
-Expiration of Second Notice: 9/28/24

Labor

13. Health and Safety (56 Ill. Adm. Code 350)  
56-350-24-08418  
-First Notice Published: 48 Ill. Reg. 8418 – 6/14/24  
-Expiration of Second Notice: 10/9/24

Public Health

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SEPTEMBER MEETING AGENDA

14. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)  
77-350-24-05862  
-First Notice Published: 48 Ill. Reg. 5862 – 4/19/24  
-Expiration of Second Notice: 9/15/24
15. Medically Complex for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 390)  
77-390-24-05877  
-First Notice Published: 48 Ill. Reg. 5877 – 4/19/24  
-Expiration of Second Notice: 9/27/24
16. Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)  
77-395-24-08740  
-First Notice Published: 48 Ill. Reg. 8740 – 6/21/24  
-Expiration of Second Notice: 9/15/24
17. Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 Ill. Adm. Code 515)  
77-515-24-00095  
-First Notice Published: 48 Ill. Reg. 95 – 1/5/24  
-Expiration of Second Notice: 10/21/24
18. Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)  
77-545-24-04316  
-First Notice Published: 48 Ill. Reg. 4316 – 3/22/24  
-Expiration of Second Notice: 9/26/24

Revenue

19. Retailers' Occupation Tax (86 Ill. Adm. Code 130)  
86-130-24-06748  
-First Notice Published: 48 Ill. Reg. 6748 – 5/10/24  
-Expiration of Second Notice: 9/22/24
20. Service Occupation Tax (86 Ill. Adm. Code 140)  
86-140-24-06779



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SEPTEMBER MEETING AGENDA

- First Notice Published: 48 Ill. Reg. 6779 – 5/10/24
- Expiration of Second Notice: 9/22/24

21. Use Tax (86 Ill. Adm. Code 150)  
86-150-24-06807
  - First Notice Published: 48 Ill. Reg. 6807 – 5/10/24
  - Expiration of Second Notice: 9/22/24
22. Hotel Operators' Occupation Tax (86 Ill. Adm. Code 480)  
86-480-24-06817
  - First Notice Published: 48 Ill. Reg. 6817 – 5/10/24
  - Expiration of Second Notice: 9/22/24

Secretary of State

23. Online Only Adult Driver Education Course Provider Certification (92 Ill. Adm. Code 1066)  
92-1066-24-08331
  - First Notice Published: 48 Ill. Reg. 8331 – 6/7/24
  - Expiration of Second Notice: 9/15/24

Veterans' Affairs

24. Educational Opportunities for Children of Deceased or Disabled Veterans (95 Ill. Adm. Code 101)  
95-101-23-17418
  - First Notice Published: 47 Ill. Reg. 17418 – 11/27/23
  - Expiration of Second Notice: 9/27/24
25. Rules Governing the Board of Appeals (95 Ill. Adm. Code 113)  
95-113-23-17429
  - First Notice Published: 47 Ill. Reg. 17429 – 11/27/23
  - Expiration of Second Notice: 9/27/24
26. MIA/POW Scholarship (95 Ill. Adm. Code 116)  
95-116-23-17433
  - First Notice Published: 47 Ill. Reg. 17433 – 11/27/23
  - Expiration of Second Notice: 9/27/24

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER MEETING AGENDA

**EMERGENCY RULEMAKING**

Healthcare and Family Services

27. Special Eligibility Groups (89 Ill. Adm. Code 118)  
89-118-24-12625  
-Eff.: 8/5/24; Exp.: 1/1/25  
-Published: 48 Ill. Reg. 7901 – 5/31/24

**AGENCY RESPONSE**

Human Services

28. Fiscal/Administrative Recordkeeping and Requirements (89 Ill. Adm. Code 509)  
89-509-24-02769

**IV. Announcement of the next JCAR Meeting**

**V. Adjournment**

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of August 20, 2024 through August 26, 2024. Most of these rulemakings are scheduled for the September 10, 2024 meeting. The Department of Healthcare and Family Services and Department of Public Health rulemakings will be considered at the October 8, 2024 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
10/3/24	<u>Illinois Emergency Management Agency and Office of Homeland Security, State Not-For-Profit Security Grant Program (29 Ill. Adm. Code 120)</u>	3/29/24 48 Ill. Reg. 4525	9/10/24
9/15/24	<u>Department of Agriculture, Weights and Measures Act (8 Ill. Adm. Code 600)</u>	1/5/24 48 Ill. Reg. 1	9/10/24
10/9/24	<u>Illinois State Board of Education, Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)</u>	5/10/24 48 Ill. Reg. 6715	9/10/24
10/9/24	<u>Department of Human Services, Child Care (89 Ill. Adm. Code 50)</u>	7/5/24 48 Ill. Reg. 9217	9/10/24
10/9/24	<u>Illinois Housing Development Authority, Homeowner Mortgage Revenue Bond Program (47 Ill. Adm. Code 260)</u>	5/10/24 48 Ill. Reg. 6726	9/10/24
10/9/24	<u>Illinois Housing Development Authority, Homeownership Mortgage Loan Program (47 Ill. Adm. Code 300)</u>	5/10/24 48 Ill. Reg. 6737	9/10/24
10/9/24	<u>Department of Labor, Health and Safety (56 Ill. Adm. Code 350)</u>	6/14/24	9/10/24

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

		48 Ill. Reg. 8418	
10/9/24	<u>Department of Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)</u>	7/5/24 48 Ill. Reg. 9183	10/8/24
10/9/24	<u>Department of Public Health, Control of Notifiable Diseases and Conditions Code (77 Ill. Adm. Code 690)</u>	7/5/24 48 Ill. Reg. 9515	10/8/24

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 48, Issue 36 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

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68 - 1300	.....	13019
89 - 130	.....	13061
17 - 590	.....	13070
17 - 670	.....	13084
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62 - 240	.....	13121
35 - 845	.....	13140
77 - 300	.....	13167
77 - 340	.....	13193
77 - 395	.....	13206
77 - 692	.....	13294
86 - 100	.....	13299
92 - 1030	.....	13327

**ADOPTED RULES**

80 - 2800	8/26/2024 .....	13372
68 - 1291	8/20/2024 .....	13377
89 - 102	8/26/2024 .....	13502
89 - 140	8/26/2024 .....	13507