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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 2021

Issue#	Rules Due Date	Date of Issue
1	December 21, 2020	January 4, 2021
2	December 28, 2020	January 8, 2021
3	January 4, 2021	January 15, 2021
4	January 11, 2021	January 22, 2021
5	January 19, 2021	January 29, 2021
6	January 25, 2021	February 5, 2021
7	February 1, 2021	February 16, 2021
8	February 8, 2021	February 19, 2021
9	February 16, 2021	February 26, 2021
10	February 22, 2021	March 5, 2021
11	March 1, 2021	March 12, 2021
12	March 8, 2021	March 19, 2021
13	March 15, 2021	March 26, 2021
14	March 22, 2021	April 2, 2021
15	March 29, 2021	April 9, 2021
16	April 5, 2021	April 16, 2021
17	April 12, 2021	April 23, 2021
18	April 19, 2021	April 30, 2021
19	April 26, 2021	May 7, 2021
20	May 3, 2021	May 14, 2021
21	May 10, 2021	May 21, 2021

22	May 17, 2021	May 28, 2021
23	May 24, 2021	June 4, 2021
24	June 1, 2021	June 11, 2021
25	June 7, 2021	June 18, 2021
26	June 14, 2021	June 25, 2021
27	June 21, 2021	July 2, 2021
28	June 28, 2021	July 9, 2021
29	July 6, 2021	July 16, 2021
30	July 12, 2021	July 23, 2021
31	July 19, 2021	July 30, 2021
32	July 26, 2021	August 6, 2021
33	August 2, 2021	August 13, 2021
34	August 9, 2021	August 20, 2021
35	August 16, 2021	August 27, 2021
36	August 23, 2021	September 3, 2021
37	August 30, 2021	September 10, 2021
38	September 7, 2021	September 17, 2021
39	September 13, 2021	September 24, 2021
40	September 20, 2021	October 1, 2021
41	September 27, 2021	October 8, 2021
42	October 4, 2021	October 15, 2021
43	October 12, 2021	October 22, 2021
44	October 18, 2021	October 29, 2021
45	October 25, 2021	November 5, 2021
46	November 1, 2021	November 12, 2021
47	November 8, 2021	November 19, 2021
48	November 15, 2021	November 29, 2021
49	November 22, 2021	December 3, 2021
50	November 29, 2021	December 10, 2021
51	December 6, 2021	December 17, 2021
52	December 13, 2021	December 27, 2021
53	December 20, 2021	December 31, 2021

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health and Hazardous Substances Registry Code
- 2) Code Citation: 77 Ill. Adm. Code 840
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
840.10	Amendment
840.30	Amendment
840.200	Amendment
840.210	Amendment
840.220	Amendment
840.230	Amendment
840.310	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 2310-365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365], the Developmental Disability Prevention Act [410 ILCS 250], and the Lead Poisoning Prevention Act [410 ILCS 45].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to update definitions as well as guidelines and materials; updates references to ICD-10 codes for the APORS and Occupational Disease Registries; and adds conditions and variables to be reported to the Department for APORS.

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 rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of the issue of the *Illinois Register* to:

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
Lincoln Plaza
524 South 2nd Street, 6th Floor
Springfield IL 62701
217/782-1159
dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Not-for-profit hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: Hospitals will be required to report additional infants with adverse pregnancy outcomes.
- C) Types of professional skills necessary for compliance: Clerical

- 14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:
- 62 Health Care and Social Assistance
- B) Categories that the Agency reasonably believes the rulemaking will impact, including:
- vii. training requirements;
viii. record keeping;
x. other potential impacted categories

- 15) Regulatory Agenda on which this rulemaking was summarized: July 2021

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCESPART 840
HEALTH AND HAZARDOUS SUBSTANCES REGISTRY CODE

SUBPART A: GENERAL REGISTRY PROVISIONS

Section	
840.5	Purpose
840.10	Definitions
840.20	Incorporated and Referenced Materials
840.30	Availability of Registry Information
840.40	Administrative Hearings
840.50	Quality Control
840.60	Fee Assessment

SUBPART B: ILLINOIS STATE CANCER REGISTRY

840.100	Entities Required to Submit Information
840.110	Information Required to be Reported
840.115	Methods of Reporting Cancer Registry Information
840.120	Quality Control (Repealed)

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

840.200	Adverse Pregnancy Outcome
840.210	Newborn Infant Case Reporting
840.215	Methods of Reporting APORS Information (Repealed)
840.220	Case Birth Defect Surveillance of Young Children
840.230	Referral of APORS Cases

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

840.300	Entities Required to Submit Information
840.305	Information Required to be Reported
840.310	Methods of Reporting Occupational Disease

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- 840.APPENDIX A ISCR Incidence Report Form (Repealed)
- 840.APPENDIX B Instructions for APORS Reporting (Repealed)
 - 840.EXHIBIT A Instructions for Completing Infant Discharge Record (Repealed)
 - 840.ILLUSTRATION A Infant Discharge Record (Repealed)
 - 840.EXHIBIT B Instructions for Completing Maternal Supplement (Repealed)
 - 840.ILLUSTRATION B Maternal Supplement Abstract (Repealed)
- 840.APPENDIX C Forms and Instructions for Occupational Disease Registry (Repealed)
 - 840.EXHIBIT A Instructions for completing The Laboratory Based Report of Adult Blood Lead Analysis (Repealed)
 - 840.EXHIBIT B Instructions for completing the Health Department Follow-Up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form) (Repealed)
 - 840.ILLUSTRATION A Health Department Laboratory Report of Adult Elevated Blood Lead Analysis 25 mcg/dl and Above (Repealed)
 - 840.ILLUSTRATION B Health Department Follow-up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above (Repealed)
 - 840.ILLUSTRATION C Occupational Disease Registry Abstract Information from the Illinois Health Care Cost Containment Council (Repealed)

AUTHORITY: Implemented and authorized by the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 2310-365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365], the Developmental Disability Prevention Act [410 ILCS 250], and the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted at 10 Ill. Reg. 7842, effective May 19, 1986; amended at 12 Ill. Reg. 13173, effective August 1, 1988; amended at 14 Ill. Reg. 5495, effective April 1, 1990; amended at 17 Ill. Reg. 2319, effective February 10, 1993; amended at 24 Ill. Reg. 3685, effective February 16, 2000; amended at 31 Ill. Reg. 12207, effective August 2, 2007; amended at 36 Ill. Reg. 8379, effective May 18, 2012; amended at 40 Ill. Reg. 13397, effective September 12, 2016; amended at 45 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL REGISTRY PROVISIONS

Section 840.10 Definitions

"Act" means the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525].

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"Adverse pregnancy outcomes" includes but is not limited to birth defects, fetal loss, infant mortality, low birth weight, selected life-threatening conditions, and other developmental disabilities as defined in Section 840.200 of this Part. (Section 3(1) of the Act)

"Adverse Pregnancy Outcomes Reporting System" or "APORS" means the Illinois Department of Public Health program established to compile a registry of adverse pregnancy outcomes.

"Ambulatory Surgical Treatment Center" means any facility subject to licensure pursuant to the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

"Birth center" means a facility as defined under the Alternative Health Care Delivery Act and licensed by the Department under the Birth Center Demonstration Program Code (77 Ill. Adm. Code 265) to provide birth services.

"Birth defect" means a condition of abnormal development related to body structure, body function, body metabolism, or an error of body chemistry that typically is identified at birth but can be diagnosed during pregnancy or following birth. Birth defects can originate in a number of ways, including having a genetic or metabolic origin.

"Cancer" means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia. (Section 3(e) of the Act)

"Cancer-confirming report" means the simple biopsy, excision biopsy or surgical pathology report that confirms the morphologic (histologic) type of cancer, primary site, and the stage or extent of disease.

"Cancer incidence" means a medical diagnosis of cancer, consisting of a record of cases of cancer and specified cases of tumorous or precancerous diseases which occur in Illinois, and such other information concerning these cases as the Department deems necessary or appropriate in order to conduct thorough and complete epidemiological surveys of cancer and cancer-related diseases in Illinois. (Section 3(f) of the Act) Other information concerning cancer incidence may include, but is not limited to, diagnosis, staging, treatment, follow-up and survival information.

"Cancer surveillance" means the ongoing and systematic collection and analysis

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of information on new cancer cases, cancer deaths, extent of disease at diagnosis, treatment, clinical management, and survival.

"Clinical laboratory" means any clinical laboratory as defined in the Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25].

"Company profile" includes but is not limited to the name of any company operating in the State of Illinois which generates, uses, disposes of or transports hazardous substances, identification of the types of permits issued in such company's name relating to transactions involving hazardous substances, inventory of hazardous substances handled by the company, and the manner in which the hazardous substances are used, disposed of, or transported by the company. (Section 3(j) of the Act)

"Confidential data" means Health and Hazardous Substances Registry data containing identifiers or variables that, alone or in combination, can lead to identification of individuals, [health care providers](#)~~physicians~~, or facilities (see Section 840.30(h)).

"Congenital" means present at birth, referring to certain mental or physical traits, anomalies, malformations, diseases, etc., that may be either hereditary or caused by an influence occurring during fetal development or pregnancy, up to the moment of birth.

"Council" means the Health and Hazardous Substances Coordinating Council created by the Act. (Section 3(c) of the Act)

"Current Procedural Terminology" or "CPT" or "Coding Index Version 2007" means the coding index developed by the American Medical Association (see Section 840.115).

"Death certificate clearance" means the process by which incident cases are added to the database through review of the cause of death on death certificates and subsequent follow-up with medical providers.

"Department" means the Illinois Department of Public Health. (Section 3(a) of the Act)

"DHS" means the Illinois Department of Human Services.

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"Director" means the Director of the Illinois Department of Public Health.
(Section 3(b) of the Act)

["DSCC" means the University of Illinois at Chicago's Division of Specialized Care for Children.](#)

"Elevated blood lead level" means a concentration of lead in whole blood equal to or in excess of 10 micrograms per deciliter.

"Ethnicity" means the group of human kind to which an individual belongs, either Hispanic (Latino) or not Hispanic (not Latino).

"Facility" means a hospital, clinical laboratory, ambulatory surgical treatment center, independent radiation therapy center, independent pathology laboratory, reference pathology laboratory, nursing home, physician's office, [other health care provider's office](#), and/or any other diagnostic or treatment center or other entity that is required by this Part to make reports to the Department. "Facility" also includes any other institution, place or building devoted primarily to the performance of medical care or surgical procedures that is maintained by the State or local government bodies.

"Facility-identifying information" means any information, collection or grouping of data from which the identity of the facility to which it relates may be discerned, e.g., name, address or Department-assigned facility identification number.

"Fetal death" means the demise of a fetus at gestation greater than 20 weeks; the death is indicated if the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles at delivery.

"Follow-up" means the reporting of or Registry-initiated obtainment of patient's survival information after the first diagnosis of the medical conditions defined by the Registry.

"Follow-up services" means medical, educational, social and family support services provided to infants and children with adverse pregnancy outcomes.

"Hazardous nuclear material" means:

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any source or special nuclear material intended for use or used as an energy source in a production or utilization facility as defined in Sec. 11.v. or 11.cc. of the Federal Atomic Energy Act of 1954 as amended;

any fuel which has been discharged from such a facility following irradiation, the constituent elements of which have not been separated by reprocessing; or

any by-product material resulting from operation of such a facility.
(Section 3(k) of the Act)

"Hazardous substances" means a hazardous substance as defined in Section 3.215 of the Environmental Protection Act [415 ILCS 5]. (Section 3(h) of the Act)

"Hazardous substances incident" includes but is not limited to spill, fire or accident involving hazardous substances, illegal disposal, transportation, or use of hazardous substances, and complaints or permit violations involving hazardous substances. (Section 3(i) of the Act)

"Hospital" means any facility subject to licensure pursuant to the Hospital Licensing Act [210 ILCS 85].

~~"Hospital Cancer Registry" means a data collection system that monitors all types of cancer diagnosed or treated at that facility by collecting case identification, a description of the patient and the cancer, treatment and follow-up data.~~

"Institutional review board" or "IRB" means a specially constituted review body established or designated by an institution to protect the welfare of human subjects participating in research.

"Lead hazard" means a lead-bearing substance that, because of its accessibility, poses a health hazard to humans.

"Local health authority" means the full-time official health department or board of health, as recognized by the Department, that has jurisdiction over a particular geographical area.

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"mcg/dl" means micrograms per deciliter.

"Morphology" means a concise diagnostic description of a tumor that includes the kind of tumor, the behavior of the tumor (e.g., benign, in-situ, malignant, or malignant uncertain, whether primary or metastatic), and the grade or degree of differentiation of the cells.

"National Birth Defects Prevention Network" means a national organization dedicated to improving the quality of birth defect surveillance and providing technical assistance for the development of uniform methods of data collection.

"Neonatal" means related to the period immediately succeeding birth and continuing through the first 28 days of life.

~~"Neonate" means an infant less than 28 days of age.~~

"Newly diagnosed" means a condition or disease first discovered or diagnosed by a licensed physician, ~~or dentist,~~ or other health care provider in a resident of the State of Illinois or a non-resident receiving medical diagnosis or treatment in the State of Illinois.

"North American Association of Central Cancer Registries" or "NAACCR" means the organization that sets standards that measure a central registry's data completeness, quality and timeliness.

"Occupational disease" includes but is not limited to all occupational diseases covered by the Workers' Occupational Diseases Act [820 ILCS 310]. (Section 3 (g) of the Act)

"Occupational Disease Registry" or "ODR" means the registry established under Section 6 of the Act to compile information on fatal and non-fatal occupational injuries, illnesses, and diseases.

"Other facility" means any person, organization, institution, corporation, partnership or other entity not required to be licensed as a health care facility by the State of Illinois, which maintains and operates facilities for the performance of diagnostic, laboratory or therapeutic services for the identification and treatment of cancer.

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"Patient contact" means contacting patients based on collected Registry data.

"Patient-identifying information" means any information or collection or grouping of data from which the identity of the person to whom it relates may be discerned, e.g., name, address and social security number.

"Perinatal" means the period of time between the conception of an infant and the end of the first month of life. (Section 2(a) of the Developmental Disability Prevention Act)

"Perinatal center" means a referral facility intended to care for the high risk patient before, during or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and other support services. (Section 2(e) of the Developmental Disability Prevention Act)

"Prenatal" means preceding birth.

"Primary site" means the anatomic location in a cancer patient that identifies the site of origin of a tumor (i.e., where the cancer first began).

"Public health surveillance" means the ongoing systematic collection, analysis and interpretation of health data for purposes of improving health and safety.

"Race" means the major group of human kind to which an individual belongs, having distinct physical characteristics. These groups include, but are not limited to: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White.

"Rapid case ascertainment" means special case-finding procedures that require early or preliminary reporting of certain types of cancer cases [or adverse pregnancy outcomes](#). The procedure may include the review of patient medical records, pathology report forms, radiology reports, laboratory reports and other diagnostic tests.

"Record uniqueness" means the quantification of the risk of a breach of confidentiality of electronic health databases, including the identifiability of cases through triangulation of information or linkage with other electronic databases.

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"Regional Perinatal Network" means any number and combination of hospitals providing maternity and newborn services at a designated level of perinatal care.

"Registry" means the Illinois Health and Hazardous Substances Registry established by the Department of Public Health under Section 6 of the Act. (Section 3(d) of the Act)

"Work" means duties, activities or tasks that produce a product or result; that are done in exchange for money, goods, services, profit, benefit or as a volunteer; and that are legal activities in the United States.

"Work-related injury or illness" means an event or exposure in the work environment that caused or contributed to the condition or significantly aggravated a preexisting condition. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the workplace.

"Workplace fatality" means a fatality that occurs to an employee (working for pay, compensation, or profit) or volunteer (exposed to the same work hazards and performing the same duties or functions as paid employees) while engaged in a legal work activity, or present at the site of the incident as a requirement of his or her job. A work relationship exists if an event or exposure results in a fatal injury to a person on or off the employer's premises and the person was there to work; or if the event or exposure was related to the person's work or status as an employee.

"Workplace nonfatal injury or illness" means an occupational injury resulting from a work-related event or from exposure in the work environment. Injuries or illnesses are reported if they result in lost work time; if they require medical treatment (other than first aid); or if the worker experiences loss of consciousness, restriction of work activities or motion, or is transferred to another job.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 840.30 Availability of Registry Information

- a) All reports issued by the Department that are aggregated or recorded to make it impossible to identify any patient or reporting ~~health care provider~~ ~~physician~~ or facility, including the annual report, shall be made available to the public pursuant to the Department's Freedom of Information Code and the Freedom of Information Act.

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- b) All requests by medical or epidemiologic researchers for confidential Registry data shall be submitted in writing to the Department. The request shall include a study protocol that contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of study forms, questionnaires, and consent forms used by researchers to contact facilities, ~~health care providers~~physicians or study subjects; methods for documenting compliance with 42 CFR 2a.4(a)-(k), 2a.6(a)-(b), and 2a.7(a)-(b)(1); methods for processing data; storage and security measures taken to ensure confidentiality of patient-identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); and the curriculum vitae of the principal investigator and collaborators. In addition, the research request shall include a copy of the current IRB approval from the researcher's institution, signed assurance forms for all parties participating in the project and a completed application for the Department's internal IRB review process.
- c) All requests to conduct research and modifications to approved research proposals involving the use of data that include patient- or facility- identifying information shall be subject to a review by the Department before approval to determine compliance with the following conditions:
- 1) The request for patient- or facility-identifying information contains stated goals or objectives.
 - 2) The request documents the feasibility of the study design in achieving the stated goals and objectives.
 - 3) The request documents the need for the requested data or interventions to achieve the stated goals and objectives.
 - 4) The requested data can be provided within the time frame set forth in the request.
 - 5) The request documents that the researcher has qualifications relevant to the type of research being conducted.
 - 6) The request includes conditions relevant to the patient's confidentiality rights and the need for the patient- or facility- identifying information.

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The Department will release only the patient- or facility-identifying information that is necessary for the research.

- 7) Appropriate exemptions, IRB approvals and waivers have been obtained.
 - 8) The request documents the researcher's commitment to provide updated status reports.
- d) Research Agreements
- 1) The Department will enter into research agreements for all approved research requests. The agreement shall specify the exact information that is being released and how it can be used in accordance with the conditions in subsection (c). In addition, the researcher shall include an assurance that:
 - A) Use of data is restricted to the specifications of the protocol;
 - B) Any data that may lead to the identity of any patient, research subject, ~~health care provider~~ ~~physician~~, other person or ~~facility~~ ~~hospital~~ are strictly privileged and confidential. The researcher shall agree to keep this data strictly confidential at all times;
 - C) All officers, agents and employees will keep all data strictly confidential; will communicate the requirements of this Section to all officers, agents and employees; will discipline all persons who may violate the requirements of this Section; and will notify the Department in writing within 48 hours after any violation of this Section becomes known to the researcher or officers, agents and employees of the institution, including full details of the violation and corrective actions to be taken;
 - D) All data provided by the Department pursuant to the agreement shall be used only for the purposes named in the agreement, and any other or additional use of the data will result in immediate termination of the agreement by the Department and the violation will be reported to federal authorities if HIPAA is applicable;

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- E) All data provided by the Department pursuant to the agreement are the sole property of the Department and shall not be copied, reproduced or re-released in any form or manner. If required by the Department, the researcher shall agree to return all data and all copies and reproductions of the data to the Department upon termination of the agreement.
- 2) Any departures from the approved protocol shall be submitted in writing and approved by the Department Director in accordance with subsection (c) prior to initiation. A researcher shall not release any patient- or facility-identifying information to a third party.
- e) The Department will disclose individual patient- or facility- information to the reporting facility that originally supplied that information to the Department, upon written request of the facility.
- f) The Department, by signed and reciprocating agreement, will disclose individual patient information concerning residents of another state to the registry in the individual's state of residence only if the recipient of the information is legally required to hold the information in confidence and provides protection from disclosure of patient-identifying information equivalent to the protection afforded by the Illinois law.
- g) The patient-identifying information submitted to the Department by those entities required to submit information under the Act and this Part will be used in the course of medical study under Article 8 Part 21 ~~of Article 8~~ of the Code of Civil Procedure. Therefore, this information is privileged from disclosure by Article 8 Part 21 of ~~Article 8~~ of the Code of Civil Procedure.
- h) *The identity, or any group of facts that tends to lead to the identity, of any facility or of any person whose condition or treatment is submitted to the Illinois Health and Hazardous Substances Registry, or the parent or guardian of any individual, is confidential and shall not be open to public inspection or dissemination and is exempt from disclosure under Section 7 of the Freedom of Information Act. The following data elements, alone or in combination, are confidential, shall not be open to public inspection or dissemination, and are exempt from disclosure under Section 7 of the Freedom of Information Act: name, social security number, street address, email address, telephone number, fax number, medical record number, certificate/license number, reporting source (unless permitted by*

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the reporting facility), age (unless aggregated for 5 or more years), ZIP code (unless aggregated for 5 or more years), and diagnosis date (unless aggregated for one or more years for the entire State or for 3 or more years for a single county). Data defined by geographic areas that are smaller than ZIP code, such as census tract or census block groups, are considered confidential, and the information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. Information for specific research purposes may be released in accordance with procedures established by the Department in this Section. (Section 4(d) of the Act)

- i) *Hospitals, laboratories, other facilities or physicians shall not be held liable for the release of information or confidential data in accordance with the Act. The Department shall protect any information made confidential or privileged under law. (Section 4(e) of the Act)*
- j) Every reporting facility shall provide the Department or entities authorized to represent the Department with access to information from all medical, pathological, and other pertinent records and logs related to reportable Registry information in order for the Department to conduct rapid case ascertainment; death certificate clearance; patient follow-up; or any other review that is required to ensure data completeness, quality, and timeliness. The mode of access and the time during which this access will be provided shall be by mutual agreement between the facility and the Department (see Section 10 of the Act).
- k) Every reporting facility shall provide access to diagnostic, treatment, follow-up and survival information for patients with specific medical conditions identified through Department-approved research studies involving rapid case ascertainment. The mode of access and the time during which this access will be provided shall be by mutual agreement between the facility and the Department (see Section 10 of the Act).
- l) The Department will release individual patient or facility APORS information obtained from each Regional Perinatal Network facility to the Regional Perinatal Network's Administrative Perinatal Center, upon written request of that Administrative Perinatal Center's Clinical Director. The patient-and facility-identifying information released to the Perinatal Center by the Department as required under this Part shall be used in the course of medical study under [Article 8](#) Part 21 ~~of Article 8~~ of the Code of Civil Procedure and is privileged from further disclosure. The Administrative Perinatal Center's request for APORS data

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shall clearly indicate the purpose for which the data will be used. The Department will release data only for internal quality control or medical study for the purpose of reducing morbidity or mortality, or for improving patient care. The Department will provide a copy of the original request and the data that are released to the hospital that originally reported the data.

- m) The Department will release APORS summary and statistical reports containing information that identifies individual patients or individual hospitals to the hospital that reported the patient, to the Administrative Perinatal Center with which the hospital is affiliated, and to the local health agency designated by the Illinois Department of Human Services to provide follow-up services to patients. The reports may contain information provided by the referring hospital and information provided by the follow-up agency. Data provided under this Section that are specific to the patient and reporting facility are confidential and shall not be otherwise disclosed.
- n) The Department will release ODR data for fatal and non-fatal occupational injuries in aggregate form, with a minimum of three incidents, that have been approved by the United States Department of Labor's Bureau of Labor Statistics (BLS). Data provided under this subsection that are specific to a patient or employer are confidential and shall not be disclosed unless requested by BLS. ODR will release an annual report that will include the aggregate data collected for that year on the Department's website.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

Section 840.200 Adverse Pregnancy Outcome

An adverse pregnancy outcome for an infant consists of one or more of the following case criterion:

- a) A diagnosis of a birth defect, made prenatally or by two years of age;-
- b) A gestational age of less than 31 completed weeks (ICD-10-CM P07.21-P07.33);
- c) A diagnosis of fetal alcohol syndrome (~~ICD-9-CM 760.71 and~~ ICD-10-CM Q86.0);

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- d) A fetal or neonatal death; ~~or~~
- e) Substance Use
- 1) Prenatal maternal, post-natal infant or post-natal maternal positive toxicology for any controlled substance (except drugs administered during labor and delivery);
 - 2) a maternal admission to illicit drug use, or cannabis use during the pregnancy that led to the delivery of this infant; or
 - 3) signs of drug toxicity or withdrawal; or
- fe) A diagnosis of one of the following conditions made prior to discharge from the newborn hospitalization:
- 1) ~~Positive toxicology for any controlled substance (except cannabis or drugs administered during labor and delivery); a maternal admission to illicit drug use (except cannabis) during the pregnancy that led to the delivery of this infant; or a diagnosis of signs of drug toxicity or withdrawal;~~
 - 2) Serious infections:
 - A) Prenatal exposure to syphilis (~~ICD-9-CM V01.6 and~~ ICD-10-CM Z20.2) or a diagnosis of congenital syphilis (~~ICD-9-CM 090.0-090.9 and~~ ICD-10-CM A50.01-A53.9);
 - B) Prenatal exposure to hepatitis B or hepatitis C (~~ICD-9-CM V01.7 and~~ ICD-10-CM Z20.2) or a diagnosis of hepatitis B or hepatitis C (ICD-10-CM P35.3);
 - C) Prenatal exposure to chlamydia (~~ICD-9-CM V01.8 and~~ ICD-10-CM Z20.2) or a diagnosis of a chlamydial infection (~~ICD-9-CM 079.88 or 079.98 and~~ ICD-10-CM A74.89, A74.9, or P23.1);
 - D) Prenatal exposure to herpes (~~ICD-9-CM V01.8 and~~ ICD-10-CM Z20.2) or a diagnosis of congenital herpes (~~ICD-9-CM 771.2 and~~ ICD-10-CM P35.2);

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- E) Group B streptococcus (~~ICD-9-CM 041.02 and~~ ICD-10-CM J15.3 or P36.0);
 - F) Gonococcal conjunctivitis (neonatorum) (~~ICD-9-CM 098.40 and~~ ICD-10-CM P39.1);
 - G) Congenital listeriosis (~~ICD-9-CM 771.2 and~~ ICD-10-CM P37.2);
 - H) Congenital rubella (~~ICD-9-CM 771.0 and~~ ICD-10-CM P35.0);
 - I) Congenital cytomegalovirus (~~ICD-9-CM 771.1 and~~ ICD-10-CM P35.1);
 - J) Tetanus neonatorum (~~ICD-9-CM 771.3 and~~ ICD-10-CM A33);
 - K) Septicemia of the newborn (~~ICD-9-CM 771.81 and~~ ICD-10-CM P36.0-P36.9); ~~or~~
 - L) [Prenatal exposure to human immunodeficiency virus \(ICD-10-CM Z20.6\); or](#)
 - ML) Other congenital infections (~~ICD-9-CM 771.0-771.81 and~~ ICD-10-CM P35.8, P35.9 or P37.0-P37.9).
- 23) Endocrine, metabolic or immune disorder:
- A) Hypothyroidism (~~ICD-9-CM 243 and~~ ICD-10-CM E03.0-E03.9);
 - B) Adrenogenital syndrome (~~ICD-9-CM 255.2 and~~ ICD-10-CM E25.0-E25.9);
 - C) Inborn errors of metabolism (~~ICD-9-CM 270-273, or 275-276 and~~ ICD-10-CM E70.0-E79.9);
 - D) Cystic fibrosis (~~ICD-9-CM 277.0 and~~ ICD-10-CM E84.0-E84.9);
or
 - E) Immune deficiency disorder (~~ICD-9-CM 279 and~~ ICD-10-CM

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D80.0-D81.9).

34) Blood disorder:

- A) Leukemia (~~ICD-9-CM 204-208 and~~ ICD-10-CM C91.0-C95.92);
- B) Hereditary hemolytic anemias (~~ICD-9-CM 282 and~~ ICD-10-CM D58.0-D58.9);
- C) Constitutional aplastic anemia (~~ICD-9-CM 284 and~~ ICD-10-CM D61.0-D61.09); or
- D) Coagulation defects (~~ICD-9-CM 286 and~~ ICD-10-CM D65-D68.9).

45) Other conditions:

- A) Neurofibromatosis (~~ICD-9-CM 237.7 and~~ ICD-10-CM Q85.0-Q85.9);
- B) Cerebral lipidoses (~~ICD-9-CM 330.1 and~~ ICD-10-CM E75.4);
- C) Retinopathy of prematurity (~~ICD-9-CM 362.21 and~~ ICD-10-CM H35.1-H35.17);
- D) Chorioretinitis (~~ICD-9-CM 363.2 and~~ ICD-10-CM H30.00-H30.93);
- E) Strabismus (~~ICD-9-CM 378 and~~ ICD-10-CM H50.00-H50.9);
- F) Endocardial fibroelastosis (~~ICD-9-CM 425.3 and~~ ICD-10-CM I42.4);
- G) Occlusion of cerebral arteries (~~ICD-9-CM 434 and~~ ICD-10-CM I63.30-I63.59 or I66.0-I66.9);
- H) Bronchopulmonary dysplasia (~~ICD-9-CM 770.7 and~~ ICD-10-CM P27.1);
- I) Intrauterine growth retardation (~~ICD-9-CM 764.9 and~~ ICD-10-CM

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P05.0-P05.9);

- J) Intraventricular hemorrhage grade III (~~ICD-9-CM 772.13 and ICD-10-CM P52.21~~);
- K) Intraventricular hemorrhage grade IV (~~ICD-9-CM 772.14 and ICD-10-CM P52.22~~);
- L) Seizures (~~ICD-9-CM 779.0 and ICD-10-CM P90~~);
- M) Other conditions leading to more than 72 hours on a ventilator (~~ICD-9-CM V46.1 and ICD-10-CM Z99.11~~);
- N) Conditions leading to extracorporeal membrane oxygenation (ECMO) (ICD-10-CM Z92.81)
- O) Erb's Palsy (ICD-10-CM P14.0)
- P) Hypoxic ischemic encephalopathy leading to cooling treatment (ICD-10-CM P91.63)

AGENCY NOTE: The products of induced abortions shall not be reported to APORS. ~~ICD-9-CM codes will be supplanted with ICD-10 codes when the latter is adopted by the U.S. Department of Health and Human Services.~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 840.210 Newborn Infant Case Reporting

- a) Entities required to report newborn infant cases:
 - 1) The Department requires all hospitals and birth centers licensed by the State of Illinois to report adverse pregnancy outcome information for cases identified during newborn infant hospitalization or care.
 - 2) The Department requests, but does not require, hospitals outside Illinois and hospitals maintained by the federal government or other governmental agencies of the United States to report adverse pregnancy outcome information identified during the newborn hospital stay of infants whose

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mothers were Illinois residents at the time of delivery.

- 3) The Department requires clinical laboratories licensed by the State of Illinois to report newborn infants who have positive toxicology for controlled substances [or cannabis and its metabolites](#).
 - 4) The Department requires all hospitals and birth centers that are members of an Illinois Perinatal Network to report adverse pregnancy outcome information for cases identified during newborn infant hospitalization or care.
- b) Reporting newborn infant cases by hospitals:
- 1) Every hospital shall develop procedures and policies for identifying newborn infants who meet an APORS case criterion (see Section 840.200) and shall report these newborn infants to APORS.
 - 2) When a newborn infant meets a case criterion (see Section 840.200) and is transferred to another hospital for a higher level of care, the hospital providing the highest level of care shall report the case.
 - 3) Hospitals are required to report newborn infant cases in the format provided by the Department.
 - A) The Department will provide the hospitals with written instructions for completing an APORS report.
 - B) Hospitals shall use the Department's format for APORS reports and shall report the following information:
 - i) Reporting hospital four-digit facility identification number, name and city and state if not Illinois;
 - ii) Delivery hospital four-digit facility identification number, name and city and state if not Illinois; for births that do not occur in a hospital, the location should be provided by address or by description;
 - iii) Infant's patient identification number;

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- iv) Date the infant was admitted to the reporting hospital;
- v) Infant's date of birth;
- vi) Infant's discharge date from the reporting hospital;
- vii) Infant's first, middle and last names;
- viii) Other names by which the infant may be known;
- ix) Infant's sex;
- x) Infant's race;
- xi) Infant's ethnicity;
- xii) Whether the infant was admitted to the Intensive Care Unit;
- xiii) Whether the infant was exposed to drugs (except ~~cannabis~~ ~~or~~ drugs administered during labor and delivery) prenatally and, if applicable, what type;
- xiv) Birth mother's hepatitis B status;
- xv) Dates ~~and times~~ infant's hepatitis B immunizations were provided, ~~and type of vaccine given~~, if applicable;
- xvi) For infants with exposure to hepatitis B or with unknown maternal hepatitis B status, the times infant's hepatitis B immunizations were provided, and the type of vaccine given;
- xvii~~xvi~~) Infant's gestational age at delivery in weeks and days;
- xviii~~xvii~~) Infant's birth weight in grams;
- xix~~xviii~~) Infant's birth order;

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- ~~xxix~~) Pregnancy plurality;
- ~~xxi~~) [Infant's medical record number;](#)
- ~~xxii~~) Infant's diagnoses made prior to the newborn discharge;
- ~~xxiii~~) Birth mother's first, middle and last names;
- ~~xxiv~~) Birth mother's maiden name;
- ~~xxv~~) Birth mother's address at delivery, including number, direction, street name, type of street, apartment number, city, state and ZIP code;
- ~~xxvi~~) Birth mother's county of residence at delivery;
- ~~xxvii~~) Birth mother's medical record number;
- ~~xxviii~~) Birth mother's social security number;
- ~~xxix~~) Birth mother's date of birth;
- ~~xxx~~) Birth mother's telephone number, including the area code;
- ~~xxxi~~) Father's first, middle and last names;
- ~~xxxii~~) [Father's date of birth;](#)
- ~~xxxiii~~) [Father's social security number;](#)
- ~~xxxiv~~) Number of the birth mother's pregnancies, including the pregnancy resulting in this infant;
- ~~xxxv~~) Number of pregnancies that produced: full-term infants, premature infants, abortions (spontaneous and induced), currently living children;

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- ~~xxxvi~~~~xxxii~~) Infant's status on discharge: deceased, going home with parents or other family member, transferring to another hospital, transferring to a long-term care facility, being adopted, going to foster care, or in Department of Children and Family Services (DCFS) custody;
- ~~xxxviii~~~~xxxiii~~) Name, city and four-digit facility identification number of facility to which child was discharged, if applicable;
- ~~xxxviii~~~~xxxiv~~) Name, ~~and~~ address and telephone number (including area code) of the person to whom the infant was discharged if the infant did not go home with the birth mother;
- ~~xxxix~~~~xxxv~~) Delivery type, either vaginal or caesarean section;
- ~~xl~~~~xxxvi~~) Feeding type, either breast, bottle or tube;
- ~~xli~~~~xxxvii~~) If applicable, formula type, frequency and amount;
- ~~xlii~~~~xxxviii~~) Infant's discharge weight in grams;
- ~~xliv~~~~xxxix~~) Infant's head circumference, in centimeters, at the time of birth;
- ~~xliv~~) Infant's head circumference, in centimeters, at the time of discharge, if discharged alive;
- ~~xlvi~~~~xl~~) Infant's length, in centimeters, from crown to heel at the time of birth;
- ~~xlvi~~~~xl~~) Treatments prescribed for the infant at discharge;
- ~~xlvi~~~~xl~~) Medication name, dosage and route of administration prescribed for the infant at discharge;
- ~~xlvi~~~~xl~~) Other health, social and developmental concerns;

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- ~~xlix~~xliiv) Name and telephone number (including area code) of registered nurse who can be contacted by the public health nurse making home visits to the infant;
- ~~lxiv~~lxv) Name, address and telephone number (including area code) of a relative, friend or other person who would know how to contact the infant's parents and the relationship of that person to the birth parents;
- ~~lix~~lxvi) Whether the infant's family has been informed that a local public health nurse will contact them to offer follow-up services in their home after the infant is discharged from the hospital;
- ~~lii~~lxvii) Name and the four-digit identification code of the local health agency that serves families in the county or city where the infant will be located;
- ~~liii~~lxviii) Indication of whether the infant or the infant's family is receiving services from a community social service agency, Division of Specialized Care For Children (DSCC), DCFS, or other agency;
- ~~liv~~lxix) Name of the infant's primary health care provider~~physician~~;
- ~~lv~~lx) Name and title of the person providing the information;
- ~~lvi~~lx) Date the report is completed.
- 4) Hospitals are required to fully complete all sections of the report and to send the report to the Department within seven days after the newborn infant's discharge or death.
- 5) When hospital-submitted reports are incomplete, the Department will contact the hospital within 30 days after receiving the report. The hospital shall supply the missing information to the Department within 30 days after receiving the request.

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- 6) When a newborn infant is discharged, the hospital shall notify the infant's parents or legal guardian that the infant was reported to the Department and that the infant will be referred to health agencies for services.
 - 7) Hospitals shall provide the parents or legal guardian with materials provided by DHS that explain the follow-up services that will be offered to the family.
 - 8) Hospitals shall provide copies of the report submitted to the Department to the parents or legal guardian if requested. All other requests for copies shall be denied.
 - 9) Hospitals shall distribute the original report and ~~one copy~~two copies in the following manner:
 - A) The original report shall be sent to the Department's Division of Epidemiologic Studies, 535 West Jefferson, 3rd Floor, Springfield, Illinois 62761; and
 - B) One copy shall be sent to the infant's primary health care ~~provider~~physician; ~~and~~
 - ~~C) One copy shall be retained by the reporting hospital.~~
- c) Reporting newborn infant cases by clinical laboratories:
- 1) Clinical laboratories are required to develop procedures and policies to report newborn infant cases of positive toxicology for controlled substances and cannabis. Negative results are not reported to the Department.
 - 2) Clinical laboratories are required to submit:
 - A) Infant's name (first, middle and last);
 - B) Infant's date of birth;
 - C) Residential address, including street address, city, county, state and ZIP code;

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- D) Unique identification number assigned by the submitting facility;
 - E) Name of the facility submitting the test;
 - F) Address of the facility submitting the test;
 - G) Test results, including the type of ~~controlled~~ substance found; and
 - H) Date of the test.
- 3) The clinical laboratory shall send the test results to the Department within seven days after the laboratory completes testing.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 840.220 ~~Case~~ Birth Defect Surveillance of Young Children

- a) Facilities required to provide data:
 - 1) Hospitals;
 - 2) Prenatal and obstetric centers;
 - 3) Specialty health clinics that treat or provide services to children with birth defects;
 - 4) Genetics centers;
 - 5) Laboratories, including cytogenetic, prenatal diagnostic and metabolic; and
 - 6) Health care providers ~~Physicians~~ who provide prenatal or pediatric care or treat young children with a birth defect diagnosis.
- b) ~~Provision of data by hospitals:~~
 - 1) ~~All hospitals licensed by the State of Illinois shall provide to the APORS program reports of children up to two years of age who have been~~

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~~discharged from that hospital with a birth defect diagnosis.~~

- ~~A) Hospitals with perinatal designation levels of III, II with extended neonatal capabilities, and II (see Section 640.40 of the Regionalized Perinatal Health Care Code) shall provide quarterly reports to the Department. The hospitals shall generate electronic reports from computerized hospital discharge data sets. The electronic reports shall be in the standard format required by the Department.~~
- ~~B) Hospitals with a perinatal designation level of I (see Section 640.40 of the Regionalized Perinatal Health Care Code) shall provide annual reports to the Department. The hospitals shall generate electronic reports from computerized hospital discharge data sets. The electronic reports shall be in the standard format required by the Department. If a hospital is technically unable to generate an electronic report, a paper report will be acceptable.~~
- ~~C) Children's hospitals shall provide quarterly reports to the Department. The hospitals shall generate electronic reports from computerized hospital discharge data sets. The electronic reports shall be in the standard format required by the Department.~~

be) Provision of data by cytogenetic laboratories and genetic clinics:

- 1) All cytogenetic laboratories and genetic clinics shall report abnormal cytogenetic test results for prenatal and postnatal testing. Negative results or normal results are not reported to the Department.
- 2) The cytogenetic laboratories and genetic~~prenatal diagnostic~~ clinics shall submit:
 - A) Patient's name (first and last);
 - B) Date of birth;
 - C) Residential address, if available, including street address, city, county, state and postal code;

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- D) Unique identification number assigned by the submitting facility or health care provider~~physician~~;
 - E) Name of the facility or health care provider~~physician~~ submitting the test;
 - F) Address of the facility or health care provider~~physician~~ submitting the test;
 - G) Test results; and
 - H) Date of the test; and
- D Type of test.
- 3) The test results shall be sent to the Department within seven days after the testing is complete.
- cd) Provision of data by other medical facilities:
- 1) Prenatal and obstetric centers; specialty health clinics that treat or provide services to children with birth defects; genetics centers; laboratories, including cytogenetic, prenatal diagnostic and metabolic; and health care providers~~physicians~~ who provide prenatal or pediatric care or treat young children who have birth defects shall provide data about prenatally diagnosed birth defects and birth defects in young children up to two years of age.
 - 2) Upon the request of the Department, the facilities listed in subsections (a)(2)-(~~5~~6) shall provide birth defects surveillance information to the Department.
- de) Availability of information for birth defect surveillance of young children:
- 1) All facilities listed in subsection (a) shall make medical records of mothers and children having a case condition (see Section 840.200)~~a birth defect diagnosis~~ or a risk factor for a case condition~~birth defect~~ available to the Department. The medical records will be reviewed by APORS staff to ascertain birth defect cases and collect pertinent data.

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- 2) The facilities shall make electronic medical records of children having a case condition~~birth defect~~ diagnosis or a risk factor for a birth defect available to the Department through remote computer access.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 840.230 Referral of APORS Cases

Based on information reported pursuant to Section 840.210, infants diagnosed with the following conditions shall be referred for follow-up services and public health surveillance:

- a) APORS staff will report infants diagnosed with the following craniofacial anomalies to the Department's Division of Oral Health, Craniofacial Anomaly Program, for referral to follow-up medical services:
 - 1) Cleft lip;
 - 3) Cleft palate; and
 - 3) Cleft palate with cleft lip.
- b) APORS staff will~~Hospitals shall~~ refer all infants meeting APORS reporting criteria (see Section 840.200) to the local health department or health agency in the county where the infant resides for services, except those with prenatal exposure to human immunodeficiency virus. The services provided by the local health department or health agency are not mandatory, and parents or legal guardians of the infant may decline follow-up services.
- c) APORS staff will refer infants diagnosed with selected conditions to DSCC. DSCC will determine these conditions in consultation with APORS. Referrals will be made at an interval and in a format that is agreed upon by APORS and DSCC. The services offered by DSCC are not mandatory, and parents or legal guardians of the infant may decline follow-up services. The conditions will include, but are not limited to:
 - 1) Newborn metabolic disorders;
 - 2) Severe retinopathy of prematurity;

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- 3) Spina bifida;
 - 4) Congenital hydrocephalus;
 - 5) Cataracts;
 - 6) Ear defects causing hearing impairment;
 - 7) Transposition of the great vessels;
 - 8) Tetralogy of Fallot;
 - 9) Ventricular septal defects;
 - 10) Heart valve atresia or stenosis;
 - 11) Cleft lip or palate;
 - 12) Clubfoot; and
 - 13) Limb reduction defects.
- d) APORS staff will refer infants diagnosed with selected conditions to the DHS Early Intervention Program. The Early Intervention Program will determine these conditions in consultation with APORS. Referrals will be made at an interval and in a format that is agreed upon by APORS and the Early Intervention Program. The services provided (or offered) by the Early Intervention Program are not mandatory, and parents or legal guardians of the infant may decline follow-up services. The conditions will include, but are not limited to:
- 1) Newborn metabolic disorders;
 - 2) Retinopathy of prematurity;
 - 3) Spina bifida;
 - 4) Congenital hydrocephalus;

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- 5) Brain anomalies;
 - 6) Microphthalmos;
 - 7) Cataract;
 - 8) Cleft lip or palate; and
 - 9) Trisomy 13, 18 or 21.
- e) APORS staff will refer infants diagnosed with the following congenital infections to the Department's Division of Infectious Diseases within seven days after the information is entered into the APORS data system:
- 1) Prenatal exposure to syphilis or a diagnosis of congenital syphilis;
 - 2) Prenatal exposure to hepatitis B;
 - 3) Prenatal exposure to chlamydia or a diagnosis of a chlamydial infection;
 - 4) Prenatal exposure to herpes or a diagnosis of congenital herpes; ~~or~~
 - 5) Prenatal exposure to human immunodeficiency virus; or
 - ~~6~~5) Gonococcal conjunctivitis (neonatorum).

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

Section 840.310 Methods of Reporting Occupational Disease

- a) All registered, permitted, or licensed hospital laboratories, clinical laboratories, local health authorities or other facilities shall provide the Department with information on elevated blood lead level cases within seven business days after receipt of the results.

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- b) Health care providers'~~Physicians~~' offices shall provide the Department with information on elevated blood lead level cases upon request of the Department or local health department.
- c) Any person, clinical or hospital laboratory, hospital, or other facility required to report to the Department the occupational diseases specified in this Section, shall use the following terminology to indicate a reportable occupational disease:
- 1) Probable;
 - 2) Consistent with;
 - 3) Compatible with;
 - 4) Suspected;
 - 5) Extension or invasion "to", "onto", "into", "out onto".
- d) If the following terminology would be used to report an occupational disease specified by the Department to be collected and submitted, the disease shall be interpreted as not being necessary for reporting to the Department:
- 1) Questionable;
 - 2) Possible;
 - 3) Suggests;
 - 4) Equivocal;
 - 5) Rule out;
 - 6) Very close to;
 - 7) Worrisome.
- e) Determination of whether a given condition is reportable shall be made by the use of the International Classification of Diseases – 10th~~9th~~ Revision – Clinical Modification (ICD-10~~9~~-CM) codes.

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- f) The specified diagnoses of occupationally related diseases that shall be collected from existing IDPH databases:
- 1) Asbestosis, ICD-10-CM code J61~~ICD-9-CM code 501~~;
 - 2) Coal Worker's Pneumoconiosis, ICD-10-CM code J60~~ICD-9-CM code 500~~;
 - 3) Lead Poisoning - (Elevated Blood Lead Level), ICD-10-CM code T56.0X~~ICD-9-CM code 984.0-984.9~~; and
 - 4) Silicosis, ICD-10-CM code J62~~ICD-9-CM code 502~~.
- g) All existing IDPH databases will use the ICD-10-CM~~ICD-9-CM~~ codes specified in subsection (f) for consistency of data collection.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Introduction
- 2) Code Citation: 89 Ill. Adm. Code 210
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
210.10	Repealed
210.20	Repealed
210.30	Repealed
210.40	Repealed
210.50	Repealed
- 4) Statutory Authority: Authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.01(11)].
- 5) Effective Date of Repealer: August 10, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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*: 45 Ill. Reg. 2315; February 26, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes
- 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 rulemaking will repeal the entire Part.

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NOTICE OF ADOPTED REPEALER

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

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271

217/524-7945
Aging.Rulemaking@illinois.gov

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Programmatic Requirements
- 2) Code Citation: 89 Ill. Adm. Code 220
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
220.500	Repealed
220.501	Repealed
220.502	Repealed
220.503	Repealed
220.504	Repealed
220.505	Repealed
220.506	Repealed
220.507	Repealed
220.508	Repealed
220.509	Repealed
220.510	Repealed
220.511	Repealed
220.512	Repealed
220.513	Repealed
220.514	Repealed
220.515	Repealed
220.516	Repealed
220.517	Repealed
220.518	Repealed
220.519	Repealed
220.520	Repealed
- 4) Statutory Authority: 20 ILCS 105/4, 4.01(4), 4.01(11), and 4.02; 5 ILCS 100
- 5) Effective Date of Rules: August 10, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 45 Ill. Reg 1753; February 16, 2021

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- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: After discussions with JCAR, it was determined that repealing Section 220.500, rather than amending it, more effectively implemented the Department's intent of removing the Older Americans Act Programs' appeal process from Part 220 and including it in the appropriate Part 230. Accordingly, the Department made the following changes:
- Table of Contents, Section 220.500, after "Hearings" added "(Repealed)";
 - Section 220.500, after "Hearings" added "(Repealed)";
 - Section 220.500 deleted text of the rule;
 - Section 220.500, changed Source Note from "Amended at" to "Repealed at".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is a companion to a proposed amendment in Part 230. This rulemaking seeks to update the appeals process, remove it from Part 220, and include it in the appropriate Part 230.
- 16) Information and questions regarding these adopted rules shall be directed to:
- James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271
217/524-7945

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

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 220
GENERAL PROGRAMMATIC REQUIREMENTS

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220.100	Confidentiality and Disclosure of Information
220.200	Client Cooperation
220.300	Referral Requirements
220.400	Other Resources Supporting the Cost of In-Home Care Services
220.500	Appeals and Fair Hearings (Repealed)
220.501	Initiation of Appeal Process (Repealed)
220.502	Request for Hearing or Appeal (Repealed)
220.503	Place of Filing (Repealed)
220.504	Responsibility of Department or Area Agency on Aging (Repealed)
220.505	Informal Review (Repealed)
220.506	Hearing Officer (Repealed)
220.507	Notice of Hearing (Repealed)
220.508	Representation of Appellant (Repealed)
220.509	Appellant Participation in Hearing (Repealed)
220.510	Amendment of Appeal (Repealed)
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220.520	Public Review (Repealed)
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220.620	Definition of Case Coordination Unit Request For Proposal (Repealed)
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220.635	Review of Case Coordination Unit Proposals
220.640	Recommendations for Case Coordination Unit Designation
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220.670	Sanctions for Case Coordination Unit Failure to Comply with Case Management Contract/Grant
220.675	Sanction Notification and Case Coordination Unit Right to Appeal

APPENDIX A Names and Addresses of Area Agencies on Aging by Planning and Service Area (Repealed)

AUTHORITY: Implementing and authorized by Section 4.01 of the Illinois Act on the Aging [20 ILCS 105].

SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; codified at 8 Ill. Reg. 19310; amended at 15 Ill. Reg. 18603, effective December 13, 1991; emergency amendment at 17 Ill. Reg. 1179, effective January 11, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8472, effective June 9, 1993; amended at 22 Ill. Reg. 3426, effective February 1, 1998; amended at 26 Ill. Reg. 9652, effective July 1, 2002; amended at 45 Ill. Reg. 10769, effective August 10, 2021.

Section 220.500 Appeals and Fair Hearings (Repealed)

~~The following provisions shall be applicable to all appeals and requests for hearings under this rule.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.501 Initiation of Appeal Process (Repealed)

- ~~a) The appeal process is initiated effective with the date a written request for a hearing is received by the Department or the area agency on aging, as appropriate.~~
- ~~b) Any request for a hearing or appeal not filed within the applicable time period shall be dismissed by the Department. (Refer to 89 Ill. Adm. Code 230.440 and 240.410.)~~

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(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.502 Request for Hearing or Appeal (Repealed)

~~The request for a hearing or appeal shall be in writing and shall include:~~

- ~~a) The name of the person or agency filing the appeal.~~
- ~~b) The name of the person or agency in whose behalf the appeal is filed.~~
- ~~c) The specific action being appealed, including the date of the notice advising the appellant of the action and the effective date of the action.~~
- ~~d) Other information required by 89 Ill. Adm. Code 230.440 or 240.400, as applicable.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.503 Place of Filing (Repealed)

- ~~a) All requests for hearings or appeals to the Department shall be filed with:~~

~~Hearing Coordinator
Department on Aging
421 East Capitol Avenue
Springfield, Illinois 62701~~

- ~~b) All requests for hearings or appeals to an area agency on aging shall be filed with:~~

~~Executive Director
Appropriate Area Agency on Aging (Appendix A)~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.504 Responsibility of Department or Area Agency on Aging (Repealed)

~~Upon receipt of a request for hearing or appeal, the Department or area agency on aging, as appropriate, shall stamp the notice with the date received, assign request a number and notify the~~

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~~appellant and all other parties to the appeal, of receipt of the appeal. This notification shall be by Registered Mail: Return Receipt Requested. The Department or area agency on aging, as appropriate, shall examine all applicable information to ascertain if it has jurisdiction to conduct the hearing and may permit amendments to the appeal. Appellant shall be afforded a hearing on any motion to dismiss based on a lack of jurisdiction. Where, after hearing, the Department or area agency on aging, as appropriate, determines it does not have jurisdiction over the parties or the subject matter, the petition will be dismissed.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.505 Informal Review (Repealed)

- a) ~~Upon the initiation of an appeal, the Department or area agency on aging, as appropriate, shall immediately conduct an informal review of the action which has served as the basis for the appeal and, if indicated, reverse or modify the decision, or take other action as necessary.~~
- b) ~~If the issues being appealed are not resolved by the informal review, a formal hearing shall be conducted.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.506 Hearing Officer (Repealed)

~~All hearings will be conducted by an impartial Hearing Officer authorized by the Department Director or area agency on aging, as appropriate, to conduct hearings, who has not participated in the action being appealed.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.507 Notice of Hearing (Repealed)

~~Each hearing shall be conducted at a reasonable time, date and place. Ten (10) days preliminary written notice of the hearing shall be provided to the appellant. Notice shall be provided to the appellant, and all other parties to the appeal, by Registered Mail: Return Receipt Requested.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.508 Representation of Appellant (Repealed)

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~~The Appellant may represent himself at the hearing, or may be represented by legal counsel or other authorized representative and not be present at the hearing. Action or inaction of an authorized representative shall be deemed to be action or inaction of the appellant.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.509 Appellant Participation in Hearing (Repealed)

~~The appellant and/or his representative shall have the opportunity to:~~

- ~~a) Present evidence and witnesses in behalf of the appellant.~~
- ~~b) Examine the appellant's case record and obtain copies of case record material for the purpose of establishing all pertinent facts and circumstances upon payment of a charge for reproduction.~~
- ~~c) Advance any arguments without undue interference.~~
- ~~d) Refute testimony or other evidence and cross-examine witnesses.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.510 Amendment of Appeal (Repealed)

~~A request to amend an appeal may be made in writing prior to the hearing, or at the hearing. The appeal may be amended only if, in the judgment of the Hearing Officer, the amendment is germane to the subject matter of the original request for an appeal hearing.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.511 Consolidation of Appeals (Repealed)

- ~~a) The Department or area agency on aging, as appropriate, may consolidate a number of individual appeals for the purpose of conducting a single group hearing if it is determined that all of the appeals involve the same issues.~~
- ~~b) Each appellant may, at his option, withdraw from the group and present his appeal individually.~~

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(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.512 Postponement of Hearing (Repealed)

- a) ~~A Hearing may be postponed or continued for a reasonable period at the discretion of the Department or area agency on aging, as appropriate, for good cause shown. Death in the family, illness, prior engagement by counsel or representative, or other sudden and unexpected emergencies shall be considered good cause for postponement or continuance of a hearing.~~
- 1) ~~A request for the postponement or continuance of the hearing can be made either prior to or at the hearing. Requests for postponement made prior to the hearing must be made in writing.~~
 - 2) ~~The filing of a written request for postponement or continuance shall not preclude the appellant and/or his representative from making a request to the Hearing Officer at the hearing for postponement or continuance.~~
 - 3) ~~If the request for continuance or postponement is granted, the parties to the appeal shall be notified of the new date, time and place by Registered Mail: Return Receipt Requested.~~
- b) ~~The applicable time period for completion of a hearing shall be extended by the time of any continuance or postponement granted.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.513 Withdrawal of Appeal (Repealed)

~~An appeal may be withdrawn by the appellant and/or his authorized representative either prior to or at the hearing. A withdrawal must be in writing and signed by the appellant and/or his representative, or on the record during the hearing.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.514 Evidentiary Requirements (Repealed)

~~The hearing shall not be bound by common law or statutory rules of evidence or by technical or~~

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~~formal rules of procedure, but shall be conducted in such a manner as seems best calculated to conform to substantial justice.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.515 Closing of Hearing Record (Repealed)

~~At the adjournment of the hearing the record shall be closed and no further evidence may be submitted by the Department or area agency on aging, as appropriate, or the appellant unless, prior to the adjournment of the hearing, a request to leave the record open for a specified period for the submittal of additional evidence was made by the Department or area agency on aging, as appropriate, and/or the appellant and granted by the Hearing Officer.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.516 Dismissal of Appeals (Repealed)

- a) ~~In the event the appellant and/or his authorized representative does not appear at the time, date and place designated for the hearing, the appeal shall be deemed abandoned and shall be dismissed.~~
- b) ~~Refusal of the appellant and/or his authorized representative to proceed with the hearing shall be deemed a non-appearance, and the appeal shall be deemed abandoned and shall be dismissed.~~
- c) ~~The appellant and/or his authorized representative shall be informed of the dismissal by written notice.~~
- d) ~~Request to vacate a dismissal must be in writing and signed by the appellant and/or his authorized representative. Such requests must be received by the Department or area agency on aging, as appropriate, not more than ten (10) calendar days subsequent to the date of the dismissal notice.~~
- e) ~~Dismissals shall be vacated only if good cause for non-appearance is shown. Good cause is defined as:~~
 - 1) ~~Death in the family,~~
 - 2) ~~Personal injury or illness which reasonably prohibits appellant from~~

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~~attending the hearing, and/or~~

~~3) Sudden and unexpected emergencies.~~

~~f) Disposition by dismissal is a final decision.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.517 Transcript (Repealed)

~~The decision resulting from the appeal shall become a part of the record of the appeal and a transcript of the appeal shall be made. Transcript may be made by electronic recording device.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.518 Decision (Repealed)

~~The decision resulting from the appeal shall be in writing and shall set forth the facts of the appeal, and the regulations and reasons upon which the decision is based.~~

- ~~a) The impartial Hearing Officer shall certify to the Director of the Department or the area agency on aging, as appropriate, the entire record of the hearing and shall recommend a decision on each issue in the hearing. The impartial Hearing Officer shall not render a final decision relevant to any issue in the hearing.~~
- ~~b) The final decision resulting from the hearing shall be issued by the Director of the Department or the area agency on aging, as appropriate.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.519 Notice of Decision to Appellant (Repealed)

~~The appellant shall be notified of the decision in writing. This notification shall advise an appellant under 89 Ill. Adm. Code 230 of the right to appeal the decision and an appellant under 89 Ill. Adm. Code 240 of the right to seek judicial review, if available.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

Section 220.520 Public Review (Repealed)

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~~All hearing records and decisions shall be made available for review by the public.~~

(Source: Repealed at 45 Ill. Reg. 10769, effective August 10, 2021)

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- 1) Heading of the Part: Older Americans Act Programs
- 2) Code Citation: 89 Ill. Adm. Code 230
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
230.46	Repealed
230.400	New Section
230.410	Amendment
230.420	Amendment
230.430	Amendment
230.440	Amendment
230.450	New Section
230.460	New Section
230.470	New Section
230.480	New Section
230.490	New Section
230.495	New Section
- 4) Statutory Authority: Illinois Act on Aging [20 ILCS 105] and the Older Americans Act, as amended [42 USC 3001 et seq.].
- 5) Effective Date of Rules: August 10, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 45 Ill. Reg. 1764; February 16, 2021
- 10) Has JCAR issued a Statement of Objections to this Rulemaking? No
- 11) Differences between Proposal and Final Version: The Department made technical and grammatical changes in the Table of Contents and Sections 230.400, 230.410, 230.420, and 230.440. In addition, the Department added language to clarify and enhance the informal review and administrative hearings sections, Sections 230.440 and 230.450 respectively.

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is a companion to a rulemaking in Part 220. This rulemaking seeks to update the appeals process, remove it from Part 220, and include it in the appropriate Part 230.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

James Shovlin
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271
217/524-7945

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

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 230
OLDER AMERICANS ACT PROGRAMS

SUBPART A: STATE AGENCY

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230.10	Designation and Function
230.20	Administration
230.30	State Plan
230.40	State Agency Requirements
230.41	Advocacy
230.42	Long-Term Care Ombudsman Program (Repealed)
230.43	Service Delivery Systems Responsibilities
230.44	State Advisory Council
230.45	Intrastate Funding Formula
230.46	Hearings (Repealed)
230.47	Designation of Planning and Service Areas

SUBPART B: AREA AGENCIES ON AGING

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230.110	Designation and Function
230.120	Administration
230.130	Area Plans
230.140	Withdrawal of Area Agency on Aging Designation
230.145	Continuity of Services
230.150	Area Agency on Aging Responsibilities

SUBPART C: SERVICE REQUIREMENTS

Section	
230.210	Direct Provision of Services by the Department and Area Agencies on Aging
230.220	Planning, Coordination and Provision of Services Funded Under Other Programs
230.230	Licensure and Safety Requirements
230.240	Provider Requirements
230.250	Services

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SUBPART D: FISCAL REQUIREMENTS

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230.310	Types of Allotments
230.320	Limitations on Use
230.330	Service Funding Requirements
230.340	Obligation of Allotments
230.350	Maintenance of Effort: Non-Federal Share
230.360	General Audit Requirements
230.361	Purpose of Audits
230.362	Audit Engagement Agreement
230.363	Distribution of the Cost of a Unified Audit
230.364	Scope of the Financial and Compliance Audit (Repealed)
230.365	Audit Report
230.366	Resolution of Audit Findings
230.370	Program and Financial Reviews

SUBPART E: GRIEVANCES, APPEALS, AND HEARINGS

Section	
<u>230.400</u>	<u>Purpose and Scope</u>
230.410	<u>Grievances and Appeals to the Area Agency on Aging</u> Hearing Before the
Department	
230.420	<u>Grievances and Appeals to the Department</u> Hearing Before the Area Agency on
Aging	
230.430	<u>Request for Appeal to the Department</u> Non-applicability of Hearing Requirements
230.440	<u>Informal Review</u> Arrangements for Hearings
230.450	<u>Administrative Hearing</u>
230.460	<u>Status Conference</u>
230.470	<u>Conduct of the Hearing</u>
230.480	<u>Dismissals and Withdrawals</u>
230.490	<u>Director's Decision</u>
230.495	<u>Appeal Record</u>

SUBPART F: TITLE III-D

Section	
230.510	Target Population

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230.520	Eligibility Criteria
230.530	Eligibility Determination
230.540	Allowable Services
230.550	Maintenance of Effort
230.560	Coordination of Services
230.570	Distribution of Funds
230.580	Area Agency on Aging Administration

SUBPART G: CASE MANAGEMENT SERVICES

Section	
230.610	General Requirements for Providers of Case Management Services
230.620	Case Management Service Availability
230.630	Service Activities
230.640	Records and Documentation
230.650	Case Coordination Unit Compliance During Contract/Grant Period

AUTHORITY: Implementing the Illinois Act on the Aging [20 ILCS 105] and the Older Americans Act, as amended (42 USC 3001 et seq.) and authorized by Section 4.01 of the Illinois Act on the Aging [20 ILCS 105].

SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; amended at 6 Ill. Reg. 7379, effective June 16, 1982; codified at 7 Ill. Reg. 5178; amended at 7 Ill. Reg. 9132, effective July 27, 1983; amended at 8 Ill. Reg. 9330, effective June 15, 1984; amended at 9 Ill. Reg. 5297, effective April 8, 1985; amended at 10 Ill. Reg. 5787, effective March 27, 1986; recodified at 10 Ill. Reg. 7653, effective April 30, 1986; amended at 10 Ill. Reg. 14616, effective August 26, 1986; amended at 11 Ill. Reg. 3856, effective February 17, 1987; amended at 11 Ill. Reg. 7586, effective April 8, 1987; amended at 11 Ill. Reg. 15869, effective October 1, 1987; emergency amendments at 12 Ill. Reg. 12540, effective July 15, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 13 Ill. Reg. 2015, effective February 1, 1989; amended at 13 Ill. Reg. 3054, effective March 1, 1989; amended at 13 Ill. Reg. 20299, effective December 15, 1989; amended at 14 Ill. Reg. 2308, effective January 25, 1990; amended at 15 Ill. Reg. 18642, effective December 13, 1991; amended at 16 Ill. Reg. 15401, effective September 28, 1992; amended at 18 Ill. Reg. 14072, effective September 1, 1994; amended at 21 Ill. Reg. 8894, effective July 1, 1997; amended at 22 Ill. Reg. 3454, effective February 1, 1998; amended at 26 Ill. Reg. 9662, effective July 1, 2002; Subpart E header recodified at 45 Ill. Reg. 10285; amended at 45 Ill. Reg. 10780, effective August 10, 2021.

SUBPART A: STATE AGENCY

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Section 230.46 Hearings (Repealed)

~~In accordance with procedures developed by the Department, the Department shall provide an opportunity for a hearing to:~~

- a) ~~Any area agency on aging when the Department proposes to:
 - 1) ~~Disapprove the area plan or any amendment to the area plan which has been submitted to the Department by the area agency on aging; or~~
 - 2) ~~Withdraw from the agency designation as an area agency on aging.~~~~
- b) ~~Any applicant who establishes eligibility for designation as a planning and service area pursuant to the requirements of 45 CFR 1321.53 and subsection (g) of this Section whose application is denied;~~
- c) ~~Any nutrition project specified in 45 CFR 1321.143(b)(1) or in Section 230.250(b)(2)(A)(i) of this Part which an area agency on aging proposes to defund; and~~
- d) ~~Any service provider whose application to provide services under an area plan is denied or whose subgrant or contract is suspended, terminated, or not renewed.~~

(Source: Repealed at 45 Ill. Reg. 10780, effective August 10, 2021)

SUBPART E: GRIEVANCES, APPEALS, AND HEARINGS

Section 230.400 Purpose and Scope

The purpose of this Subpart E is to set forth grievance and appeal requirements for entities and individuals that administer, provide, and receive services, or applicants for those services, under an area plan funded by the Older Americans Act (42 USC 3001 et seq.). This Subpart does not apply to public hearings required under 42 USC 3025 and 3026 or the termination of a federal grant award or other adverse federal action taken pursuant to the provisions of 45 CFR 75, Subpart D, or 2 CFR 200, Subpart D.

(Source: Added at 45 Ill. Reg. 10780, effective August 10, 2021)

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Section 230.410 Grievances and Appeals to the Area Agency on Aging ~~Hearing Before the Department~~

- a) The Area Agency on Aging (AAA) shall have a grievance and appeal process that includes the following:
- 1) Pursuant to 42 USC 3027(a)(5)(B), the AAA shall have written grievance procedures for an older individual who is dissatisfied with, or denied, services under an area plan; and
 - 2) Pursuant to 42 USC 3027(a)(5)(A), the AAA shall have written appeal procedures for a service provider whose application to provide services under an area plan is denied or whose subgrant or contract with the AAA under an area plan is suspended, terminated, or not renewed.
- b) Minimum requirements for all grievance and appeal procedures before the AAA include the following:
- 1) An older individual or the individual's representative may make a complaint to the AAA in either oral or written form. The AAA shall document the oral complaints in writing;
 - 2) The AAA shall investigate the complaint and act to resolve the matter; and
 - 3) The AAA shall respond in writing within 30 calendar days after receipt of the complaint. The written response shall include:
 - A) The date the complaint was received;
 - B) The nature of the complaint or adverse action and relevant dates;
 - C) All actions taken to resolve the complaint; and
 - D) Notice of the right to appeal to the Department, if any. ~~In accordance with procedures developed by the Department and Section 2.16 of current rule General Provisions, the Department shall provide an opportunity for a hearing to:~~
- a) ~~Any area agency on aging when the Department proposes to:~~

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- 1) ~~Disapprove the area plan or any amendment to the area plan which has been submitted to the Department by the area agency on aging; or~~
- 2) ~~Withdraw from the agency designation as an area agency on aging;~~
- b) ~~Any eligible applicant for designation as a planning and service area under the provisions of 45 CFR 1321.53 whose application is denied; or~~
- e) ~~Any nutrition project specified in Section 230.250(b)(2)(A)(i) of this Part, which an area agency proposes to defund.~~

(Source: Amended at 45 Ill. Reg. 10780, effective August 10, 2021)

Section 230.420 Grievances and Appeals to the Department~~Hearing Before the Area Agency on Aging~~

The Department will allow appeals by the following:

- a) An older individual or the individual's representative who is appealing the AAA's grievance response under Section 230.410(a)(1);
- b) A service provider whose application to provide services, under grants or contracts directly awarded by the Department, is denied or terminated;
- c) Any eligible applicant for designation as a planning and service area under 45 CFR 1321.29(a) (2019) whose application is denied;
- d) Any AAA when the Department proposes to:
 - 1) Disapprove the area plan or any amendment to the area plan that has been submitted to the Department by the AAA; or
 - 2) Reject the AAA's recommendation to designate a service provider. ~~In accordance with procedures developed by the Department, an area agency on aging shall provide an opportunity for a hearing to: Any service provider, including a nutrition project for whom the provisions of Section 230.410(c) of this subpart are not applicable, whose application to provide~~

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~~services under the area plan is denied or whose subgrant or contract is suspended, terminated or not renewed.~~

(Source: Amended at 45 Ill. Reg. 10780, effective August 10, 2021)

Section 230.430 Request for Appeal to the Department~~Non-applicability of Hearing Requirements~~

- a) Timing of the Appeal
- 1) An older individual who is appealing the AAA's grievance response must submit an appeal within 60 calendar days after receiving the response.
 - 2) All other appeals must be submitted within 15 calendar days after notice of adverse action.
- b) All appeals to the Department shall be submitted to:
- Office of General Counsel
Department on Aging
One Natural Resources Way
Springfield, Illinois 62702
- c) The request for appeal shall contain the following information:
- 1) The name of the appellant, including email address, phone number, and mailing address;
 - 2) The name of the authorized representative, if applicable, including email address, phone number, and mailing address;
 - 3) A short statement of alleged facts that includes the adverse action and relevant dates; and
 - 4) A short statement identifying the relief sought, explaining the reasons relief should be granted, and citing the authority relied upon.~~The provisions for a hearing do not apply to a service provider when the aggrieved action has been taken pursuant to the provisions of 45 CFR 74, Subpart M.~~

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(Source: Amended at 45 Ill. Reg. 10780, effective August 10, 2021)

Section 230.440 Informal Review~~Arrangements for Hearings~~

The Office of General Counsel, with appropriate Department Staff, will review appeal requests and make recommendations to the Director.

- a) The Office of General Counsel may contact the appellant to discuss the appeal request and/or request additional information.
- b) Recommendations by the Office of General Counsel may include, but are not limited to:
 - 1) Dismissal, if, for example, the requirements under Sections 230.420 and 230.430 are not met;
 - 2) Reverse or amend the Area Agency on Aging's grievance or appeal decision resulting from the process outlined in Section 230.410; or
 - 3) Proceed to an administrative hearing pursuant to Section 230.450.
- c) Recommendations will be submitted to the Director within 60 days after receipt of the appeal request or receipt of the additional requested information, whichever is later.
 - a) ~~Request for hearing~~
~~A written request for a hearing shall be filed by the aggrieved agency or organization with the Department or the area agency on aging, as appropriate, within 30 days following receipt of the notice of adverse action.~~
 - b) ~~Petition to Accompany Request for Hearing~~
~~At the time of filing the request for hearing, a petition shall be filed in substantially the following form:~~
 - 1) ~~The petition shall be captioned designating the party requesting the hearing as a petitioner, versus the party taking the aggrieved of action to be designated as respondent.~~
 - 2) ~~The petition shall contain separate paragraphs containing the following:~~

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- A) ~~Allegations of facts indicating the capacity to be a petitioner.~~
 - B) ~~Reference to applicable sections of the statute or rules and regulations granting jurisdiction to the Department or area agency on aging, as appropriate, to conduct a hearing or appeal.~~
 - C) ~~Reference to the particular sections of the statute or rules alleged to have been violated.~~
 - D) ~~Allegations setting forth the respects in which petitioner's rights have been adversely affected or violated by the action taken.~~
 - E) ~~Allegations setting forth the date of the adverse action complained of.~~
- 3) ~~The petition shall have attached thereto, affidavits, records, copies of notices of adverse action, or other evidence supporting its allegations.~~
- e) ~~Time Limitations~~
- 1) ~~The hearing shall be completed within 120 days following the date that the request for hearing was received by the Department or area agency on aging, as appropriate, extended by any postponements.~~
 - 2) ~~The hearing decision shall be issued within 60 days after the hearing is completed.~~
- d) ~~Termination of Formal Hearing Procedures~~
~~The Department or area agency on aging, as appropriate, may terminate formal hearing procedures at any point if the Department or area agency on aging, as appropriate, and agency or organization that requested the hearing negotiate a written agreement that resolves the issue(s) which led to the hearing.~~

(Source: Amended at 45 Ill. Reg. 10780, effective August 10, 2021)

Section 230.450 Administrative Hearing

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- a) The Department will provide an opportunity for hearing, after the informal review process is completed, to the following:
 - 1) Any AAA, upon request, when the Department proposes to:
 - A) Disapprove the area plan or any amendment to the area plan that has been submitted to the Department by the AAA; or
 - B) Reject the AAA's recommendation to designate a service provider;
 - 2) A service provider, upon request, whose application to provide services, under grants or contracts awarded directly by the Department, is denied or terminated; and
 - 3) An older individual whose eligibility for services was terminated.
- b) The Department reserves the right to conduct administrative hearings for other appeal requests concerning the health, safety and welfare of older individuals.
- c) All hearings shall be conducted by an impartial Hearing Officer authorized by the Department Director to conduct the hearings.

(Source: Added at 45 Ill. Reg. 10780, effective August 10, 2021)

Section 230.460 Status Conference

- a) The Hearing Officer may schedule status conferences to consider and decide issues that will aid in the disposition of the hearing.
- b) The Hearing Officer may consolidate matters in the interest of convenience whenever it can be done without prejudicing either party.
- c) The Hearing Officer may facilitate the exchange of discovery among the parties before the hearing.

(Source: Added at 45 Ill. Reg. 10780, effective August 10, 2021)

Section 230.470 Conduct of the Hearing

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- a) The hearing shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100], unless otherwise specified in this Part.
- b) The hearing shall be recorded and made part of the case record.
- c) The hearing may be conducted by telephone or other electronic means.
- d) Continuances may be granted.
- e) The Hearing Officer shall recommend a decision on each issue to the Director.

(Source: Added at 45 Ill. Reg. 10780, effective August 10, 2021)

Section 230.480 Dismissals and Withdrawals

- a) The appellant may withdraw the appeal at any time.
- b) If the appellant fails to cooperate with the Department during the informal review process or fails to attend the hearing, the appeal is considered abandoned and will be dismissed.
- c) Within 10 calendar days after the date of the dismissal notice, the appellant/authorized representative may submit a written request to reinstate the appeal. The dismissal will be vacated if good cause can be shown for the non-cooperation that led to the dismissal.

(Source: Added at 45 Ill. Reg. 10780, effective August 10, 2021)

Section 230.490 Director's Decision

- a) The decision resulting from the appeal shall be made in writing no later than 60 calendar days after receiving the recommendation. The appellant/authorized representative and all other parties to the appeal shall be notified.
- b) A decision shall be issued by the Director upholding, modifying, or reversing the recommendation.

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- c) The Director's decision resulting from the appeal shall be final and become part of the appeal record.

(Source: Added at 45 Ill. Reg. 10780, effective August 10, 2021)

Section 230.495 Appeal Record

At any time within 5 years after the date of the release of the Director's decision, the appellant/authorized representative may review the appeal record. The appeal record, including documents presented at the proceedings, findings of fact, and findings of law, will be made available by the Department upon request. The Springfield office of the Department is the only location where the appeal record may be reviewed.

(Source: Added at 45 Ill. Reg. 10780, effective August 10, 2021)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Peremptory Actions:</u>
2700.20	Amendment
2700.40	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking:

The U.S. Department of Education (ED) effectively repealed Part 668 of Title 34 of the Code of Federal Regulations, effective August 16, 2021, which requires male students to register with Selective Service before the age of 26 to be eligible for federal student aid under Title IV of the Higher Education Act of 1965. Therefore, effective August 16, 2021, ISAC can no longer deny student aid based upon non-compliance with Part 668 of Title 35 of the Code of Federal Regulations.

- 5) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq, as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act.
- 6) Effective Date: August 16, 2021
- 7) A Complete Description of the Subjects and Issues Involved: Prior to this amendment, completing a Free Application for Federal Student Aid (FAFSA) was an issue for transgender students who did not want to identify their gender at birth. Now, applicants, including transgender students, who do not answer the gender question and/or do not register for Selective Service will be eligible for both state and federal student aid. This amendment not only removes the requirement to answer a question from the federal application that created discomfort for transgender applicants, it also results in providing student aid to more individuals.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: August 13, 2021

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- 10) A copy of the preemptory rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed rulemakings pending on this Part? No
- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 14) Information and questions regarding this preemptory rule shall be directed to:

Jackie Eckley, Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2700
GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
2700.15	Incorporations by Reference
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Information
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual and Consortium Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act.

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg. 10269, effective July 1, 2008; amended at 33 Ill. Reg. 9742, effective July 1, 2009; amended at

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34 Ill. Reg. 8543, effective July 1, 2010; amended at 37 Ill. Reg. 9497, effective July 1, 2013; amended at 38 Ill. Reg. 13356, effective July 1, 2014; amended at 39 Ill. Reg. 8390, effective July 1, 2015; amended at 40 Ill. Reg. 1963, effective January 7, 2016; amended at 43 Ill. Reg. 7269, effective July 1, 2019; amended at 43 Ill. Reg. 15003, effective January 1, 2020; amended at 44 Ill. Reg. 20164, effective January 1, 2021; amended at 45 Ill. Reg. 8430, effective July 1, 2021; preemptory amendment at 45 Ill. Reg. 10794, effective August 16, 2021.

Section 2700.20 Definitions

"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a 12 month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.3.

"Alternative Application for Illinois Financial Aid" or "Alternative Application" – The FAFSA substitute application for State student aid and benefits under the Retention of Illinois Students and Equity (RISE) Act that may be used only as an alternative to the FAFSA, when appropriate, and shall be substituted accordingly for the FAFSA when FAFSA is referenced in ISAC rules. This application is appropriate for use by an applicant *who is an Illinois resident and who is not otherwise eligible for federal financial aid, including, but not limited to, ~~a transgender applicant who is disqualified for failure to register for Selective Service~~ or* an eligible *noncitizen* applicant as defined in this Section.

"Alternative Application for Illinois Financial Aid Receipt Date" – The date upon which ISAC receives an applicant's initial Alternative Application for an academic year. For a paper Alternative Application sent through the U.S. Postal Service, the receipt date will be the postmark date.

"Alternative Loan" – Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" – Any individual who requests ISAC consideration for a scholarship,

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grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" – *Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.* (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by section 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" – One of the 2 individuals who are joint borrowers either on a Federal PLUS Loan (parent borrowers) that was certified prior to January 1, 1995 or on any Federal Consolidation loan (married borrowers) and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" – The 10 member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947].

"Compound Accreted Value" – An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual

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compounding rate that is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accreted Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" – The simultaneous enrollment at 2 or more higher education institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by section 428C of the HEA.

"Consortium Agreement" – The written agreement between two or more ISAC-eligible institutions whereby the host institution provides part of the education program of students enrolled at the home institution, as codified in Section 2700.80.

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution serving as the host institution provides part of the education program of students enrolled at the ISAC-eligible home institution, as codified in Section 2700.80.

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at section 472 of the HEA (20 USC 1087*ll*).

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"Cumulative Grade Point Average" – The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower or endorser (if any) to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" – A learning and teaching mode characterized by the separation of place or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" – The acronym for the United States Department of Education.

"Educational Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to section 484 of the HEA (20 USC 1091); or a noncitizen or person who

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is not a permanent resident of the United States, who does not meet the eligibility criteria for federal student assistance pursuant to section 484 of the HEA but who meets all of the following criteria:

the individual resided with a parent or guardian while attending a public or private high school in this State;

the individual graduated from a public or private high school or received the equivalent of a high school diploma in this State;

the individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma in this State;

the individual provides an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so; and

the individual has not established a residence outside of this State.

"Endorser" – A person fitting the definitions found at 34 CFR 682.200 or 34 CFR 685.102(b) who is secondarily liable for the repayment of a federal student loan.

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" – The chief executive officer of ISAC.

"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution as defined at section 474 of the HEA (20 USC 1087nn) is used to determine a student's eligibility for need based programs administered by ISAC.

"FAFSA" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt

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at the processor, not the postmark date.

"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by section 421 of the HEA, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" – For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least 5 years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for 12 or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 668.2(b).

"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Golden Apple Scholars of Illinois" – A private, not-for-profit program under the auspices of the Golden Apple Foundation that recruits, prepares and provides financial assistance to high school graduates to pursue postsecondary education for careers as teachers for particular Illinois schools.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

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"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan Program (FFELP) that includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for 6 or more credit hours (but fewer than 12 credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 668.2(b).

"HEA" – The acronym for the Higher Education Act of 1965, as amended (20 USC 1070 et seq.).

"High School Equivalency Certificate" – A certificate received after successfully completing a high school equivalency examination as defined in Section 3-15.12 of the School Code [105 ILCS 5].

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"Home Institution" – The institution of higher learning where the student is enrolled in a degree or certificate program and is the institution of record in a consortium or contractual agreement.

"Host Institution" – The institution where part of a student's program requirements is being taken through either a consortium or contractual agreement with a home institution.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC's Illinois Designated Account Purchase

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Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

"Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that:

provides at least a 2-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State;

publicly or privately, not for profit; or

for profit, provided it:

offers degree programs that have been approved by the IBHE for a minimum of 3 years under the Academic Degree Act;

enrolls a majority of its students in these degree programs; and

maintains accredited status with the Higher Learning Commission of the North Central Association of Colleges and Schools.

For otherwise eligible educational organizations that provide academic programs for incarcerated students, the term "institution of higher learning"

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shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by Section 35 of the Higher Education Student Assistance Act and codified at 23 Ill. Adm. Code 2735.

"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – *A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among*

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others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

"Pell Grant" – A federal gift assistance program administered by ED in accordance with section 401 of the HEA (20 USC 1070a et seq).

"PLUS" – The federal program that provides loans to graduate students or parents of certain undergraduate students, as authorized by section 428B of the HEA (20 USC 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947].

"Police Officer" – For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which the applicant is applying.

"Regular School Year" – An 8 to 9 month period of time that includes 2 semester terms or 3 quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" – The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the FAFSA or the Alternative Application for Illinois Financial Aid, physically resides within the State of Illinois, and Illinois is the parent's true, fixed and permanent home.

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An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is their true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding 2 paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following:

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that the applicant's domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for 6 continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within 6 months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that the applicant's domicile was the State of Illinois throughout the missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding 2 paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided it can be demonstrated that the applicant's absence from

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the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" – An institutional policy that establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to section 484 of the HEA (20 USC 1091).

"Service Academy" – *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program, as authorized by section 428A of the HEA (20 USC 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" – The federal subsidized and unsubsidized loan programs as authorized by sections 427, 428 and 428H of the HEA (20 USC 1078).

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" – An undergraduate postsecondary course of study that, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent

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(including the Illinois State Board of Education). For a student who has completed less than 4 semesters/6 quarters of postsecondary study, this includes a postsecondary course of study that leads to a teacher education program.

"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" – A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by subpart E of 34 CFR 668 and by ISAC's rules.

(Source: Peremptory amendment at 45 Ill. Reg. 10794, effective August 16, 2021)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.
 - 1) Eligibility for federally-guaranteed loans may be reinstated in accordance with federal regulations and the following provisions:
 - A) Eligibility for federally-guaranteed loans will be reinstated when:
 - i) the debt has been paid in full;
 - ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;

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- iii) the borrower's prior defaulted loan has been rehabilitated, in accordance with 34 CFR 682.405; or
 - iv) the borrower has made payments on a defaulted loan to consolidate that loan in accordance with 34 CFR 682.201.
- B) Borrowers are eligible to use subsections (a)(1)(A)(ii) and (iii) only one time.
- C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least 6 consecutive months or has met the requirements of subsection (a)(1)(A). Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of the applicant's contact with ISAC.
- 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C), must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.
- b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USC 1070(b)).
- c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.
- d) An applicant who has received financial assistance based on fraudulent data shall be denied ISAC-administered assistance until full restitution has been made to ISAC for any fraudulently-obtained funds, and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

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- e) Applicants with a Social Security Number (SSN) must submit it at the time of applying.
- f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.
- g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor.
- h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.
 - 1) For each semester term of full-time payment benefits, the recipient is assessed 6 eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed 4 eligibility units.
 - 2) For each semester term of half-time payment benefits, the recipient is assessed 3 eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed 2 eligibility units.
 - 3) For each semester or quarter term of less than half-time payment benefits, the recipient is assessed one eligibility unit.
 - 4) Sixty eligibility units are the equivalent of payments for 10 semesters/15 quarters of full-time benefits.
 - 5) Forty-eight eligibility units are the equivalent of payments for 8 semesters/12 quarters of full-time benefits.
- i) ~~An applicant shall comply with Selective Service registration requirements (see 34 CFR 668.37 et seq.) unless contrary to State law (see 110 ILCS 986/15(a)).~~
- ij) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) (ING Grant) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program) (IVG Grant), an applicant must be maintaining satisfactory academic progress in accordance with the institution's policy.

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- ~~j~~k) Except for ING and IVG Grants, ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs that are defined as eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)
- ~~k~~l) Except for ING and IVG Grants, students enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits.
- ~~l~~m) For the purpose of determining the timeliness of an individual's application, the postmark date of an application submitted electronically shall be the date on which ISAC receives that individual's submission of complete application data.

(Source: Peremptory amendment at 45 Ill. Reg. 10794, effective August 16, 2021)

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