

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Animal Population Control Code
- 2) Code Citation: 77 Ill. Adm. Code 996
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
996.100	New
996.200	New
996.300	New
996.400	New
996.500	New
996.600	New
996.700	New
996.800	New
996.900	New
996.1000	New
- 4) Statutory Authority: Illinois Public Health and Safety Animal Population Control Act [510 ILCS 92]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking addresses how the Department will administer the Illinois Public Health and Safety Animal Population Control Program, which was established under the Illinois Public Health and Safety Animal Population Control Act [510 ILCS 92]. This program provides low-cost dog or cat sterilizations for eligible owners of companion animals and eligible managers of feral cat colonies.

This proposed rulemaking specifies the required proof of eligibility for the program, the format and content of program forms, and the pre-surgical immunizations covered by the program. This proposed rulemaking also describes how the Pet Population Control Fund will be administered and how the fines imposed under the Act will be used.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge any State mandate for any unit of local government.
- 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 this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed rulemaking affects veterinarians or veterinary clinics licensed under the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]. Any Illinois veterinarian may voluntarily participate in the program and will be reimbursed for dog or cat sterilization procedures, for examinations, and for pre-surgical immunizations.
- B) Reporting, bookkeeping or other procedures required for compliance: Participating veterinarians must submit itemized invoices to the Department for all sterilization procedures performed under the program.
- C) Types of professional skills necessary for compliance: Participating veterinarians must be licensed under the Veterinary Medicine and Surgery Practice Act of 2004.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: Miscellaneous Programs and Services

PART 996
ANIMAL POPULATION CONTROL CODE

Section	
996.100	Definitions
996.200	Referenced Materials
996.300	Eligibility to Participate
996.400	Application Requirements and Proof of Eligibility
996.500	Application Forms
996.600	Veterinarian Participation
996.700	Co-payment and Reimbursement
996.800	Immunizations
996.900	Administration of the Pet Population Control Fund
996.1000	Enforcement and Fines

AUTHORITY: Implementing and authorized by the Illinois Public Health and Safety Animal Population Control Act [510 ILCS 92].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 996.100 Definitions

“Act” means the Illinois Public Health and Safety Animal Population Control Act [510 ILCS 92].

“Companion animal” means any domestic dog (*canis lupus familiaris*) or domestic cat (*felis catus*). (Section 10 of the Act)

“Department” means the Department of Public Health. (Section 10 of the Act)

“Director” means the Director of Public Health. (Section 10 of the Act)

“Feral cat” means a cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized, is a formerly owned cat that has been abandoned and is no longer socialized, or lives on a farm. (Section 2.11b of the Animal Control Act)

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“Fund” means the *Pet Population Control Fund established in the Act*. (Section 10 of the Act)

“Program” means the Illinois Public Health and Safety Animal Population Control Program established by the Department of Public Health. This program provides low-cost dog or cat sterilizations for eligible owners of companion animals and eligible managers of feral cat colonies.

“Veterinarian” means a person licensed to practice veterinary medicine in Illinois under the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115].

Section 996.200 Referenced Materials

Illinois Statutes:

- a) Public Health and Safety Animal Population Control Act [510 ILCS 92]
- b) Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]
- c) Animal Control Act [510 ILCS 5]
- d) Illinois Vehicle Code [625 ILCS 5]
- e) Illinois Income Tax Act [35 ILCS 5]

Section 996.300 Eligibility to Participate

- a) *A resident of this State who owns a companion animal and who is eligible for the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) or the Social Security Disability Insurance Benefits Program (SSDI) shall be eligible to participate in the program if the owner or an individual authorized by the owner signs a consent form certifying that he or she is the owner of the companion animal or is authorized by the eligible owner to present the companion animal for the procedure.* (Section 25 of the Act)
- b) *A resident of this State who is managing a feral cat colony and who humanely traps feral cats for spaying or neutering and return is eligible to participate in the program provided that the trap, sterilize, and return program is recognized by the municipality or by the county, if the feral cat colony is located in an unincorporated area.* (Section 25 of the Act)

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- c) *No dog or cat imported from another State is eligible to be sterilized or vaccinated under this program.* (Section 20 of the Act)

Section 996.400 Application and Proof of Eligibility

- a) *An owner of a companion animal shall submit an application and proof of eligibility to the Department.* (Section 25 of the Act) An owner may submit applications for no more than two companion animals during any State Fiscal Year (July 1 through June 30). The owner shall complete a separate application for each companion animal.
- b) Only one proof of eligibility is required to be submitted to the Department with the application or applications. The following shall be considered proof of eligibility:
- 1) A copy of a letter or other documentation from the Illinois Department of Human Services identifying the owner and showing the amount of monthly SNAP benefits received by the owner. The letter or other documentation must be dated no more than 60 days prior to receipt by the Department or must clearly indicate that the owner is eligible for the SNAP benefits for a period including the date of receipt by the Department; or
 - 2) A copy of a letter or other documentation from the Social Security Administration identifying the owner and showing the amount of monthly SSDI benefits to be received by the owner during the current year.
- c) A manager of a feral cat colony shall submit to the Department an application and a copy of a letter from the municipality or county that recognizes the trap, sterilize, and return program and identifies the manager of the feral cat colony. The letter must also include the address or a geographic description of the location of the feral cat colony and an estimate of the number of feral cats in the colony. A manager may submit applications for no more than five feral cats during any State Fiscal Year (July 1 through June 30). The manager shall submit a separate application for each feral cat. Only one copy of the letter recognizing the trap, sterilize, and return program is required to be submitted with the application or applications.
- d) The Department will review the application or applications to ensure compliance with this Section.

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- 1) If the application is approved, the Department will affix an approval code, an issue date, and an authorization stamp to the bottom of the application and return the stamped application to the eligible companion animal owner or feral cat colony manager. This stamped application will serve as the eligibility voucher to be presented to a participating veterinarian. The Department will enclose a listing of participating veterinarians with the approved eligibility voucher (see Section 996.600(c)).
 - 2) If the application is not approved, the Department will return the application to the companion animal owner or feral cat colony manager with the reason for denial. Applications that are denied for a lack of proper proof of eligibility may be resubmitted with the proper proof of eligibility and will be reconsidered by the Department.
- e) If the companion animal owner or feral cat colony manager has not presented an eligibility voucher to a participating veterinarian within six months after the issue date, that eligibility voucher is void.
- 1) The companion animal owner or feral cat colony manager may request a replacement for a void eligibility voucher by returning the void eligibility voucher to the Department, along with a new application. No further proof of eligibility will be required, unless the new application is received more than one year after the issue date of the original eligibility voucher.
 - 2) The Department will review the application for compliance with this Section. If the application is approved, the Department will affix a new approval code, a new issue date, and an authorization stamp to the bottom of the new application and return the stamped application to the eligible companion animal owner or feral cat colony manager. The Department will retain the void eligibility voucher.

Section 996.500 Application Forms

- a) Each companion animal owner or feral cat colony manager shall submit an Application/Eligibility Voucher form to the Department. This form includes the consent form (see Section 996.300(a)), the veterinarian certificate for reimbursement (see Section 996.700(c)), and the eligibility voucher (see Section 996.400(d)).

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- 1) The companion animal owner or feral cat colony manager shall include his or her name and address, the type of eligibility claimed (SNAP, SSDI, or feral cat colony manager), a description of the animal or animals to be sterilized, and a signature and date on the consent form, which is Part I of the Application/Eligibility Voucher.
 - 2) Upon approval, the Department will affix an approval code, an issue date, and an authorization stamp to Part III of the form. The approved and stamped form is the eligibility voucher (see Section 996.400 (d)).
 - 3) After an approved eligibility voucher has been returned, the companion animal owner or feral cat colony manager shall schedule the sterilization procedure with a participating veterinarian. After the sterilization procedure is performed, the veterinarian shall include his or her name, the name and address of the clinic, the date of the sterilization procedure, the specific immunizations administered, and whether a co-payment was received (see Section 996.700) on Part II of the Application/Eligibility Voucher. The veterinarian and the companion animal owner or the feral cat colony manager shall also sign and date Part II of the form, which is the veterinarian certificate for reimbursement.
- b) Each participating veterinarian shall submit an Application/Agreement to Participate form to the Department.
- 1) The veterinarian shall include his or her name, the name and address of the veterinary practice, his or her Illinois veterinary medicine license number, and contact information.
 - 2) The veterinarian shall sign and date the Agreement to Participate on the form. This Agreement to Participate details the veterinarian's duties and responsibilities under the Act and this Part.

Section 996.600 Veterinarian Participation

- a) *The sterilization shall be performed by a voluntarily participating veterinarian or veterinary student under supervision of a veterinarian. (Section 25 of the Act)*
- b) *Any veterinarian may participate in the program. A veterinarian shall file with the Department an application/agreement to participate, on which the veterinarian shall supply a fee schedule listing the fees charged for dog and cat*

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sterilization, examination, and the pre-surgical immunizations specified in the Act and this Part in the normal course of business. The dog or cat sterilization fee may vary with the animal's weight, sex, and species. (Section 30 of the Act)

- 1) The veterinarian application/agreement to participate shall be valid for a period not to exceed three years, with expiration coinciding with the end of a State Fiscal Year (June 30).
- 2) Within three months before expiration of a veterinarian application/agreement to participate, a veterinarian may continue participation in the program by filing a renewal application/agreement to participate.
- c) The Department will maintain a listing of participating veterinarians and will distribute this listing to companion animal owners or feral cat colony managers with an approved application/eligibility voucher. This listing will include the name, address, and phone number of each participating veterinarian.
- d) The Department will *notify all participating veterinarians if the program must be suspended for any period due to a lack of revenue and will also notify all participating veterinarians when the program will resume.* (Section 30 of the Act) All notifications will be by mail or by e-mail, for veterinarians who have provided the Department with e-mail addresses.
- e) *Veterinarians who voluntarily participate in this sterilization and vaccination program may decline to treat feral cats if they choose.* (Section 30 of the Act)
- f) A veterinarian who chooses to terminate participation in the program shall notify the Department in writing of his or her intent to discontinue participation. The Department will remove that veterinarian's information from the listing of participating veterinarians.

Section 996.700 Co-payment and Reimbursement

- a) *The co-payment for the cat or dog sterilization procedure and vaccinations shall be \$15.* (Section 25 of the Act) The companion animal owner or the feral cat colony manager shall make this co-payment directly to the participating veterinarian.

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- b) Based on the fee schedules supplied in Section 996.600 of this Part, the Department will establish maximum reimbursement rates. These reimbursement rates, which may vary with the animal's weight, sex, and species, will include all costs associated with sterilization, examination, and immunizations. The Department will furnish the established reimbursement rates to all participating veterinarians.
- c) *To receive reimbursement, the veterinarian shall submit to the Department a certificate, which is provided on the application/eligibility voucher. The application/eligibility voucher must have a Department approval code and authorization stamp indicating approval. The veterinarian certificate must be signed by the veterinarian and the companion animal owner or the feral cat colony manager. (Section 30 of the Act)*
- 1) In addition to the certificate, a veterinarian shall submit to the Department an itemized invoice that separately lists charges for the sterilization procedure, the examination fee, and the immunizations administered.
 - 2) The veterinarian shall submit the certificate and itemized invoice to the Department no later than thirty (30) days after the date of the sterilization procedure.
- d) The Department will *reimburse, to the extent that funds are available, participating veterinarians for each dog or cat sterilization procedure administered. (Section 30 of the Act)* Reimbursement will be in the amount of the charges listed on the veterinarian's itemized invoice or the Department's established maximum reimbursement rate, whichever is less. This reimbursement will include the examination fees and the pre-surgical immunizations against rabies and other diseases described in Section 996.800 of this Part.
- e) For any animal sterilized in accordance with the Act and this Part, *there shall be no additional charges to the companion animal owner or feral cat colony manager for examination fees or the pre-surgical immunizations. (Section 30 of the Act)* Any charges not related to the sterilization, examination, or pre-surgical immunizations shall be the responsibility of the companion animal owner or the feral cat colony manager.

Section 996.800 Immunizations

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For any animal sterilized in accordance with the Act and this Part, a pre-surgical immunization against rabies shall be a reimbursable cost. Reimbursable costs for other pre-surgical immunizations specific to dogs and cats are listed in this Section. The participating veterinarian will decide which immunizations are needed for a specific animal.

- a) For any dog sterilized in accordance with the Act and this Part, reimbursable costs shall include the pre-surgical immunizations against kennel cough (bordetella), canine distemper, hepatitis, parvovirus, and parainfluenza.
- b) For any cat sterilized in accordance with the Act and this Part, reimbursable costs shall include the pre-surgical immunizations against feline distemper, feline rhinovirus, and feline calicivirus.

Section 996.900 Administration of the Pet Population Control Fund

- a) Funds from the following sources will be deposited into the Pet Population Control Fund, a special fund in the State Treasury:
 - 1) *Public safety fines collected as provided in the Animal Control Act;*
 - 2) *Pet Friendly license plates under Section 3-654 of the Illinois Vehicle Code;*
 - 3) *Section 507EE of the Illinois Tax Act; and*
 - 4) *Voluntary contributions.* (Section 45 of the Act)
- b) Subject to appropriation, *moneys in the fund shall be used only to sterilize and vaccinate dogs and cats in this State pursuant to the program, to promote the sterilization program, to educate the public about the importance of spaying and neutering, and for reasonable administrative and personnel costs related to the Fund.* (Section 45 of the Act)

Section 996.1000 Enforcement and Fines

- a) *Any person who knowingly falsifies proof of eligibility for or participation in any program under the Act, knowingly furnishes any licensed veterinarian with inaccurate information concerning the ownership of a dog or cat submitted for a sterilization procedure, or violates any provision of the Act or this Part may be*

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subject to an administrative fine of \$500 for each violation. (Section 40 of the Act)

- b) All fines collected will be deposited into the Pet Population Control Fund and will be used *to educate the public about the importance of spaying and neutering.* (Section 45 of the Act)