

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.*

## New Regulations

## Proposed Regulations

### ☞ CHILD ABUSE REPORTING

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Reports of Child Abuse and Neglect" (89 Ill Adm Code 300; 35 Ill Reg 20962), effective 11/15/12, implementing four public acts. The rulemaking adds the following persons to the list of mandated reporters who must notify DCFS immediately if they encounter a known or suspected case of child abuse or neglect in their professional capacity: physician assistants; licensed professional and clinical professional counselors; field personnel of the Department of Healthcare and Family Services and Department of Human Services; licensed professional counselors of any facility that provides abortions, abortion referrals, or contraceptives; acupuncturists; animal control officers; Illinois Department of Agriculture animal health and welfare investigators; members of any district school board or of the Chicago Board of Education; and members of the governing body of any private school. The rulemaking also expands the definition of "police station" to include

college and university campus police and Illinois State Police district headquarters and adds a definition of "blatant disregard" of a child's welfare. Finally, the rulemaking adds statutory language and citations for existing provisions regarding clergy and regarding the obligation of mandated reporters to testify at judicial or administrative hearings related to a report of child abuse or neglect. Since 1<sup>st</sup> Notice, DCFS has revised the definitions of "neglected child" and "blatant disregard" in accordance with PA 97-803, which became effective 7/13/12. Also, language has been added to clarify that knowingly false reporting of child abuse or neglect is a Class 4 felony for the first offense (formerly, only for second or subsequent offenses). Those affected by this rulemaking include persons in the professions added as mandated reporters and campus police department personnel.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe, Station #65, Spfld IL 62701-1498, 217/524-1983, TDD 217/524-3715, e-mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

### BOATING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to rules titled "Public Use of State Parks and Other Properties of the Department of Natural Resources" (17 Ill Adm Code 110; 36 Ill Reg 16629). The Department adds Argyle Lake State Park (McDonough County) to the list of State owned lakes at which motors of 10 horsepower or less may operate at full speed and motors of more than 10 horsepower may be operated at no-wake, idle speed.

### ☞ FISHING

DNR also proposed amendments to "Sport Fishing Regulations for the Waters of Illinois" (17 Ill Adm Code 810; 36 Ill Reg 16635). The rulemaking prohibits intentional leaving or abandoning of fish or fish parts caught by sport fishing methods "resulting in wanton or needless waste" or that "fail to dispose of the fish in a reasonable and sanitary manner". No disposal of fish parts is allowed on State owned or leased properties except at designated fish cleaning stations. Other

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*NEW REGULATIONS: Rules adopted by agencies this week.*

*PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.*

*☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.*

*QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.*

# New Regulations

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## ADMINISTRATIVE HEARINGS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to "Administrative Hearings" (32 Ill Adm Code 200; 36 Ill Reg 11772), effective 11/13/12, updating contact information for the agency. The rulemaking also stipulates that orders and notices to parties involved in a hearing shall be considered served if they are sent by certified or registered mail to the party's last address on file with IEMA and returned unclaimed or refused.

## PROGRAM REPEALER

IEMA also repealed the Part titled "Radiological Protection" (29 Ill Adm

Code 320; 36 Ill Reg 11738), effective 11/13/12, because the program outlined in the Part no longer exists. The Part contains rules for an obsolete program of the former Illinois Department of Nuclear Safety that provided radiation detection equipment to local emergency services agencies.

Questions/requests for copies of the 2 IEMA rulemakings above: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860, TDD: 217/782-6133.

## ELECTIONS BOARD

The STATE BOARD OF ELECTIONS adopted amendments to "Personnel"

(26 Ill Adm Code 212; 36 Ill Reg 12999), effective 11/16/12, stating that the Executive Director or Assistant Executive Director of SBEL shall appoint the chair of a grievance review committee (formerly, the General Counsel served in that role). The Board is also dropping the agency's Human Resources manager from service on the grievance committee and allowing persons without experience in personnel administration or employee relations to serve on a grievance committee.

Questions/requests for copies: Steve Sandvoss, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62708, 217/782-0608.

# Proposed Regulations

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amendments outline Statewide and site specific bow fishing regulations, species, limits and methods, and prohibit the live possession of Asian carp. The rulemaking also amends the dates of the free fishing days to conform to the 2013 calendar, updates DNR's web address and makes site-specific changes at 12 sites. Commercial fishermen may be affected.

DNR proposed amendments to "The Taking of Reptiles and Amphibians" (17 Ill Adm Code 880; 36 Ill Reg 16738) allowing the taking of common snapping turtles by bow and arrow (except in 16 southern Illinois counties) and prohibiting the use of dip nets, landing nets, or any commercial fishing device to take common snapping turtles. The taking of alligator snapping turtles is prohibited. All reptiles and amphibians taken by lethal means must be counted in the daily creel or bag limit. All others may be released unharmed and will not count against any possession or catch limits. No culling of species is permitted. For common snapping turtles, only 2 may be caught and 4 possessed per day. For other amphibians and reptiles including indig-

enous Illinois amphibians and reptile species (other than common snapping turtles and bullfrogs) the possession limit is 8 per day with no more than 4 of any one species. The rulemaking allows the capture of other reptiles and amphibians by hand only (currently, by any device that does not cause death or injury).

Questions/requests for copies/comments for the 3 DNR rulemakings above through 1/14/13: Nick San Diego, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

## NEWBORN SCREENING

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Newborn Metabolic Screening and Treatment Code" (77 Ill Adm Code 661; 36 Ill Reg 16738) that implement Public Act 97-532. PA 97-532 adds Mucopolysaccharidosis Types I and II to the list of disorders included in the Lysosomal Storage Disorders category. The rulemaking amends the definition of Lysosomal Storage Disorders (inherited metabolic disorders that block absorption of certain nutrients) to reflect this statutory amend-

ment, removes obsolete terminology and makes technical changes for consistency throughout DPH's rules. Hospitals with maternity/obstetrical services are affected by this rulemaking.

Questions/requests for copies/comments through 1/14/13: Susan Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL, 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## REHABILITATION SERVICES

The DEPARTMENT OF HUMAN SERVICES proposed amendments to "Sex Equity" (89 Ill Adm Code 829; 36 Ill Reg 16614) that make a number of technical changes, such as changing references to DHS' Office of Rehabilitation Services to Division of Rehabilitation Services and vocational and career education to technical and career education, for consistency throughout DHS' rules. The rulemaking also removes the provision requiring that only adult female staff may directly supervise female students in their living quarters at night.

Questions/requests for copies/comments through 1/14/13: Tracie Drew,

## Proposed Regulations (cont.)

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DHS, 100 S. Grand Ave. E., 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

### STATE EMPLOYEES

The SECRETARY OF STATE proposed amendments to "Department of Personnel" (80 Ill Adm Code 420; 36 Ill. Reg. 16743) to implement a statutory change in the Secretary of State Merit Employment Code. Veterans will be permitted up to 4 days a year (currently 2) for visits to a veterans' hospital for examination of a service connected disability. Also, certified employees seeking promotion and persons voluntarily requesting demotion to a lower ranking job title may be placed on

reemployment lists to fill vacant positions.

Questions/requests for copies/comments through 1/14/13: Steve Roth, SOS, Rm. 197 Howlett Bldg, Springfield IL 62578, 217/782-1750.

### DPH PUBLIC HEARING

The DEPARTMENT OF PUBLIC HEALTH will hold a public hearing on proposed amendments to "Structural Pest Control Code" (77 Ill Adm Code 830; 36 Ill Reg 14198) on Tuesday, Dec. 18, at 9 a.m. at the Illinois Department of Natural Resources Building, Lake Level Rooms A-C, State

Fairgrounds (Gate 7), Springfield. The proposed amendments, published in the 9/21/12 *Illinois Register*, affect licensing, registration, continuing education, recordkeeping and other requirements for pest control technicians. Persons wishing to comment must provide written copies of their testimony at the hearing prior to speaking. Free parking will be available in Lot 21 east of the meeting site.

Questions/requests for copies/comments regarding the rulemaking or the public hearing: Susan Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at JCAR's December 11, 2012 meeting.

### DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Managed Care Community Networks" (89 Ill Adm Code 143) proposed 6/22/12 (36 Ill Reg 9045)

"Hospital Services" (89 Ill Adm Code 148) proposed 9/7/12 (36 Ill Reg 13780)

### OFFICE OF THE STATE TREASURER

"Banking and Automated Teller Machine Services" (74 Ill Adm Code 600) proposed 9/7/12 (36 Ill Reg 13819)

### COMPTROLLER

"Standard Procurement" (44 Ill Adm Code 1120) proposed 8/10/12 (36 Ill Reg 12702)