

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

☞ MANAGED CARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to "Managed Care Community Networks" (89 Ill Adm Code 143; 36 Ill Reg 9045), effective 12/27/12, revising financial requirements for HFS-approved managed care community networks (MCCNs) serving medical assistance clients. The rulemaking allows DHFS to cap enrollment in MCCNs if the monthly total capitation amount to be paid exceeds \$10 million or if the MCCN exceeds the maximum enrollment specified in its contract with DHFS. The enrollment cap may be removed if the MCCN receives authorization from the Department of Insurance to operate a health maintenance organization (HMO). Each MCCN must have a net worth of at least \$500,000 before entering into a contract, and must maintain minimum net worth standards specified in the rulemaking throughout the life of its contract. New solvency standards require that the greater of \$250,000, or 40% of minimum net worth, be maintained in cash or cash equivalents. The rulemaking also incorporates by reference accounting standards contained in federal rules for provider-sponsored or-

ganizations participating in the Medicare + Choice program (42 CFR 422). Since 1st Notice DHFS added language explaining how MCCN payment rates are determined. Medical providers and provider organizations that wish to enroll in MCCNs will be affected by this rulemaking.

☞ EMERGENCY PSYCHIATRIC TREATMENT

DHFS also adopted amendments to "Hospital Services" (89 Ill Adm Code 148; 36 Ill Reg 13780), effective 12/27/12, implementing an emergency psychiatric demonstration program for hospitals, to be known as Community Connect (CC). The program, effective 12/1/12 through 6/30/15, will enable the State to receive federal Medicaid matching funds for emergency hospital treatment of patients ages 21 to 64 (normally excluded from Medicaid coverage of institutional mental health treatment) who present with suicidal or homicidal thoughts or gestures, or are determined to be dangerous to themselves or others. The matching funds will be provided under federal law (Emergency Medical Treatment and Active Labor Act) that requires Medicare and Medicaid-certified hos-

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☞ TELEPHONE SERVICES

The ILLINOIS COMMERCE COMMISSION proposed amendments to "Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois" (83 Ill Adm Code 735; 37 Ill Reg 387) that make the Part applicable to electing providers (telecommunication services providers that choose to be market-regulated) only with respect to the offering or provision of the optional packages required by the Public Utilities Act and stand-alone residential network access lines. Telephone service providers may be affected by this rulemaking.

Questions/requests for copies/comments through 2/25/13: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

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

pitals to provide emergency room treatment to any patient. To participate in Community Connect, hospitals designated as Institutions for Mental Disease (IMDs) must partner with general acute care hospitals to accept patients referred for psychiatric emergencies, and must insure such patients have a discharge plan with appropriate services in place prior to release. Participating hospitals will initially be paid for services at 80% of the psychiatric hospital rate. They will receive the remaining 20% if the patient remains stable in the community with no repeat psychiatric hospitalization for at least 45 days. The program will also designate certain community mental health providers as targeted case management agencies that

will respond to crises, determine appropriate levels of care, and coordinate care for CC patients. The rulemaking also includes criteria for medication management, stabilization and discharge practices, and program reporting. Changes since 1st Notice include the program's effective date (which was originally 10/1/12) and language clarifying that hospitals will receive full payment if patients avoid readmission for 45 days. Hospitals and mental health treatment providers will be affected by this rulemaking.

Questions/requests for copies of the 2 DHFS rulemakings above: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Spfld. IL 62763, 217/782-1233.

UNIVERSITY CIVIL SERVICE

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted amendments to "State Universities Civil Service System" (80 Ill Adm Code 250; 36 Ill Reg 14500), effective 12/26/12, to make minor technical revisions and state that examination materials will be retained in conformity with a university's or the Civil Service System's record retention policy.

Questions/requests for copies: Abby Daniels, SUCSS, 1717 Philo Rd., Ste. 24, Urbana IL 61802, 217/278-3150, ext. 226, Email: abbyd@sucss.illinois.gov.

JCAR Meeting Action

At its 1/8/13 meeting, the Joint Committee on Administrative Rules voted to withdraw a suspension against an emergency rule. The Committee also agreed to extend Second Notice an additional 45 days for the following rulemakings: Illinois Housing Development Authority, "State Housing Appeals Board" (47 Ill Adm Code 395; 36 Ill Reg 14050); Department of Human Services, "Lekoteks" (Repealer) (89 Ill Adm Code 899; 36 Ill Reg 11888); Department of Insurance, "Preferred Provider Programs" (50 Ill Adm Code 2051; 36 Ill Reg 6356); and Department of Natural Resources, "General Hunting and Trapping on Department-Owned or Managed Sites" (17 Ill Adm Code 510; 36 Ill Reg 13507).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JCAR withdraws the Suspension against Section 140.491 of the DHFS emergency rule titled "Medical Payment" (89 Ill Adm Code 140; 36 Ill Reg 11329) contingent upon and effective with the Department's repeal of its SMART Act emergency amendments to this Section. The Committee originally issued this Suspension at the 8/14/12 meeting. The suspension affected emergency rules issued under Public Act 97-689 (SMART Act) that instituted new procedures for approval of non-emergency ambulance transportation.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at JCAR's February 5, 2013 meeting.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Appraisal Management Company Registration Act" (68 Ill Adm Code 1452) proposed 9/28/12 (36 Ill Reg 14466)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

"The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650) proposed 11/16/12 (36 Ill Reg 16180)