

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.

Proposed Regulations

☞ DPH LAB FEES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Laboratory Service Fees" (77 Ill Adm Code 475; 37 Ill Reg 508) that removes all laboratory tests, by name, and associated fees that DPH conducts. The obsolete fee schedule will be replaced by a statement limiting fees to those actually incurred by DPH to conduct the test, taking into consideration fees charged by private laboratories and Medicaid reimbursement rates for comparable services. The rulemaking also revises fee waiver language for consistency with the removal of the fee schedule, adds a Section including incorporated materials and increases the insufficient payment or returned check fee from \$10 to \$35. Healthcare providers and others who request DPH lab tests are affected.

☞ ANIMAL CONTROL

Also, DPH proposed a new Part titled "Animal Population Control Code" (77 Ill Adm Code 996; 37 Ill Reg 521) implementing Public Act 94-639, which establishes the Illinois Public Health and Safety Animal Population Control

Program. The rulemaking establishes definitions for use throughout the Part; includes a listing of Illinois statutes references in the Part; outlines who is eligible to participate in the program; provides application requirements and criteria for providing proof of eligibility and composition of the application forms; details veterinary participation requirements; and outlines co-payment and reimbursement guidelines for animal sterilization procedures and pre-surgical immunizations. The rulemaking also lists sources of income to support the program that will be deposited into the Pet Population Control Fund. Fines for falsification of program eligibility may be assessed up to \$500 per violation. Veterinarians, animal shelters and animal welfare organizations are affected.

Questions/requests for copies/comments on the 2 DPH rulemakings above through 3/4/13: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

☞ DHS RESIDENTIAL SCHOOLS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to "Role

of Residential Educational Facilities Operated by the Illinois Department of Human Services" (89 Ill Adm Code 750; 37 Ill Reg 479). The rulemaking adds a cross-reference to applicable definitions (found in 89 Ill Adm Code 751) and clarifies the age range and types of students served by the State residential schools. DHS has included the reference to guardian, applicable to his or her legal relationship with the child receiving services, throughout the rulemaking. Each residential school is required to develop policies and procedures that shall be submitted to the Illinois State Board of Education (ISBE) for approval prior to implementation. The rulemaking updates numerous cross-references to ISBE rules. State residential schools' special education plan for provision of services will be supplied to DHS-DHS and ISBE in a format established by ISBE. ISBE will evaluate the plan for consistency with federal and State regulations and laws. The rulemaking revises procedure for appointing a surrogate parent or guardian for children attending State residential schools if that has not already been done. Qualifications, responsibilities and the appointment procedure conform to federal regulations and State

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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.

Proposed Regulations

law. This rulemaking may impact local school districts.

DHS APPEALS

Also, DHS proposed amendments to "Impartial Due Process Hearing" (89 Ill Adm Code 828; 37 Ill Reg 497). The rulemaking adds a cross-reference to applicable definitions (found in 89 Ill

Adm Code 751) and updates numerous cross-references to ISBE rules. DHS differentiates which items are appealable under Part 828 and which are appealable under other DHS rules. DHS has included the reference to guardian, applicable to his or her legal relationship with the child receiving services, throughout the rulemaking and allows impartial due

process hearings to be conducted via video conference or teleconference.

Questions/requests for copies/comments on the 2 DHS rulemakings above through 3/4/13: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

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 HEALTHCARE AND FAMILY SERVICES

"Medical Payment" (89 Ill Adm Code 140) proposed 11/2/12 (36 Ill Reg 15425)

ILLINOIS STATE BOARD OF INVESTMENT

"Rules and Regulations of the Board" (74 Ill Adm Code 800) proposed 11/2/12 (36 Ill Reg 15428)

DEPARTMENT OF PUBLIC HEALTH

"Structural Pest Control Code" (77 Ill Adm Code 830) proposed 9/21/12 (36 Ill Reg 14198)

"Illinois Veterans' Homes Code" (77 Ill Adm Code 340) proposed 8/3/12 (36 Ill Reg 12238)

"Sheltered Care Facilities" (77 Ill Adm Code 330) proposed 8/3/12 (36 Ill Reg 12225)

"Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300) proposed 8/3/12 (36 Ill Reg 12209)