

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

APPRAISERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled "Appraisal Management Company Registration Act" (68 Ill Adm Code 1452; 36 Ill Reg 14466), effective 3/4/13, governing the registration and related requirements of appraisal management companies in accordance with PA 97-602. The rulemaking defines such terms as "appraisal practice service", "comparable property", "designated controlling person" and "dishonorable, unethical or unprofessional conduct". Applications must include the contact information of the registrant, the type of business, the contact information of the designated controlling person, a signed irrevocable uniform consent to service of process, any out of state registrations, certifications, a bond, and all required fees. Once registered, registrants must put their registration license number on all appraisal requests. Registrations will expire on December 31 of even numbered years starting in 2014. Registrants who fail to renew may renew within 5 years by filing a reinstatement form and paying all required fees. Registrants who wish to renew after 5 years must apply for restoration and provide proof of good

standing in another state for the last 5 years, if applicable, as well as pay all fees. Registrants must give an appraiser written notice 30 calendar days prior to taking him or her off their approved list and must notify DFPR within 30 days of taking the appraiser off the list. DFPR can require a registrant to provide any documents it deems necessary to maintain professional standards under a compliance agreement. Also, DFPR may issue an administrative warning letter as a form of non-disciplinary action. A registrant must notify DFPR within 30 days of any felony conviction of himself or herself or the designated controlling person and provide all documents requested by DFPR. Fees are set as follows: initial registration is \$2,500 per year, renewal is \$2,000 per year, reinstatement \$500 plus all lapsed renewal fees, and restoration fee is \$2,000 plus all lapsed renewal fees. Fees for copies and certification of documents are also established. DFPR can grant a variance if the provision is not statutorily mandated, no party will be injured, and the rule would be unreasonable or unnecessarily burdensome. The rulemaking also establishes requirements for change of ownership, payment of bonds, record re-

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HOSPITAL FINANCIAL AID

The ATTORNEY GENERAL proposed a new Part titled "Hospital Financial Assistance Under the Fair Patient Billing Act" (77 Ill Adm Code 4500; 37 Ill Reg 2621) concerning application procedures and eligibility criteria for patients applying for financial assistance from hospitals. Applications must inform patients that they can receive free or discounted care but are not required to furnish a Social Security number in order to qualify if they are uninsured, although a Social Security number may be required for some public programs. The following information must be provided by the patient: name and date of birth; Illinois residency status; whether the patient was an accident or crime victim; telephone number; e-mail address; family and household income and employment information; insurance or medical benefit information (e.g., Medicare, health insurance, veteran's benefits); asset information (including bank accounts, stocks, mutual funds, automobiles and health or flexible spending accounts); and monthly expenses such as housing, utilities, food and child care. Applicants must certify that the information

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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

tention, payment policies assignment guidelines and engagements, reviews for quality control. Since 1st Notice, language has been added clarifying that failure to maintain and prove bond upon request shall result in cancellation of the license without hearing. Appraisers and appraisal companies are affected by this rulemaking.

DFPR also adopted amendments to "Real Estate Appraiser Licensing" (68 Ill Adm Code 1455, 36 Ill Reg 15525), effective 4/1/13, in accordance with PA 96-1000 and PA 97-602, the Appraisal Management Company Registration Act. DFPR adds criteria for reinstating State Certified Real Estate Appraiser Licenses, State Certified Residential Real Estate Appraiser Licenses, and Associate Real Estate Trainee Appraiser Licenses that include submitting an application, proof of continuing education (CE) completion, and a fee. Other criteria apply to licensees who have received a deferral in license renewal due to active military service. When an appraiser is issued an Illinois temporary practice permit, a copy of the master agreement between the appraiser and client must be submitted to the Division and the appraiser must list temporary permit information beneath his or her signature on the certification page and anywhere else he or she signs. New requirements apply to non-residential novice appraisers. Requirements that apply to qualified educa-

tion credit completed outside of Illinois, credit for non-degree course work for Certified Residential License and Certified General Credential certification, and foreign degrees are also listed. A provision allowing CE to be earned any time during the pre-renewal period is removed. Waiver valuation will not be counted towards experience credit for persons who apply for a State Certified Residential Appraiser license. The types of experience credit allowed are clarified and must have been earned after 1/30/89. Guidelines are set for applicants who request the Division to reconsider experience credits that have been approved or denied. Licensees must keep all records pertaining to an appraisal for the longer of 5 years or 2 years after the final disposition of a judicial proceeding. Other issues addressed in this rulemaking include: reductions in application and renewal fees for permits, licenses, and CE courses (many of these fees have been reduced by \$50 to \$500); application fees for national appraisal standards courses; unprofessional conduct; record-keeping, reporting, and notification requirements; requirements for CE course providers; and elimination of processing and late fees for monthly reporting. Changes since 1st Notice limit temporary practice permits to no more than 5 appraisals and appraisal reports covered by a specific assignment contract; make use of the USPAP Standard 3 review mandatory when

available (originally it was optional); and set a 7/1/12 deadline for completion of the 7-hour National USPAP Update Course or its equivalent. Real estate appraisers, their employers, and persons who provide appraiser training are affected.

Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington, 3rd Floor, Springfield IL 62786, 217/785-0813.

STATE INVESTMENT

The ILLINOIS STATE BOARD OF INVESTMENT adopted amendments to "Rules and Regulations of the Board" (74 Ill Adm Code 800; 36 Ill Reg 15328), effective 2/25/13 to provide for management of the Illinois Power Agency Trust Fund assets. The amendments replace references to retirement system or pension funds managed by the Board with references to "such funds and any other fund under the jurisdiction" of the Board. No investment management policy specific to the Illinois Power Agency Trust Fund is enunciated in the rulemaking.

Questions/requests for copies: Linsey Schoemehl, Illinois State Board of Investment, 180 N. LaSalle St., Suite 2015, Chicago IL 60610, 312/793-1486, Fax: 312/793-2266, email: Linsey.Schoemehl@Illinois.gov.

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provided is true and correct, that the hospital may verify the information, and that they will not be eligible for assistance if false information was knowingly supplied. The rule requires hospitals to develop presumptive eligibility policies listing criteria that qualify patients for financial assistance. Patients will be presumed eligible if they are homeless, mentally incapacitated, Medicaid eligible, or are enrolled in certain specified assistance

programs (e.g., WIC, free school lunch/breakfast). If an application is submitted on behalf of a deceased patient, the patient will be presumed eligible if he or she left no estate. Other criteria that hospitals may use to determine presumptive eligibility include recent bankruptcy, incarceration, or enrollment in TANF or certain rental assistance programs. Additional presumptive eligibility criteria may be used by Critical Access Hospitals and rural

hospitals. The rule also permits use of electronic health information technology in the application and eligibility determination process and requires hospitals to file annual reports with the AG regarding their financial assistance programs. The annual reports must include, among other information, the number of applications filed, approved and denied. Hospitals are affected by this rulemaking.

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Questions/requests for copies/comments through 4/22/13: Lynn Patton, Office of the Attorney General, 500 S. 2nd St., Springfield IL 62706, 217/524-1504 Fax: 217/782-1396.

SPECIAL EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to "Special Education" (23 Ill Adm Code 226; 37 Ill Reg 2637) to repeal its requirements regarding special education class sizes and maximum ratio of students with IEPs to students without IEPs in general education classrooms. The rulemaking would allow local schools to determine whether or not to establish class sizes or student ratios. Currently, SBE mandates a 70/30 ratio of students without IEPs to students with IEPs in general education classrooms in accordance with a 1999 federal court consent decree (*Corey H. vs. Board of Education of the City of Chicago*). While SBE was under this consent decree, this policy could not be adjusted. Since SBE was released from court supervision in October 2012, the rules may be changed. Local

School districts are affected by this rulemaking.

Questions/requests for copies/comments through 4/22/13: Shelley Helton, Agency Rules Coordinator, Illinois State Board of Education, 100 North First Street, S-493, Springfield, Illinois 62777-0001, 217/782-5270, e-mail: rules@isbe.net.

RADIOACTIVE MATERIAL

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed an amendment to "Licensing of Radioactive Material" (32 Ill Adm Code 330; 37 Ill Reg 2597) to clarify that all measuring, gauging or controlling devices containing 37 MBq or greater of radioactive materials based on the activity indicated on the label, other than strontium-90, radium-226 or polonium-210, must be registered with the Agency. The proposed amendment will ensure compatibility with US Nuclear Regulatory Commission regulations currently in place for use of radioactive materials.

Questions/requests for copies/comments through 4/22/13: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860, TDD-217/782-6133.

CMS RULE WITHDRAWAL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES withdrew a proposed amendment to "Organ Donor Leave" (80 Ill Adm Code 332; 36 Ill Reg 16800), published in the 12/7/12 *Illinois Register*. The amendment would have permitted State employees to take "up to 1½ hours or more" of leave to donate double units of red blood cells every 112 days, with such leave to be granted no more than 3 times in a 12-month period. CMS withdrew the rulemaking in response to a JCAR Objection noting that the agency does not currently have statutory authority to grant more than one hour of leave for blood donation.

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 March 12, 2013 meeting.

STATE BOARD OF EDUCATION

"Programs for the Preparation of Principals in Illinois" (23 Ill Adm Code 30) proposed 11/16/12 (36 Ill Reg 16156)

ILLINOIS COMMERCE COMMISSION

"Distributed Generation Installer Certification" (83 Ill Adm Code 468) proposed 11/2/12 (36 Ill Reg 15413)