

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

HIGHWAY PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION (CPO-DOT) adopted amendments to "Chief Procurement Officer for the Department of Transportation-Contract Procurement" (44 Ill Adm Code 6; 37 Ill Reg 8051), effective 9/27/13, to implement a procurement initiative for the Illiana Expressway project. A new Subpart contains definitions for "public private agreement", "Request for Proposals (RFP)", "Request for Qualifications" (RFQ) and other terms. DOT may have information exchanges with industry prior to receipt of proposals which may include business conferences, market research, public hearings and other means. There will be a two stage selection process involving first a RFQ among potential contractors and then a RFP process for terms and conditions offered by potential contractors. Consultants and subcontractors that assist in developing preparation of an RFP document will be barred from submitting a proposal unless DOT, with the Chief Procurement Officer's concurrence, determines that there is not an organizational conflict, such as when the

role of the consultant or subcontractor was limited to preparation of preliminary design work or other "low-level" documents, or all documents prepared by the consultant or subcontractor are made available to all offerors. Proposals will be evaluated and any award made in accordance with applicable federal requirements. DOT will select at least 2 offerors as finalists (this is a statutory requirement), with further negotiations being possible. The Procurement Policy Board and the Commission on Governmental Forecasting and Accountability will submit findings as well. DOT will hold at least one public hearing prior to awarding a public private agreement to a contractor and will also disclose the agreement. Since 1st Notice, CPO-DOT has clarified several definitions and requirements for selection team committee members. COP-DOT has also clarified that existing prequalification procedures supplement, but do not replace, those in the Illiana Expressway Act.

Questions/requests for copies: Bill Grunloh, IDOT, 2300 S. Dirksen Pkwy, Rm. 200, Springfield IL 62764, 217/558-5434.

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Proposed Regulations

☞ CONCEALED CARRY

The ILLINOIS STATE POLICE proposed a new Part titled "Firearm Concealed Carry Act Procedures" (20 Ill Adm Code 1231; 37 Ill Reg 15859) implementing Public Act 98-63, the Firearm Concealed Carry Act. (Portions of this Part were adopted by emergency rulemaking at 37 Ill Reg 15146, effective 8/30/13 for a maximum of 150 days.) The new Part establishes application procedures for a Firearm Concealed Carry License (FCCL), procedures for approving concealed carry instructors and training curricula, and procedures for instructors to complete the training certification. Applicants for an FCCL, which will be valid for 5 years, must obtain a digital signature through the State and submit electronic fingerprints using a Live Scan vendor, a Transaction Control Number and a unique purpose code for the FCCL application process. The process requires various identification numbers, personal data, electronic uploads and documentation of both applicant and instructor that must be submitted electronically; in addition, almost all documents or submissions must be

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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.

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SOCIAL WORKERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to "Clinical Social Work and Social Work Practice Act" (68 Ill Adm Code 1470; 37 Ill Reg 8171), effective 10/11/13, raising the fee for reinstating a license to \$50 from \$20. Additionally, computer or Internet-based courses offered by approved continuing education sponsors are eligible for credit. Beginning 12/1/13, a minimum of 50% of total continuing education credit hours must be face-to-face, in-person instruction. The list of approved continuing education sponsors is expanded to include the following: the American Association for Marriage and Family Therapy, the American Psychological Association (added since 1st Notice), employers listed in the Hospital Licensing Act, sponsors approved under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, and any other regionally accredited school, college or university, community college, or State agency that provides continuing education. This rulemaking also makes various technical changes. Licensed social workers, licensed clinical social workers and those offering continuing education courses may be affected by this rulemaking.

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

TEACHER CREDENTIALS

The STATE BOARD OF EDUCATION adopted amendments to four Parts: "New Teacher Induction and Mentoring" (23 Ill Adm Code 65; 37 Ill Reg 7356); "Agricultural Education Program" (23 Ill Adm Code 75; 37 Ill Reg 7363); "Calculation of Excess Cost under Section 18-3 of the School Code" (23 Ill Adm Code 140; 37 Ill Reg 7380); and "Illinois Hope and Opportunity Pathways through Education Program" (23 Ill Adm Code

210; 37 Ill. Reg. 7385) all effective 9/27/13. These rulemakings make technical changes reflecting SBE's shift from teacher certification to educator licensure.

Questions /requests for copies: Vicki Phillips (217/782-2948) for Part 65, Dora Welker (217/782-4620) for Part 75, Tim Imler (217/782-5256) for Part 140 and David Andel (217/782-5589) for Part 210, SBE, 100 N., First St., Springfield IL 62777.

MEDICAID EXPANSION

The DEPARTMENT OF HEALTH-CARE AND FAMILY SERVICES adopted emergency amendments to "Application Process" (89 Ill Adm Code 110; 37 Ill Reg 15968), "Medical Assistance Programs" (89 Ill Adm Code 120; 37 Ill Reg 15976), "Covering All Kids Health Insurance Program" (89 Ill Adm Code 123; 37 Ill Reg 15993), and "Children's Health Insurance Program" (89 Ill Adm Code 125; 37 Ill Reg 15997), all effective 10/1/13, implementing Medicaid eligibility expansion under the federal Affordable Care Act (ACA) and under Public Act 98-104. Amendments to Part 110 allow applications for medical assistance to be submitted electronically or via telephone; require a name, address and signature (written, electronic or voice recorded) on each application; allow homeless persons to use alternate addresses (e.g., friend or relative, shelter, local Department of Human Services office); and require electronic applications to meet certain security requirements. The Part 120 amendments establish Medicaid eligibility for all adults ages 19 to 64 with household incomes at or below 133% of the federal poverty level and for former foster children through age 25 who aged out of foster care at age 18 or 21, are currently Illinois residents, and were receiving medical assistance when they left foster care. Coverage of medical services for these newly eligible groups begins on 1/1/14. Applications received on or after 10/1/13 will use modified

adjusted gross income (MAGI) standards set forth in the ACA and in federal regulations to determine financial eligibility. Amendments to Part 123 and Part 125 apply MAGI methodology for financial eligibility and determination of household size to applications for the All Kids health insurance program submitted on or after 10/1/13. The Part 125 rule also terminates acceptance of new applications for the All Kids Rebate program (which subsidizes purchase of private health insurance) after 9/30/13.

HOSPITALS

DHFS also adopted an emergency amendment to "Hospital Reimbursement Changes" (89 Ill Adm Code 152; 37 Ill Reg 16003), effective 9/27/13, modifying an earlier emergency rule (37 Ill Reg 13589, effective 8/1/13) for the remainder of its 150-day effective period. The emergency amendment removes a provision making hospitals liable for 100%, instead of 50%, of any financial penalty HFS imposes upon them for failure to meet potentially preventable readmission (PPR) targets if the federal government decides to claim its 50% matching share of these penalties.

Questions/requests for copies of the 5 DHFS emergency rules: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233.

SNAP ELIGIBILITY

The DEPARTMENT OF HUMAN SERVICES adopted peremptory amendments to "Supplemental Nutrition Assistance Program (SNAP)" (89 Ill Adm Code 121; 37 Ill Reg 16016), effective 10/1/13. The peremptory rule increases the maximum net and gross monthly income allowed under the eligibility standards for program participation in compliance with federal regulations. The rulemaking increases the standard deduction for a household of 1

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through 3 persons from \$149 to \$152 and standard deductions for families of 4, 5, and 6 or more persons from \$160 to \$163, \$187 to \$191, and \$214 to \$219, respectively. The rulemaking also increases the shelter cost deductions (\$469 to \$478) and air conditioning/heating standard allowance (\$345 to \$380) while

decreasing the limited utility standard allowance (\$265 to \$226) and single utility standard allowance (\$59 to \$50). (SNAP applicants are allowed to claim deductions from their income for certain regular expenses when calculating their eligibility for SNAP benefits. The above changes will increase the maximum monthly

SNAP benefit amounts for qualifying families.) DHS updated incorporated federal regulations to reflect the most recent (2012) editions.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

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notarized. The proposed rulemaking also addresses fees (amounts are not specified in the rulemaking), criteria for non-resident applications, change of address notification, areas where concealed carry is prohibited, and other topics. The new Part outlines a process for law enforcement officials to raise objections to an FCCL applicant outside of any other denial based on a background check. Instructor applicants must submit electronic fingerprints; complete the on-line application; possess or apply for a Firearm Owners Identification Card (FOID) or, if not an Illinois resident, be eligible to obtain an FOID card; apply for an FCCL when the application becomes available and, after 4/16/14, possess an FCCL; complete an application verification document; and submit the notarized instructor certification documents from a stated entity (e.g., law enforcement, military, Law Enforcement Training and Standards Board, National Rifle Association). Instructors must maintain a valid FOID card and FCCL in order to remain on the ISP Registry of Approved Instructors. Instructors who fail to teach the statutorily prescribed firearm training or maintain a valid FOID card and FCCL will have their instructor approvals revoked, but may appeal revocations. Applications for curriculum approval must be notarized and submitted on a form available on the ISP website, and the approved curriculum list will be maintained on this website. The new Part includes curriculum re-

quirements for three types of FCCL courses: 16 hours for applicants with no previous firearms training, 8 hours for applicants with previous firearms training, and 3 hours for FCCL holders renewing their licenses. All courses include weapons handling exercises and reviews of current State and federal gun laws, while the 16-hour course also covers basic marksmanship and weapon maintenance. Courses may be taught only by ISP approved instructors. Instructors must verify (using ISP prescribed forms) each applicant's completion of the 16-hour course or of the previous training required to qualify for the 8-hour course. Law enforcement entities that plan to conduct electronic fingerprinting must sign an agreement with ISP, require personnel to undergo training by ISP to take the fingerprints, establish a fiscal account with ISP, maintain all records of fingerprinting for audit by ISP, accept only forms of identification listed by the FBI in a 2006 manual, and certify each and every set of prints. Those affected by this rulemaking include businesses, municipalities and non-profit agencies that conduct FCCL training or employ persons intending to obtain FCCL licenses.

FOID CARDS

ISP also proposed amendments to the Part titled "Firearm Owner's Identification Card Act" (20 Ill Adm Code 1230; 37 Ill Reg 15841) implementing other provisions of PA 98-63

concerning eligibility for FOID cards. The amendments clarify the application status of non-resident law enforcement or military personnel, persons with immigrant visas, and persons with temporary visitor's drivers' licenses. Persons under age 21 will not be issued FOID cards if prohibited under State or federal law. If a minor is not physically capable of signing a FOID application due to age, disability or other reasons, the parent or legal guardian must submit a copy of the minor's birth certificate. Individuals whose FOID card is revoked must surrender the card and complete a Firearm Disposition Record (a statutory form that lists each firearm, its serial number, and who has taken possession of the firearm since the FOID expired or was revoked) which is available on the ISP website or from local law enforcement. Individuals who have had their FOID card confiscated by law enforcement or the courts must provide documentation of the confiscation along with their Firearm Disposition Record. The rulemaking also includes provisions allowing ISP to deny FOIDs to persons it determines present "a clear and present danger" to themselves or others. Medical personnel who suspect an individual to be a clear and present danger must report the individual to the Department of Human Services; law enforcement officers and school administrators who make this determination must report directly to ISP, using a form and instructions provided at the ISP website.

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Other rulemaking provisions address FOID denials or revocations for other reasons (e.g., commitment to a mental health facility, felony convictions) and the ability to appeal such denials. An expedited appeal process is provided for law enforcement officers. Persons whose record includes forcible felonies, drug convictions or convictions for use of a deadly weapon may not appeal through ISP but must petition their local circuit court for a hearing. If an appeal is rejected the applicant must wait 2 years to reapply for a FOID; if the appeal was rejected both by the ISP Director and through an administrative hearing, the applicant must wait 5 years and undergo a mental health evaluation establishing that he or she is not a clear and present danger. Those affected by this rulemaking include medical practitioners, law enforcement personnel, school officials, local government officials, and businesses or non-profits that serve or employ FOID card holders or applicants.

Questions/requests for copies/com-

ments on the 2 ISP rulemakings through 11/25/13: Suzanne Bond or Lisa Freitag, ISP, 801 S. 7th St, Suite 1000-S, Springfield IL 62703, 217/782-9356.

WATER SUPPLY OPERATORS

The ENVIRONMENTAL PROTECTION AGENCY proposed a new Part titled "Water Supply Operator Certification" (35 Ill Adm Code 681; 37 Ill Reg 15799) and proposed repeal of a Part with the same title (35 Ill Adm Code 680; 37 Ill Reg 15771). The Public Water Supply Operations Act requires each community water supply to be under the supervision of a certified operator. Under Part 680, a water supply operator must apply to the EPA for certification, and then will be given permission to take a written test based on the level of experience the water supply operator had at the time of application. Under the proposed Part 681, water supply operators may take the certification examination without first demonstrating the necessary experience and training requirements have been met. After obtaining a

passing score, a water supply operator may apply for a certificate of competency, but must be able to demonstrate at that time that the operator has the required experience. Those operators who pass the certification examination but do not have the required experience will be considered an Operator in Training. Other major changes in the new Part include modifying certificate renewal training by specifying in that a certain portion of the required hours must be technical training and modifying sanction provisions to provide more detail in the Agency hearing process. Appendix A includes a table with cross references between Sections of the two Parts. Businesses, municipalities or not for profit corporations that are owners of community water supplies are affected.

Questions/requests for copies/comments concerning the 2 EPA rulemakings through 11/25/13: Joanne M. Olson, EPA, 1021 N. Grand Avenue East, PO Box 19276, Springfield, IL 62794-9276, 217/782-5544; email: joanne.olson@illinois.gov.

Second Notices

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 October 22, 2013 meeting.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Medical Payment" (89 Ill Adm Code 140) proposed 4/26/13 (37 Ill Reg 5243)

"Specialized Health Care Delivery Systems" (89 Ill Adm Code 146) proposed 5/31/13 (37 Ill Reg 7191)

"Medical Payment" (89 Ill Adm Code 140) proposed 7/19/13 (37 Ill Reg 10941)

"Hospital Services" (89 Ill Adm Code 148) proposed 7/19/13 (37 Ill Reg 10980)

DEPARTMENT OF NATURAL RESOURCES

"Construction in Floodways of Rivers, Lakes and Streams" (17 Ill Adm Code 3700) proposed 7/5/13 (37 Ill Reg 4156)

"Regulation of Public Waters" (17 Ill Adm Code 3704) proposed 4/5/13 (37 Ill Reg 4168)

"Floodway Construction in Northeastern Illinois" (17 Ill Adm Code 3708) proposed 4/5/13 (37 Ill Reg 4183)

"Construction and Maintenance of

Dams" (17 Ill Adm Code 3702) proposed 5/17/13 (37 Ill Reg 6614)

"Rules Establishing Horizontal and Vertical Clearances for Bridges Over the Fox River" (17 Ill Adm Code 3720) proposed 4/5/13 (37 Ill Reg 4199)

"Illinois Youth Recreation Corps Grant Program" (17 Ill Adm Code 3075) proposed 8/9/13 (37 Ill Reg 12678)

"Illinois Veteran Recreation Corps Grant Program" (17 Ill Adm Code 3080) proposed 8/9/13 (37 Ill Reg 12687)

Second Notices

"Duck, Goose and Coot Hunting" (17 Ill Adm Code 590) proposed 8/16/13 (37 Ill Reg 13148)

"Youth Hunting Seasons" (17 Ill Adm Code 685) proposed 8/16/13 (37 Ill Reg 13219)

"The Taking of Wild Turkeys - Fall Gun Season" (17 Ill Adm Code 715) proposed 8/16/13 (37 Ill Reg 13270)

"The Taking of Wild Turkeys - Fall Archery Season" (17 Ill Adm Code 720) proposed 8/16/13 (37 Ill Reg 13284)

DEPARTMENT OF PUBLIC HEALTH

"Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515) proposed 8/2/13 (37 Ill Reg 12391)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Department of Children and Family Services Scholarship Program" (89 Ill Adm Code 312) proposed 4/26/13

(37 Ill Reg 5233)

SECRETARY OF STATE

"Issuance of Licenses" (92 Ill Adm Code 1030) proposed 8/16/13 (37 Ill Reg 13339)

DEPT. OF TRANSPORTATION

"Procedures For Transportation Workplace Drug and Alcohol Testing Programs" (92 Ill Adm Code 340) proposed 8/9/13 (37 Ill Reg 12711)

"Special Training Requirements" (92 Ill Adm Code 380) proposed 8/9/13 (37 Ill Reg 12715)

"Safety Fitness Procedures" (92 Ill Adm Code 385) proposed 8/9/13 (37 Ill Reg 12729)

"Procedures and Enforcement" (92 Ill Adm Code 386) proposed 8/9/13 (37 Ill Reg 12735)

"Minimum Levels of Financial Responsibility for Motor Carriers" (92 Ill Adm Code 387) proposed 8/9/13 (37

Ill Reg 12749)

"Motor Carrier Safety Regulations: General" (92 Ill Adm Code 390) proposed 8/9/13 (37 Ill Reg 12752)

"Qualification of Drivers" (92 Ill Adm Code 391) proposed 8/9/13 (37 Ill Reg 12787)

"Driving of Commercial Motor Vehicles" (92 Ill Adm Code 392) proposed 8/9/13 (37 Ill Reg 12794)

"Parts and Accessories Necessary for Safe Operation" (92 Ill Adm Code 393) proposed 8/9/13 (37 Ill Reg 12798)

"Hours-of-Service of Drivers" (92 Ill Adm Code 395) proposed 8/9/13 (37 Ill Reg 12802)

"Inspection, Repair and Maintenance" (92 Ill Adm Code 396) proposed 8/9/13 (37 Ill Reg 12811)

"Transportation of Hazardous Materials; Driving and Parking" (92 Ill Adm Code 397) proposed 8/9/13 (37 Ill Reg 12818)

Joint Committee on Administrative Rules

Senator Pamela Althoff

Senator Don Harmon

Senator Tony Munoz

Senator Sue Rezin

Senator Dale A. Righter

Senator Ira Silverstein

Representative Greg Harris

Representative Lou Lang

Representative David Leitch

Representative Don Moffitt

Representative Tim Schmitz

Representative Andre Thapedi

**Vicki Thomas
Executive Director**