

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

UTILITY RATE INCREASES

The ILLINOIS COMMERCE COMMISSION adopted amendments to "Standard Requirements for Public Utilities and Telecommunications Carriers in Filing for an Increase in Rates" (83 Ill Adm Code 285; 37 Ill Reg 10903) effective 3/20/14 that simplify the requirements governing the information that these entities must submit to ICC in seeking rate increases and clarify and update other provisions in the Part.

CARBON DIOXIDE PIPELINES

ICC also adopted a new Part titled "Guidelines for Carbon Dioxide Transportation and Sequestration" (83 Ill Adm Code 302; 37 Ill Reg 8076) effective 3/21/14 that implement Public Act 97-534. The rulemaking creates a process under which owners or operators of carbon dioxide pipelines seek route certification by the Commission. Requirements for applying for a certificate of authority to acquire an easement for transportation of carbon dioxide and negotiation for the acquisition of an easement or interest in property are prescribed. Two appen-

dices of general information regarding the Commission's regulatory process governing a company's proposed project have been added.

Questions/requests for copies of the 2 ICC rulemakings: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to "Medical Assistance Programs" (89 Ill Adm Code 120; 38 Ill Reg 7650), effective 3/24/14 for a maximum of 150 days. This emergency rule replaces two emergency rules effective 1/1/14 and 1/10/14 that were repealed, also effective 3/24/14, in last week's *Illinois Register* (38 Ill Reg 7368). A companion proposed rulemaking also appears in this week's *Register* at 38 Ill Reg 7426. The rulemakings clarify which medical assistance eligibility groups can and cannot qualify for assistance via spenddown (deducting medical expenses from income), clarify that the Modified Adjusted Gross Income (MAGI) methodology applied to most

TANF EBT BENEFITS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to "Temporary Assistance for Needy Families" (89 Ill Adm Code 112; 38 Ill Reg 7428) and "Related Program Provisions" (89 Ill Adm Code 117; 38 Ill Reg 7441) that implement a federal regulation. The rulemaking prohibits the use of TANF EBT benefits in any liquor store, casino, gaming establishment or other retail establishment providing adult oriented entertainment involving disrobing or nudity. Part 112 dictates that the first instance of prohibited access results in a verbal warning. Subsequent instances of prohibited access result in a 50% reduction in benefits for one month per offense. Some small businesses may be affected.

Questions/requests for copies/comments on the 2 DHS rulemakings through 5/19/14: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

DNR PENALTIES

The DEPARTMENT OF NATURAL RE-

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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

medical assistance applications under the federal Affordable Care Act does not apply to Medicaid long-term care assistance, and state which Sections of the Part apply to long term care assistance eligibility determina-

tions. The rulemakings also amend eligibility provisions for the Healthy Start program for pregnant women to reference new rules in 89 Ill Adm Code 110 for electronic and telephone applications.

Questions/requests for copies/comments on the proposed rulemaking through 5/19/14: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Spfld IL 62763-0002, 217/782-1233, e-mail: HFS.Rules@illinois.gov.

Proposed Regulations

SOURCES proposed amendments to the Part titled "Revocation Procedures for Conservation Offenses" (17 Ill Adm Code 2530; 38 Ill Reg 5754) updating DNR's procedures for revoking permits, licenses, and permission to access DNR property due to conservation offenses or other violations. Accumulated points remain in effect for 18 months after arrest for Type I offenses and 36 months for Type II offenses, or until DNR or a court terminates the suspension or expunges the offense and the applicable reinstatement fee for the license, permit or other privilege has been paid. Reinstatement fees are \$50 to \$250 for first offenses and \$100 to \$500 for subsequent offenses. DNR must process paperwork and fees for reinstatement within 15 days after they are received. Violations of Section 48-3(b) of the Criminal Code, which forbids interference with lawful hunting or taking of wildlife, are added to the list of offenses that accumulate points. Nuisance wildlife control operators are added to Type I (business/commercial) license/permit holders. Criminal Code offenses related to hunting or fishing are added to Type II offenses. A new Section sets forth procedures for removal or eviction from DNR property; notice requirements and other procedures vary depending upon whether the eviction is for up to 90 days or for more than 90 days. The rulemaking also adds provisions explaining the Interstate Wildlife Violation Compact and listing the 39 member states. (The compact allows member states, including Illinois, to exchange information regarding violations and to impose hunting, fishing and trapping penalties incurred in any member state as if they had occurred

in the violator's home state.) DNR law enforcement must notify the compact within 15 days after a suspension has been terminated. Other provisions address notices, requests for hearings, pre-conference hearings, procedures for conducting hearings, evidence, appeals, and other procedural issues. This rulemaking may affect small businesses with DNR licenses or permits, as well as units of local government.

Questions/requests for copies/comments through 5/19/14: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

EMERGENCY MEDICAL SERVICES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code" (77 Ill Adm Code 515; 38 Ill Reg 7490) concerning EMT training standards and standards for Specialized Emergency Medical Services Vehicles (SEMSV) (non-ground-ambulance vehicles, e.g., helicopters, airplanes, watercraft). The rulemaking brings safety requirements for SEMSVs into compliance with federal standards. For EMS Systems that use aircraft, pilots must have at least 2,000 flight hours with at least 1,500 rotocraft flight hours, 100 night flight hours and at least 500 hours turbine time. All fixed-wing aircraft pilots must be approved by the EMS Medical Director prior to participation in an EMS System; the director must also have knowledge of flight safety and weather-related flight rules. For EMS programs

that employ helicopters, temporary staffing of 3 full-time pilots per helicopter (normally 4) is permitted for no more than 6 months while a replacement pilot is being sought or trained. Updated training requirements for crews assigned to helicopter or fixed-wing aircraft are included. The rulemaking also defines "helicopter shopping" (calling various operators until a helicopter flight assignment is accepted, without mentioning that previous operators declined a flight or their reasons for declining the flight) and requires EMS flight safety programs to include education on this practice. Other provisions also define the responsibilities of lead instructors during EMT training. This rulemaking affects EMS personnel and persons involved in EMS training.

Questions/requests for copies/comments through 5/19/14: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl. Spfld IL 62761, 217/782-2043, dph.rules@illinois.gov.

UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed amendments to "Universities Retirement" (80 Ill Adm Code 1600; 37 Ill Reg 7571). The rulemaking revises defined terms and FOIA procedures to comport with recent statutory changes; defines earnings subject to withholding and crediting under the System and prescribes the calculation of final rate of earnings under the recently created two tiers of the University Article of the Pension Code; and sets policies governing retroactive court settlements or judg-

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Proposed Regulations

ments being treated as earnings, as well as unused sick days. Non-substantive technical changes are also included.

Questions/requests for copies/comments through 5/19/14: Michael Weinstein, SURS, 1901 Fox Dr., Champaign IL 61820, 217/378-8825.

VARIABLE CONTRACTS

The DEPARTMENT OF INSURANCE proposed amendments to "Variable Contracts" (50 Ill Adm Code 1451; 38 Ill Reg 7446) that expand the definition of a variable contract to include a policy or contract registered under the federal Securities Act of 1933, providing benefits based upon the performance of an index, when the principal or interest rate is not guaranteed and supporting assets are held and reported in a non-insulated separate account on which changes in asset values substantially match changes in contractual benefits from inception of the contract.

Questions/requests for copies/comments through 5/19/14: Susan Anders, DOI, 320 W. Washington St., Spfld IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

RADIATION TECHNOLOGISTS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed amendments to "Accrediting Persons in the Practice of Medical Radiation Technology" (32 Ill Adm Code 401; 38 Ill Reg 7422) that reflects the American Registry of Radiologic Technologists' increase in examination fees for limited scope in practice for radiography. Fees are increased from \$80 to \$100 for the categories of chest, extremities spine, skull and sinuses, or any combination thereof; effective 1/1/15, fees will be increased to \$125. Fees are increased from \$80 to \$100 for registration as a limited student-in-training, which includes exam fees. Affected entities include those who provide such services.

Requests for copies/comments through 5/19/14: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860, TDD 217/782-6133.

SALES TAXES

The DEPARTMENT OF REVENUE proposed an amendment to "Retailers' Occupation Tax" (86 Ill Adm 130; 38 Ill Reg 7555) implementing PA 98-422 that exempts from sales tax fuel used in air carriers engaged in foreign trade or trade between the US and its possessions, provided the aircraft transports at least one person or package for hire from the city of origination to the city of final destination. The amendment requires that the air carrier certify the fuel will be used for consumption, shipment or storage in the conduct of its business as an air common carrier. Examples are also offered for clarity.

Questions/requests for copies/comments through 5/19/14: Debra Boggess, DOR Legal Services, 101 W. Jefferson St, Springfield IL 62794, 217/782-2844.

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 April 7, 2014 meeting.

DEPARTMENT OF HUMAN SERVICES

"Provider Requirements, Type Services, and Rates of Payment" (89 Ill. Adm. Code 686) proposed 1/24/14 (38 Ill. Reg. 2560)

DEPARTMENT OF PUBLIC HEALTH

"Grade A Pasteurized Milk and Milk Products" (77 Ill. Adm. Code 775) proposed 1/17/14 (38 Ill. Reg. 1794)

"Tanning Facilities Code" (77 Ill. Adm. Code 795) proposed 1/17/14 (38 Ill. Reg. 1801)

"Food Service Sanitation Code" (77 Ill. Adm. Code 750) proposed 1/24/14 (38 Ill. Reg. 2787)

"Children's Community-Based Health Care Center Code" (77 Ill. Adm. Code 260) proposed 5/10/13 (37 Ill. Reg. 6135)

POLLUTION CONTROL BOARD

"Standards and Limitations for Certain Sources of Lead" (35 Ill. Adm. Code 226) proposed 12/6/13 (37 Ill. Reg. 19490)

DEPARTMENT OF INSURANCE

"IRS Qualification Status Requirements for Article 4 Firefighter Pension Funds" (50 Ill. Adm. Code 4445) proposed 1/10/14 (38 Ill. Reg. 686)

"IRS Qualification Status Requirements for Article 3 Police Pension Funds" (50 Ill. Adm. Code 4440) proposed 1/10/14 (38 Ill. Reg. 679)

DEPARTMENT OF HUMAN RIGHTS

"Procedures of the Department of Human Rights" (56 Ill. Adm. Code 2520) proposed 1/17/14 (38 Ill. Reg. 1765)