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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 Rulemakings

■ CHILD WELFARE

DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed repeal of the Part titled Licensure of Direct Child Welfare Services Employees and Supervisors (89 IAC 412; 38 Ill Reg 17880) and proposed a new Part with the same title (89 IAC 412; 38 Ill Reg 17907). The new Part revises standards for licensure of DCFS employees or employees of contracted agencies who carry assigned cases, conduct child protective investigations, recommend or approve placement or family reunification decisions, or make licensing decisions for child care and other facilities. Qualifications for licensure, implementing Public Act 94-943, now include possession of a valid driver's license. Newly added criteria for refusal of a

license include transporting a child in a motor vehicle without a valid driver's license; being convicted of reckless driving, reckless homicide involving a motor vehicle, or DUI; receiving 3 or more citations for moving traffic violations within a 12-month period; and evidence of a pattern of dishonesty that would place State funds or records at risk. The definition of "imminent danger to the public" that constitutes grounds for immediate suspension of a license without a hearing is expanded to include harm or risk of harm to public funds as well as harm to a child, other individual, family or community. The new Part also requires notification to the Department of Financial and Professional Regulation when DCFS suspends or revokes the child welfare employee licensure of a

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New Rules

TELECOMMUNICATIONS

ILLINOIS COMMERCE COMMISSION adopted amendments to the Part formerly titled The Preservation of Records of Telephone Utilities (General Order 188) (83 Ill Adm Code 705; 38 Ill Reg 614), effective 8/15/14, changing the name of the Part to The Preservation of Records of Telecommunications Carriers (General Order 188) and replacing references to "public utilities" with the term "telecommunications carriers". The amendments (the first to this Part since its adoption in 1962) require all records to be kept for at least 2 years, except for records of shareholders' and board of directors' meetings (which must be kept permanently) or supporting documents for required reports to ICC (must be kept for 6 years). Records may be

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULEMAKINGS: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted. **PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates 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: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Emergency Rules

■ NURSING HOMES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Medical Payment (89 IAC 140; 38 Ill Reg 18167) effective 8/18/14 for a maximum of 150 days. Companion proposed amendments are included in a separate rulemaking in this week's *Illinois Register* (see Medical Assistance, page 3). The amendments implement a provision of Public Act 98-651 that requires nursing homes to submit resident admission data to HFS within 15 business days after receiving the results of the screening determining that the resident is Medicaid eligible (formerly, within 30 calendar days of admission). Changes in resident status (e.g., death, discharge) must be submitted within 5 business days after the

change occurs. Admission data may be submitted electronically or via paper forms submitted to the Department of Human Services through 8/31/14. Effective 9/1/14, all admission data must be submitted electronically to HFS. All admission documents, hard copy or electronic, must be maintained in the resident's file. Nursing homes are affected by this emergency rule.

Questions/requests for copies: Jeanette Badrov, HFS, 201 S Grand Ave. East, 3rd Fl., Springfield IL 62763, 217/782-1233, HFS.Rules@illinois.gov

ABUSE REPORTING

DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Office of Inspector General Investigations of Alleged Abuse or

Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 38 Ill Reg 18242) that implement a provision of Public Act 98-711, effective 7/16/14. An identical permanent rulemaking was proposed in this week's *Illinois Register* at 38 Ill Reg 18065. PA 98-711 requires substantiated findings of financial exploitation to be reported to the Health Care Worker Registry maintained by DPH. The rulemaking adds financial exploitation to the list of reportable offenses or findings.

Questions/requests for copies/comments concerning the proposed rulemaking through 10/14/14: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

New Rules (cont.)

stored on any form of recordable media. Telecom carriers must document their records management, retention and preservation policies and make them available to ICC. An appendix listing retention periods for various types of records is repealed. Telecommunications providers and their customers are affected by these rulemakings.

Questions/requests for copies: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

Proposed Rulemakings (cont.)

person who holds a separate professional license in a child welfare-related field (e.g., licensed clinical social worker, licensed marriage and family therapist). Other provisions address administrative hearings and appeals or notifications of adverse licensure actions. Those affected by this rulemaking include child welfare case-workers and licensed employees of child welfare agencies.

Questions/requests for copies/comments on the 2 DCFS rulemakings through 10/14/14: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us

■ GREAT START

DEPARTMENT OF HUMAN SERVICES proposed amendments to Child Care (89 IAC 50;

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Proposed Rulemakings

38 III Reg 18067) that implement recommended changes consistent with DHS' 10-year review and evaluation of its Great START program. The rulemaking changes the title of "child care personnel" to "child care practitioners" throughout and revises the eligibility criteria for the wage supplements. The Great START Wage Supplement Scale is updated by adding Illinois Gateways Credentials to the education option for eligibility. The revised Wage Supplement Scale identifies eligible positions and the time limit for each level. DHS is specifying how applications for wage supplements will be prioritized and how applications will be treated if all wage supplement funds have been obligated. The rulemaking removes obsolete Wage Supplement Scale phase-in provisions. DHS is responsible for evaluating the Great START Program and submitting an annual report to the Department's Child Care Advisory Council. Child care providers may be affected by this rulemaking.

Questions/requests for copies/comments through 10/14/14: Tracie Drew, at the DHS address and phone number on page 2.

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amend-

ments to Medical Payment (89 IAC 140; 38 III Reg 18022) implementing several federal and state laws. The rulemaking, in accordance with the federal Affordable Care Act, Illinois Human Rights Act and Illinois Mental Health Parity Act, provides coverage of medical and surgical transsexual treatments effective 4/1/15. Other provisions institute a cost based methodology (baseline of 85% of average costs, adjusted annually using the Medicare Economic Index and also subject to various rate adjustments) for encounter rate clinics serving women and infants, effective 10/1/14. (Currently, encounter clinics receive flat rates of \$50 to \$90 per encounter based on the type of service provided.) Procedures for clinics to appeal their individual rate determinations are also included. This rulemaking also includes nursing home data reporting requirements that are contained in emergency amendments to Part 140 effective 8/18/14 (see Emergency Rules, page 2). Medical providers, clinics and nursing homes are affected by this rulemaking.

HOSPITALS

HFS also proposed amendments to Hospital Services (89 IAC 148; 38 III Reg 18052) that increase Medicaid facilitation and utilization payments (instituted under Public Act 98-651) for certain hospitals on a temporary basis, from 9/1/14 through 6/30/15.

Questions/requests for copies/comments on the 2 HFS rulemakings through 10/14/14: Jeanette Badrov, at the HFS address, phone number and e-mail on page 2.

NATURAL GAS SUPPLIERS

The ILLINOIS COMMERCE COMMISSION proposed repeal of the Part titled Standards of Service for Gas Utilities (83 IAC 500; 38 III Reg 17941) and proposed a new Part titled Standards of Service for Gas Utilities and Alternative Gas Suppliers (83 IAC 500; 38 III Reg 17970). The new Part replaces rules that in some cases date back more than 50 years, and includes updated definitions, procedures and standards. The new Part also applies to alternative gas suppliers that serve smaller areas or customer bases than traditional gas utilities. Topics addressed in the new Part include metering, customer information, pressure regulation, interruptions of service, and extension of distribution mains in urban and rural areas. Gas suppliers and their customers are affected by these rulemakings.

Questions/requests for copies/comments on the 2 ICC rulemakings through 10/14/14: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

Proposed Rulemakings

POLICE OFFICERS

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD proposed amendments to the Part titled Illinois Police Training Act (20 IAC 1720; 38 Ill Reg 18119) to comply with the federal Law Enforcement Officers Safety Improvements Act. The amendments define a “qualified retired law enforcement officer” for purposes of granting concealed carry permits as any officer separated from service in good standing after serving a total of at least 10 years (currently, retired after serving at least 15 years) who has met the same firearm training and qualifications standards as active duty officers. A requirement that the officer also have earned non-forfeitable retirement benefits is being removed. Applicants will be charged a fee set by the Board, not to exceed \$100 per weapon (currently, \$75 for either a revolver or a semi-automatic pistol or \$100 for both). Approval or denial will be sent within 60 (currently 10) working days after the Board receives the application.

Questions/requests for copies/comments through 10/14/14: Agency Rules Coordinator, LETSB, 4500 S. Sixth St. Road, Rm. 173, Springfield IL 62703-6617, 217/782-4540.

■ INCOME TAX

DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 38 Ill Reg

18122) related to the timeliness of filing and paying withholding income tax by an employer for an employee. Employers owing no more than \$12,000 in the previous complete State fiscal year may file a return annually during the current calendar year. Employers that reported a liability of no more than \$1,000 may pay the tax when the return for the current calendar year is due. An employer eligible to file annually who withholds or is required to withhold more than \$12,000 in any quarter must make a quarterly return for each subsequent quarter and make semi-weekly payments for the current and following calendar year. However, those employers filing annually have the option to file quarterly, in which case monthly payments must be made, unless liability exceeds \$12,000 in any quarter. Small businesses may be affected by this rulemaking.

Questions/requests for copies/comments through 10/14/14: Paul Caselton, DOR Legal Services, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 38 Ill Reg 18148) concerning persons with restricted licenses allowing them to only operate vehicles equipped with Breath Alcohol Ignition Interlock Devices (BAIIDs). The rule-making allows SOS to include the

BAIID restriction on the person's license, similar to existing restrictions for corrective lenses, daytime-only driving, etc.

Questions/requests for copies/comments through 10/14/14: Jennifer Egizii, SOS, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 38 Ill Reg 17823) correcting the new hire rate and corresponding salary ranges for certain civil engineer trainees and adding title codes and salary ranges for economic associates, research economists, sign hangers and sign hanger foremen.

Questions/requests for copies/comments through 10/14/14: Jason Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov

VIATICAL SETTLEMENTS

DEPARTMENT OF INSURANCE proposed amendments to Viatical Settlement Provider Reporting Requirements (50 IAC 5701; 38 Ill Reg 18094) implementing the Viatical Settlements Act of 2009. The statute and rule address viatical settlements (prepayment of life insurance policy benefits to

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Proposed Rulemakings

a person who is terminally or chronically ill) and expand oversight of settlement providers, brokers and settlement agreements. The rulemaking, adds new definitions of life expectancy (the number of months an insured person is expected to live, based on medical records and data), viatical settlement contract, broker, provider, viator (the person receiving the settlement) and other terms. Providers and brokers must apply to DOI for approval using the SERFF

electronic reporting system and pay a \$50 fee per submitted form. Criteria for evaluating whether a settlement is reasonable include the amount of the payment (e.g., up to 25% of the policy's face value if the insured's life expectancy is 25 months or less) and the stability of the insurer (settlement amounts may be reduced if the insurer has an unfavorable rating from an agency such as A.M. Best). The rulemaking also lists practices that are restricted or prohibited (e.g., payment of finder's fees to a

viator's physician, accountant or financial advisor), outlines how insurance companies may provide information to providers and brokers, and updates reporting forms and requirements. Viatical settlement providers and brokers are affected by this rulemaking.

Questions/requests for copies/comments through 10/14/14: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217/785-8220, fax 217/524-9033.

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 the Committee's September 16, 2014 meeting.

ILLINOIS COMMERCE COMMISSION

Uniform System of Accounts for Electric Utilities (83 IAC 415) proposed 4/11/14 (38 Ill Reg 7691)

Standards of Service and Customer Credits for Electing Providers (83 IAC 737) proposed 2/28/14 (38 Ill Reg 5475)

Approval of Negotiated Agreements (83 IAC 763) proposed 3/7/14 (38 Ill Reg 5682)

Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service (Repealer) (83 IAC 280) proposed 1/17/14 (38 Ill Reg 1452)

Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Billing, Payments, Refunds and Disconnection of Service (New Part) (83 IAC 280) proposed 1/17/14 (38 Ill Reg 1497)

CHIEF PROCUREMENT OFFICER - GEN. SERV.

Chief Procurement Officer for General Services - Standard Procurement (44 IAC 1) proposed 5/16/14 (38 Ill Reg 10327)

STATE BOARD OF EDUCATION

Transitional Bilingual Education (23 IAC 228) proposed 5/30/14 (38 Ill Reg 11459)

Evaluation of Certified Employees under Articles 24A and 34 of the School Code (23 IAC 50) proposed 4/25/14 (38 Ill Reg 8682)

ILLINOIS GAMING BOARD

Video Gaming (General) (11 IAC 1800) proposed 6/20/14 (38 Ill Reg 12655)

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030) proposed 7/7/14 (38 Ill Reg 13734)