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Editor

Joint Committee on Administrative Rules
Illinois General Assembly

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VOL. 39

July 24, 2015

Issue 30

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, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ MEDICAL TRANSPORT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Medical Payment (89 IAC 140; 39 Ill Reg 10427) effective 7/10/15 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 39 Ill Reg 10332. The rulemakings reduce Medicaid payment rates for ground ambulance and helicopter transportation to the rates that were in effect on 7/1/12 (upon enactment of the SMART Act Medicaid reductions). Ground and air ambulance/medical transportation providers are affected.

■ HOSPITALS

HFS also adopted an emergency amendment to Hospital Services

(89 IAC 148;39 Ill Reg 10453), effective 7/10/15 for a maximum of 150 days. An identical proposed amendment appears in this week's *Register* at 39 Ill Reg 10334. The amendments discontinue Medicaid Facilitation and Utilization Payments (a specific type of supplemental payment to certain hospitals with a high proportion of Medicaid

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patients) to hospitals that had qualified for them, effective 7/1/15 (the original sunset date was 7/1/18).

Questions/requests for copies/comments on the 2 proposed HFS rulemakings through 9/8/15: Mollie Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

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Proposed Rulemakings

■ YOUTH HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled Youth Hunting Seasons (17 Ill Adm Code 685; 39 Ill Reg 10374). A hunter with an unfilled, valid Youth Deer Permit may hunt during the first firearm deer season before Thanksgiving as long as; the permit is not used on a public land site where the number of hunters is limited by a site permit quota (only unrestricted access may be hunted); the hunter must use only firearms allowed in Section .30 (i.e.-20 gauge shotguns and muzzleloaders greater than .45 caliber); and no misuse of the youth permit or hunting laws and regulation. The adult supervisor of the youth permit holder may also hunt during the first firearm deer season as long as they

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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 RULES: 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.

New Rules

■ AQUATIC LIFE

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life (17 IAC 870; 39 Ill Reg 3249) effective 7/9/15, concerning movement of various aquatic species. The amendments clarify that amphibians and reptiles are not subject to the Part, nor are owners of private/hobbyist or commercial aquariums or water gardens provided they operate in a manner that prevents aquatic life from escaping into Illinois waters. The rulemaking adds Tilapia and any hybrid species of grass, bighead, or silver carp to

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HORSE RACING

The ILLINOIS RACING BOARD adopted emergency amendments to Entries, Subscriptions, and Declarations (11 IAC 1413; 39 Ill Reg 10465), effective 7/2/15, repealing provisions that required carded races with at least 6 horses to be run and that established the process for using substitute and extra races. This emergency rule is effective through 9/30/15.

Questions/requests for copies: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 5-700, Chicago IL 60601, 312/814-5017.

the list of species requiring a Restricted Species Transportation Permit, which is valid only for the dates listed and for the delivery destination named on the permit. Facilities that wish to import or possess species that are not on DNR's approved species list must apply for a facility permit and submit a facility plan showing that the facility will not pose a danger to the State's natural fishery resources. Private lake or pond owners who stock their ponds with triploid carp are exempt from the RSTP requirement provided they possess receipts from a permit holder or Illinois licensed fish dealer documenting the number, type and size of the fish sold. Commercial fishermen may harvest and transport bighead, silver, grass and black carp if the fish are dead and transported directly to a fish market or processor, or are kept in an aerated tank and transported live under a Restricted Species Transportation Permit. Live carp may be transported to a State-licensed slaughter facility or its out of State equivalent. Asian carp may be held in a live crib or net pen provided that they are removed and killed within 72 hours, and not transported upstream of a lock and dam or other barrier. Other changes update contact information for the DNR Aquaculture Specialist and require DNR to approve or deny facility permits within 8 weeks after an application is submitted. Numerous changes since 1st Notice include addition of a definitions section; clarifications

regarding the permit process and timelines for approval of permits; provisions for a permit holder's cessation of business; and retention of the current deadline of 1/31 for submission of the annual report for aquaculture permit holders (whose permits expire annually on 3/31). Separate provisions applicable to landowners north and south of I-80 have also been added for purchase of triploid grass carp by private lake and pond owners. Those affected by these rulemakings include commercial fishing operations, fish hatcheries, private pond owners, and fish processing plants.

Questions/requests for copies: Craig Colbrook, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ LIQUOR SALES

The ILLINOIS LIQUOR CONTROL COMMISSION adopted amendments to the Part titled The Illinois Liquor Control Commission (11 IAC 100; 38 Ill Reg 19615), effective 7/10/15, concerning sales and returns of alcohol products among manufacturers, distributors, and retailers. The rulemaking prohibits manufacturers and distributors from making consignment sales or conditional sales in which the retailer is not obligated to pay for the product until it has been sold. Products delivered or sold to a retailer may

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Proposed Rulemakings

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have the appropriate licenses and permits. In counties where CWD surveillance is occurring, the proposed rulemaking establishes special check in, tagging and reporting procedures.

Questions/requests for copies/comments through 9/8/15: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ CHIROPRACTORS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Medical Practice Act of 1987 (68 IAC 1285; 39 Ill Reg 10341) adding Part IV of the examination of the National Board of Chiropractic Examiners and adding mandatory reporting requirements for directors of post-graduate clinical training programs of individuals leaving the program prior to completion.

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not be replaced free of charge unless there is a bona fide business reason for replacement of a damaged or defective product. The rulemaking specifies the conditions under which alcohol products can be, or cannot be, returned to the distributor or manufacturer due to breakage or damage and lists acceptable "ordinary and usual"

■ BANKS

DFPR also proposed amendments to Bank Branches and Subsidiaries (38 IAC 305; 39 Ill Reg 10336). The rulemaking exempts state banks from the requirement to submit notice to DFPR to establish a subsidiary under the Illinois Banking Act when a bank has a controlling interest in the subsidiary.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 9/8/15: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax: 217/557-4451.

■ INSURANCE

The DEPARTMENT OF INSURANCE proposed repeal of the Part titled Family Group Life Insurance Policy Forms (50 IAC 1603; 39 Ill Reg 10357), a Part adopted in 1958 and never amended. DOI reports that the subject matter of this Part is covered in 50 IAC 1403.

DOI also proposed amendments to Viatical Settlement Provider and Broker Reporting Requirements (50 IAC 5701; 39 Ill Reg 10361) to correct a technical error made when the Department amended this Part on March 23 of this year. The title of the Part add "Brokers" as being subject to this Part. A column of information and instructions was omitted from Exhibit B of this Part and is now being corrected, as well as a new Exhibit H being added regarding verification of coverage for life insurance policies. DOI reports it is making these technical amendments to conform to the Model Rule promulgated by the National Association of Insurance Commissioners.

Questions/requests for copies/comments concerning the 2 DOI rulemakings through 9/8/15: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

commercial reasons for returning alcohol products (e.g., errors in delivery, termination of business or franchise, a change in product composition or formula). Returns due to overstocking, slow sales, or limited or seasonal demand are specifically excluded from the list of acceptable commercial reasons for returning an alcohol product. Since 1st Notice, LCC has clarified that a manufacturer/distributor may replace

damaged cartons or packages carrying containers of liquor at any time, and that liquor damaged prior to a delivery may be exchanged no later than 15 days after delivery. Liquor manufacturers, distributors, and retailers will be affected by this rulemaking.

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Questions/requests for copies: Richard Haymaker, LCC, 100 W. Randolph St., Suite 7-801, Chicago IL 60601, 312/814-1804.

■ GAS PIPELINES

The ILLINOIS COMMERCE COMMISSION adopted amendments to Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 IAC 590; 38 Ill REG 20849), effective 7/14/15,

incorporating by reference the most recent applicable federal regulations. The amendments also require any person engaged in the transportation of gas, or who owns or operates a pipeline, to file electronically with ICC the reports necessary to comply with the federal safety requirements. The rulemaking also establishes the security requirements for the external user accounts needed to submit these reports. Since 1st Notice, ICC has added provisions under which required reports may be posted on the

owner/operator's own technology platform and ICC may be granted password-protected access to that platform. Owners or operators of gas pipelines and those who transport natural gas are affected.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434. Please reference ICC Docket 14-0691.

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 August 11, 2015 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF INSURANCE

Group Coordination of Benefits (50 IAC 2009; 39 Ill Reg 1436) proposed 1/23/15

Health Carrier External Review (50 IAC 5430; 39 Ill Reg 6006) proposed 5/1/15

Joint Committee on Administrative Rules

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