

*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.*

## New Rules

### ■ STI TREATMENT

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Control of Sexually Transmissible Infections Code (77 IAC 693; 40 Ill Reg 14020) effective 1/24/17 expanding the definition of a health care professional to include licensed physician assistants, advanced practice nurses (formerly, only PAs and APNs who had delegations or collaborative agreements with a physician) and individuals certified by a state or local public health department to provide HIV testing and counseling. The rulemaking also clarifies the definition of partner services and the applicability of confidentiality rules to partner notification. Health care providers and agencies that offer testing or treatment for HIV and other sexually transmitted infections will be affected.

Questions/requests for copies: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

### ■ CONTROLLED SUBSTANCES

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Schedule of Controlled Substances (77 IAC 2070; 40 Ill Reg 13502), effective 1/25/17, adding the synthetic opioid U-47700 to the Illinois list of Schedule I controlled substances (those with no medical use). This rulemaking replaces an identical emergency amendment (40 Ill Reg 13718) effective 9/13/16. DHS states that U-47700 has been linked to at least 50 deaths in the U.S. since it was introduced from China in 2015 and that several other states have banned this substance.

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## Proposed Rulemakings

### ■ PHARMACIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Pharmacy Practice Act (68 IAC 1330; 41 Ill Reg 1283) concerning the duty of pharmacists to provide counseling to patients regarding their prescription medications. Pharmacists must provide verbal counseling to patients, or patients' agents, regarding pertinent medical information prior to dispensing prescriptions, and pharmacies must post signage notifying customers of their right to receive such counseling. Failure to respond to requests for patient counseling, discouraging patients from receiving such counseling, or attempting to circumvent patient counseling requirements under

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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

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

### 9-1-1 SYSTEMS

The DEPARTMENT OF STATE POLICE repealed the following 4 Parts: Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act (83 IAC 726; 40 Ill Reg 15047); Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act (83 IAC 727; 40 Ill Reg 15063); Standards of Service Applicable to Wireless 9-1-1 Emergency Systems (83 IAC 728; 40 Ill Reg 15079) and Administration of Funds Created by the Wireless Emergency Telephone Safety Act (83 IAC 729; 40 Ill Reg 15099), all effective 1/30/17. These Parts, originally adopted by the Illinois

Commerce Commission (whose rulemaking authority over 9-1-1 service standards was transferred to DSP effective 1/1/16), have been replaced by DSP rules at 83 IAC 1325, 1326, 1328 and 1329.

Questions/requests for copies: Matthew R. Rentschler, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 40 Ill Reg 14827), effective 1/25/17, making various updates and corrections. Four new job titles (gaming operations supervisor, gaming shift supervisor, gaming unit supervisor, public safety screening drug specialist) with corresponding bargaining unit pay grades are added in accordance with two memoranda of understanding between CMS

and AFSCME. The merit compensation system (MS) title list and salary ranges are updated to include three recently added titles (juvenile justice school counselor, public safety screening drug specialist, and special education resources coordinator) and to correct the salary range assigned to two other titles (educator – career and technical and educator – career and technical provisional). Other amendments remove obsolete in-hire rates from the Engineering Technician II, III and IV titles represented by a Teamsters bargaining unit, correct the effective date and salary ranges for that bargaining unit’s rate table, and revise existing rule language in various Sections for consistency with Illinois Administrative Code standards.

Questions/requests for copies: Jason Doggett, CMS, 504 William G. Stratton Bldg. Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov)

## Proposed Rulemakings

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the Act are classified as unprofessional and unethical conduct. However, pharmacists are not required to provide counseling if a patient or patient’s agent refuses it. Those affected by this rulemaking include licensed pharmacists, pharmacy technicians and pharmacies.

Questions/requests for copies/comments through 3/27/17: Craig

Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Fl., Springfield IL 62786, 217/785-0813, Fax: 217/557-4451.

### SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to Public School Evaluation, Recognition, and Supervision (23 IAC 1; 41 Ill Reg 1645), Standards for Endorsements in Elementary Education (23 IAC 20; 41 Ill Reg

1680), Standards for Endorsements in Early Childhood Education and in Elementary Education (23 IAC 26; 41 Ill Reg 1684), and Evaluation of Educator Licensed Employees under Articles 24a and 34 of The School Code (23 IAC 50; 41 Ill Reg 1690). Amendments to Part 1 clarify that the Regional Offices of Education and Intermediate

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# Proposed Rulemakings

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Service Centers may access the Educator Licensure Information Service in order to ensure educators are properly licensed and endorsed or are qualified for a particular teaching assignment. The Kindergarten Individual Development Survey (KIDS) is updated to reflect that public school districts and charter schools are required to report to ISBE on 14 State Readiness Measures and that reports will be conducted once each school year. KIDS contact persons are required to provide their contact information to ISBE and participate in a KIDS administrator training program. All teachers teaching kindergarten are required to complete KIDS teacher training. The 14 State Readiness Measures will be reported for special education or alternative setting classes unless deemed inappropriate by a special education team. The 14 State Readiness Measure will be reported for English learners unless it is deemed that required Language and Literacy Measures should be substituted with more appropriate non-required measures. Head teachers serving more than 50% full-time employment in place of a principal must hold a professional educator license endorsed for supervision. Effective 2/1/18, middle school teachers first assigned to grades 7 or 8 or departmentalized grade 6 teachers first endorsed in the

following subjects do not need to meet the requirements for middle grades endorsements: agricultural education; business, marketing, and computer education; business, marketing and computer education (computer programming); computer applications; computer science; family and consumer sciences; health science technology; and technology education. A person serving as a substitute driver's education teacher must be endorsed for driver's education. Amendments to Part 20 require that licensure candidates in an elementary education program need no longer obtain their endorsement by 9/1/19 as long as they are entitled for the endorsement by that date. Amendments to Part 26 reflect the changes to Part 20 and clarify that any applicant seeking an elementary or early childhood endorsement undergoing the transcript evaluation process must submit their application by 9/1/19 or 9/1/20 respectively. Amendments to Part 50 requires that before an individual can evaluate certified staff in the next licensure renewal cycle, that individual must complete a retraining program provided or approved by ISBE.

Questions/requests for copies/comments on the 4 SBE rulemakings through 3/27/17: Lindsay Bentivigna, SBE, 100 N. First St. S-493, Springfield IL 62777-0001, 217/782-5270, [rules@isbe.net](mailto:rules@isbe.net)

## HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250; 41 Ill Reg 1572) that provide for the creation of a single governing authority for two or more hospitals within a health care system and, for two or more separately licensed hospitals within a health care system, to consolidate their medical staffs into a unified medical staff and that establish operational requirements for a single governing authority and a unified medical staff. The rulemaking also updates the incorporated and referenced materials Section and makes extensive, non-substantive technical amendments.

Questions/requests for copies/comments through 3/27/17: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Flr., Springfield IL, 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## PCB PROCEDURES

The POLLUTION CONTROL BOARD proposed amendments to General Rules (35 IAC 101; 41 Ill Reg 1293), Regulatory and Informational Hearings and Proceedings (35 IAC 102; 41 Ill Reg 1364), Enforcement (35 IAC 103; 41 Ill Reg 1394), Regulatory Relief Mechanisms (35 IAC 104; 41 Ill Reg 1411), Appeals of Final Decisions of State Agencies (35

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## Second Notices

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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 March 14, 2017 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### **DEPT OF HEALTHCARE AND FAMILY SERVICES**

Practice in Administrative Hearings (89 IAC 104; 40 Ill Reg 9900) proposed 7/22/16

### **STATE EMPLOYEES' RETIREMENT SYSTEM**

Public Information, Rulemaking and Organization (2 IAC 2375; 40 Ill Reg 15337) proposed 11/14/16

The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 40 Ill Reg 15342) proposed 11/14/16

### **ILLINOIS RACING BOARD**

Programs (11 IAC 415; 40 Ill Reg 16095) proposed 12/16/16

Race Track Operators and Their Duties (11 IAC 1305; 40 Ill Reg 16099) proposed 12/16/16

Race Officials (11 IAC 1306; 40 Ill Reg 16103) proposed 12/16/16

Regulations for Meetings (Thoroughbred) (11 IAC 1424; 40 Ill Reg 16108) proposed 12/16/16

Admissions and Credentials (11 IAC 1428; 40 Ill Reg 16113) proposed 12/16/16

## Proposed Rulemakings

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IAC 105; 41 Ill Reg 1446), Proceedings Pursuant to Specific Rules or Statutory Provisions (35 IAC 106; 41 Ill Reg 1466), Petition to Review Pollution Control Facility Siting Decisions (35 IAC 107; 41 Ill Reg 1524), Administrative Citations (35 IAC 108; 41 Ill Reg 1534), Tax Certifications (35 IAC 125; 41 Ill Reg 1544), and Identification and Protection of Trade Secrets and Other Non-Disclosable Information (35 IAC 130; 41 Ill Reg 1552). This package of rulemakings consists primarily of technical corrections and statutory updates.

Requests for copies/comments on the 10 PCB rulemakings through 3/27/17: Don Brown, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Questions may be directed to Marie Tipsord, same address, 312/814-4925, Marie.Tipsord@illinois.gov. Please reference docket number R17-18. Copies of the Board's opinion and order can be obtained by calling 312/814-3620 or at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

### **UTILITIES**

The ILLINOIS COMMERCE COMMISSION proposed a new Part titled Public Utility Electronic

Tariff Filing (83 IAC 290; 41 Ill Reg 1275), which sets forth procedures by which public utilities may submit their tariff filings electronically rather than in paper form.

Comments through 3/26/17: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Avenue, Springfield IL 62701; 217/782-7434. Please reference Docket 16-0584. Copies of this rulemaking and related documents can be found, and public comments made, at <https://icc.illinois.gov/docket/Documents.aspx?no=16-0584>.