

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

UNIVERSITIES EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted amendments to State Universities Civil Service System (80 IAC 250; 40 Ill Reg 12912), effective 8/30/17, addressing leaves of absence and related issues. The rulemaking requires employers to maintain records of all resignations and leaves of absence for inspection by the Executive Director or designee during on-site audits or at other times and allows termination of employees who fail to report to work after exhausting their federal Family and Medical Leave Act benefits. The rulemaking also adds provisions addressing an employee's or employer's failure to appear at a scheduled discharge or demotion hearing and allows the Merit Board to impose unpaid disciplinary suspensions of at least 60 but no more than 120

days (formerly, only 60 days). Since 1st Notice, SUCSS removed language that defined all disciplinary leaves of absence as unpaid, defined "layoff", and addressed job abandonment (failure to report to work for 3 or more consecutive days without notifying the employer).

Questions/requests for copies: Jeff Brownfield, SUCSS, 1717 Philo Rd., Suite 24, Urbana IL 61802, 2 1 7 / 2 7 8 - 3 1 5 0 , jeffb@sucss.illinois.gov

UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted amendments to Universities Retirement (80 IAC 1600; 41 Ill Reg 808) effective 9/1/17. The rulemaking adds a SIMPLE IRA (an employer sponsored IRA offered by an employer in lieu of

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Proposed Rulemakings

HOME HEALTH SERVICES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 41 Ill Reg 11478) implementing federal regulations regarding Medicaid coverage of home health services. The rulemaking requires a documented, face-to-face encounter between the patient and the practitioner requesting services no more than 90 days before, or 30 days after, home health aide services are initially certified. (Currently, this requirement applies to intermittent skilled in-home nursing services or therapy services.) Certification of the encounter, the name of the practitioner, the date of the encounter and the practitioner's clinical findings must 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 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

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other retirement vehicles) as a permissible retirement plan which can accept pension rollover distributions (other acceptable recipients include a personal IRA, ROTH IRA, or deferred compensation plan). Regarding employees who receive disability, the rulemaking clarifies that the date of termination of salary or sick leave benefits under the Pension Code shall be delayed by the number of work days that are attributable to the vacation leave payment. Another clarification regarding QILDROs (Qualified Illinois Domestic Relations Orders, which are used to divide retirement benefits between divorced spouses) establishes that if a QILDRO is dated no more than 6 months after a member's death, its effective date is deemed to be the day before the member's death. Also, a certified copy of a dissolution of marriage accompanied by a written marital settlement agreement signed by both parties that provides direction for the division of the member's benefits under a QILDRO shall serve as a required consent by a System member for payment to an alternate payee under the QILDRO.

Questions/requests for copies: Albert Lee, SURS, 1901 Fox Dr., Champaign IL 61820, 217/378-8861.

■ EMPLOYMENT LAW

The DEPARTMENT OF HUMAN RIGHTS adopted amendments

to Access to Local Records of the Department of Human Rights (2 IAC 926; 41 Ill Reg 4403) and Procedures of the Department of Human Rights (56 IAC 2520; 41 Ill Reg 4408), both effective 8/29/17. The Part 926 amendment sets the cost of an on-site, 3-hour training session in Illinois human rights laws and procedures, conducted by DHR's Training Institute, for non-governmental, for-profit entities at \$500 for those with 50 or fewer employees and \$1,050 for those with more than 50 employees. (Formerly, the cost was \$1,050 for all non-governmental, for-profit entities regardless of size.) The Part 2520 amendments authorize DHR to develop a pilot project for electronic filing of documents (when complaints or charges against an employer are filed with DHR) and use of electronic signatures. Policy implementing the project shall be posted on the Department's website and made available in writing if requested. Filings made to the chief legal counsel cannot be made electronically.

Questions/requests for copies of the 2 DHR rulemakings: Ngozi Okorafor, DHR-Legal Division, 100 W. Randolph, Suite 10-100, Chicago IL 60601, 312/814-6262, TTY: 866/740-3953.

HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to Inter-Track Wagering Facilities (11 IAC 435; 41 Ill Reg 5789) and Jockeys, Apprentices, Jockey Agents, and Valets (11 IAC 1411;

41 Ill Reg 5800) both effective 9/1/17. The Part 435 amendment requires all IRB-licensed persons working at inter-track wagering facilities to carry their photo identification badges on their persons at all times. The Part 1411 rulemaking removes a requirement that jockeys leaving an operating race track obtain permission from the Board of Stewards before racing in another jurisdiction. Racetrack and wagering facility owners and employers are affected by these rulemakings.

Questions/requests for copies of the 2 IRB rulemakings: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, Mickey.ezzo@illinois.gov

JCAR Meeting Action

At its 9/12/17 meeting, the Joint Committee on Administrative Rules took the following action:

EXTENSION

JCAR and the Illinois Community College Board agreed to extend the Second Notice period for the ICCB rulemaking titled Administration of the Illinois Public Community College Act (23 IAC 1501; 41 Ill Reg 7029) an additional 45 days. This rulemaking will be reconsidered at JCAR's 10/17/17 meeting.

Proposed Rulemakings

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incorporated into a written or electronic document that is included in the patient’s medical record (instead of as a separate document or addendum to the certification document itself). Effective 7/1/17, certain medical equipment and supplies provided in the home also require a face-to-face encounter with a physician, or a nurse practitioner or clinical nurse specialist working in collaboration with the physician, prior to approval. Items subject to this requirement will be listed on the HFS website. The encounter must take place no more than 6 months prior to the start of services and the certifying physician must document that the encounter was related to the primary reason that the patient requires medical equipment or supplies. The rulemaking also defines a “residence” in which home health services may be provided as any setting in which normal life activities take place,

excluding hospitals, nursing homes, mental health facilities, supportive living facilities, and any other settings in which Medical Assistance payment is or could be made for inpatient services that include room and board. Home health service providers, medical equipment providers, and practitioners who certify home health services will be affected by this rulemaking.

HOSPITALS

HFS also proposed amendments to Hospital Services (89 IAC 148; 41 Ill Reg 11508) increasing or reinstating various supplemental payments to hospitals and reinstating a \$60 per day add-on payment (previously in effect during FY 14 and FY 15) to hospitals and freestanding dialysis centers for outpatient or home dialysis treatments.

Questions/requests for copies/ comments on the 2 HFS

rulemakings through 10/30/17: Mollie Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

■ FOREST MANAGEMENT

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Forest Management Plan (17 IAC 1537; 41 Ill Reg 11538) clarifying which elements of DNR forest management programs are mandatory (prescriptions) and which are voluntary proposals based on best practices (recommendations). Timber growers participating in these programs are affected by this rulemaking.

Questions/requests for copies/ comments through 10/30/17: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-0126.

Joint Committee on Administrative Rules

Senator Pamela Althoff
Senator Karen McConnaughay
Senator Don Harmon
Senator Tony Muñoz
Senator Ira Silverstein
Senator Chuck Weaver

Representative Peter Breen
Representative Tom Demmer
Representative Greg Harris
Representative Lou Lang
Representative André Thapedi
Representative Keith Wheeler

Vicki Thomas
Executive Director

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 October 17, 2017 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

Adoption by Fraternal Benefit Societies of CSO 1958 Mortality Table (Repealer)
(50 IAC 1706; 41 Ill Reg 4960) proposed 5/12/17

IL COMMERCE COMMISSION

Renewable Portfolio Standard and Clean Coal Standard for Alternative Retail
Electric Suppliers and Utilities Operating Outside Their Service Areas
(83 IAC 455; 41 Ill Reg 6753) proposed 6/16/17

Certification for New Utility-Scale Wind and Solar Installers
(83 IAC 461; 41 Ill Reg 6776) proposed 6/16/17

Certification for Energy Efficiency Installers (83 IAC 462; 41 Ill Reg 6778) proposed 6/16/17

IL EMERGENCY MANAGEMENT AGENCY

Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides
(Repealer) (32 IAC 336; 41 Ill Reg 7075) proposed 6/23/17

Certification and Operation of Radiochemistry Laboratories
(32 IAC 406; 41 Ill Reg 7082) proposed 6/23/17

OFFICE OF THE STATE TREASURER

College Savings Pool (23 IAC 2500; 41 Ill Reg 2763) proposed 3/3/17

TEACHERS' RETIREMENT SYSTEM

The Administration and Operation of the Teachers' Retirement System
(80 IAC 1650; 41 Ill Reg 7942) proposed 7/7/17