

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

MILITARY JUSTICE

The DEPARTMENT OF MILITARY AFFAIRS adopted a new Part titled Illinois Manual for Courts-Martial and Nonjudicial Punishment (95 IAC 400; 41 Ill Reg 5153), effective 9/14/17, replacing a companion emergency rule (41 Ill Reg 5459) that was effective 5/8/17. The new Part implements Public Act 99-796, which requires the Illinois Adjutant General to adopt court-martial and nonjudicial punishment procedures (reflecting the Uniform Code of Military Justice of the US Armed Forces) to be used by Judge Advocates in cases involving members of the Illinois National Guard. The rule addresses arrest, confinement, pretrial procedures, rules of evidence, trial conduct, sentencing, and courts of inquiry, and includes a list of military

offenses for which Guard members can be subject to a court-martial.

Questions/requests for copies: Col. Robert C. Roth, DMA, 1301 N. MacArthur Blvd., Springfield IL 62702, 217/761-3366, robert.c.roth.nfg@mail.mil

Peremptory Rule, Page 2

■ PRESCRIPTION DRUGS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Electronic Prescription Monitoring Program (77 IAC 2080; 41 Ill Reg 2322), effective 9/13/17, establishing the composition of the Prescription Monitoring Program Advisory Committee (PMPAC) of physicians, pharmacists, and other medical practitioners. A

(cont. page 2)

Proposed Rulemakings

■ DISABILITY SERVICES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Assistance Programs (89 IAC 120; 41 Ill Reg 11849) implementing a \$60 per month personal needs allowance for residents of Medically Complex for the Developmentally Disabled (MC/DD) facilities and for residents of Specialized Mental Health Rehabilitation Facilities (SMHRFs) for dates of service on or after 7/1/17. The rulemaking also increases the existing personal needs allowance for residents of Community Integrated Living Arrangements (CILAs) and Intermediate Care Facilities for Individuals with Developmental Disabilities (ICF/DDs) from \$50 to \$60 per month effective 7/1/17. HFS also

(cont. page 3)

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

(cont. from page 1)

PMPAC peer review subcommittee (PRS) is also created to review the performance of prescribers and dispensers and identify those who may be prescribing outside of currently accepted medical standards. When a prescriber or dispenser is so identified, the PRS will request information regarding that person's prescribing/dispensing practices. If the prescriber/dispenser fails to respond to three successive requests or if the PRS determines the response to be unsatisfactory, the PRS may refer that prescriber/dispenser to the Department of Financial and Professional Regulation for further action. All communications and deliberations of the PMPAC and the PRS are confidential, although data collected by PMP may be publically disseminated. The PRS must also file an annual report that includes the number of prescribers/dispensers reviewed and the number who were referred to DFPR. The rulemaking also implements procedures through which healthcare facilities, prescribers, dispensers and their designees may gain electronic access to the PMP's Prescription Information Library (PIL). Specific web-based services and protocols (added to the definitions section) must be used for this purpose. A prescriber or dispenser may allow up to three designees to access the PIL. Designees must be registered nurses, licensed practical nurses, pharmacy

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 41 Ill Reg 12179) effective 9/13/17 implementing recent memoranda of understanding with the Illinois State Employee Association (ISEA) and AFSCME. The peremptory rule assigns the food services program manager title at the Department of Corrections to an ISEA

bargaining unit and assigns the positions of retirement benefits representative, retirement benefits representative supervisor, and retirement benefits representative trainee at the State Employees Retirement System to an AFSCME bargaining unit.

Questions/requests for copies: Jason Doggett, CMS, 503 Stratton Bldg., Springfield IL 62706, 217/524-1055, fax 217/558-4497, CMS.PayPlan@illinois.gov

technicians, student pharmacists, or certified medical assistants. Designees must register with the PMP and must have their own individual accounts linked to that of the prescriber or dispenser; if they cease to be employed by the prescriber/dispenser their PIL account will be closed. Other provisions add dispensing of Naloxone for opioid overdose prevention to the list of drugs and drug-related actions that must be reported to and tracked by the PMP. Those affected by this rulemaking include physicians and other medical practitioners, pharmacists and their employees, hospitals and other health care facilities.

UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted a new Part titled Public Utility Electronic Tariff Filing (83 IAC 290; 41 Ill Reg 1275), effective 9/14/17, which sets forth procedures by which public utilities may submit their tariff filings electronically rather than in paper form.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Avenue, Springfield IL 62701; 217/558-2387.

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

Proposed Rulemakings

(cont. from page 1)

proposed an amendment to Specialized Health Care Delivery Systems (89 IAC 146; 41 Ill Reg 11868) increasing payment rates for supportive living facilities and SMHRFs by 2.8% for services provided on or after 7/1/17. Both rulemakings implement measures in the FY18 State Budget Implementation Act (PA 100-23).

Questions/requests for copies/ comments on the 2 HFS rulemakings through 11/13/17: Mollie Zito, HFS, 201 S. Grand Ave., 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

■ DRIVER'S LICENSES

The SECRETARY OF STATE proposed an amendment to Issuance of Licenses (92 IAC 1030; 41 Ill Reg 11889) implementing Public Act 100-223, which allows SOS to waive written exams for issuance of a commercial driver's license if the applicant is a current or recently discharged (within the past 12 months) member of the U.S. military with experience or formal training in the operation of a military vehicle similar to the commercial vehicle the applicant expects to operate. The applicant must also submit a document signed by his or her commanding officer certifying the experience or training needed to qualify for the waiver. Businesses that operate commercial vehicles may be affected by this rulemaking.

Questions/requests for copies/ comments through 11/13/17: Jennifer Egizii, SOS Driver Services, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

■ ELECTRONIC PAYMENTS

The OFFICE OF THE TREASURER proposed a new Part titled E-Pay Program (74 IAC 735; 41 Ill Reg 11877) implementing Public Act 99-856, which authorizes the State Treasurer to establish an electronic payment program allowing governmental agencies to accept payments 24 hours a day, 7 days a week via credit card and other electronic payment options. The new Part addresses the functions and responsibilities of the Treasurer's Office and of vendors that process electronic payments. It also authorizes participants to collect processing fees to be established during the vendor's procurement process. Units of local government will be affected by this rulemaking.

Questions/requests for copies/ comments through 11/13/17: Sandi Raphael, Office of the Treasurer, 100 W. Randolph, Suite 15-600, Chicago IL 60601, 312/814-2985, fax 217/785-2777, SRaphael@illinoistreasurer.gov

■ IEPA REPEALERS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed repeal of 3 Parts titled Procedures for Issuing Municipal Waste Planning and

Nonhazardous Solid Waste or Municipal Waste Enforcement Grants (35 IAC 870; 41 Ill Reg 11731), General Conditions of State of Illinois Municipal Waste Planning and Nonhazardous Municipal Waste Enforcement Grants (35 IAC 871; 41 Ill Reg 11784), and Procedures for White Goods Collection Grants (35 IAC 875; 41 Ill Reg 11829). These rulemakings repeal rules for grants that IEPA no longer issues, including grants for collection and disposal of white goods (household or commercial appliances such as refrigerators, freezers, ranges, etc.).

Questions/requests for copies/ comments on the 3 IEPA rulemakings through 11/13/17: Sara Terranova, IEPA, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield IL 62794-9276, 217/782-5544, sara.terranova@illinois.gov

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

Registration of Insurers (50 IAC 652; 41 Ill Reg 4592) proposed 5/5/17

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 41 Ill Reg 8268) proposed 7/14/17

OFFICE OF THE COMPTROLLER

Payments Remitted on Behalf of a Pension Fund
(74 IAC 295; 41 Ill Reg 10228) proposed 7/28/17

OFFICE OF THE STATE TREASURER

Rules for Charitable Trust Stabilization Committee
(74 IAC 650; 41 Ill Reg 10322) proposed 8/4/17

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Peter Breen

Senator Karen McConnaughay

Representative Tom Demmer

Senator Don Harmon

Representative Greg Harris

Senator Tony Muñoz

Representative Lou Lang

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

Vicki Thomas
Executive Director