

*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

### ■ HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD adopted amendments to Narrative and Planning Policies (77 IAC 1100; 41 Ill Reg 5900), repealed the Part titled Process, Classification Policies and Review Criteria (77 IAC 1110; 41 Ill Reg 5934) and adopted a replacement Part with the same title (77 IAC 1110; 41 Ill Reg 6140), all effective 3/7/18. The Part 1100 rulemaking and the new Part 1110 change the current HFSRB review criterion of "normal travel time" to a health facility (formerly 30 to 45 minutes) to a distance radius (10 miles in Chicago, 17 miles in other metropolitan areas, and 21 miles elsewhere in Illinois). These rulemakings also update or clarify various definitions and review standards, including financial and economic feasibility standards; streamline certain

permit application requirements; and remove provisions that are obsolete or redundant. Changes since 1<sup>st</sup> Notice to the new Part 1110 include revised travel distances and county/regional classifications applicable to dialysis center projects; retention of existing rules regarding which discontinuation projects are considered substantive; and retention of independent travel time studies for use in determining need for acute or chronic mental illness services. HFSRB also adopted amendments to Long-Term Care (77 IAC 1125; 41 Ill Reg 6304), effective 3/7/18, implementing Public Act 99-277, which requires the Long-Term Care Advisory Subcommittee to evaluate, and make recommendations to the State Board, regarding the buying, selling and exchange of beds. For consistency with

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## Proposed Rulemakings

### TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION proposed amendments to Telephone Assistance Programs (83 IAC 757; 42 Ill Reg 5141) implementing a Public Act and a recent order of the Federal Communications Commission. The rulemaking aligns State eligibility criteria for the Lifeline program (which provides telephone service to low-income customers) with federal criteria, and gives ICC authority (in accordance with PA 98-45) to implement low-income support programs for broadband internet access or other voice telephony services. Other provisions allow telecommunication carriers to post information regarding their service offerings on their websites as an alternative to tariff filings.

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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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statute, this rulemaking updates the planning area's population projection for long-term care facilities to be five years from the base year (formerly 10 years). Similar to the Part 1100 and 1110 amendments, this rulemaking also replaces travel time with distance for service accessibility and removes unnecessary duplication/maldistribution review criteria.

Questions/requests for copies: Jeannie Mitchell, HFSRB, 69 W.

Washington St., Ste. 3501, Chicago IL, 60602, 312/814-2678, e-mail: Jeannie.Mitchell@illinois.gov.

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 41 Ill Reg 13473), effective 3/9/18, reflecting a recent decision by the Illinois Labor Relations Board to exclude the Internal Security Investigator I and II titles from bargaining unit representation.

The rulemaking removes these titles from the list of divided classes (titles represented by more than one bargaining unit), repeals an appendix listing their bargaining unit pay rates (Metropolitan Alliance of Police, RC-090), and updates the merit compensation system (MS) salary ranges assigned to these titles.

Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, e-mail: [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov)

## Proposed Rulemakings

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Questions/requests for copies/comments through 5/7/18: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 42 Ill Reg 5056) updating various position titles and making the Part generally effective for State fiscal year 2019. The rulemaking adds new trainee titles created by the Civil Service Commission (economist associate, environmental health specialist, insurance performance examiner), removes other titles abolished by the CSC (educator trainee, construction supervisor I and II), assigns an in-hire rate to the conservation/historic

preservation worker title at the Department of Natural Resources, and adds new options for the Public Service Administrator and Senior Public Service Administrator titles.

Questions/requests for copies/comments through 5/7/18: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, e-mail: [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov)

### SALES TAXES

The DEPARTMENT OF REVENUE proposed amendments to Retailers' Occupation Tax (86 IAC 130; 42 Ill Reg 5172) that remove references to obsolete sales tax rates, credits and exemptions; update definitions and statutory citations; and make other technical revisions.

Questions/requests for copies/comments through 5/7/18: Debra M. Boggess, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

### AIDS DRUG ASSISTANCE

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to AIDS Drug Assistance Program (77 IAC 692; 42 Ill Reg 5167) updating the program's annual gross income eligibility limits to reflect the 2018 Federal Poverty Level guidelines. (The program is open to persons earning no more than 300% of the FPL for their household size.)

Questions/requests for copies/comments through 5/7/18: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-5043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## 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 April 17, 2018 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 HUMAN SERVICES

Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 41 Ill Reg 14898)  
proposed 12/8/17

Alcoholism and Substance Abuse Treatment and Intervention Licenses  
(77 IAC 2060; 41 Ill Reg 14878) proposed 12/8/17

### STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 41 Ill Reg 15542)  
proposed 12/29/17

Educator Licensure (23 IAC 25; 41 Ill Reg 15582) proposed 12/29/17

Programs for the Preparation of Superintendents in Illinois (23 IAC 33; 41 Ill Reg 15697)  
proposed 12/29/17

Driver Education (23 IAC 252; 41 Ill Reg 15702) proposed 12/29/17

## 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**