

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

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REP. TIM SCHMITZ

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SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. DALE A. RIGHTER
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DAVID R. LEITCH
REP. DONALD L. MOFFITT
REP. ANDRE´ THAPEDI

MINUTES

November 19, 2013

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on November 19, 2013 at 11:00 a.m. in Room 600-C of the Michael J Bilandic Building, Chicago, Illinois.

Co-Chair Schmitz called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Don Harmon	X Representative Lou Lang
X Senator Tony Muñoz	X Representative David Leitch
X Senator Sue Rezin	X Representative Donald Moffitt
X Senator Dale Righter	X Representative Timothy Schmitz
X Senator Ira Silverstein	X Representative Andre´ Thapedi

APPROVAL OF THE MINUTES OF THE OCTOBER 22, 2013 MEETING

Senator Muñoz moved, seconded by Senator Harmon, to approve the minutes of the October 22, 2013 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

PROPOSED RULEMAKINGS

Illinois Emergency Management Agency – School and Campus Safety Grants (29 Ill. Adm. Code 310; 37 Ill. Reg. 13963)

Representative Leitch moved, seconded by Senator Rezin, JCAR recommend that IEMA seek an amendment to 20 ILCS 3305/5(g), the statute authorizing these grants, to clarify that grants can be issued to schools providing K-12 education and inter-district special education cooperatives, as well as institutions of higher education. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Schmitz asked if any member desired consideration of any other rulemaking. Representative Leitch requested consideration of an HFSRB rulemaking. Senator Harmon requested consideration of a Prohibited DNR rulemaking. Senator Righter requested further consideration of an HFS rulemaking.

Health Facilities and Services Review Board – Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110; 37 Ill. Reg. 3982)

Representative Leitch moved, seconded by Senator Althoff, that JCAR object to and prohibit the filing of this rulemaking because HFSRB is requiring an ASTC to submit to another HFSRB review in order to deliver services under a service approval already issued by HFSRB, but under which the ASTC had not yet begun to implement service prior to the effective date of this rulemaking. This second review procedure will have an undue economic impact on entities to whom service approvals have already been issued. JCAR finds this element of the rulemaking to be a threat to the public interest. The motion passed by roll call vote 10-0. (Senator Rezin and Representative Thapedi abstained from voting.)

Department of Natural Resources – Grant Review and Processing Fees (17 Ill. Adm. Code 3000; 37 Ill. Reg. 2843)

Senator Harmon moved, seconded by Senator Silverstein, that JCAR withdraw its filing prohibition against this rulemaking, contingent upon and effective with the Department adopting the rulemaking with the agreed upon modifications. The motion passed unanimously by roll call vote 12-0.

Department of Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 37 Ill. Reg. 12317)

Senator Righter asked if an HFS representative was present.

Jeanette Badrov, HFS General Counsel, was in attendance.

Senator Righter asked if Ms Badrov believed that other classes of ambulance service providers other than those enumerated in statute can have their reimbursement rates increased by rule.

Ms Badrov responded that HFS worked on the rulemaking with providers and stakeholders. It was discussed that it would be implemented by regulation and HFS will defer to the members of the Committee on that issue.

Senator Righter appreciated the response and posed another question asking if another group, for instance pharmacies, asked for a reimbursement rate increase, does HFS feel it has the authority to increase rates via rulemaking despite the SMART Act.

Ms Badrov responded that HFS will defer to the members of the Committee on the issue and does not have an opinion on that matter.

Senator Righter asked what her opinion was of the rulemaking before the Committee.

Ms Badrov responded that HFS will defer to the members of the Committee on that issue.

Senator Righter asked Ms Badrov if HFS felt that it had the authority to increase the rates.

Ms Badrov reiterated that HFS worked on the rulemaking with providers and stakeholders. It was discussed that it would be implemented by regulation and HFS defers to the members of the Committee on that issue. Further, she responded that it was not within her authority to ascertain whether HFS had the authority to increase the rates.

Senator Rezin, Representative Thapedi, Senator Silverstein and Representative Leitch posed questions mirroring those posed by Senator Righter, asking HFS to clarify whether it felt that it had authority to promulgate rate increases via rule.

Ms Badrov continued to reiterate that HFS worked on the rulemaking with providers and stakeholders where it was discussed that the rate increase would be implemented by regulation. Ms. Badrov again stated that HFS will defer to the members of the Committee on that issue.

CERTIFICATION OF NO OBJECTION

Representative Moffitt moved, seconded by Representative Harris, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued.

AGENCY RESPONSES

Department of Financial and Professional Regulation – Interior Design Profession Title Act (68 Ill. Adm. Code 1255; 37 Ill. Reg. 8089) and The Illinois Landscape Architect Act of 1989 (68 Ill. Adm. Code 1275; 37 Ill. Reg. 8103)

Based on the appropriateness of the agency's responses, no further action.

DECEMBER MEETING DATE

Co-Chair Schmitz announced that the next monthly meeting is scheduled for Tuesday, December 17, 2013 at 11:00 a.m., Room 600C, Michael A. Bilandic Building, Chicago IL.

ADJOURNMENT

Senator Muñoz moved, seconded by Senator Righter, that the meeting stand adjourned. The motion passed unanimously.