

# JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. DON HARMON

CO-CHAIR:  
REP. TIM SCHMITZ

EXECUTIVE DIRECTOR:  
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SEN. PAMELA ALTHOFF  
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

February 6, 2013

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on February 6, 2013 at 9:00 a.m. in Room A-1 of the Stratton Office Building in Springfield, Illinois.

Co-Chair Harmon 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
Senator Dale Righter	X Representative Timothy Schmitz
X Senator Ira Silverstein	X Representative Andre´ Thapedi

### APPROVAL OF THE MINUTES OF THE JANUARY 8, 2013 MEETING

Representative Lang moved, seconded by Representative Thapedi, to approve the minutes of the January 8, 2013 meeting. The motion passed unanimously.

### REVIEW OF AGENCY RULEMAKINGS

*Department of Central Management Services – Organ Donor Leave (80 Ill. Adm. Code 332; 36 Ill. Reg. 16800)*

Senator Althoff moved, seconded by Representative Moffitt, that JCAR object to this rulemaking because the Department lacks statutory authority to grant leaves for donating red blood cells. Section 20 of the Organ Donor Leave Act [5 ILCS 327] sets policy for donation of blood and platelets, but not a different policy for red blood cell donations.

Mary Matheny, CMS Rules Coordinator represented the agency.

Co-Chair Harmon asked Ms Matheny how CMS would be responding to this Objection.

Ms Matheny responded that CMS will be withdrawing this rulemaking in response to JCAR's Objection.

***Health Facilities and Services Review Board – Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130; 36 Ill. Reg. 6210)***

Representative Leitch moved, seconded by Senator Rezin, that JCAR and HFSRB agree to extend this rulemaking for an additional 45 days. The motion passed unanimously.

***Illinois Housing Development Authority – State Housing Appeals Board (47 Ill. Adm. Code 395; 36 Ill. Reg. 14050)***

Co-Chair Harmon announced that this rulemaking would be placed on the March 2013 JCAR Meeting Agenda for consideration.

***Department of Human Services – Maternal and Child Health Advisory Board (77 Ill. Adm. Code 2260; 36 Ill. Reg. 15319)***

Senator Silverstein moved, seconded by Representative Harris, that JCAR object to DHS' failure to adhere to the statutory requirement that it adopt these rules by 8/2/06. The motion passed unanimously.

***Department of Human Services – Lekoteks (Repealer) (89 Ill. Adm. Code 899; 36 Ill. Reg. 11888)***

Senator Munoz moved, seconded by Representative Lang, that JCAR object to DHS' proposed repeal of these rules because Section 3c of the Disabled Persons Rehabilitation Act [20 ILCS 2405] continues to require DHS to administer the Lekotek program.

Tracie Drew, Bureau Chief of Administrative Rules, represented DHS.

Co-Chair Harmon asked Ms Drew how DHS would be responding to this Objection.

Ms Drew responded that DHS will be withdrawing this rulemaking in response to JCAR's Objection.

***Department of Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 37 Ill. Reg. 253) (Emergency) and Hospital Reimbursement Changes (89 Ill. Adm. Code 152; 37 Ill. Reg. 282) (Emergency)***

Representative Lang moved, seconded by Senator Althoff, that JCAR object to HFS establishing an effective date for these emergency rules that was outside the 9 day window allowed by Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100], which states that an emergency rule can become effective immediately upon filing or on a stated date less than 10

days thereafter. HFS filed this emergency rule with the Secretary of State more than 9 days prior to its effective date. The motion passed unanimously.

### **CONSIDERATION OF OTHER RULEMAKINGS**

Co-Chair Harmon asked if any member desired consideration of any other rulemaking. Representative Lang requested consideration of an HFS rulemaking.

Kathleen McGinty, Chief of HFS' Office of the Inspector General, represented the Department.

Representative Lang asked Ms McGinty to confirm that this rulemaking's implementation date would be July 1, 2013.

Ms McGinty confirmed that was accurate.

### **CERTIFICATION OF NO OBJECTION**

Representative Thapedi moved, seconded by Representative Moffitt, 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. The motion passed unanimously.

### **MARCH MEETING DATE**

Co-Chair Harmon announced that the next monthly meeting is scheduled for Tuesday, March 12, 2013, at 9:00 a.m., Room C-1, Stratton Office Building, Springfield IL.

### **ADJOURNMENT**

Senator Munoz moved, seconded by Representative Harris, that the meeting stand adjourned. The motion passed unanimously.