

*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 is designed to inform and involve the public in changes taking place in agency administration.*

## New Regulations

## Proposed Regulations

### STATE COMPTROLLER

The COMPTROLLER adopted two amendatory rulemakings titled "Accounting Principles and Procedures" (74 Ill Adm Code 245; 35 Ill Reg 19755) and "Contract Filing Requirements" (74 Ill Adm Code 255; 35 Ill Reg 19759) and adopted a new Part titled "State Comptroller Minority Contractor Opportunity Initiative" (74 Ill Adm Code 340; 35 Ill Reg 19763), all effective 6/20/12. Part 245 updates statutory citations and references the current Statewide Accounting Management System (SAMS) instead of the outdated Uniform Statewide Accounting System (USAS). Part 255 also updates statutory references and requires compliance with the SAMS system. When certain documents are filed with the Comptroller, new Section 20-80 of the Illinois Procurement Code is also applicable. The proposed new Part 340 implements the minority/female/disabled and small business contracting provisions required by Section 23.9 of the State Comptroller Act, including the payment of a \$15 administrative fee from State contracts of \$1,000 or more, as well as sole source procurements and emergency purchases. The fees will apply to funding and administering a

contractor outreach program with outreach, education, notification programs, and maintenance of an online database concerning minority, female, disabled, and small business contractors. Unless a specified exemption applies, payment will be from the first warrant issued to the vendor. All of these rulemakings may affect small businesses seeking contracts with the Comptroller's office.

Questions/requests for copies of the 3 rulemakings above: Alissa J. Camp, Comptroller's Office, 201 Statehouse, Springfield IL 62706, 217/782-0905, e-mail: [CampAJ@mail.ioc.state.il.us](mailto:CampAJ@mail.ioc.state.il.us).

### MERCURY PRODUCTS

The ENVIRONMENTAL PROTECTION AGENCY adopted an amendment to "Procedures for Review of Petitions for Mercury Product Exemptions" (35 Ill Adm Code 182; 35 Ill Reg 15507), effective 7/1/12, that implements Public Act 97-459 by redefining "mercury switch" to include a mercury-containing product or device that makes, breaks, or changes a connection in an electrical circuit. Affected entities include manufacturers of mercury-containing products.

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### MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to "Medical Assistance Programs" (89 Ill Adm Code 120; 36 Ill Reg 9636), "Medical Payment" (89 Ill Adm Code 140; 36 Ill Reg 9650) and "Specialized Health Care Delivery Systems" (89 Ill Adm Code 146; 36 Ill Reg 9681) implementing provisions of Public Acts 97-687 and 97-689 effective 7/1/12 or upon federal approval. PA 97-687 expands Medicaid eligibility to Cook County residents receiving entirely locally funded (not State funded) medical assistance. The act implements a federal waiver from the Centers for Medicare and Medicaid Services (CMMS) allowing the Cook County program to draw federal Medicaid matching funds. The Part 120 amendments establish an application process and eligibility criteria for the program (open to Cook County residents ages 19 through 64 whose countable income is at or below 133% of the federal poverty level) while the Part 140 amendments establish statutory criteria for covered services and provider payment rates. Other amendments to Part 140 and to Part 146 implement a provision of PA 97-689

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*NEW REGULATIONS: Rules adopted by agencies this week.*

*PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.*

*☞: Symbol designating 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/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.*

# New Regulations

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## ENVIRONMENTAL LABORATORIES

EPA also adopted an amendment to "Environmental Laboratory Certification Fee Rules" (35 Ill Adm Code 185; 35 Ill Reg 20983), effective 7/1/12, codifying its current administrative and certification fees for a lab's participation in the environmental laboratory certification program in accordance with Section 17.8 of the Environmental Protection Act. The Act permits the Agency, with the concurrence of the

Environmental Laboratory Certification Committee, to determine the amount of those fees based upon actual and anticipated costs of the certification programs. Obsolete 1996 annual administrative fees are replaced by a \$2,400 fee (\$3,900 if the laboratory was not certified at any time during the 6 months immediately preceding its application for certification). For certification to conduct public water supply and water pollution analyses and analyses of solid or liq-

uid samples for hazardous or other waste parameters, the new fee is \$1,000 per year. Those affected by this rulemaking include laboratories seeking certification by EPA.

Questions/requests for copies of the 2 adopted EPA rulemakings above: Joanne M. Olson, EPA, 1021 N. Grand Ave. E., Springfield, IL 62794-9276, 217/782-5544, e-mail: [joanne.olson@illinois.gov](mailto:joanne.olson@illinois.gov).

## Proposed Regulations

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raising from 29 to 37 the minimum determination of need (DON) score required to qualify for Medicaid assistance for institutional care, home- or community-based long term care, or supportive living facility care. Those affected by these rulemakings include medical providers, nursing homes, supportive living facilities, and home care providers.

Questions/requests for copies/comments on the 3 DHFS rulemakings above through 8/20/12: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233.

management systems, standards of service; operations; and collection of the 9-1-1 surcharge. This rulemaking is too detailed to describe in its entirety. For further information, contact Conrad Rubinkowski or Elizabeth Rolando at the address and phone number noted below.

Questions/requests for copies/comments through 8/20/12: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Spfld. IL 62701, 217/782-7434.

## NEW TEACHER MENTORING

The STATE BOARD OF EDUCATION proposed amendments to its rules titled "New Teacher Induction and Mentoring" (23 Ill. Adm. Code 65; 36 Ill. Reg. 9607) to update the Part to include development of program standards and a program continuum (Appendices A and B) for use in improvement, support and evaluation of the program. SBE notes that recipients of teacher mentoring grants must incorporate these standards in their programs to provide consistency among programs statewide. The rulemaking clarifies that the Part's requirements will apply to competitively funded programs and statewide programs if sufficient funds become available. Each funded program must serve at least 20 beginning teachers and the face-to-face teacher and mentor contact requirement is reduced from 60 to 40 hours (which can be increased de-

pending upon the teacher's needs and goals). Continued funding is contingent upon the program's continuous improvement based on the induction program continuum. The rulemaking also removes the funding priority for hard to staff schools, since compliance with the program standards will be the program's focus, and aligns proposal evaluation criteria with the program standards and best practices of similar programs. Charter schools and public university laboratory schools could be impacted by this rulemaking.

## TEACHER EDUCATION

SBE also proposed a repeal of its rules titled "The "Grow Your Own" Teacher Education Initiative" (23 Ill. Adm. Code 60; 36 Ill. Reg. 9591) to implement Public Act 96-1393, which transfers authority for the program from SBE to the Illinois Board of Higher Education. Under the PA, the SBE rules remain in effect until BHE adopts its own rules for the program.

Questions/requests for copies/comments on the 2 SBE rulemakings above through 8/20/12: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777, 217/782-5270, e-mail: [rules@isbe.net](mailto:rules@isbe.net).

## 911 SYSTEMS

The ILLINOIS COMMERCE COMMISSION proposed a new Part titled "Standards of Service Applicable to 9-1-1 Emergency Systems" (83 Ill Adm Code 725; 26 Ill Reg 9539) and repeal of the current Part with the same Title and Part number (36 Ill Reg 9493). The rulemakings implement two Public Acts. PA 96-25 created a new certification category and authorizes ICC to certify entities requesting to operate as 9-1-1 system providers (including new competitors that may not necessarily function as telecommunications carriers). PA 96-927 updates the Public Utilities Act to reflect recent changes in telecommunications technology. Covered changes include authorization to operate as a 9-1-1 system;

## INSURANCE

The DEPARTMENT OF INSURANCE

# Proposed Regulations

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proposed amendments to "Medical Malpractice Database" (50 Ill. Adm Code 928; 36 Ill. Reg. 9692) to conform to the latest National Association of Insurance Commissioners (NAIC) model regulation. All insurance claims and lawsuits shall be reported electronically to DOI by insurers and contain the information set forth in a revised Exhibit B for this Part. Exhibits A, C and D of this Part, which currently also set out information that must be reported, are being repealed. Medical professional liability losses and claim counts are to be reported and reconciled for a prior year using the requirements in a new Exhibit E. Reports are due on a quarterly basis no later than 45 days after each quarter. The new Exhibit E reporting must be submitted no later than April 30 of the year following the year for which the reporting is required. Medical mal-

practice insurance providers will be affected.

DOI also proposed a new Part titled "Insurance Oversight Data Collection" (50 Ill. Adm Code 928; 36 Ill. Reg. 9719) required by a new section of the Workers' Compensation Act enacted by Public Act 97-18. That new statutory provision directed the Department to adopt rules requiring each insurer licensed to write workers' compensation coverage to record and report information to the Department by March 1<sup>st</sup> regarding workers' compensation claims opened during the prior year. The information required to be filed includes the company's FEIN and National Association of Insurance Commissioners numbers; the company name and contact entity; the number of claims opened and contested; the number of claims for which

the employee has legal representation, as well as those claims in which the company's in-house or outside legal counsel participated, and the total amount paid for such legal services; various breakdowns of the amount of days of lost work; total amounts billed to employers for bill review, for fee schedule savings and managed care fees, as well as medical nurse management, independent medical exams and in-house utilization review and other items. Providers of workers' compensation coverage will be affected.

Questions/requests for copies/comments concerning the 2 DOI rulemakings above through 8/20/12: Susan Anders, IDOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

## 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 JCAR's August 14, 2012 meeting.

### DEPARTMENT OF AGRICULTURE

"Swine Brucellosis" (8 Ill Adm Code 100) proposed 4/20/12 (36 Ill Reg 5904)

"Swine Disease Control and Eradication Act" (86 Ill Adm Code 105) proposed 4/20/12 (36 Ill Reg 5907)

"Livestock Auction Markets" (8 Ill Adm Code 40) proposed 4/20/12 (36 Ill Reg 5888)

"Animal Disease Laboratories Act" (8 Ill Adm Code 110) proposed 4/20/12 (36 Ill Reg 5924)

"Bovine Brucellosis" (8 Ill Adm Code 75) proposed 4/20/12 (36 Ill Reg 5894)

### DEPARTMENT OF HUMAN SERVICES

"Referral for VR Services" (89 Ill Adm Code 552) proposed 4/6/12 (36 Ill Reg 5074)

### IL STUDENT ASSISTANCE COMMISSION

"Illinois Future Teacher Corps (IFTC) Program" (23 Ill Adm Code 2764) proposed 4/27/12 (36 Ill Reg 6509)

### ILLINOIS COMMERCE COMMISSION

"Standards of Service and Customer Credits For Electing Providers" (83 Ill Adm Code 737) proposed 10/7/11 (35 Ill Reg 17527)

### EXECUTIVE ETHICS COMMISSION

"Organization, Information, Rulemaking and Hearings" (2 Ill Adm Code 1620) proposed 2/24/12 (36 Ill Reg 2618)