

*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

### CHILD CARE FACILITIES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted a new Part titled "Residential Services Construction Grant Program" (89 Ill. Adm. Code 363; 36 Ill. Reg. 5656), effective 10/15/12, that implements Public Act 96-1192 establishing the Residential Services Construction Grant Program for residential child care facilities. The rulemaking sets grant application procedures, criteria for determining grant approval, requirements for post-award grant issuance and administration, definition of allowable and disallowable costs, and grant recordkeeping requirements. Changes since 1<sup>st</sup> Notice clarify criteria used by DCFS to evaluate grant requests. Those affected by this rulemaking include residential child care facilities that wish to apply for grants.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe, Station #65-D, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715, Fax 217/557-0692, e-mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

### MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to "Medical Payment" (89 Ill Adm Code 140; 36 Ill Reg 8081), effective 10/15/12, concerning alternate medical assistance payees (entities other than the actual provider that are designated to receive medical assistance payments for the provider's services). The rulemaking provides that individual practitioners who employ and serve as alternate payees for more than 4 practitioners, or who are not licensed in the same profession as the practitioners who have designated him or her as an alternate payee, will be subject to enhanced screening and verification by the DHFS Office of Inspector General. (Current rule limits individuals to serving as an alternate payee for no more than 4 practitioners, including themselves.) An exception is made for physicians who serve as alternate payees for advanced practice nurses in their employ. Corporations that serve as alternate payees will also be subject to additional scrutiny by the DHFS OIG if their

### MATERNAL AND CHILD HEALTH

The DEPARTMENT OF HUMAN SERVICES proposed a new Part titled "Maternal and Child Health Advisory Board" (77 Ill Adm Code 2260; 36 Ill Reg 15319) implementing Public Act 94-407. PA 94-407 created the Illinois Family Case Management Act and requires DHS to establish and administer a family case management program to reduce the incidence of infant mortality, very low birth weight infants, and low birth weight infants. This rulemaking defines the purpose of the Maternal and Child Health Advisory Board (Board), establishes the Board's powers and duties, and defines the structure of the Board and responsibilities assigned to it. The Board will consist of 29 voting members and the rulemaking provides the composition requirements of the Board. The rulemaking also outlines meeting requirements, including format, agenda and public notice requirements. Members are appointed by the Governor for a term of 3 years or until their successors are appointed. Additional membership appointment

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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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shares of ownership are not publicly traded in a recognized U.S. stock exchange. A change since 1<sup>st</sup> Notice clarifies that physicians employing advanced practice nurses are not subject to the enhanced screening and

verification provisions for alternate payees not licensed in the same profession as the employed practitioners. Individual and corporate owners of medical practices that serve medical assistance clients will be affected

by this rulemaking.

Questions/requests for copies: Jeanette Badrov, DHFS, 200 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233.

## Proposed Regulations

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criteria are included. Board members are not compensated but shall be reimbursed for necessary expenses incurred while performing their duties.

Questions/requests for copies/comments through 12/10/12: Tracie Drew, DHS, 100 S. Grand Ave. E., 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

### STATE INVESTMENT

The ILLINOIS STATE BOARD OF INVESTMENT proposed amendments to "Rules and Regulations of the Board" (74 Ill. Adm Code 800; 36 Ill. Reg. 15328) to provide for management of the Illinois Power Agency Trust Fund assets. The amendments replace references to retirement system or pension funds managed by the Board with references to "such funds and any other fund under the jurisdiction" of the Board. No investment management policy specific to the Illinois

Power Agency Trust Fund is enunciated in the rulemaking.

Questions/requests for copies/comments through 12/10/12: Linsey Schoemehl, Illinois State Board of Investment, 180 N. LaSalle St., Suite. 2015, Chicago IL 60610, 312/793-1486, Fax: 312/793-2266, e-mail: [Linsey.Schoemehl@Illinois.gov](mailto:Linsey.Schoemehl@Illinois.gov).

### UNIVERSITY RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed amendments to "Universities Retirement" (80 Ill Adm Code 1600; 36 Ill. Reg. 15335) to revise its Open Meetings Act policies and disability claims procedures. The rule permits recording devices at Board meetings, provided it does not disrupt the proceedings and subject to any limitations imposed by the Board or SURS staff. Mounted recording equipment must be set up prior to

the meeting, with ancillary equipment such as cables placed in areas assigned by the Board or staff. Recording devices are not to be placed in exits, entrances or used during a closed meeting session. Members of the public who wish to address the Board for a period of up to 5 minutes shall provide written notice to the Board 48 hours prior to the Board meeting, identifying the speaker and subject matter of the address, and with any written materials attached to the notice. Other amendments allow the one-year time limit (from the date of disability) for applying for disability benefits to be waived if good cause can be shown.

Questions/requests for copies/comments through 12/10/12: Michael Weinstein, SURS, 1901 Fox Dr., Champaign IL 61820, 217/378-8825.

# 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 November 13, 2012 meeting.

## **DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND COUNCIL**

"General Program" (35 Ill Adm Code 1500) proposed 5/11/12 (36 Ill Reg 6875)

## **DEPARTMENT OF PUBLIC HEALTH**

"Hospital Licensing Requirements" (77 Ill Adm Code 250) proposed 1/6/12 (36 Ill Reg 9)

## **DEPARTMENT OF HUMAN SERVICES**

Repeal of "General Assistance" (89 Ill Adm Code 114) proposed 7/13/12 (36 Ill Reg 9894)

"Collections and Recoveries" (89 Ill Adm Code 165) proposed 7/13/12 (36 Ill Reg 9900)

"Related Program Provisions" (89 Ill Adm Code 117) proposed 7/13/12 (36 Ill Reg 9898)

"General Administrative Provisions" (89 Ill. Adm. Code 10) proposed 7/20/12 (36 Ill Reg 10582)

"General Administrative Provisions" (89 Ill Adm Code 10) proposed 7/13/12 (36 Ill Reg 9892)

## **DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES**

"Medical Assistance Programs" (89 Ill Adm Code 120) proposed 12/2/11 (35 Ill Reg 19337)

"Veterans' Health Insurance Program" (89 Ill Adm Code 128) proposed 12/2/11 (35 Ill Reg 19352)

"Long Term Care Reimbursement Changes" (89 Ill Adm Code 153) proposed 6/1/12 (36 Ill Reg 8128)

## **SECRETARY OF STATE**

"Collection of Fees" (92 Ill Adm Code 1003) proposed 8/31/12 (36 Ill Reg 13519)

"Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010) proposed 8/31/12 (36 Ill Reg 13525)

## **DEPARTMENT OF INSURANCE**

"Internal Security Standard and Fidelity Bonds" (50 Ill Adm Code 902) proposed 6/22/12 (36 Ill Reg 9055)

"Accident and Health Expense Reporting" (50 Ill Adm Code 2043) proposed 8/3/12 (36 Ill Reg 12199)