

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

☞ CLINICAL PSYCHOLOGISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to "Clinical Psychologist Licensing Act" (68 Ill Adm Code 1400; 36 Ill Reg 6148), effective 11/2/12, implementing provisions of Public Act 96-1050, which requires DFPR to adopt rules establishing minimum continuing education (CE) requirements. DFPR clarifies licensure by endorsement provisions for individuals who may have certification from their original licensing jurisdiction, and any other jurisdiction in which they have been licensed, for submitting proof of meeting substantial equivalence requirements to Illinois standards. The rulemaking establishes initial CE sponsor (\$500) and CE sponsor renewal fees (\$250 per 2 year renewal period) and increases the licensure restoration fee from \$20 to \$50 plus all lapsed renewal fees. Beginning with the 9/30/14 renewal period, licensees are required to complete 24 hours of CE, including at least 3 hours in ethical practice of clinical psychology. The rulemaking provides guidelines for CE requirements, constitution of approved CE hours, approved CE sponsors and

programs, process for approving CE sponsors and programs, provisions for certification of compliance with CE requirements, CE earned in other jurisdictions, and waiver of CE requirements. It also removes complete work history submission requirements for consistency with other professional licensure rules. A change since 1st Notice adds mental illness to the definition of an incapacitating illness that warrants issuance of a CE waiver. Clinical psychologists in private practice or employed by another agency will be affected by this rulemaking.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62767-0001, 217/785-0813.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to "Pay Plan" (80 Ill Adm Code 310; 36 Ill Reg 15498), effective 10/16/12, implementing a memorandum of understanding with the American Federation of State, County and Municipal Employees (AFSCME). The rule assigns a bargaining unit pay rate (RC-063) to the

(cont'd next page)

Proposed Regulations

DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to "Illinois Safety Responsibility Law" (92 Ill. Adm. Code 1070; 36 Ill Reg 15413) implementing Public Act 97-1047, the Steven Watkins Memorial Act, requiring SOS to suspend the driver's license of a person who is found to have abused or violated child visitation orders. SOS will suspend an individual's driver's license after it gets an authenticated report of visitation abuse from the court. The report must be submitted on an SOS form that includes the following information: name, address, driver's license number, birth date, gender, date and county of order was entered, case number, name of judge entering order, court seal or stamp and date certified. The suspension will be terminated when SOS receives an SOS form authenticating compliance or that the order has been stayed or suspended. The form must contain the following information: name, address, driver's license number, birth date, gender, date and county of order was entered, case number, name of judge entering order and court seal or stamp. An individual who has had his or her driving privileges revoked for visita-

(cont'd next page)

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

Educator Trainee title and specifies pay levels for persons holding this title based on their level of education (bachelor's or master's degree) and

on whether they work 9 or 12 months per year.

Questions/requests for copies: Jason

Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov.

Proposed Regulations

tion abuse may be issued a Family Financial Responsibility Permit (FFRP) for limited driving privileges that may be lifted once SOS receives the form authenticating compliance or that the order has been stayed or suspended. Individuals who request an administrative hearing to contest the FFRP suspension due to visitation abuse will not be charged a reinstatement fee.

Questions/requests for copies/comments through 12/17/12: Jennifer Egizii, SOS, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

to patient discharge. Providers authorized to sign orders or forms may designate other licensed healthcare providers, or discharge planners, to complete these documents, but the original provider remains responsible for the accuracy of the information contained in the document. HFS will approve payment for non-emergency ambulance transportation only if the patient cannot safely be transported by any other means (e.g., stretcher van, wheelchair van, automobile) and the transport is not solely intended to provide assistance in lifting the patient or navigating stairs at the destination facility. The patient must also require at least one of the following measures during transport: isolation precautions, oxygen administration, advanced airway management, intravenous fluid administration, chemical or physical restraints, one-on-one supervision, specialized monitoring, special handling or positioning, or continuous clinical observation. Examples of situations that meet, or do not meet, these criteria are also listed. Those affected by this rulemaking include hospitals, long term care facilities, and ambulance service providers.

Questions/requests for copies/comments through 12/17/12: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763, 217/782-1233.

ELECTRICAL GENERATION

The ILLINOIS COMMERCE COMMISSION proposed a new Part titled "Distributed Generation Installer Certification" (83 Ill Adm Code 468; 36 Ill Reg 15413) implementing a provision of Public Act 97-616. The act requires the Commission to adopt certification

requirements ensuring that entities installing distributed generation facilities are in compliance with the Public Utilities Act. (Distributed generation facilities are customer-owned generation facilities, typically of small scale, connected to the power grid. These may include solar, wind, or fossil fuel-powered facilities.) This new Part defines terms; requires certification of installers, except for self-installers; sets application procedures and certification requirements; specifies required application information; requires annual recertification and reporting; references complaint procedures; and sets fees and notification requirements for retail customers seeking net metering service.

Questions/requests for copies/comments through 12/17/12: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

DVA RULE WITHDRAWAL

The DEPARTMENT OF VETERANS' AFFAIRS has withdrawn proposed amendments to "Payment of Maintenance Charges and Income Management at the Illinois Veterans' Homes" (95 Ill Adm Code 108; 36 Ill Reg 5450) which were published in the 4/6/12 *Illinois Register*. The proposed amendments concerned income exclusions and allowances for residents of Illinois veterans' homes and their dependents. DVA withdrew this rulemaking in response to a JCAR Objection citing the agency's failure to specify criteria in rule for determining a resident's allowance for dependents. A new rulemaking will be proposed at a later date.

MEDICAL TRANSPORTATION

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to "Medical Payment" (89 Ill Adm Code 140; 36 Ill Reg 15425) implementing provisions of Public Acts 97-689 (SMART Act) and 97-842 concerning medical assistance payment for non-emergency ambulance transportation. The procedures and criteria set forth in this rulemaking are effective 1/1/13 or the date these amendments are adopted, whichever is later. The rulemaking requires a physician, medical director (in the case of long term care facilities), or other licensed healthcare provider acting within his or her scope of practice and staff privileges to complete a discharge order or medical certification form whenever a medical assistance patient requires supervised ground ambulance transport to another facility in a non-emergency situation. The discharge order or certification form must verify that the patient's condition meets HFS criteria for approval of payment. Facilities must insure that discharge orders and medical certifications are completed prior

Second Notices

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, except for the Illinois

Racing Board rulemaking, which will be considered at the December 11, 2012 meeting.

STATE BOARD OF ELECTIONS

"Personnel" (26 Ill Adm Code 212) proposed 8/17/12 (36 Ill Reg 12999)

POLLUTION CONTROL BOARD

"Introduction" (35 Ill Adm Code 301) proposed 4/13/12 (36 Ill Reg 5713)

"Water Quality Standards" (35 Ill Adm Code 302) proposed 4/13/12 (36 Ill Reg 5721)

"Water Use Designations and Site-Specific Water Quality Standards" (35 Ill Adm Code 303) proposed 4/13/12 (36 Ill Reg 5756)

ILLINOIS STATE BOARD OF INVESTMENT

"State (of Illinois) Employees' Deferred Compensation Plan" (80 Ill Adm Code 2700) proposed 8/31/12 (36 Ill Reg 13539)

ILLINOIS RACING BOARD

"Concessionaire Rules" (11 Ill Adm Code 402) proposed 9/7/12 (36 Ill Reg 13812)

JCAR 2011 ANNUAL REPORT

The Joint Committee on Administrative Rules' 2011 annual report is available online at our website www.ilga.gov/commission/jcar. The report summarizes agency rulemaking, JCAR actions, and public act reviews in addition to legislative and judicial actions that affected rulemaking.

Copies of this annual report will be available to the public at the cost of printing, plus postage for \$6.50. If you wish a hard copy, please send a check to JCAR at 700 Stratton Office Building, Springfield IL 62706.