

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

TANF APPLICATIONS

The DEPARTMENT OF HUMAN SERVICES (DHS) adopted an emergency amendment to "General Administrative Provisions" (89 Ill Adm Code 10; 36 Ill Reg 10582), effective 3/7/13, implementing provisions of Public Act 97-689, otherwise known as the SMART Act. An identical emergency rulemaking appeared in the *Illinois Register* at 36 Ill Reg 11486, effective 7/1/12 through 11/27/12. The rulemaking increases the time period in which DHS must provide notification of an eligibility determination for Temporary Assistance for Needy Families (TANF) from 30 calendar days to 45 calendar days and makes TANF assistance effective 30 days after the date of application (formerly, as of the application date) if the applicant is eligible on that date. DHS also removed all references to General Assistance which was abolished by the SMART Act as of 7/1/12.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to "Pay Plan" (80 Ill Adm Code 310; 37 Ill Reg 3408), effective 3/7/13, implementing a memorandum of understanding between DCMS and the American Federation of State, County and Municipal Employees. The MOU assigns an AFSCME bargaining unit pay grade to the job title of Photographer, which replaces the former Photographer I, II and III titles. The new pay grade is identical to the bargaining unit pay grade formerly assigned to Photographer II. Two employees of the Illinois State Police are affected.

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.

DNR PROGRAMS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Parts titled "Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas" (17 Ill Adm Code 1075; 37 Ill Reg 3390) and "Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030; 37 Ill Reg 3397). In Part 1075, the rulemaking institutes a new consultation fee of \$500 for consultation services provided by DNR to the applicant. The fee must be paid by credit card, e-check (using DNR's "EcoCat" online system) or by certified or cashier's check. Applications not containing the entire fee will be considered incomplete and the fee is non-refundable under any circumstances. This rulemaking will affect municipalities and units of local government that request DNR consultation regarding environmental impacts. The Part 2030 amendment adds night speed limit regulations of the Fox Waterway Agency to the Part in order to allow enforcement by DNR Conservation Police Officers.

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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.

Proposed Regulations

Questions/requests for copies/comments through 5/6/13: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

payees and retention of records by all Medicaid providers. The rulemaking clarifies that in order for an individual practitioner to designate their employer (e.g., hospital, medical school, group practice) as an alternate payee, the practitioner must have a contractual/salary arrangement that requires fees to be turned over to the employer. It also removes an existing provision allowing no more than four individual practitioners to designate the same individual practitioner as

their alternate payee. The rulemaking also increases from 3 to 6 years the time period for retaining business and professional records. Medical practitioners and their employers are affected by this rulemaking.

Questions/requests for copies/comments through 5/6/13: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233.

☞ MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to "Medical Payment" (89 III Adm Code 140; 37 III Reg 3362) concerning payments to alternate

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at JCAR's April 16, 2013 meeting.

SECRETARY OF STATE

"Procedures and Standards" (92 III Adm Code 1001) proposed 1/25/13 (37 III Reg 720)

DEPT. OF HUMAN SERVICES

"Impartial Due Process Hearing" (89 III Adm Code 828) proposed 1/18/13 (37 III Reg 497)

DEPARTMENT OF PUBLIC HEALTH

"Grade A Pasteurized Milk and Milk Products" (77 III Adm Code 775) proposed 1/4/13 (37 III Reg 98)

"Laboratory Service Fees" (77 III Adm Code 475) proposed 1/18/13 (37 III Reg 508)

DEPARTMENT OF REVENUE

"Retailers' Occupation Tax" (86 III Adm Code 130) proposed 5/25/12 (36 III Reg 7971)

"Service Occupation Tax" (86 III Adm Code 140) proposed 5/25/12 (36 III Reg 799)

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Greg Harris

Senator Don Harmon

Representative Lou Lang

Senator Tony Munoz

Representative David Leitch

Senator Sue Rezin

Representative Don Moffitt

Senator Dale A. Righter

Representative Tim Schmitz

Senator Ira Silverstein

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**Vicki Thomas
Executive Director**