

*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

### EDUCATOR LICENSURE

The STATE BOARD OF EDUCATION adopted amendments to the Part formerly titled "Certification" (23 Ill Adm Code 25; 36 Ill Reg 18170), now titled "Educator Licensure", effective 6/12/13. The rulemaking implements PA 97-607 by replacing teaching certificates with Professional Educator Licenses (PELs) containing content-specific or grade level-specific endorsements. The rulemaking sets PEL training standards and allows current certificates to be exchanged for PELs electronically. Applicants who do not meet full PEL requirements may apply for an Educator License with Stipulations (ELS). The amendments phase out Learning Behavior Specialist certification and replace it with an unlimited, cross-categorical Special Education endorsement. The rulemaking includes requirements for alternative educator licensure (which replaces alternative certification), outlines requirements for various endorsements, and sets requirements for licensure and endorsements for administrators and school support personnel (e.g., speech/language therapists, social workers, nurses). SBE may initiate license revocation proceedings, or require further professional develop-

ment, if an educator receives unsatisfactory evaluations in 2 of 7 academic (originally, calendar) years, and applicants who are denied licenses must wait 5 years to reapply. Other topics addressed include continuing education requirements; out of State training; required exams and the teacher performance assessment; license renewal and reinstatement of lapsed licenses; and documentation required for licensure applications. Since 1<sup>st</sup> Notice, SBE has made numerous changes, including lowering the required number of Continuing Professional Development Units for educational interpreters (who perform sign language or other interpretation for deaf or hearing-impaired students) from 100 to 50 every 5 years; providing for a one-time, interim 2-year approval for educational interpreters unable to meet new regular approval standards; reducing the teaching experience required of mentors from 5 to 3 years; clarifying requirements for various endorsements; and changing the provision regarding unsatisfactory evaluations to reference academic rather than calendar years. SBE also removed a proposed requirement that institutions of higher education review the transcripts of all applicants for

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## Proposed Regulations

### FIRE SAFETY

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to the Part titled "Fire Prevention and Safety" (41 Ill Adm Code 100; 37 Ill Reg 8191) and proposed a new Part titled "Permanently Moored Vessel Fire Prevention and Safety" (41 Ill Adm Code 149; 37 Ill Reg 8212). The Part 100 rulemaking adopts the most recent editions of National Fire Protection Association (NFPA) life safety codes with listed modifications and authorizes local governments to adopt codes equal to or stricter than that of the NFPA. Modifications to the NFPA life safety code are specified for day care facilities, buildings of greater than 4 stories and one- and two-family dwellings, and a separate NFPA code applies to historic structures. Existing high rises will be required to meet NFPA codes or install automatic sprinklers in stages during the 3 to 12 years following the effective date of this rulemaking. All assembly occupancies (buildings used for gatherings of 50 or more people, or for entertainment regardless of occupant load) that NFPA requires to have automatic sprinklers must install them within 5 years. OSFM may grant additional

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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.*

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endorsements. Teachers, student teachers, school administrators, school support staff and teacher education programs are affected by this rulemaking.

Questions/requests for copies: Kellee Sullivan, ISBE, 100 N. First St. S-306, Springfield IL 62777, 217/557-6763.

## ☎ TELEPHONE SERVICES

The ILLINOIS COMMERCE COMMISSION adopted amendments to "Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois" (83 Ill Adm Code 735; 37 Ill Reg 387), effective 7/1/13 that make the Part applicable to electing providers (telecommunication services providers that choose to be market-regulated) only with respect to the offering or provision of the optional packages required by the Public Utilities Act and stand-alone residential network access lines. Since 1<sup>st</sup> Notice ICC added a reference to the 2/4/83 effective date of the Part. Telephone service providers may be affected by this rulemaking.

Questions/requests for copies/comments through 2/25/13: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

## MATERNAL AND CHILD HEALTH

The DEPARTMENT OF HUMAN SERVICES adopted a new Part titled "Maternal and Child Health Advisory Board" (77 Ill Adm Code 2260; 36 Ill Reg 15319), effective 6/11/13 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 criteria are included. Board members are not compensated but shall be reimbursed for necessary expenses incurred while performing their duties.

## AABD BENEFITS

DHS also adopted emergency amendments to "Aid to the Aged, Blind or Disabled" (89 Ill Adm Code 113; 36 Ill Reg 17306), effective 6/11/13, implementing a provision of the SMART Act (Public Act 97-869) that aligns annual increases to the professional funeral services and burial expenses exemption to increases in the Consumer Price Index. An identical emergency rulemaking, effective 12/1/12 appeared in the *Illinois Register* at 36 Ill Reg 17567. The rulemakings also increase the exemption from \$4,000 to \$5,874 for each individual and his or her spouse.

## DHS RESIDENTIAL SCHOOLS

DHS also adopted amendments to "Definition of Terms" (89 Ill Adm Code 751; 36 Ill Reg 14546) and "Identification, Evaluation, and Placement of Students" (89 Ill Adm Code 795; 36 Ill Reg 14572), effective 6/11/13, that revise Department residential schools rules' terminology and program practices for consistency between rules. Part 751 amendments revise definitions and add new definitions for use throughout all DHS educational facilities rules. Part 795 amendments clarify that special education program and student rights information will be provided to the parent or guardian in the child's native language in a format

accessible for use. This rulemaking changes all references to case study evaluation and multidisciplinary evaluation to eligibility review. Finally, both rulemakings make significant non-substantive, technical changes for consistency.

Questions/requests for copies of the 4 DHS rulemakings above: Tracie Drew, DHS, 100 S. Grand Ave. E., 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## ☎ PUBLIC HEALTH REPORTS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Control of Sexually Transmissible Diseases Code" (77 Ill Adm Code 693; 36 Ill Reg 14146), effective 6/12/13 that implement provisions of Public Acts 97-244 and 97-550 and make numerous technical updates and/or clarifications. PA 97-244 eliminated references to AIDS-related complex (ARC), the enzyme-linked immunosorbent assay (ELISA) test and the Western Blot Assay test and requires DPH to provide, in rule, an HIV test to determine the presence of HIV infection, based upon recommendations of the United States Centers for Disease Control and Prevention. PA 97-550 requires DPH to include all CD4 test results, including counts and percentages of any value, and HIV viral load test results, both detectable and undetectable in its HIV/AIDS Registry. Hospitals and laboratories may only be required to report test results for tests performed on or after 90 days after the date that the DPH provides an electronic method for the reporting of results and only if the reporting hospital or laboratory has an electronic health record that enables it to identify HIV patients. Until electronic laboratory reporting is established, hospitals and laboratories are required to continue to report cases of HIV and AIDS in Illinois in accordance with DPH's administrative rules adopted in effect on May 1, 2011. Changes since 1<sup>st</sup> Notice include changes to the definitions of "contact", "critical period", "health care profession", "sexually transmissible infection" and "treat-

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ment"; addition of a local health department as a designated agent for reporting cases in cities with a population of 1 million or more; and addition of authority for counselors to implement an internet notification protocol in cases of sexually transmissible infections traced to an online encounter. Health care providers and health department employees are affected.

## ANIMAL CONTROL

Also, DPH adopted a new Part titled "Animal Population Control Code" (77 Ill Adm Code 996; 37 Ill Reg 521), effective 6/14/13 implementing Public Act 94-639, which establishes the Illinois Public Health and Safety Animal Population Control Program. The rulemaking establishes definitions for use throughout the Part; includes a listing of Illinois statutes references in the Part; outlines who is eligible to participate in the program; provides application requirements and criteria for providing proof of eligibility and composition of the application forms; details veterinary participation requirements; and outlines co-payment and reimbursement guidelines for animal sterilization procedures and pre-surgical immunizations. The rulemaking also lists sources of income to support the program that will be deposited into the Pet Population Control Fund. Fines for falsification of program eligibility may be assessed up to \$500 per violation. Since 1<sup>st</sup> Notice, DPH has added a reimbursement rate schedule for veterinary services, added a definition of "feral cat colony manager", removed a requirement that applicants specify the location of and number of cats in a feral cat colony, and clarified certain requirements for applicants and participating veterinarians. Veterinarians, animal shelters and animal welfare organizations are affected.

Questions/requests for copies of the 2 DPH rulemakings above: Susan

Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL, 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to "Cancellation, Revocation or Suspension of Licenses or Permits" (92 Ill Adm Code 1040; 37 Ill Reg 3635), effective 6/17/13 to implement provisions from several public acts. SOS is adding statutorily designated new offenses for which SOS can take sanctions against a driver's license, including modification of a rear registration plate, unauthorized use of a deceased person's disability placard or device, child visitation abuse, and text messaging while driving a commercial vehicle. The agency is also clarifying the definitions of existing violations.

Questions/requests for copies: Jennifer Egizii, SOS, Driver Services Department, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

## VEHICLE REGISTRATION

SOS also adopted amendments to "Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010, 37 Ill Reg 4213), effective 6/14/13, that state the Secretary of State is the only entity that can sell license plates or vehicle registration stickers over the Internet. The processing fee for financial institutions that sell license plates and/or registrations stickers through over-the-counter sales is increased to \$7.50 from \$5.50. Those affected by this rulemaking include small businesses, small municipalities, and not-for profit corporations that sell license plates and registration stickers as well as individuals who purchase them at these locations.

Questions/requests for copies: Nathan Maddox, SOS, 298 Howlett Building, Springfield IL 62756, e-mail: [nmaddox@ilsos.net](mailto:nmaddox@ilsos.net), 217/785-3094.

## SEASONAL PROGRAM GRANTS

The DEPARTMENT OF NATURAL RESOURCES adopted, by emergency rulemaking, amendments to the Part titled "Illinois Youth Recreation Corps Grant Program" (17 Ill Adm Code 3075; 37 Ill Reg 8953) and a new Part titled "Illinois Veteran Recreation Corps Grant Program" (17 Ill Adm Code 3080; 37 Ill Reg 8963), both effective 6/13/13 for a maximum of 150 days. The Part 3075 rulemaking allows DNR grants to local summer conservation and recreational programs to be used to pay wages of adult managing supervisors and youth employees (currently, grants may be used only to pay youth employees) for up to 60 days. At least one managing supervisor 19 years of age or older must be hired for every 10 youth employees; if fewer than 10 youth are employed only one supervisor may be hired. New criteria for evaluating grant applications include the minority percentage of population served, property values in the program's service area, and the number of acres managed by the applicant. The new Part 3080 establishes a parallel grant program, with the same staff-to-employee ratio and evaluation criteria, for conservation and recreational programs employing veterans. Programs funded under this Part may employ managers and eligible veterans for up to 40 hours per week for 26 weeks. Unspent grant funds for both programs must be returned to DNR. Local governments and non-profit organizations that sponsor seasonal recreation or conservation programs may be affected by this emergency rule.

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

# Proposed Regulations

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time for affected facilities to comply, and appeal procedures are provided for persons or entities adversely affected by an OSFM order or rule. Safety codes and inspection schedules applicable to permanently moored vessels (e.g., floating casinos) are updated and moved from Part 100 to the new Part 149. Small businesses, municipalities and non-profits that own or manage buildings or permanently moored vessels regulated by NFPA fire codes will be affected by this rulemaking.

Questions/requests for copies/comments on the 2 OSFM rulemakings through 8/12/13: Ken Wood, Division of Technical Services, OSFM, 100 W. Randolph St., Suite 4-600, Chicago IL 60601, 312/814-2962, fax 312/814-3459.

## ☞ SWIMMING FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Swimming Facility Code" (77 Ill Adm Code 820; 37 Ill Reg 8223) that implement provisions of Public Act 97-957 affecting construction, renovation, repair, and licensing or permitting of swimming pools, bathing beaches, and aquatic features (e.g., water slides). The rulemaking clarifies existing definitions and adds new definitions; establishes requirements for the role of local health departments; establishes new requirements for issuance of permit applications and plan submittal, including applicable fee schedules; established enforcement provisions and record reproduction requirements; and established requirements for pre-qualification of architects, professional engineers and swimming facility contractors. The rulemaking also revises provisions covering licenses to operate, permits for construction or major alteration, license renewal and payment of fees and plan certification and plan re-submittal and establishes fee structures for licensure and inspection.

Provisions concerning rules, violations at facilities and recordkeeping are being amended, as well as provisions concerning the adoption of ordinances and the adoption and revocation of agent agreements. The rulemaking sets forth provisions concerning eligibility of prequalification for architects, professional engineers, and contractors and provisions concerning the suspension and modification of prequalifications and licenses. The rulemaking provides that any person seeking to perform construction, installation, modification or repair of a swimming facility must be licensed by the Department. Those affected by this rulemaking include residential facilities resorts, schools, municipalities and other entities that operate swimming facilities, as well as swimming facility contractors.

Questions/requests for copies/comments through 8/12/13: Susan Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Flr., Springfield IL, 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## ☞ SOCIAL WORKERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to "Clinical Social Work and Social Work Practice Act" (68 Ill Adm Code 1470; 37 Ill Reg 8171) raising the fee for reinstating a license to \$50 from \$20. Additionally, computer or Internet-based courses offered by approved continuing education sponsors are eligible for credit. Beginning 12/1/13, a minimum of 50% of total continuing education credit hours must be face-to-face, in-person instruction. The list of approved continuing education sponsors is expanded to include the following: the American Association for Marriage and Family Therapy, employers listed in the Hospital Licensing Act, sponsors approved under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, and

any other regionally accredited school, college or university, community college, or State agency that provides continuing education. This rulemaking also makes various technical changes. Licensed social workers, licensed clinical social workers and those offering continuing education courses may be affected by this rulemaking.

Questions/requests for copies/comments through 8/12/13: Craig Cellini, 320 W. Washington, 3<sup>rd</sup> Floor, Springfield IL 62786, 217/785-0813.

## IL POWER AGENCY

The ILLINOIS POWER AGENCY proposed a new Part titled "Fee Assessment and Collection for Regular Procurement Events, Special Procurement Events and Other Services" (83 Ill Adm Code 1200; 37 Ill Reg 8353) that sets fees and charges it is authorized to collect in order to fund the Agency's operations. Covered topics include publication of overhead and mediation rates regular and special procurement events; and contract review, evaluation and mediation requirements. (Procurements are any competitive bidding process overseen by IPA or one of its agents. Regular procurements are those authorized by an ICC approved procurement plan; special procurements are those mandated for a particular procurement cycle after its associated procurement planning cycle has ended.) IPA also proposed a new Part titled "Uniform System of Accounts" (83 Ill Adm Code 1220; 37 Ill Reg 8367) that implements accounting rules and a system of accounts governing all reporting required by the State under the Power Agency Act, by the IPA, or under the Public Utilities Act.

Questions/requests for copies/comments on the above 2 IPA rulemakings above through 8/12/13: Michael Strong, Illinois Power Agency, 160 N. LaSalle St., Suite N-506, Chicago IL 60601.

## **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 July 9, 2013 meeting.

### **DEPARTMENT OF PUBLIC HEALTH**

"Illinois Vital Records Code" (77 Ill Adm Code 500) proposed 4/12/13 (37 Ill Reg 4466)

"Child Health Examination Code" (77 Ill Adm Code 665) proposed 1/4/13 (37 Ill Reg 60)

"Immunization Code" (77 Ill Adm Code 695) proposed 1/4/13 (37 Ill Reg 77)

"Newborn Metabolic Screening and Treatment Code" (77 Ill Adm Code 661) proposed 11/30/12 (36 Ill Reg 16738)

### **OFFICE OF THE ATTORNEY GENERAL**

"Hospital Financial Assistance under the Fair Patient Billing Act" (77 Ill Adm Code 4500) proposed 3/8/13 (37 Ill Reg 2621)

### **OFFICE OF THE STATE FIRE MARSHAL**

"Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill Adm Code 175) proposed 4/19/13 (37 Ill Reg 5131)

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

"Practice in Administrative Hearings" (89 Ill Adm Code 104) proposed 12/18/12 (36 Ill Reg 18090)

### **DEPARTMENT OF INSURANCE**

"Health Maintenance Organization" (50 Ill Adm Code 5421) proposed 8/17/12 (36 Ill Reg 12957)

## ***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**

**Representative Andre Thapedi**

**Vicki Thomas  
Executive Director**