

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

☞ RADIOACTIVE MATERIALS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to the following Parts: "Medical Use of Radioactive Material" (32 Ill Adm Code 335; 37 Ill Reg 2775), "Standards for Selection of Contractors", (32 Ill Adm Code 605; 37 Ill Reg 2807) and "Registration of Low-Level Radioactive Waste Generators" (32 Ill Adm Code 620; 37 Ill Reg 2831), all effective 7/19/13. Amendments to Part 335 require licensees, prior to administration of specified quantities of sodium iodide I-131 to females capable of childbirth, to conduct and obtain results of a pregnancy test. If the delay caused by conducting such a test would jeopardize the patient's health, the test may be foregone if the action is noted by the authorized user on a written directive. Amendments to Parts 605 and 620 reflect the merger of the former Department of Nuclear Safety with IEMA and update the Parts which have not been amended since 1988 and 1987, respectively. IEMA also repealed 2 obsolete Parts: "Individual and Family Grant Program" (29 Ill Adm Code 410; 37 Ill Reg 2757) and "Public Disaster Assistance Program" (29 Ill Adm Code 420; 37 Ill Reg 2766)

effective 7/19/13, because FEMA now administers these programs. Those affected by these rulemakings include radiologists and other medical practitioners.

Questions/requests for copies of the 5 IEMA rulemakings above: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860, TDD-217/782-6133.

☞ CREDIT UNIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to "Illinois Credit Union Act" (38 Ill Adm Code 190; 36 Ill Reg 11777), effective 7/16/13, implementing Public Act 97-133. The rulemaking clarifies the roles of the Director of Financial Institutions and Secretary of DFPR. Remedial actions to address civil penalties assessed under the new Section 8(6) of the Credit Union Act must be performed to the satisfaction of the Secretary, with the amount of time granted to remediate a violation dependent on the nature and extent of the remedial action to be taken. Charges for examiners are being raised from a flat

☞ CAPITAL PROCUREMENT

The CHIEF PROCUREMENT OFFICE FOR CAPITAL DEVELOPMENT BOARD proposed a new Part titled "Procurement Practices" (44 Ill Adm Code 8; 37 Ill Reg 12143) and proposed repeal of the current Part with the same title (37 Ill Reg 12120). These rulemakings reflect recent Public Acts placing procurement responsibility in the Chief Procurement Officer for the Capital Development Board (CDB), separate and distinct from the Board itself. The new Part 8 encompasses Illinois Procurement Code (Code) reforms of recent years. The rulemaking establishes the CPO for the CDB as the primary authority to conduct procurement activity for CDB, extending to procurement of architects and engineers, and construction and construction management services under the Code. Various defined terms are revised or added (e.g., construction management services, design-build contract, additional "germane" work to be performed for a contract), and references to 24 collateral bodies of work (e.g., the Code, Illinois Architecture Practice Act of 1989, Prevailing Wage Act, Lobbyist Registration and

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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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charge of \$190 per day for all credit unions to \$245 per day for credit unions with assets of more than \$5 million and \$380 per day for those with assets of more than \$100 million. Fees for credit unions failing to have their books and records posted when examined by DFPR's Division of Financial Institutions (DFI) are being raised 30%, depending on the assets of the credit union (\$65 for assets of less than \$1 million, up to \$6,500 for an institution with \$500 million or more in assets). Lending limits for consumer loans are being raised, based on the size of the credit union, ranging from \$4,000 for an unsecured loan at a credit union with less than \$500,000 in assets to \$180,000 for a secured loan at a credit union with more than \$100 million in assets. Business loan terms' definitions are being altered to conform to the National Credit Union Administration's (NCUA) business lending rule at 12 CFR 723. A credit union seeking to exceed the aggregate business loan limit authorized by federal law must submit an application that includes the union's current business loan policies; confirms the union is in compliance with all other aspects of DFI's business loan requirements; reports the credit union's proposed limit on the amount of nonmember business loans if the application is granted; and attests that its proposed action is not in conjunction with other credit union(s) which would have the effect of trading member business loans that would otherwise exceed the aggregate limit. DFI, if it approves the application to exceed the aggregate business loan limit, shall forward the information to the federal NCUA's regional director for decision, with some exceptions. Collateral requirements for business loans are slightly revised: a federally insured credit union must obtain the personal liability and guarantee of principals, but a union that has met standards stated in the rule is exempt from this requirement. Since 1st Notice, DFPR has made exceptions to its general requirement of NCUA approval for credit unions to exceed aggregate business loan limits. Waivers for credit unions with \$30

million or less in assets, and waivers for aggregate loan amounts that exceed the normal limit by less than \$100,000, do not require NCUA approval. Provisions defining a "well capitalized" institution have been replaced with a general reference to NCUA's minimum capital ratio. DFPR has also removed previous rule language defining "substandard", "doubtful" and "loss" loans for purposes of determining a credit union's allowance for loan losses. Instead, an external auditor is required to verify that the allowance conforms to generally accepted accounting principles. Other changes clarify that exceptions to business lending limits granted by DFPR do not expire, but can be revoked for sufficient cause (e.g., evidence of fraud or of adverse impact on the credit union's financial stability); remove a former alternate limit on aggregate business loans of 1.75 times the credit union's net worth or 12.25% of its assets, whichever is less (now, only federal Credit Union Act limits apply); require credit unions with \$30 million or less in assets that obtain permission from DFPR to make business loans to comply with all provisions in the Part; clarify a definition of "net worth"; and require personnel who make business loans for a credit union to have experience handling loans of comparable complexity and risk exposure. Date-specific references to federal regulations have also been added. Credit unions and their customers are affected by this rulemaking.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813 Fax: 217/557-4451.

HOSPITAL FINANCIAL AID

The ATTORNEY GENERAL adopted a new Part titled "Hospital Financial Assistance Under the Fair Patient Billing Act" (77 Ill Adm Code 4500; 37 Ill Reg 2621), effective 7/22/13, concerning application procedures and eligibility criteria for patients applying for financial assistance from hospitals. Applications must inform patients that

they can receive free or discounted care, but are not required to furnish a Social Security number in order to qualify if they are uninsured, although a Social Security number may be required for some public programs. The following information must be provided by the patient: name and date of birth; Illinois residency status; whether the patient was an accident or crime victim; telephone number; e-mail address; family and household income and employment information; insurance or medical benefit information (e.g., Medicare, health insurance, veteran's benefits); asset information (including bank accounts, stocks, mutual funds, automobiles and health or flexible spending accounts); and monthly expenses such as housing, utilities, food and child care (unless the patient qualifies for assistance based solely on income or other presumptive eligibility criteria). Applicants must certify that the information provided is true and correct, that the hospital may verify the information, and that they will not be eligible for assistance if false information was knowingly supplied. The rule requires hospitals to develop presumptive eligibility policies listing criteria that qualify patients for financial assistance. Patients will be presumed eligible if they are homeless, mentally incapacitated, Medicaid eligible, or are enrolled in certain specified assistance programs (e.g., WIC, free school lunch/breakfast). If an application is submitted on behalf of a deceased patient, the patient will be presumed eligible if he or she left no estate. Other criteria that hospitals may use to determine presumptive eligibility include recent bankruptcy, incarceration, or enrollment in TANF or certain rental assistance programs. Additional presumptive eligibility criteria may be used by Critical Access Hospitals and rural hospitals. The rule also permits use of electronic health information technology in the application and eligibility determination process and requires hospitals to file annual reports with the AG regarding their financial assistance programs. The annual reports must include, among other informa-

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tion, the number of applications filed, approved and denied. Since 1st Notice, the AG has set a deadline of 1/1/14 for hospitals to provide the prescribed financial assistance application forms and to establish presumptive eligibility policies and criteria for applicants. The AG will make its annual financial assistance reporting forms available to hospitals by 10/1/13. Patients have 60 days after discharge or outpatient treatment (originally, 60 days after receipt of the application form) to apply for financial assistance; hospitals may extend but cannot shorten this time limit. Uninsured patients cannot be billed until the hospital determines whether presumptive eligibility criteria apply. Patients who meet the presumptive eligibility criteria set forth in this Part, or qualify for assistance based on family income, are not required to submit information regarding their monthly expenses. Hospitals may require patients to include the name and contact information of a spouse, civil union partner, or (in the case of a minor patient) parent or guardian if that person is the guarantor of the patient's medical expenses. For Critical Access Hospitals and rural hospitals, a patient's membership in a community-based medical care program for low-income persons is an optional (originally mandatory) criterion for presumptive eligibility. Hospitals are affected by this rulemaking.

Questions/requests for copies/comments through 4/22/13: Lynn Patton, Office of the Attorney General, 500 S. 2nd St., Springfield IL 62706, 217/524-1504 Fax: 217/782-1396.

tuses of less than 20 weeks gestation to be issued without completion of a fetal death certificate if the cause of death was natural and does not require investigation by a coroner or medical examiner. Those affected by this rulemaking include hospitals, funeral homes, crematories, and cemeteries.

Questions/requests for copies: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

BUSINESS ORGANIZATIONS

The SECRETARY OF STATE adopted amendments to "Uniform Partnership Act (1997)" (14 Ill Adm Code 166; 37 Ill Reg 4203), effective 7/17/13, to add additional forms that may be filed with the SOS. Forms added include: Form UPA 1004 for reinstatement of limited liability partnership status; Form UPA 1005 concerning the resignation of an agent for service of process upon a limited liability partnership; and Form UPA 1106 concerning the resignation of an agent for service of process upon a foreign limited liability partnership. SOS also adopted amendments to "Uniform Limited Partnership Act (2001)" (14 Ill Adm Code 171; 37 Ill Reg 4208), effective 7/17/13, to add an additional form (Form LP 906.5) for reinstatement of foreign limited partnership status after revocation. Entities that may be affected by these rulemakings include limited partnerships and limited liability limited partnerships that are or that will or may become subject to the provisions of the Act.

Questions/requests for copies of the 2 SOS rulemakings above: Michelle Nijm, SOS, 100 W. Randolph St., #5-400 Chicago IL 60601, 312/814-7256.

LICENSE PLATES

SOS also adopted amendments to the Part titled "Certificates of Title,

Registration of Vehicles" (92 Ill Adm Code 1010, 37 Ill Reg 5133), effective 7/17/13, lowering the minimum number of requests needed to issue collegiate license plates from 1700 to 1500. All requests must include the requisite fee. Additionally, this rulemaking establishes criteria for organizations that wish to change the design of their specialty license plates. Colleges and universities and organizations that have specialty license plates will be affected by this rulemaking.

Questions/requests for copies: Nathan Maddox, Senior Legal Advisor, SOS, 298 Howlett Building, Springfield IL 62756, e-mail: nmaddox@ilsos.net, 217/785-2012.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted preemptory amendments to "Pay Plan" (80 Ill Adm Code 310; 37 Ill Reg 12588), effective 7/19/13, implementing collective bargaining agreements with the Illinois Federation of Public Employees (IFPE) and Teamsters Local 330 (General Chauffeurs, Sales Drivers and Helpers (Fox Valley)). Both agreements are effective 7/1/12 through 6/30/15. The preemptory rule includes general pay increases of 2% effective 7/1/13 and 7/1/14 for affected employees in both bargaining units; an increase of \$25/month in longevity pay for certain members of the IFPE bargaining unit with 10 years or more of continuous service; a one-time stipend, equal to 2.25% of base salary, payable to Local 330 members employed on 6/1/13; and "new hire" pay provisions for Local 330 members during their first 5 years of employment. This rule affects 340 State employees in 7 agencies.

Questions/requests for copies: Jason Doggett, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov.

FETAL BURIALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Illinois Vital Records Code" (77 Ill Adm Code 500; 37 Ill Reg 4466), effective 7/19/13, implementing Public Act 96-338. The rulemaking allows permits for group burial or cremation of fe-

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Steel Products Procurement Acts) are added. The role of CDB staff is stated, which includes working with user agencies and making certain capital construction projects are in accord with the Code and applicable rules and publication of procurement information in the Illinois Procurement Bulletin. Source selection and contract formation provisions are prescribed, along with competitive bidding protocols (including bid evaluation policies), small purchase bidding exception policies, sole source policies and procedures, emergency procurement exceptions and procedures, other methods of source selection and procedures for tie bids, mistakes in the bidding process, or modification, withdrawal, or cancellation of bids. Vendor responsibility and prequalification requirements are prescribed. Contract duration cannot be longer than 10 years unless permitted by the Code. Public contracting and procurement ethics provisions include: bribery provisions, conflict of interest, contractors subject to the contractor registration and campaign contribution prohibition provisions of the Code and Election Code, Environmental Protection Act and Illinois Use Tax violators, revolving door and restrictions on future employment provisions, financial disclosure requirements, lobbying restrictions, and ex parte procurement communication limitations. Vendor suspension and contractor debarment procedures are listed, as well as administrative hearing procedures. Other provisions address procedures for cancelling, protesting and disputing contracts; evaluation and selection; procurement preferences and policies (e.g., small business, female/minority/disabled); and documents required for a procurement file. Businesses seeking State construction contracts are affected.

Questions/requests for copies/comments concerning the 2 rulemakings through 9/16/13: Lorri Rosenfeldt, CPO-CDB, 401 S. Spring, Stratton Office Bldg., Room 318, Springfield IL 62706,

217/558-2295, email: lorri.rosenfeldt@illinois.gov.

☞ STRETCHER VANS

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to “Emergency Medical Services and Trauma Center Code” (77 Ill Adm Code 515; 37 Ill Reg 12391) implementing a provision of Public Act 97-689 (SMART Act), which redefines the type of patient that may be transported via stretcher van. The definition in the rulemaking reflects the statutory change, which allows patients to be transported by stretcher van if they require no medical monitoring or clinical observation and are not being taken to a hospital for emergency treatment. Medical transportation providers are affected.

Questions/requests for copies/comments through 9/16/13: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to “Medical Assistance Programs” (89 Ill Adm Code 120; 37 Ill Reg 12302) revising an eligibility criterion for the Department’s Health Insurance Premium Payment (HIPP) program, which subsidizes health insurance coverage for persons with high cost medical conditions requiring ongoing treatment (e.g., cancer, AIDS, diabetes). The rulemaking defines a health plan as “cost effective” and eligible for coverage if the average cost of medical services covered during a premium period is at least 2 ½ times (currently, greater than twice) the cost of premiums for the same period. HIPP patients and health insurance providers are affected by this rulemaking.

☞ MEDICAL TRANSPORTATION

DHFS also proposed amendments to “Medical Payment” (89 Ill Adm Code

140; 37 Ill Reg 12317) increasing reimbursement rates for medical transportation services for dates of service beginning 7/1/13. The rulemaking establishes the service rates in effect on 6/30/12 as the standard for ground ambulance transportation and for helicopter transportation, with add-on payments for Basic Life Support (BLS) and Advanced Life Support (ALS) services. For Specialty Care Transport services, payment will be the lesser of the ALS rate in effect on 6/30/12 plus \$75, or the provider’s usual and customary charge to the public. Mileage reimbursement for loaded miles (distance that a patient is actually transported) will be the lesser of \$5 per mile or the provider’s usual and customary charge to the public, regardless of the county in which the vehicle is based. When a patient is transported by medicar, taxicab or other non-ambulance vehicle with the assistance of an attendant, payment for the attendant’s services is subject to the Department’s general criteria for medical transportation reimbursement. Ambulance services and other medical transportation providers are affected by this rulemaking.

CHILD SUPPORT

DHFS proposed amendments to “Child Support Services” (89 Ill Adm Code 160; 37 Ill Reg 12342) providing that when DHFS issues an administrative order establishing paternity of a child, a copy of the order shall be sent to the Department of Public Health’s Office of Vital Records so that DPH may add this information to the child’s birth certificate. The rulemaking clarifies that administrative orders requiring payment of past-due child support only, as well as orders for payment of current child support, may be reviewed and modified upon request of either parent. The definition of “service” is expanded to include personal delivery of a notice at an individual’s residence to a family member or other person residing there who is at least 13 years old. Other methods of service allowed by law but not described in rule may be used (currently, this

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provision applies to counties with less than 2 million population). Finally, the rulemaking makes court-ordered payments of life insurance premiums to secure support of minor children in the event of the responsible relative's death a deductible expense when

DHFS initially calculates a responsible relative's child support obligations. (A previous rulemaking applied this provision at the appeal stage but not at the initial determination; this rulemaking remedies that oversight.)

Questions/requests for copies/comments on the 3 DHFS rulemakings above through 9/16/13: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, e-mail: HFS.Rules@illinois.gov.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period, and will be considered at JCAR's August 13th meeting.

HEALTH INFORMATION EXCHANGE AUTHORITY

"Protection of Privacy of Public Aid Applicants and Recipients" (77 Ill Adm Code 4000) proposed 5/24/13 (37 Ill Reg 7107)

DEPARTMENT OF TRANSPORTATION

"Aviation Safety" (92 Ill Adm Code 14) proposed 6/7/13 (37 Ill Reg 7724)

STATE UNIVERSITIES RETIREMENT SYSTEM

"Universities Retirement" (80 Ill Adm Code 1600) proposed 5/10/13 (37 Ill Reg 6170)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Reports of Child Abuse and Neglect" (89 Ill Adm Code 300) proposed 4/26/13 (37 Ill Reg 5207)

DEPARTMENT OF NATURAL RESOURCES

"The Illinois Explosives Act" (62 Ill Adm Code 200) proposed 5/31/13 (37 Ill Reg 7230)

"Injurious Species" (17 Ill Adm Code 805) proposed 6/7/13 (37 Ill Reg 7706)