

*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

### CAPITAL DEVELOPMENT BOARD

The CAPITAL DEVELOPMENT BOARD adopted an amendment to "Illinois Energy Conservation Code" (71 Ill Adm Code 600; 37 Ill Reg 2748), effective 7/23/13, that increases the number of residential contracting industry representatives on the Illinois Energy Advisory Council from 1 to 2, thereby increasing the Council's overall membership from 10 to 11 members. The rulemaking also increases the quorum requirement from 6 to 7 members of the Council, reflecting the increase in Council membership, and clarifies that the Chairperson shall only vote to break a tie or when necessary to establish a quorum.

Questions/requests for copies: Lisa Mattingly, CDB, 401 S. Spring Street, 3<sup>rd</sup> Fl., Springfield IL 62706, 217/524-6408, Fax 217/524-4208, email: [lisa.mattingly@illinois.gov](mailto:lisa.mattingly@illinois.gov).

12 any applicant convicted of any of 11 financial or fraud-related felonies who would have access to confidential financial information or billing-related documentation. Since 1<sup>st</sup> Notice, DCFS updated references to the Criminal Code of 1961 to refer to the Criminal Code of 2012. Child care providers may be affected.

Questions/requests for copies: Jeff Osowski, DCFS, Department of Children and Family Services, 406 East Monroe, Station #65, Springfield IL 62701-1498; 217/524-1983.

### HFS APPEALS PROCESS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to "Practice in Administrative Hearings" (89 Ill Adm Code 140; 36 Ill Reg 18090) and "Medical Payment" (89 Ill Adm Code 140; 36 Ill Reg 18105), both effective 7/24/13. Amendments to Part 104 establish an appeals process for denial or reduction of payment to ground ambulance service providers. The rulemaking outlines the process for ambulance providers to file appeals as well as the timeline and procedure for hearings. Since 1<sup>st</sup> Notice, DHFS has removed

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## Proposed Regulations

### PROCUREMENT

The OFFICE OF THE ATTORNEY GENERAL proposed amendments to "Attorney General's Procurement" (44 Ill Adm Code 1300; 37 Ill Reg 12696) to align the OAG's procurement rules with Public Act 97-895. The rulemaking revises policies pertaining to the award of sole source contracts. Publication of intent to enter into the sole source contract with a justification for the contract, a description of goods or services to be procured, the intended contractor, and notice of any requested public hearing to be held 15 days after the publication, giving the date, time and place of the potential hearing, are all required. In competitive sealed proposals, the identity of subcontractors for the vendor will be identified, as well as the general type of work to be performed by the subcontractors. The OAG Chief Procurement Officer shall determine whether a business entity is required to register with the State Board of Elections, and if so, whether the entity is in compliance with the registration requirements of the Board on the date a bid or proposal is due. If not, the OAG Procurement Officer shall not accept the entity's bid or proposal. This rule-

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### BACKGROUND CHECKS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Background Checks" (89 Ill Adm Code 385; 36 Ill Reg 17278), effective 7/30/13, that bar from DCFS child care licensure after 7/31/

*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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provisions addressing appeals of child support-related actions. The Part 140 amendment gives ambulance providers 60 days to appeal after receiving notice of a payment denial or reduction if the provider did not receive a denial prior to transport. (DHFS requires prior approval for most non-emergency ambulance transportation.) Medical transportation providers will be affected by this rulemaking.

Questions/requests for copies of the 2 DHFS rulemakings above: Jeanette Badrov, DHFS, 210 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233.

## AIR QUALITY

The POLLUTION CONTROL BOARD adopted amendments to "Air Quality Standards" (35 Ill Adm Code 243; 37 Ill Reg 7316) to implement Public Act 97-945, which requires PCB to adopt ambient air quality standards that are identical in substance to USEPA's National Ambient Air Quality Standards (NAAQS) specifying the maximum permissible short- and long-term concentrations of various contaminants in the atmosphere. Definitions are expanded and incorporations by reference are updated. Air quality monitoring data influenced by excep-

tional events requirements are set as are standards and measurement methods for sulfur oxides, carbon monoxides, nitrogen oxides, ozones, lead, and primary and secondary 24-hour NAAQS for particulates.

Questions/requests for copies: Michael J. McCambridge, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6924. Please reference consolidated docket R13-11. Copies of the Board's opinion and order may be obtained at <http://www.ipcb.state.il.us>.

# Proposed Regulations

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making will affect small businesses seeking contracts with the OAG.

Questions/requests for copies/comments through 9/23/13: Lynn Patton, Office of the Attorney General, 500 S. 2<sup>nd</sup> St., Springfield IL 62706, 217/524-1504 Fax: 217/782-1396.

The CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION (CPO-DOT) proposed amendments to the Part titled "Chief Procurement Officer for the Department of Transportation Contract Procurement" (44 Ill Adm Code 6; 37 Ill. Reg. 12620) to implement recent Illinois Procurement Code changes made by Public Act 97-895. The CPO-DOT shall be responsible for publishing the Department's volume of the Illinois Procurement Bulletin. The monetary threshold for subcontractor reporting and compliance elements under the Code is being raised from \$25,000 to \$50,000. Public sole source contract hearings are triggered by the request of an interested party. Procurement files must not include trade secrets or other competitively sensitive, confidential or proprietary information. Businesses seeking contracts with DOT are affected.

Questions/requests for copies/comments through 9/23/13: Bill Grunloh, CPO-DOT, 2300 S. Dirksen Parkway, Room 200, Springfield IL 62764, 217/558-5434.

## COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION proposed amendments to the following 13 Parts: "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" (92 Ill Adm Code 340; 37 Ill Reg 12711), "Special Training Requirements" (92 Ill Adm Code 380; 37 Ill Reg 12715), "Controlled Substance and Alcohol Use and Testing" (92 Ill Adm Code 382; 37 Ill Reg 12724), "Safety Fitness Procedures" (92 Ill Adm Code 385; 37 Ill Reg 12729), "Procedures and Enforcement" (92 Ill Adm Code 386; 37 Ill Reg 12735); "Minimum Levels of Financial Responsibility for Motor Carriers" (92 Ill Adm Code 387; 37 Ill Reg 12749); "Motor Safety Carrier Safety Regulations: General" (92 Ill Adm Code 390; 37 Ill Reg 390); "Qualification of Drivers" (92 Ill Adm Code 391; 37 Ill Reg 12787); "Driving of Commercial Motor Vehicles" (92 Ill Adm Code 392; 37 Ill Reg 12794); "Parts and Accessories Necessary for Safe Operation" (92 Ill

Adm Code 393; 37 Ill Reg 12798); "Hours-of-Service of Drivers" (92 Ill Adm Code 395; 37 Ill Reg 12802); "Inspection, Repair and Maintenance" (92 Ill Adm Code 396; 37 Ill Reg 12811); and "Transportation of Hazardous Materials; Driving and Parking" (92 Ill Adm Code 397; 37 Ill Reg 12818). The rulemakings add and update incorporations of federal laws by reference effective 10/1/12 and amendments to federal regulations effective 3/14/13, along with the DOT address where copies of the incorporated material can be obtained. Additionally, Part 381 is being updated to include provisions for grants to municipalities and counties to be subject to the annual receipt of funds. Amendments to Part 390 update the definition of "commercial vehicle inspection" to be consistent with the definition established by the Commercial Vehicle Safety Alliance. Those affected by these rulemakings include small businesses that own or operate commercial vehicles.

Questions/requests for copies/comments concerning the 13 DOT rulemakings above through 9/23/13: Catherine Allen, DOT, PO Box 19212, Spfld., IL 62794-9212, 217/785-3031.

# Proposed Regulations

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## GROUP THERAPY

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to "Medical Payment" (89 Ill Adm Code 140; 37 Ill Reg 12637) concerning coverage of group psychotherapy at federally qualified health centers (FQHCs) and rural health clinics (RHCs). For dates of service on or after 2/1/13, the rulemaking allows group therapy sessions at FQHCs and RHCs to be conducted by advanced practice nurses with mental health certification, psychologists, licensed clinical social workers, and licensed clinical professional counselors (in addition to psychiatrists and psychiatric resident physicians). Other restrictions that now apply to payment for group psychotherapy sessions conducted by psychiatrists (e.g., payment is limited to 2 sessions per week of at least 45 minutes each, for groups of no more than 12 patients at a time) are extended to FQHCs and RHCs. DHFS states that the rulemaking clarifies the payment status of group therapy sessions at facilities which utilize mid-level practitioners. Health facilities that provide group therapy services are affected.

Questions/requests for copies/comments through 9/23/13: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, e-mail: [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov).

## ABANDONED HOUSING

The ILLINOIS HOUSING DEVELOP-

MENT AUTHORITY proposed amendments to "Abandoned Residential Property Municipality Relief Program" (47 Ill Adm Code 381; 37 Ill Reg 12670). The program provides grants to local governments to help them cover the costs of dealing with abandoned housing. This rulemaking reflects statutory changes made in PA 98-20 which clarifies that the funds disbursed by the program are subject to the annual receipt of funds and adjusts the criterion for the downstate distribution of funds to give the Authority additional discretion in directing funds to the areas of greatest need. Small municipalities that participate in the program will be affected.

Questions/requests/comments for copies through 9/23/13: Kristi S. Poskus, Esq., IDHA, 401 N. Michigan Avenue, Suite 700, Chicago IL 60611, 312/836-7416.

## RECREATION CORPS GRANTS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled "Illinois Youth Recreation Corps Grant Program" (17 Ill Adm Code 3075; 37 Ill Reg 12678) and proposed a new Part titled "Illinois Veteran Recreation Corps Grant Program" (17 Ill Adm Code 3080; 37 Ill Reg 12687). These two rulemakings are substantially identical to emergency rulemakings that appeared in the 6/28/13 *Illinois Register*. Part 3075 amendments include numerous clarifications such as tying wages to the States minimum wage, adding several

definitions, establishing a ratio of 1 managing supervisor per 10 youths, requiring more detailed information on grant administrators in order to identify individuals responsible for the administration of the grant monies, and redefining the ages of employment as 14 through 18, with managing supervisors required to be age 19 and over with skills necessary to supervise youth. Local sponsors are responsible for paying the employer's share of any taxes and maintaining compliance with the Illinois Child Labor Law. Part 3080 outlines a similar program for employing veterans in recreation and conservation programs, outlining topics such as grant objectives, eligibility of the local sponsor and employees, eligible project costs, compliance, grant applications and awards. Unlike the youth program that is designed around the summer months, the veterans program allows the local sponsor to implement the program anytime during the year, as long as the hours of an employee do not exceed 1040 hours (40-hrs/week for 26 weeks). Units of local government, small municipalities and not-for-profits may be affected by this rulemaking.

Questions/requests for copies/comments for the 2 DNR rulemakings above through 9/23/13: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

## 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 August 13, 2013 meeting.

### STATE BOARD OF INVESTMENT

"State (of Illinois) Employees' Deferred Compensation Plan" (80 Ill Adm Code 2700) proposed 6/14/13 (37 Ill Reg 7880)

### IL COMMERCE COMMISSION

"Minimum Safety Standards for Transportation of Gas and Gas Pipeline Facilities" (83 Ill Adm Code 590) proposed 3/15/13 (37 Ill Reg 2753)

### DEPARTMENT OF INSURANCE

"Summary Document and Disclaimer" (50 Ill Adm Code 3401) proposed 9/28/12 (36 Ill Reg 14484)