

*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

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to "Pay Plan" (80 Ill Adm Code 310; 37 Ill Reg 13762), effective 8/8/13, implementing three bargaining unit agreements. The peremptory rule implements new 3-year contracts with the Teamsters (Downstate Illinois Employees Negotiating Committee) and with Illinois Federation of Public Employees Locals 4408 and 4409, all effective 7/1/12 through 6/30/15. All contracts include general pay increases of 2% effective 7/1/13 and 7/1/14. The Teamsters contract includes a one-time stipend, equal to 2.25% of base salary, for all persons employed on 6/1/13; provisions for a "new hire" rate for employees hired on or after 7/1/13, set at 75% of full salary, increasing 5% per year and reaching the full rate after 5 years; and provisions for additional hourly pay and clothing allowances for certain employees (e.g. highway maintainers whose duties include chemical spraying). The Local 4408 contract also includes the same 2.25% stipend and in-hire rate provisions as the Teamster contract. Finally, the

Local 4409 contract includes increases in longevity pay for persons with 10 or more years of service; implementation of new substeps (prior to Step 1) for employees hired on or after 7/1/13; and provisions for determining when time spent traveling to and from work sites is considered work time.

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](mailto:CMS.PayPlan@illinois.gov).

### PUBLICATION ERROR

The JOINT COMMITTEE ON ADMINISTRATIVE RULES has issued a Notice of Publication Error for the Office of the Attorney General's adopted rulemaking titled "Hospital Financial Assistance Under the Fair Patient Billing Act" (77 Ill Adm Code 4500), adopted at 37 Ill Reg 12356 in the 8/2/13 *Illinois Register*. The page headers for this rulemaking incorrectly identified the Department of Financial and Professional Regulation as the rulemaking agency. JCAR regrets this error.

### ☞ DAY CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to "Licensing Standards for Day Care Centers" (89 Ill Adm Code 407; 37 Ill Reg 13608) that revise provisions affecting child care, staff training and education, and facilities. The rulemaking requires directors and staff to complete DCFS' online training for mandated reporters of known or suspected child abuse within 60 days after these rules take effect and within 30 days of initial hiring thereafter. Staff at centers licensed to care for infants must complete training in safe sleep practices and prevention of Sudden Infant Death Syndrome and Shaken Baby Syndrome. Providers are required to offer children at least 2 occasions per day of age-appropriate outdoor time (or active indoor play in bad weather) and to prevent mobile children from remaining sedentary for more than ½ hour at a time outside of scheduled rest or nap times. Passive screen time (e.g., watching TV or videos) is prohibited for children younger than 2, limited to no more than 1 hour per day for children age 2 and older, and prohibited during meal or snack times. New nutrition rules include a

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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

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prohibition on serving foods with high sugar or fat content (e.g., cake, pastries, cookies) and on using trans fats or saturated fats as butter substitutes. Infants may not have bottles in their cribs and older children may not carry no-spill cups throughout the day or night unless the cups contain only plain water. Center directors must have at least an associate degree with a minimum of 21 semester hours in child development or early childhood education, along with additional training in management, and a staff member with the same or higher level of college education must be on site at all times. Initial licensing and renewal requirements now include documentation of radon testing within the last 3 years. Centers that use buses or other vehicles requiring a school bus driving permit must provide at least \$1 million in combined single limit liability coverage per accident for each vehicle. Centers must also provide reasonable, private accommodations for mothers who wish to breastfeed their children during the center's hours of operation and must notify parents of these accommodations. Other provisions concerning food and drink, bedding, window coverings, storage, and infant "tummy time" are also included. Day care center owners, operators and staff will be affected by this rulemaking.

Questions/requests for copies/comments through 10/7/13: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983.

## DENTISTRY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to "Illinois Dental Practice Act" (68 Ill Adm Code 122; 37 Ill Reg 13687) updating licensure and continuing education (CE) requirements for dentists, dental assistants and dental hygienists. The rulemaking establishes a \$300 licensing fee for dental hygienists licensed outside Illinois to obtain in-State licensure and raises the restoration fee

for an inactive hygienists' license from \$20 to \$50. The rulemaking also repeals an examination requirement for dental specialists, who now need only to file an application for specialist licensing. Test scores from the American Board of Dental Examiners, Inc. for dentists or dental hygienists will no longer be accepted. Restricted faculty licenses will only be issued to dentists who are currently licensed in another jurisdiction. For persons wishing to restore inactive licenses, 48 CE hours within the preceding 3 years are required; if the license has been inactive for 5 years or more, certification in Basic Life Support (BLS) for health providers is also required. Proof of BLS certification is required for license renewal and restoration for all dentistry-related licenses. Specialists wishing to restore inactive licenses after 5 or more years on inactive status must complete any additional training, testing, or remediation required by the Illinois Board of Dentistry. Dental hygienists and dental assistants may perform amalgam fillings provided they meet specified training, examination and supervision requirements. The rulemaking also adds a new Section with rules for transferring the practice of a dentist who has died or become incapacitated to other dentists. The executor or administrator of the dentist's estate, or the dentist's legal guardian, may contract with another dentist to continue the practice for no more than 1 year after the death or incapacitation of the original dentist. The executor, administrator or guardian must file an application with DFPR that includes the name and license number of the dentist, a signed affidavit, required fees, the name and address of the practice, identification information for the estate, name and license number of the dentists taking over, and a copy of a death certificate (if applicable). All patients must be notified by the executor, administrator or guardian within 30 days of the death or incapacitation of the dentist. The rule includes standards for determining whether a dentist has become incapacitated; affected dentists may ap-

peal a determination and all dentists will remain in good standing until a final determination is made. An incapacitated dentist's license will be restored if he/she requests it and submits a statement from a licensed physician verifying that the dentist is no longer incapacitated. Other topics addressed in this rulemaking include monitoring of sedated patients and permit requirements for administering sedation. Dentists, dental hygienists, dental assistants and continuing education sponsors may be affected by this rulemaking.

Questions/requests for copies/comments through 10/7/13: Craig Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Floor, Springfield IL 62786, 217/785-0813.

## LABOR RELATIONS

The ILLINOIS LABOR RELATIONS BOARD proposed amendments to "General Procedures" (80 Ill Adm Code 1200; 37 Ill Reg 13757). A new Section allows board members to appear at Board meetings via video or phone if there is a quorum of members physically present, prior notice has been given (if practical) and the member has an illness or disability, is on Board business, or has a family or other emergency. The rulemaking also updates the Board's Springfield address.

Questions/requests for copies/comments through 10/7/13: Jerald Post, ILRB, 160 N. La Salle St., Suite s-400, Chicago IL 60601, 312/793-6400, e-mail: [Jerald.Post@illinois.gov](mailto:Jerald.Post@illinois.gov).

## RADIATION SAFETY

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed amendments to the Part titled "Fees for Radioactive Material Licenses" (32 Ill Adm Code 331; 37 Ill Reg 13677) increasing radioactive material license fees to cover operating costs for security, licensing and inspection programs. The hourly rate for full cost recovery is increased from \$202 to \$263. Increases in the annual fees in most licensure categories range from \$50 to \$5,802

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per year, depending upon the type and scale of the licensee's activity (e.g., broad scope manufacturing, research and development, medical/veterinary). Increases in the remote site fees in most categories range from \$97 to \$2,316 annually. In some

cases a specified flat fee is replacing a "full cost" fee charged by the hour. General license fees are increasing by \$50. Those affected by this rulemaking include businesses that handle or use radioactive material and require a license.

Questions/requests for copies/comments through 10/7/13: Traci Burton, IEMA, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9860, TDD 217/782-6133.

## 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 September 17, 2013 meeting.

### STATE BOARD OF EDUCATION

"Special Education" (23 Ill Adm Code 226) proposed 4/14/13 (37 Ill Reg 4735)

"New Teacher Induction and Mentoring" (23 Ill Adm Code 65) proposed 5/31/13 (37 Ill Reg 7356)

"Standards for Certification in Specific Teaching Fields" (23 Ill Adm Code 27) proposed 4/12/13 (37 Ill Reg 4710)

"Standards for Certification in Early Childhood Education and Elementary Education" (23 Ill Adm Code 26) proposed 4/12/13 (37 Ill Reg 4705)

"Educator Licensure" (23 Ill Adm Code 25) proposed 4/12/13 (37 Ill Reg 4671)

"Standards for Endorsements in the Middle Grades" (23 Ill Adm Code 21) proposed 4/12/13 (37 Ill Reg 4633)

"Standards for Endorsements in Elementary Education" (23 Ill Adm Code 20) proposed 4/12/13 (37 Ill Reg 4606)

"Standards for Endorsements in the Middle Grades" (23 Ill Adm Code 21) proposed 4/12/13 (37 Ill Reg 4633)

"Agricultural Education Program" (23 Ill Adm Code 75) proposed 5/31/13 (37 Ill Reg 7363)

"Calculation of Excess Cost under Section 18-3 of the School Code" (23 Ill Adm Code 140) proposed 5/31/13 (37 Ill Reg 7380)

"Illinois Hope and Opportunity Pathways through Education Program" (23 Ill Adm Code 210) proposed 5/31/13 (37 Ill Reg 7385)

"Transitional Bilingual Education" (23 Ill Adm Code 228) proposed 5/31/13 (37 Ill Reg 7400)

### DEPARTMENT OF NATURAL RESOURCES

"Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting" (17 Ill Adm Code 530) proposed 6/14/13 (37 Ill Reg 7892)

"Abandoned Mined Lands Reclamation" (62 Ill Adm Code 2501) proposed 6/14/13 (37 Ill. Reg. 7924)