

*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 RETIREMENT

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to the Part titled "Financial Incentive for Non-Medicare Annuitants Who Opt Out of the State Employees Group Insurance Plan" (80 Ill Adm Code 2106; 37 Ill. Reg. 11823), effective 10/24/13. This rulemaking implements Public Act 98-19, which permitted annuitants not yet eligible for Medicare to opt out of the State health insurance plan administered by the Department. The rules permit State employee retirees to opt out, irrespective of the particular retirement system in which they are enrolled. An annuitant must furnish, upon application and annually thereafter, proof of major medical coverage from a source other than the health insurance program administered by the Department. Those opting out that have 20 or more years' service with the State of Illinois shall receive a financial incentive, not to exceed \$500 per month. Other retirees shall receive an incentive not to exceed \$150 per month. Retirees must choose whether to participate not later than 9/30/13. (Since 1<sup>st</sup> Notice, CMS changed the deadline from 90

days after 7/1/13.)

Questions/requests for copies: Mary Matheny, 720 Stratton Bldg., Springfield IL 62706, 217/557-5404. Fax: 217/558-2697, [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov).

### HOSPITALS

The DEPARTMENT OF HEALTH-CARE AND FAMILY SERVICES adopted amendments to "Medical Payment" (89 Ill Adm Code 140; 37 Ill Reg 10941) and "Hospital Services" (89 Ill Adm Code 148; 37 Ill Reg 10980), both effective 10/23/13, implementing outpatient hospital assessments created by Public Acts 97-688 and 98-104. The Part 140 amendments impose an assessment on outpatient services beginning 6/10/12 and ending 12/31/14, based upon affected hospitals' outpatient gross revenue, and include provisions for calculating the assessment. Outpatient assessments are due to be paid on the 14<sup>th</sup> State business day of each month, provided that DHFS has received federal approval for its payment methodologies and that the hospital has received any adjustment payments due under the

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### MEDICAID EXPANSION

The DEPARTMENT OF HEALTH-CARE AND FAMILY SERVICES proposed amendments to the Parts titled "Rights and Responsibilities" (89 Ill Adm Code 102; 37 Ill Reg 17249), "Application Process" (89 Ill Adm Code 110; 37 Ill Reg 17259), "Medical Assistance Programs" (89 Ill Adm Code 120; 37 Ill Reg 17272), "Covering All Kids Health Insurance Program" (89 Ill Adm Code 123; 37 Ill Reg 17293), and "Children's Health Insurance Program" (89 Ill Adm Code 125; 37 Ill Reg 17310). All 5 rulemakings implement Medicaid eligibility expansion under the federal Affordable Care Act (ACA) and Public Act 98-104. Companion emergency amendments to Parts 110, 120, 123 and 125, all effective 10/1/13, appeared in the 10/11/13 *Illinois Register* at 37 Ill Reg 15968, 15976, 15993, and 15997, respectively. The proposed amendments to Part 102 provide for electronic application processes and record-keeping and remove obsolete references to former Department of Public Aid programs now administered by the Department of Human Services. Amendments to Part 110 allow applications

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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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Public Aid Code. The Part 148 amendments specify which hospitals qualify for various adjustment payments (e.g., magnet and perinatal hospitals, Level II trauma centers, specialty hospitals, hospitals with high percentages of Medicaid patients) and include provisions for hospitals to appeal rate reviews they believe to be in error. Appeals must be submitted in writing within 30 days after DHFS notifies the hospital of its rate determination and must include documentation of the desired correction. DHFS must respond to such appeals within 30 days after receipt.

## BIRTH CENTERS

DHFS also adopted amendments to the Part titled "Specialized Health Care Delivery Systems" (89 Ill Adm Code 146; 37 Ill Reg 7191), effective 10/23/13, that allow birth centers (freestanding sites with no more than 10 beds where women may plan to give birth if they anticipate normal deliveries following low-risk pregnancies) to receive medical assistance reimbursement. A birth center must be licensed by the Department of Public Health and maintain all records required by DPH and DHFS in order to participate in medical assistance. DHFS will pay for services the center is licensed to provide, and any medically necessary observation services, at the billed rate or 75% of the rate paid to hospitals for uncomplicated normal births, whichever is lower. A transfer fee, capped at 15% of the average payment to a hospital for a normal delivery, will be paid to the birth center if a woman is transferred to a hospital due to complications that arise prior

to delivery. Freestanding birth centers are affected by this rulemaking.

Questions/requests for copies of the 3 DHFS rulemakings above: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 61763-0002, 217/782-1233.

## HAZARDOUS WASTE

The POLLUTION CONTROL BOARD adopted amendments to the following Parts: "RCRA Permit Program" (35 Ill Adm Code 703; 37 Ill Reg 9138); "UIC Permit Program" (35 Ill Adm Code 704; 37 Ill Reg 9187); "Hazardous Waste Management System: General" (35 Ill Adm Code 720; 37 Ill Reg 9205); "Standards Applicable to Generators of Hazardous Waste" (35 Ill Adm Code 722; 37 Ill Reg 9242); "Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (35 Ill. Adm. Code 724; 37 Ill Reg 9252); "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (35 Ill Adm Code 725; 37 Ill Reg 9290); "Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities" (35 Ill Adm Code 726; 37 Ill Reg 9367); "Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit" (35 Ill Adm Code 727; 37 Ill Reg 9388); "Land Disposal Restrictions" (35 Ill Adm Code 728; 37 Ill Reg 9430); and "Standards for the Management of Used Oil" (35 Ill Adm Code 739; 37 Ill Reg 9442), all effective 10/24/13. The rulemakings incorporate corrections that USEPA has notified PCB are

necessary to make Illinois regulations at least as stringent and not inconsistent with federal hazardous waste requirements; update incorporations by reference of federal regulations upon which hazardous waste requirements depend; remove an obsolete provision regarding Performance Track member facilities; and make numerous nonsubstantive technical corrections.

Questions/requests for copies: Michael J. McCambridge, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6924, e-mail: [Michael.McCambridge@Illinois.Gov](mailto:Michael.McCambridge@Illinois.Gov). Please reference consolidated docket R13-15.

## SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted peremptory amendments to "Supplemental Nutrition Assistance Program (SNAP)" (89 Ill Adm Code 121; 37 Ill Reg 17983), effective 11/1/13, that decrease maximum monthly SNAP benefit amounts based on household size. For example, a 4-person household's maximum monthly SNAP benefit amount would decrease from \$668 to \$632. The one- and two-person household minimum monthly SNAP benefit amount decreased from \$15 to \$16. This peremptory rulemaking also removed obsolete provisions related to the federal stimulus program and annual revisions to income standard adjustment language.

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

# Proposed Regulations

for medical assistance to be submitted electronically or via telephone; require a name, address and signature (written, electronic or voice recorded) on each application; allow homeless persons to use alternate addresses (e.g., friend or relative, shelter, local Department of Human Services office); and require electronic applications to meet certain security requirements. The Part 120 amendments establish Medicaid eligibility for all adults ages 19 to 64 with household incomes at or below 133% of the federal poverty level and for former foster children through age 25 who aged out of foster care at age 18 or 21, are currently Illinois residents, and were receiving medical assistance when they left foster care. Coverage of medical services for these newly eligible groups begins on 1/1/14. Applications received on or after 10/1/13 will use modified adjusted gross income (MAGI) standards set forth in the ACA and in federal regulations to determine financial eligibility. Amendments to Part 123 and Part 125 apply MAGI methodology for financial eligibility and determination of household size to applications for the All Kids health insurance program submitted on or after 10/1/13. The Part 125 rulemaking also terminates acceptance of new applications for the All Kids Rebate program (which subsidizes purchase of private health insurance) after 9/30/13.

Questions/requests for copies/comments on the 5 DHFS rulemakings above through 12/23/13: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233, e-mail: [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov).

## EDUCATOR LICENSURE

The STATE BOARD OF EDUCATION proposed amendments to "Code of Ethics for Illinois Educators" (23 IAC 22; 37 Ill Reg 17352), "Standards for the School Service Personnel Certificate" (23 IAC 23; 37 Ill Reg 17358), "Standards for Certi-

fication in Special Education" (23 IAC 28; 37 Ill Reg 17439), and "Standards for Administrative Certification" (23 IAC 29; 37 Ill Reg 17551) to reflect the statutory shift from teacher certification to educator licensure. In addition, Part 23 amendments update existing incorporations by reference. Part 28 amendments also add, to the requirement that early childhood special education teachers understand the Illinois Learning Standards, references to the Illinois Early Learning and Development Standards and Illinois Birth to Five Program Standards (both in appendices to 23 IAC 235). Part 29 amendments replace existing Illinois Professional School Leader Standards with the National Policy Board for Educational Administration's Educational Leadership Policy Standards (ISLLC 2008), and reflect the statutory requirement sunseting general administrative endorsement after 8/31/14, and add a reference to new principal standards at 23 IAC 30 that replaced this endorsement. Student teachers and teacher preparation programs are affected by these rulemakings.

Questions/requests for copies/comments through 12/23/13: Shelley Helton, SBE, 100 North First Street, S-493, Springfield, IL 62777-0001, 217/782-5270, e-mail: [rules@isbe.net](mailto:rules@isbe.net).

## MOTOR VEHICLES

The SECRETARY OF STATE proposed amendments to the Part titled "Illinois Safety Responsibility Law" (92 Ill Adm Code 1070; 37 Ill Reg 17344) implementing PA 98-178. The rulemaking provides that if the remainder of a security posted with SOS is \$5 or less after the security has been released to a judgment creditor, SOS must transfer that balance to the State's General Revenue Fund. (Securities must be posted with SOS following accidents that involve uninsured motorists and result in death, injury or significant property damage. If the uninsured motorist is later ordered by a court

to pay damages to an injured party, the security becomes part of the judgment awarded.) Also, SOS must cancel the driver's license of any non-resident or former resident 60 days after receiving proof of out of State residence, at which time the requirement of showing proof of financial responsibility will be waived. Those affected by this rulemaking include former Illinois residents and persons affected by accidents involving uninsured Illinois motorists.

Questions/requests for copies/comments through 12/23/13: Jennifer Egizii, SOS 2701 S. Dirsken Parkway, Springfield IL 62723, 217/557-4462.

## TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION has proposed three rulemakings affecting telecommunications carriers: "Cost Allocation for Large Local Exchange Carriers" (83 Ill Adm Code 711; 37 Ill Reg 17230); "Cost Allocation for Small Local Exchange Carriers" (83 Ill Adm Code 712; 37 Ill Reg 17239); and "Uniform System of Accounts for Cellular Communications Telephone Utilities" (83 Ill Adm Code 715; 37 Ill Reg 17246) implementing provisions of Public Act 98-45 regarding accounting systems. Amendments to Parts 711 and 712 implement statutory provisions requiring electing providers (telcos that choose market regulation for their competitive retail telecommunications services) or providers that offer solely competitive services to file annual reports only if ICC requires them to do so and, in these reports, to use generally accepted accounting practices or accounting systems uses for financial report purposes. The rulemakings apply these changes to the cost allocation manuals for apportioning intrastate costs between regulated and nonregulated activities and to an additional provision regarding financial reporting. Part 715 is being repealed because the PA eliminates accounting system requirements for providers of cellular telephone ser-

## **Proposed Regulations**

vice. This rulemaking will affect telecommunication providers.

Questions/requests for copies/comments through 12/23/13: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

### **DHS REPEALER**

The DEPARTMENT OF HUMAN SER-

VICES proposed the repeal of the Part titled "Office of Inspector General Adults with Disabilities Abuse Project" (59 Ill Adm Code 51; 37 Ill Reg 17331), thereby implementing Public Act 98-49. The Act repealed the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435] and created the Adult Protective Services Act [320 ILCS 20] which shifted responsibility for adult protective services to the Department on Ag-

ing. Agencies that serve elderly and disabled adults may be affected by this rulemaking.

Questions/requests for copies/comments through 12/23/13: Tracie Drew, DHS, 100 S. Grand Ave. E., 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## **Second Notices**

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The 3 Department of Insurance rulemakings will be considered at JCAR's December 17, 2013 meeting; the other rulemakings will be considered at JCAR's November 19, 2013 meeting.

### **SECRETARY OF STATE**

"Rules of the Road - Handicapped Parking" (92 Ill Adm Code 1100) proposed 9/13/13 (37 Ill Reg 14609)

### **EXEC. ETHICS COMMISSION**

"Organization, Information, Rulemaking and Hearings" (2 Ill Adm Code 1620) proposed 5/10/13 (37 Ill Reg 6008)

### **ILLINOIS GAMING BOARD**

"Video Gaming (General)" (11 Ill Adm Code 1800) proposed 9/13/13 (37 Ill Reg 14368)

### **DEPARTMENT OF INSURANCE**

"Advertising of Accident and Sickness Insurance" (50 Ill Adm Code 2002) proposed 9/13/13 (37 Ill Reg 14494)

"Pre-Existing Illness" (50 Ill Adm Code 2005) proposed 9/13/13 (37 Ill Reg 14502)

Repeal of "Small Employer Group Health Insurance" (50 Ill Adm Code 2014) proposed 9/13/13 (37 Ill Reg 14509)

## ***Joint Committee on Administrative Rules***

**Senator Pamela Althoff**

**Senator Don Harmon**

**Senator Tony Munoz**

**Senator Sue Rezin**

**Senator Dale A. Righter**

**Senator Ira Silverstein**

**Representative Greg Harris**

**Representative Lou Lang**

**Representative David Leitch**

**Representative Don Moffitt**

**Representative Tim Schmitz**

**Representative Andre Thapedi**

**Vicki Thomas  
Executive Director**