

*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

### PROCUREMENT

The EXECUTIVE ETHICS COMMISSION adopted amendments to "Organization, Information, Rulemaking and Hearings" (2 Ill Adm Code 1620; 37 Ill. Reg. 6008), effective 11/22/13, implementing Public Act 97-895 amending State law on procurement communications, as well as amending procedures within the EEC. Communications regarding an active procurement matter shall be reported to the Procurement Policy Board (PPB) no later than 30 days after they occur. Communications relating to change orders, contract renewals or contract extensions must also be reported. Specific reporting requirements apply to communications with the Illinois Power Agency concerning procurement of a power supply. All reports must include the names of any party to the communication, the date and time on which the communication occurred, the duration and method of the communication and a summary of the communication. Trade secrets, proprietary information, and material that is privileged or required to be kept confidential under law are not to be reported. Notwithstanding those ex-

ceptions, any communication must be reported if the person reasonably believes the communication was made for an improper purpose. Starting in 2014, annual agency ethics training reports will be due to the EEC on or before each Feb. 1 and the reason for any failure to complete ethics training shall be reported. Such reports shall be submitted to the appropriate Executive Inspector General. If the PPB makes a recommendation to void a contract, bid or offer grounded on a potential conflict of interest, and the Chief Procurement Officer (CPO) intends to award the contract, the EEC shall hold a hearing within 30 days after receipt of the Board's recommendation. PPB recommendations shall include the name and contract information of the bidder, offeror or contractor; a statement of all relevant facts and legal conclusions the Board considered in making its recommendation; a written record of the Board's hearing (if one took place); and a copy of all documents relied upon by the Board. The CPO must notify the EEC within 5 days after receipt of the Board's recommendation whether he intends to accept or reject the recommenda-

### DOMESTIC VIOLENCE

The DEPARTMENT OF HUMAN SERVICES proposed the repeal of the Part titled "Partner Abuse Intervention" (89 Ill Adm Code 501; 37 Ill Reg 19437) and proposed a new Part also titled "Partner Abuse Intervention" (89 Ill Adm Code 501; 37 Ill Reg 19457). The new Part 501 makes a significant number of changes to reflect current best practices for intervention programs that work with persons who have been convicted of or have admitted domestic violence against an adult partner. The rulemaking makes a number of non-substantive structural changes such as renumbering of Sections within the rulemaking and combining related Sections. Subpart B of the new Part 501 has also been significantly revised to include more detail regarding program requirements and content. (For example, intervention programs must approach substance abuse and partner abuse as separate issues, and former perpetrators of partner abuse must have been abuse-free for at least 5 years before they can co-facilitate an intervention group.) The number of changes to the rulemaking are too extensive to

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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.*

# New Regulations

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tion. If a hearing is set, public notice is required at least 14 days before the hearing. Within 30 days after the hearing, the CPO shall publish notice of the action taken toward the potential conflict of interest. Changes since 1<sup>st</sup> Notice clarify the authority of the CPO with regard to bidding and contract decisions and documentation of an agency's needs. Also, conflict of interest hearings apply to all potential conflicts including those disclosed at the outset of the process.

Questions/requests for copies: Chad Fornoff, EEC, 401 S. Spring St., 513 Stratton Bldg., Springfield IL 62706, 217/558-1393.

## ☞SEX OFFENDER TREATMENT

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled "Sex Offender Evaluation and Treatment Provider Act" (68 Ill Adm Code 1280; 37 Ill Reg 13970), effective 11/22/13, that implements Public Act 97-1098. Licensed physicians, advanced practice nurses with psychiatric specialty, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and licensed marriage and family therapists are eligible to apply for licenses as sex offender evaluators or treatment providers. A person who has a master's degree or higher in social work, psychology, marriage and family therapy, counseling or a closely related behavioral science, or psychiatry may apply for a license as an associate sex offender treatment provider. Applicants must meet all application requirements. Licenses will be valid for 2 years and must be renewed by July 31 of odd-numbered years. The original application fee and renewal fees are \$150. The fee for restoring a license expired for 5 years or less is \$50 plus all lapsed renewal fees. To restore a license that is 5 years or more expired, the fee is \$50 plus all lapsed renewal fees up to \$500. The

fee for a duplicate license is \$20. All licensees must complete 20 hours of continuing education (CE) in the area of sex offender treatment and evaluation. Approved CE sponsors are listed and include, but are not limited to, the American Psychological Association, American Medical Association, Illinois Association for the Treatment of Sexual Abusers, American Counseling Association, and authorized CE sponsors for the professions eligible for licensure. Other regulations in this rulemaking discuss provisions for supervising associate sex offender providers; unethical, unauthorized or unprofessional conduct; renewal, restoration, inactive status, and granting variances. Those who may be affected by this rulemaking include those eligible licensed professionals who wish to be licensed as well as CE sponsors.

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

## STROKE CENTERS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515; 37 Ill Reg 11205), effective 11/20/13, that implement Public Act 96-514 calling for the development of a Stroke Program in Illinois. Covered topics include creation of an EMS Region Plan concerning stroke; the triage, treatment and transport of possible acute stroke patients; creation of Regional Stroke Advisory Subcommittees and a State Stroke Advisory Subcommittee; designation of hospitals as certified Primary Stroke Centers and Emergency Stroke Ready Hospital by DPH; grants to hospitals for the acquisition and maintenance of necessary infrastructure; and reports. Affected entities include hospitals that would like to become Primary Stroke Centers or Emergency Stroke Ready hospitals.

## ☞WELL CONSTRUCTION

DPH also adopted amendments to "Illinois Water Well Construction Code" (77 Ill Adm Code 920; 36 Ill Reg 17308), effective 11/25/13, implementing Public Act 97-363 which amends both the Water Well and Pump Installation Contractor's License Act and the Water Well Construction Code. The rulemaking clarifies closed loop well standards and adds requirements for closed well loop contractor certification. (A closed loop well is a sealed, water-tight loop of pipe, buried outside of a building foundation, which re-circulates liquid through a heat exchanger.) The rulemaking also revises the definition of "closed loop well" to exclude attached piping and to exclude systems that do not require grouting. DPH also added a new table that clarifies setback requirements between closed loop wells, water wells and sources of contamination and sets new setback requirements for closed loop wells using US Pharmacopeia food grade propylene glycol as a coolant and closed loop wells using other types of coolant. A number of technical changes have also been made such as adding and revising definitions, updating incorporations by reference, and revising terminology for consistency with DPH rules. Numerous changes since 1<sup>st</sup> Notice include added definitions (e.g., detention and retention ponds) and clarification of setback rules for closed loop wells. This rulemaking contains numerous amendments that cannot adequately be summarized here. For further information please contact DPH staff listed below. Businesses that install or service closed loop wells 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).

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## HORSE RACING

The ILLINOIS RACING BOARD adopted emergency amendments to "Licensing" (11 Ill Adm Code 502; 37 Ill Reg 19740), effective 11/20/13 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 37 Ill Reg 19523. The amendments increase the occupation license fee for the following racing-related oc-

cupations to \$25: assistant trainer (currently \$15), veterinarian's assistant (currently \$15), animal health technician, exercise person (currently \$10), pony person (currently \$10), foreman (currently \$10), vendor helper (currently \$10), hot walker (currently \$5), and groom (currently \$5). Additionally, persons who perform professional services at race-tracks (e.g., clergy, EMTs, valets, charters, kitchen help) will also be

subject to a \$25 licensing fee. Partnerships, starters and steward totalizer employees will no longer have to pay a fee.

Questions/requests for copies/comments on the proposed rulemaking through 1/21/14: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

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be addressed solely in this description. Please contact DHS for further details. Organizations that sponsor domestic violence intervention programs are affected by this rulemaking.

Questions/requests for copies/comments through 1/21/14: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

## EDUCATOR LICENSURE

THE STATE BOARD OF EDUCATION proposed amendments to Parts titled "Gifted Education" (23 IAC 227; 37 Ill Reg 19525), "Summer Bridges Program" (23 IAC 232; 37 Ill Reg 19530) and "Grants for Arts Education and Foreign Language Education" (23 IAC 265; 37 Ill Reg 19555) to reflect the statutory shift from teacher certification to educator licensure. In addition, Part 227 amendments update an existing incorporation by reference.

dents cannot be transferred from the ALOP to their home schools until the term of expulsion or suspension is completed. The proposed rule also requires nonpublic schools classified as ALOPs to meet the ISBE's registration and recognition requirements for nonpublic schools in 23 IAC 425 and allows programs approved by other State agencies (currently, only SBE) to serve as ALOPs. In addition, the amendments make technical changes to reflect the statutory shift from teacher certification to educator licensure, as well as minor grammatical and stylistic changes. Some non-public schools may be affected by this rulemaking.

Questions/requests for copies/comments on the 4 SBE rulemakings through 1/21/14: Shelley Helton, Agency Rules Coordinator, Illinois State Board of Education, 100 North First Street, S-493, Springfield, Illinois 62777-0001, 217/782-5270. Comments may also be e-mailed to [rules@isbe.net](mailto:rules@isbe.net).

Madison County and Cook County). Covered topics include requirements for compliance, lead emission standards, operational monitoring and inspection of lead control devices, enclosures to minimize fugitive emissions, measurement of enclosures, operation of the lead fugitive dust operating program, lead emissions testing, and recordkeeping and reporting. Facilities that process lead-containing products or emit lead dust are affected.

Requests for copies/comments through 1/21/14: John Therriault, PCB, 312/814-3620 or download copies at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Please reference docket R14-19.

## DNR PUBLIC HEARINGS

The DEPARTMENT OF NATURAL RESOURCES has scheduled public hearings on proposed amendments to the Part titled "The Illinois Oil and Gas Act" (62 Ill Adm Code 240; 37 Ill Reg 18081) and on a proposed new Part titled "Hydraulic Fracturing Regulatory Act" (62 Ill Adm Code 245; 37 Ill Reg 18097). Both rulemakings appeared in the 11/15/13 *Illinois Register* and concern oil and gas extraction via hydraulic fracturing (fracking). Hearings on these rules will take place Monday, Dec. 16, 6:30-8:30 p.m., at the Holiday Inn Hotel Ballroom, 1301 Avenue of Mid-America, Effingham (rescheduled from Dec. 5); Tuesday, Dec. 17,

## LEAD POLLUTION

The POLLUTION CONTROL BOARD proposed a new Part titled "Standards and Limitations for Certain Sources of Lead" (35 Ill Adm Code 226; 37 Ill Reg 19490) to satisfy Illinois' obligation under the federal Clean Air Act to address requirements for lead emissions sources in nonattainment areas (portions of

## ALTERNATIVE LEARNING

SBE also proposed amendments to "Alternative Learning Opportunities Program" (23 IAC 240; 37 Ill Reg 19535). This rule implements PA 97-495, which permits districts to transfer expelled or suspended students to an Alternative Learning Opportunities Program (ALOP) unless doing so would place ALOP students or staff at risk. Expelled/suspended stu-

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6:30-8:30 p.m. at the Decatur Civic Center, #1 Gary K. Anderson Plaza, Decatur; and Thursday, Dec. 19, 6-8 p.m. at Student Center Ballroom B, Southern Illinois University at Carbondale, 1255 Lincoln Drive,

Carbondale. Doors open 1 hour prior to the start time for all three hearings. Information regarding the format of these public hearings is posted at [www.dnr.illinois.gov](http://www.dnr.illinois.gov).

Questions/requests for copies/comments concerning these rulemakings (through 12/30/13) or the public hearings: Robert G. Mool, 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 December 17, 2013 meeting.

### **DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY**

"Local Tourism and Convention Bureau Program" (14 Ill Adm Code 550) proposed 1/25/13 (37 Ill Reg 632)

"International Tourism Program" (14 Ill Adm Code 555) proposed 1/25/13 (37 Ill. Reg. 642)

### **DEPARTMENT OF STATE POLICE**

"Firearm Owner's Identification Card Act" (20 Ill. Adm. Code 1230) proposed 10/11/13 (37 Ill Reg 15841)

"Firearm Concealed Carry Act Procedures" (20 Ill Adm Code 1231) proposed 10/11/13 (37 Ill Reg 15859)

## ***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**