

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

☞ CONCEALED CARRY

The ILLINOIS STATE POLICE adopted a new Part titled "Firearm Concealed Carry Act Procedures" (20 Ill Adm Code 1231; 37 Ill Reg 15829), effective 12/31/13, implementing Public Act 98-63, the Firearm Concealed Carry Act. Portions of this Part were adopted by emergency rulemaking effective 8/30/13 at 37 Ill Reg 15146. The new Part establishes application procedures for a Firearm Concealed Carry License (FCCL), procedures for approving concealed carry instructors and training curricula, and procedures for instructors to complete the training certification. Applicants for an FCCL, which is valid for 5 years, must obtain a digital signature through the State and submit electronic fingerprints through a Live Scan vendor, a Transaction Control Number and a unique purpose code for the application process. The process requires various identification numbers, personal data, electronic uploads and documentation of both applicant and instructor that must be submitted electronically, unless an alternative paper application pro-

cess, to be implemented no later than 7/1/14, is used. Almost all documents or submissions must be notarized. The rulemaking also addresses fees (amounts are not specified in the rule), criteria for non-resident applications, change of address notification, areas where concealed carry is prohibited (marked by a "no firearms" sign), and other topics. The new Part outlines a process for law enforcement officials to raise objections to an FCCL applicant outside of any other denial based on a background check. Applicants may appeal the denial or revocation of a permit. Instructor applicants must submit electronic fingerprints; complete the online application; possess or apply for a Firearm Owners Identification Card (FOID) or, if not an Illinois resident, be eligible to obtain a FOID card; possess an FCCL on or after 4/16/14; complete an application verification document; and submit the notarized instructor certification documents from a stated entity (e.g., law enforcement, military, Law Enforcement Training and Standards Board, National Rifle Association). Instructors must maintain a valid FOID card and FCCL in

DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to "Cancellation, Revocation or Suspension of Licenses or Permits" (92 Ill Adm Code 1040; 38 Ill Reg 1850). The amendments implement recent Public Acts adding use of hand-held cell phones while driving, aggravated offenses involving use of video devices or cell phones that results in death or bodily harm, and convictions for theft of motor fuel to the list of offenses that may result in license suspension or other sanctions. Other changes involve speeding offenses and grounds for cancellation of graduated driver's licenses.

Questions/requests for copies/comments through 3/3/14: Jennifer Egizii, SOS, 2701 S. Dirsken Parkway, Springfield IL 62723, 217/557-4462.

☞ TANNING FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Tanning Facilities Code" (77 Ill Adm Code 795; 38 Ill Reg 1801) implementing PA 98-349, which prohibits

(cont'd next page)

(cont'd page 3)

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

order to remain on ISP's registry of approved instructors. Those who fail to do so, or to provide the required firearm training, will have their instructor approval revoked, although they may appeal such revocations. Applications for curriculum approval are available at the ISP website, along with an approved curriculum list. The new Part includes curriculum requirements for three types of FCCL courses: 16 hours for applicants with no previous firearms training, 8 hours for applicants with previous firearms training, and 3 hours for FCCL holders renewing their licenses. All courses include weapons handling exercises and reviews of current State and federal gun laws; the 16-hour course must also cover basic marksmanship and weapon maintenance. Courses may be taught only by ISP approved instructors. Previous instruction credit may be granted for other specified programs (e.g., Illinois Hunter Safety Course, certain NRA courses, other states' concealed carry permit courses). Instructors must verify, using ISP prescribed forms, each applicant's completion of the 16-hour course or of the previous training required to qualify for the 8-hour course. Law enforcement entities that plan to conduct electronic fingerprinting must sign an agreement with ISP, maintain all records of fingerprinting for audit by ISP, accept only those forms of identification listed by the Federal Bureau of Investigation in a 2006 manual, and certify each and every set of prints. Changes since 1st Notice include new provisions for accepting paper applications no later than 7/1/14; provisions for applicants to appeal the denial or revocation of an FCCL; and new appendices showing the "no firearms" sign for prohibited areas, approved instructor forms, and listing courses that may be applied toward previous firearms training. Those affected by this rulemaking include businesses, municipalities and non-profit agencies that conduct FCCL training or employ persons intend-

ing to obtain FCCLs.

FOID CARDS

ISP also adopted amendments to the Part titled "Firearm Owner's Identification Card Act" (20 Ill Adm Code 1230; 37 Ill Reg 15841) implementing other provisions of PA 98-63 concerning eligibility for FOID cards. The amendments extend the valid period for FOID cards from 5 to 10 years and clarify the application status of non-resident law enforcement or military personnel, persons with immigrant visas, and persons with temporary visitor's driver's licenses. Persons under age 21 will not be issued FOID cards if prohibited under State or federal law. If a minor is not physically capable of signing a FOID application due to age, disability or other reasons, the parent or legal guardian must submit a copy of the minor's birth certificate. Individuals whose FOID card is revoked must surrender the card and complete a Firearm Disposition Record (a statutory form that lists each firearm, its serial number, and who has taken possession of the firearm since the FOID expired or was revoked) which is available at the ISP website or from local law enforcement. Individuals whose FOID card has been confiscated by law enforcement or a court must provide documentation of the confiscation along with their Firearms Disposition Record. The rulemaking authorizes ISP to deny FOIDs to persons it determines present "a clear and present danger" to themselves or others (i.e., pose an actual or imminent threat of substantial bodily harm or are likely to act in a manner dangerous to public safety if granted access to a weapon). Medical personnel who suspect an individual to be a clear and present danger must report the individual to the Department of Human Services (DHS emergency rules implementing this provision are summarized below). Law enforcement officers and school administrators who make this determination must report directly to ISP, using a form and instructions

provided at the ISP website. Other provisions address FOID denials or revocations for other reasons (e.g., commitment to a mental health facility, felony convictions) and the ability to appeal such denials. An expedited appeal process is provided for law enforcement officers. Persons whose records include forcible felonies, drug convictions or convictions for use of a deadly weapon may not appeal through ISP but must petition their local circuit court for a hearing. If an appeal is rejected, the applicant must wait 2 years to reapply for a FOID; if the appeal is rejected by both the ISP Director and through an administrative hearing, the applicant must wait 5 years and undergo mental health evaluation establishing that he or she is not a clear and present danger. Since 1st Notice, ISP has clarified the definitions of "law enforcement officer" and of "law enforcement official" for purposes of clear and present danger reporting, and clarified the definition of "clear and present danger". ISP has also clarified that military personnel on temporary assignments in Illinois do not need nor qualify for FOID cards; removed a requirement that card holders be notified by mail at least 60 days before their cards expire; set a 60-day deadline to begin the appeal process (including the expedited process for law enforcement) after receiving a FOID denial or revocation; specified who may perform mental health evaluations to establish that a person is or is not a clear and present danger; and stated that records shall not be kept, for purposes of FOID revocation or denial, of persons who are not determined to present a clear and present danger. Those affected by this rulemaking include medical practitioners, law enforcement personnel, school officials, local government officials, and businesses or non-profits that serve or employ FOID card holders or applicants.

(cont. page 4)

Proposed Regulations

persons under age 18 from using tanning equipment in tanning facilities effective 1/1/14. The rulemaking defines "equipment", adds definitions of "personal use" and "private residence" and exempts personal use of tanning beds in a private residence from the age restriction. Unlawful use of tanning equipment by an underage customer is added as a basis for denying or refusing to renew a tanning facility's permit, and verification of patrons' age is added to facility record-keeping requirements. Commercial tanning salons and other tanning facilities are affected by this rulemaking.

☞ MILK PRODUCTS

DPH also proposed amendments to the Part titled "Grade A Pasteurized Milk and Milk Products" (77 Ill Adm Code 775; 38 Ill Reg 1794) updating references to federal and State laws and regulations governing production, processing, packaging and shipment of milk and milk products. The Illinois Food, Drug and Cosmetic Act is also added as an authority source for this Part. Dairies, grocery stores and other businesses that sell or ship milk products are affected.

Questions/requests for copies/comments on the 2 DPH rulemakings through 3/3/14: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

☞ COMMUNITY CARE

The DEPARTMENT ON AGING (DonA) proposed amendments to the Part titled "Community Care Program" (89 Ill Adm Code 240; 38 Ill Reg 1408) adding automated medication dispenser (AMD) services to the core services provided to participants in the Community Care Program (CCP). An AMD is defined as a portable, mechanical system that can be programmed to dispense medication, alert its user to take prescription medications, or notify

the user or another party of a missed dose. AMD units will be linked to Department-approved support centers through telephone or wireless connections. The rulemaking includes criteria for AMD providers, criteria for approving AMD service to a CCP participant, minimum requirements for an AMD system, and provisions for reimbursing AMD providers. Those affected by this rulemaking include home care providers, AMD providers and agencies serving the elderly.

Questions/requests for copies/comments through 3/3/14: Karen Alice Kloppe, DonA, One Natural Resources Way, Spfld IL 62702-1271, 217/785-3346.

☞ SALES TAXES

The DEPARTMENT OF REVENUE proposed amendments to "Retailer's Occupation Tax" (86 Ill Adm Code 130; 38 Ill Reg 1818) implementing various Public Acts. The rulemaking exempts from taxation sales of electricity delivered to customers by wire and sales of water or artificial gas delivered through pipes, pipelines or mains. A tax exemption for purchases of coal and aggregate exploration, mining, hauling, processing, maintenance or reclamation equipment is retroactively reinstated. New criteria are also imposed upon air carriers wishing to claim an exemption for fuel and petroleum products consumed in international trade, or trade between the U.S. and any of its possessions. Sunset dates for tax exemptions on food, medicines, medical appliances, and diabetic supplies such as insulin are extended. The types of motor vehicles subject to the Automobile Renting Occupation and Use Tax instead of sales tax are expanded. Other sales tax exemptions addressed in this rulemaking affect game birds and aircraft materials, parts, equipment and furnishings. Businesses that sell or purchase goods listed in this rulemaking will be affected.

☞ VEHICLE RENTAL

DOR also proposed an amendment to "Automobile Renting Occupation Tax" (86 Ill Adm Code 180; 38 Ill Reg 1843) implementing PA 98-574. The rulemaking amends the definition of an automobile subject to the rental tax to include vehicles with a gross vehicle weight rating of 8,000 pounds or less, including certain types of pickup trucks and sport utility vehicles (SUVs). Businesses that provide rental vehicles are affected by this rulemaking.

Questions/requests for copies/comments on the 2 DOR rulemakings through 3/3/14: Debra Boggess, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

NURSING HOMES

The DEPARTMENT OF HEALTH-CARE AND FAMILY SERVICES proposed amendments to "Reimbursement for Nursing Costs for Geriatric Facilities" (89 Ill Adm Code 147; 38 Ill Reg 1590). Companion emergency amendments, effective 1/1/14 for a maximum of 150 days, appeared in last week's *Illinois Register* at 38 Ill Reg 1205. The amendments implement provisions of PA 96-1530, PA 97-689 (SMART Act) and PA 98-104 by implementing the most recent Resource Utilization Group methodology (RUG IV) published by the U.S. Department of Health and Human Services for determining nursing care rate components. (RUG methodology places nursing home residents into groups based upon their level of care; the greater the number of residents in higher-care RUGs, the greater the rate paid to the nursing home.) Transitional rates based in part upon rates in effect as of 7/1/12 will be in effect for certain nursing homes through 12/31/14. The rule also prescribes procedures for nursing homes to claim add-on payments for ventilator care and traumatic brain injury care and to complete and submit the resident

(cont. page 8)

New Regulations

Questions/requests for copies of the 2 ISP rulemakings: Suzanne L.Y. Bond (217/782-7658) or Lisa Freitag (217/782-9356), ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703.

MENTAL HEALTH REPORTING

The DEPARTMENT OF HUMAN SERVICES adopted a new Part by emergency rulemaking titled "Mental Health Reporting for Firearm Owner's Identification Card" (59 Ill Adm Code 150; 38 Ill Reg 2413), effective 12/31/13 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 38 Ill Reg 1791. The new Part implements provisions of PA 98-63 and PA 98-600 that require mental health providers to report to DHS events or information relevant to applications for a Firearm Owner's Identification Card (FOID). Mental health facilities must report all persons who have been admitted as inpatients in the past 5 years, along with persons who pose a clear and present danger to themselves or others, who are intellectually or developmentally disabled, have been adjudicated mentally disabled, or have been involuntarily admitted to mental health facilities. Persons newly admitted to or discharged from inpatient or residential mental health facilities must be reported to DHS within 7 days of admission and discharge. Examples of situations that require, or do not require, reporting are included (e.g., an admission to a hospital behavioral health unit solely for treatment of an alcohol or substance abuse issue is not reported). Clinicians must notify DHS within 24 hours of a determination that a person poses a clear and present danger. DHS will also establish a web-based reporting platform. Information reported to DHS under this Part is shared with the Illinois State Police and, pursuant to an agreement with the Federal Bureau of Investigation, will be entered into the National Instant Criminal Background Check System to identify persons prohibited by state or fed-

eral law from possessing firearms. However, this information cannot be disclosed to any other party or used for any other purpose. Mental health facilities and providers are affected by this rule.

Questions/requests for copies/comments on the proposed rulemaking through 3/3/14: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

AFFORDABLE CARE ACT

The DEPARTMENT OF INSURANCE adopted 2 new Parts and adopted amendments to 6 other Parts, all effective 1/2/14, to implement provisions of the federal Patient Protection and Affordable Care Act (ACA) that affect private health insurance coverage. Numerous provisions of these rulemakings rely upon or cross reference federal rules that are not detailed in the rulemakings. Many of these cross references and definitions have been clarified or modified since 1st Notice. Readers are advised to read these rules carefully and contact DOI if they have inquiries. Those affected by these rulemakings include health insurance providers, sponsors and beneficiaries, as well as medical providers.

HEALTH COVERAGE

DOI adopted amendments to "Construction and Filing of Accident and Health Insurance Policy Forms" (50 Ill Adm Code 2001; 37 Ill Reg 14404) implementing the market reforms of the ACA and its provisions for insurance policy forms. The rules forbid exclusion of coverage for pre-existing conditions and generally forbid annual or lifetime limits on benefit amounts, with some exceptions. Restrictions on eligibility based on specified health factors (e.g., claims history, medical history, disability) are also forbidden, while conditions are placed upon outcome-based wellness reward programs that require an individual to attain or maintain a specific health outcome (such

as giving up smoking or reaching a goal weight). Minimum standards for preventive care coverage (e.g., immunizations, women's health care and attendant office visits) are established. Essential health benefits that must be covered include emergency services, hospitalization, prescription drugs, laboratory services, maternity and newborn care, and pediatric care. Inflation indexed limits on deductibles and copayments established in federal law (\$6,350 for individuals and \$12,700 for families) are adopted. Waiting periods for coverage may not exceed 90 days. Insurance issuers may restrict enrollment to special or open enrollment periods that must conform to federal regulations, and insurers must provide at least 30 days (more in some circumstances) in which to enroll. For network plans, coverage may be limited to those living in the service area of the plan. An insurer may deny coverage if it demonstrates inability to accommodate additional enrollees due to lack of financial reserves or obligations to existing enrollees. Grounds for nonrenewal or cancellation of insurance include fraud, nonpayment of premiums, and other actions. Discontinuance of a particular insurance product, or of all coverage, must include notice to DOI, the plan sponsor and all affected individuals. Group health plans and insurance issuers must file with DOI a summary of benefits and coverage for each benefit package offered, and provide this summary free of charge to individuals, participants and beneficiaries. Information that must be contained in the summary (e.g., deductibles and copayments, any exceptions or limitations on coverage) is specified in the rulemaking.

ADVERTISING

DOI also adopted amendments to "Advertising of Accident and Sickness Insurance" (50 Ill Adm Code 2002; 37 Ill Reg 14494) defining the Illinois Health Benefits Exchange as

(cont. page 5)

New Regulations

the "Health Insurance Marketplace" and requiring insurers to file a certificate of compliance with DOI regarding policies offered on the Health Insurance Marketplace. For other policies, each insurer shall prepare and maintain a certificate of compliance along with materials concerning insurance policy advertisements.

PRE-EXISTING ILLNESS

Amendments to "Pre-Existing Illness" (50 Ill Adm Code 2005; 37 Ill Reg 14502) apply DOI's rules on pre-existing illness to policies not subject to Part 2001 or to DOI rules in 50 Ill Adm Code 2008 concerning individual and group Medicare supplemental insurance. These include "excepted benefits plans" as defined in federal law (26 USC 9832) and in Part 2007 below.

EXCEPTED BENEFITS

DOI adopted amendments to "Minimum Standards of Individual Accident and Health Insurance" (50 Ill Adm Code 2007; 37 Ill Reg 15191) that revise various definitions and define two new terms. "Excepted benefits" are defined as those not subject to ACA requirements. These include plans which offer one or more of the following: accident-only coverage; income replacement in case of disability; liability insurance (including auto liability policies) or coverage that supplements liability insurance; worker's compensation or similar insurance; credit-only insurance; hospital indemnity or other fixed indemnity insurance; limited scope policies (e.g., dental, vision, long-term care); and independent, noncoordinated benefits such as coverage only for a specific disease or illness. A "grandfathered health plan" is defined as any group health plan or health insurance coverage in which an individual was enrolled on 3/23/10, the enactment date of the ACA. Former permissible exclusions or limitations of coverage are maintained for grandfathered plans (e.g., pre-existing conditions, mental dis-

orders, pregnancy). Also, the minimum daily coverage amounts for basic hospital expenses are raised from \$100 to \$1,000 per day, or \$700 per day in non-metropolitan areas.

PREMIUM INCREASES

A new Part titled "Premium Increase Justification and Reporting" (50 Ill Adm Code 2026; 37 Ill Reg 14515) sets DOI policies for reviewing health insurance rate filings and determining whether a rate increase is unreasonable. A rate increase on or after 1/1/14 (changed since 1st Notice from 9/1/11) is subject to review, as required by federal regulations, if the average increase for all enrollees is 10% or more over a 12-month period. Rate increases are deemed unreasonable if they are excessive (the premium charged is unreasonably high in relation to benefits provided), unjustified (the insurer failed to provide sufficient data to evaluate the increase) or unfairly discriminatory (the increase imposes higher costs on some persons than others in similar risk categories, in a manner that does not correspond to differences in expected costs) as these terms are defined in federal law (45 USC 154.205(b)-(d)). Health insurance issuers must file a Rate Filing Justification (RFJ) for all products in the single risk pool, in the form and manner prescribed by federal regulations. Information that must be included in an RFJ is specified (e.g., historical and projected claims experience, projections of utilization and service or unit costs, history of previous rate increases). Factors that DOI will use to determine if a rate increase is unreasonable include the validity of the assumptions and data used by the insurer; the impact of various medical trends (e.g., shift from inpatient to outpatient treatment); utilization changes by major service categories; geographic factors and limitations; and other factors.

ACA NAVIGATORS

DOI also adopted a new Part titled "Navigator, In-Person Counselor and Certified Application Counselor Certification" (50 Ill Adm Code 3125; 37 Ill Reg 15238) implementing PA 98-524, the Insurance Navigator Act (INA). The rules establish certification requirements for Navigators, In-Person Counselors and Certified Application Counselors that assist individuals to enroll in health plans offered through the State's health insurance exchange (Marketplace). A Navigator is any person or entity that receives federal grant funds to perform ACA-related services (e.g., promoting public awareness of the exchange, distributing information to consumers on their insurance options). An In-Person Counselor is a person or entity that receives State grant funds for the same purposes. A Certified Application Counselor is a person who provides information about coverage options and affordability, assists individuals to apply for coverage through the Marketplace, and facilitates enrollment in health plans or insurance affordability programs. Certification for any of the above titles requires completion of an approved training course within 1 year. Application, course content, record-keeping, and other requirements for providers seeking certification to offer training courses are listed in the rule. Grounds for suspending, revoking or denying certification, placing a certified entity on probation, or imposing a civil penalty for violation of insurance laws are also listed (e.g., providing false or incorrect information, defaulting on a student loan, noncompliance with child support obligations). Certification examinations may be conducted by DOI and certified parties must provide access and records for any examination. When an application from a person with a felony conviction is received, DOI must consider factors such as the amount of time since the

(cont. page 6)

New Regulations

conduct occurred, the nature and severity of the offense, and the presence or absence of any more recent offenses in determining whether or not to grant certification. Since 1st Notice, DOI has changed "provider" to "training provider", clarified its definitions of Navigator, In-Person Counselor and Certified Application Counselor, and reduced the continuing education requirement for Navigators and In-Person Counselors seeking extension of certification from 24 to 12 hours.

MANAGED CARE

Finally, amendments to "Managed Care Reform & Patient Rights" (50 Ill Adm Code 5420; 37 Ill Reg 15251) and "Health Maintenance Organization" (50 Ill Adm Code 5421; 37 Ill Reg 15270) implement ACA provisions applicable to HMOs, PPOs and other managed care entities. Amendments to Part 5420 require a written summary of benefits and coverage in accordance with 50 Ill Adm Code 2001 (eliminating the requirement of a cover page and worksheet) to be provided to each enrollee. A managed care plan must have an appeals process for coverage determinations and claims, must inform enrollees of that process, and permit an enrollee to review his or her file and receive coverage pending the outcome of an appeal. Health plans that cover emergency services cannot require prior authorization of services or a contractual relationship with the emergency provider, nor can they place more restrictions on non-contracted services than on services rendered by contracted providers. The same copayment and cost-sharing amounts must be charged for both in-network and out-of-network emergency services. The Part 5421 amendments expand the definition of basic health care services to include infertility treatment, prenatal and postnatal care, maternity care and preventive services required under federal law. Termination of coverage for individuals receiving advance payments

of premium tax credits shall comply with federal rules cited in the rulemaking. Provisions contained in ACA amendments to 50 Ill Adm Code 2001 concerning individual and group policies also apply to managed care entities under this Part.

DOI REPEALER

DOI repealed the Part titled "Small Employer Group Health Insurance" (50 Ill Adm Code 2014; 37 Ill Reg 14509) effective 1/2/14 because these rules have been supplanted by the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. DOI states that this repealer is not directly related to the ACA.

LONG TERM CARE INSURANCE

DOI also adopted amendments to "Long Term Care Insurance" (50 Ill Adm Code 2012; 37 Ill Reg 13018) effective 1/2/14, to insure compliance with federal long-term care partnership requirements that enable long term care insurance plans to provide asset protection under the federal Deficit Reduction Act of 2005 (DRA). The rulemaking implements a revised statutory definition of long term care insurance (insurance providing at least 12 months of coverage for long term care, excluding basic Medicare supplement, hospital, medical or surgical coverage, or disability income insurance). Qualified long term care insurance partnership policies must meet requirements such as compliance with model regulations of the National Association of Insurance Commissioners and specified levels of inflation protection varying according to the purchaser's age at time of purchase. Continuing education requirements for those licensed to sell and provide long term care insurance are clarified (4 hours of training is required for license renewal, but may be completed anytime within 1 year of license renewal). Insurers must also offer current policyholders an opportunity to exchange their existing coverage for

coverage that qualifies under the Illinois Long Term Care Partnership Program. A long-term care insurance partnership disclosure notice and an application for certification are included in appendices to this Part. This rulemaking affects persons or businesses that provide or purchase long term care insurance policies.

Questions/requests for copies of the 10 DOI rulemakings above: For Parts 2001, 2002, 2007, and 5421: James Rundblom, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767-0001, 217/785-8559, fax 217/524-9033. For Part 2005, Barbara Delano (312/814-0919); Parts 2014 and 3125, Anne Marie Skallerup (312/814-5410); Part 2026, Mary Jane Adkins (312/814-5411); Part 5420, Simone Arthur (312/814-8580); and Part 2012, Louis Butler (312/814-5398), all DOI, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603.

ABUSE INVESTIGATION

The DEPARTMENT ON AGING (DonA) adopted emergency amendments to the Part now titled "Adult Protection and Advocacy Services" (89 Ill Adm Code 270; 38 Ill Reg 2357), formerly titled "Elder Rights", effective 12/31/13 for a maximum of 150 days. The rules implement Public Act 98-49, which transfers to DonA responsibility for investigating allegations of abuse, neglect, or financial exploitation of disabled adults ages 18-59 living in domestic settings (formerly handled by the DHS Office of Inspector General). DonA's Elder Abuse and Neglect Program is renamed Adult Protective Services, and fatality review teams are added to the services and activities provided by APS. Definitions are added or revised, and existing features of the Elder Abuse and Neglect Program are expanded, to include adults with disabilities. Those affected by this rulemaking include residential care facilities or homes for adults with disabilities, caregivers of disabled

(cont. page 7)

New Regulations

adults, and agencies or persons currently working with the Elder Abuse and Neglect Program.

Questions/requests for copies: Karen Alice Kloppe, DonA, One Natural Resources Way, Suite 100, Springfield IL 62702-1271, 217/785-3346.

CHILD ABUSE REPORTING

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to the Part titled "Reports of Child Abuse and Neglect" (89 Ill Adm Code 300; 37 Ill Reg 5207), effective 12/31/13, implementing 3 Public Acts. The rulemaking expands the definition of "abused child" to include victims of human trafficking and adds human trafficking to the list of actions for which a person responsible for the welfare of a child can be charged with abuse or neglect. The rulemaking also makes personnel of institutions of higher learning mandated reporters of known or suspected child abuse. Since 1st Notice, early intervention providers and personnel of athletic programs have been added, in accordance with statute, to the list of mandated reporters. Those affected by this rulemaking include employees of colleges and universities.

DCFS SCHOLARSHIPS

DCFS also adopted amendments to the Part titled "Department of Children and Family Services Scholarship Program" (89 Ill Adm Code 312; 37 Ill Reg 5233), effective 12/31/13, updating eligibility criteria and application requirements. Former DCFS wards who aged out of the system at age 18 or older may now apply for the scholarship, in addition to current DCFS wards and former wards who have been adopted. A child age 16 or older who meets the State criteria for high school graduation but has not yet received a diploma or GED may also apply and must submit an acceptable high school transcript. Documentation of the applicant's le-

gal relationship with DCFS must be submitted with all applications. Scholarship recipients must enroll in at least 6 credit hours each summer term (in addition to at least 12 hours each fall and spring semester) to remain eligible. The Department's Scholarship Awards Selection Committee (SASC) must notify applicants of their award status for the next academic year no later than May 1 (formerly, May 20) and students may remain in the scholarship program for 4 years or until reaching age 23, whichever occurs first. The rulemaking also changes the organization and composition of the SASC. Since 1st Notice DCFS has added specifications for SASC membership along with a contact phone number for students to report changes of address.

Questions/requests for copies of the 2 DCFS rulemakings: Jeff Osowski, DCFS, 406 E. Monroe St., Station 65, Springfield IL 62701-1498, 217/524-1983, fax 217/557-0692, TDD 217/524-3715, e-mail: CFPolicy@idcfs.state.il.us.

MORTGAGE LOANS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to "Residential Mortgage License Act of 1987" (38 Ill Adm Code 1050; 37 Ill Reg 15590) effective 12/27/13. The rulemaking adjusts the Department's fee schedule and makes other revisions. Residential mortgage license investigation and license fees will now total \$2,700, up from \$2,043, with renewal fees increasing by the same amount. Entities exempt from licensure by virtue of being chartered under federal law, but wishing to sponsor individuals serving as mortgage loan originators under the State Act must also pay a \$2,700 fee. The rulemaking also requires loan brokerage agreements and broker/originator loan logs to contain the unique identifier in the Nationwide Mortgage Licensing System rather than the DFPR Mortgage

Loan Originator license number. Banks and mortgage brokers are affected by this rulemaking.

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

CAR DEALERS

The SECRETARY OF STATE adopted amendments to the Part titled "Dealers, Wreckers, Transporters and Rebuilders" (92 Ill Adm Code 1020; 37 Ill Reg 15503), effective 12/26/13, allowing police to issue an administrative citation instead of a criminal complaint to dealers, wreckers, transporters and rebuilders who violate any provision of the Illinois Vehicle Code (IVC) or any rule adopted by SOS under the IVC. At least 3 citations must be present at the time of the investigation and any violation will result in a \$50 per violation penalty. If the licensee agrees to pay the penalty, he or she waives the right to contest the citation through the administrative process. If the licensee pays the penalty but then receives additional citations, the previous citations may be used by SOS as evidence of a pattern or established habit of violations. Licensees have 90 days after the date of a citation to pay the penalty or contest the citation. Failure to take action may result in the loss of a license renewal. This rulemaking affects small businesses engaged in selling, towing, rebuilding, or transportation of vehicles.

Questions/requests for copies: Carrie Leitner, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, e-mail: cleitner@ilsos.net.

TOLL HIGHWAYS

The ILLINOIS STATE TOLL HIGHWAY AUTHORITY adopted emergency amendments to the Part titled "State Toll Highway Rules" (92 Ill Adm Code 2520; 38 Ill Reg 2433), effective

(cont. page 8)

New Regulations

1/1/14 for a maximum of 150 days. Companion proposed amendments appeared in the 12/27/13 *Illinois Register* at 37 Ill Reg 20630. The amendments implement institute a 70 mile per hour speed limit on portions of the Northwest Tollway (I-90) and Ronald Reagan Memorial Highway (I-88).

Questions/requests for copies/comments on the proposed rulemaking through 2/11/14: David Goldberg, ISTHA, 2700 Ogden Ave., Downers Grove IL 60515, 630/241-6800, TDD/TTY: 630/241-6898.

PUBLIC UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted a new Part titled "Qualifying Infrastructure Plant Surcharge" (83 Ill Adm Code 556; 37 Ill Reg 12950), effective 12/27/13. A companion emergency rule effective 8/5/13 was published at 37 Ill Reg 13567. The rule implements a provision of Public Act 98-57 that requires ICC to adopt rules allowing natural gas utilities that serve more than 700,000 customers to recover the costs of specified infrastructure improvements without seeking a general

rate increase. Covered topics include defined terms, qualifying infrastructure plant (QIP), recoverable costs, determination of, application for, approval/withdrawal of, and amendment of the QIP surcharge, annual reconciliations and audits, gas utility commitments, and annual QIP plan updates.

Questions/requests for copies: Brian Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387, fax: 217/524-8928.

Proposed Regulations

care assessments upon which RUGs are based. Nursing homes will be affected by this rulemaking.

Questions/requests for copies/comments through 3/3/14: Jeanette Badrov, DHFS, 201 S. Granve Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, e-mail: HFS.Rules@illinois.gov.

Public Acts. The new rules address deposits, billing, payment (including provisions for late payments, preferred payment dates, budget payment plans and irregular billing), refunds and credits, deferred payment arrangements, disconnection of service (including disconnections of heating service between Dec. 1 and March 31), medical certification, reconnection, unauthorized service usage via tampering or illegal taps, and complaint procedures. Utility companies and their customers are affected by these rulemakings.

Questions/requests for copies/comments on the 2 ICC rulemakings through 3/3/14: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

plaining procedures for processing discrimination cases that have been filed with both DHR and the federal Equal Employment Opportunity Commission (EEOC). The amendments also realign DHR's regions with those of the Department of Employment Security and Department of Labor, clarify that State colleges and universities are not covered by the Illinois Human Right Act's affirmative action requirements, set forth procedures for DHR's mediation program, and in accordance with statute, update references to American Indians and Alaskan Natives (currently, Native Americans) and to Blacks and African Americans (currently, African Americans) as groups to be included in affirmative action measures. This rulemaking will affect business or public entities subject to affirmative action requirements or that are involved in employment discrimination cases.

Questions/requests for copies/comments through 3/3/14: David T. Rothal, DHR, 100 W. Randolph St., Suite 10-100, Chicago IL 60601, 312/814-6257, TTY: 217/785-5125.

UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed repeal of the Part titled "Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service" (83 Ill Adm Code 280; 38 Ill Reg 1452) and proposed a new Part titled "Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Billing, Payments, Refunds and Disconnection of Service" (83 Ill Adm Code 280; 38 Ill Reg 1497). The new Part comprehensively updates ICC's rules for utility customer service practices to reflect changes in the utility industry and to implement recent

DISCRIMINATION CASES

The DEPARTMENT OF HUMAN RIGHTS proposed amendments to "Procedures of the Department of Human Rights" (56 Ill Adm Code 2520; 38 Ill Reg 1765) implementing PA 97-396 and PA 97-596. The rulemaking adds new provisions ex-

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at JCAR's February 18, 2014 meeting.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Massage Licensing Act" (68 Ill Adm Code 1284) proposed 11/22/13 (37 Ill Reg 18400)

SECRETARY OF STATE

"Real Estate Appraiser Licensing" (68 Ill Adm Code 1455) proposed 11/22/13 (37 Ill Reg 18407)

Meeting Action

JCAR MEETING ACTION

At its 1/14/14 meeting, the Joint Committee on Administrative Rules voted to object to three emergency rules and to issue suspensions against two of these emergency rules.

ILLINOIS GAMING BOARD

JCAR objects to and suspends the Illinois Gaming Board's emergency rule titled "Video Gaming (General)" (11 Ill Adm Code 1800; 37 Ill Reg 19882) because the Board does not have specific statutory authority to create the Video Gaming Exclusion List. (The emergency rule allows IGB to create a list of persons excluded from holding video gaming licenses or doing business with video gaming licensees due to their involvement in illegal activity, or for other listed reasons.)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JCAR objects to and suspends Section 147.335(a)(7)(B) of, and the repeal of Section 147.355(b) of, the DHFS emergency rule titled "Reimbursement for Nursing Costs for Geriatric Facilities" (89 Ill Adm Code 147; 38 Ill Reg 1205) because HFS has not shown sufficient cause for reducing the enhanced care add-on rate for ventilator care to a level that covers only the cost of supplies when the add-on rate had previously included the cost of ventilator care services. JCAR finds that this reduction is contrary to the public interest because it will cause financial hardship for nursing homes that agree to take ventilator dependent residents and it could threaten the health, safety and welfare of nursing home residents.

SECRETARY OF STATE

With regard to the SOS emergency rulemaking titled "Lobbyist Registration and Reports" (2 Ill Adm Code 560; 37 Ill Reg 20784), JCAR objects to the Secretary's use of emergency rulemaking because no emergency situation existed that required adoption of this rule in less time than is required under the general rulemaking procedures of Section 5-40 of the Illinois Administrative Procedure Act.