

*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

### ☞ COMMUNITY CARE PROGRAM

The DEPARTMENT ON AGING adopted amendments to "Community Care Program" (89 Ill Adm Code 240; 34 Ill Reg 10738) effective 2/21/14 that require in-home service providers to use and maintain electronic visit verification (EVV) systems that use cell phone or global positioning systems and/or other technologies to verify a home visit, when a program participant doesn't have a phone or refuses to allow its use. Provisions related to the previous automated timekeeping system are being removed. Since 1<sup>st</sup> Notice, a new Section has been added outlining procedures for data storage and recovery and other operational aspects of EVV systems. Small business and not-for-profits who are service provider agencies may be affected by this rulemaking.

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

### ☞ PROPERTY REPOSSESSION

The ILLINOIS COMMERCE COMMISSION adopted amendments to "Col-

lateral Recovery" (92 Ill Adm Code 1480; 37 Ill Reg 12953) effective 3/14/14 that update the Part; clarify current administrative and enforcement practices; simplify the application process; remove unnecessary requirements; ensure that the rules are consistent with statute; and establish additional administrative and enforcement procedures for repossession of vehicles or other property subject to a security, lease, or rental agreement. These amendments are too detailed to describe in their entirety. For further information contact the agency individual noted below. Businesses engaged in repossession are affected.

Questions/requests for copies: Katarzyna Kowalska, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/524-4227, e-mail: [kkowalska@icc.illinois.gov](mailto:kkowalska@icc.illinois.gov).

### ☞ PROFESSIONAL REGULATION

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to "Massage Licensing Act" (68 Ill Adm Code 1284; 37 Ill Reg 18400) effective 2/24/14 updating the fingerprint requirement for applicants. Applicants may now

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### ☞ LAKE MICHIGAN WATER

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled "Allocation of Water From Lake Michigan" (17 Ill Adm Code 3730; 38 Ill Reg 5754). The amendments implements DNR's program for apportionment of water to be diverted from Lake Michigan that is not to exceed a 40 year running average of 3,200 cubic feet per second. The rulemaking adds Kendall County and the Chicago Metropolitan Agency for Planning to the list of those notified of hearings. The Department will hold an amount of Lake Michigan water in reserve for lockage and leakage based on the running average over 40 accounting periods. Applications for an allocation permit must now contain a description of the applicant's current and proposed water conservation program, measures and ordinances that promote the efficient use of its water supply. The rulemaking re names several of the water demands titles and states that for new applicants allocation of Lake Michigan water will be made with the goal of reducing withdrawals from the deep aquifer. Category III applicants will not qualify for an allocation of water. The

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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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use a vendor agency approved by DFPR in addition to the Illinois State Police or a live scan vendor whose equipment has been certified by the ISP. Additionally, fingerprints must be taken within 60 days before application. Finally, massage therapist training is updated to include equivalent credit hours for the minimum 600 clock

hours of instruction. Those affected by this rulemaking include massage therapy students.

DFPR also proposed amendments to "Real Estate Appraiser Licensing" (68 Ill Adm Code 1455; 37 Ill Reg 18407) effective 2/24/14 updating the incorporation by reference of the Uniform

Standards of Professional Appraisal Practice to the 2014 edition. Those affected by this rulemaking include persons in the real estate appraisal industry.

Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Floor, Springfield IL 62786, 217/785-0813.

## Proposed Regulations

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rulemaking lowers the allocation for the Chicago Area Waterway System and states that DNR will consider minimum navigational needs and sanitary conditions. DNR will normally make allocations to meet the full water needs of Category IA and IB before any water is allocated to those in Category IIA and IIB. Conservation practices now include ordinances that promote the efficient use of water for lawn sprinkling and other outside uses and the use of WaterSense labeled products for plumbing. Applicants in Category IA and IB shall limit non-revenue water so that it is 12% or less of the total pumpage, decreasing to 10% in 2019. In certain cases, waivers may be issued. This rulemaking may also require ordinance changes, including plumbing codes and lawn sprinkling, and require the use water use audit methodology for calculating water usage. This rule affects units of local government, commercial businesses and water utilities that have or seek a Lake Michigan water allocation permit.

Questions/requests for copies/comments through 4/21/14: Robert G. Mool, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

5705) to reflect changes in medical practice, security, and prescription procedures since the Part was last amended in 2004. Advanced practice nurses and physician assistants who have been granted clinical privileges at a hospital, hospital affiliate or ambulatory surgical treatment center are added to the list of persons who may be licensed to prescribe controlled substances. Exemption conditions for APNs, PAs and temporary license holders are updated to include verification by the employer institution that the prescriber is licensed to administer or prescribe drugs and that all prescriptions issued include the institution's registration number, the individual's specific internal code, and service identification number. The rulemaking clarifies that APNs and PAs must meet the education requirements established in the Illinois Controlled Substances Act. A person who writes prescriptions without proper authority may be fined up to \$50 for each unauthorized prescription, and may be subject to other DFPR disciplinary actions. Licensees who wish to modify their licenses must follow the same procedures as applicants for new licenses. The criteria for terminating a license are updated to include change of status of the primary professional license. All changes in legal existence, business, professional practice and name or address must be reported to DFPR within 10 days after the change. Licenses for APNs and PAs who were delegated controlled substance prescriptive authority will terminate when the authority

does. Security requirements are updated to require licensees to make available extra security evidence to the DFPR upon request. Personal bags are not allowed in any area where controlled substances are handled or stored. Physical controls in a pharmacy must include an alarm system and a key maintained by a registered pharmacist or certified pharmacy technician. Criteria for evaluating security systems are updated to include adequacy of supervision, having access to manufacturing and storage areas, and the applicability of federal, State and local security requirements. Record and inventorying requirements are updated to reflect the use of electronic prescriptions and requiring licensees to conduct annual inventories of actual count for Schedule II controlled substances (those with high potential for abuse or addiction) and approximate count for Schedule III, IV and V controlled substances. Copies of a federal DEA Report of Theft or Loss of Controlled Substances must be filed with DPFR. Also, all licensees must log every prescription for at least 5 years and keep the original transcript or copy of each verbal prescription available for inspection. Criteria for alternative reporting are established. The rulemaking clarifies that practitioners cannot self-prescribe or prescribe to immediate family members unless there is a bona fide practitioner-patient relationship. Provisions for electronic and printed prescriptions (in addition to written prescriptions) are added. Pharmacists may not change the date, name of patient, (cont'd next page)

### CONTROLLED SUBSTANCES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled "Illinois Controlled Substances Act" (77 Ill Am Code 3100; 38 Ill Reg

# Proposed Regulations

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name of prescriber or the name of the drug on a schedule II prescription. Schedule III, IV or V controlled substance prescription refills may only be done at the request of the patient to contact the prescriber. The rulemaking clarifies that partial fillings of prescriptions are not considered refills and clarifies partial filling procedures for patients in long term care facilities or who are terminally ill. DFPR is allowed to grant variances from the rules in individual cases. Other updates reflect the federal regulations and remove obsolete and outdated Sections. Current controlled substance license holders will be affected by this rulemaking.

Questions/requests for copies/comments through 4/21/14: Craig Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Floor, Springfield IL 62786, 217/785-0813.

## **INCOME TAX**

The DEPARTMENT OF REVENUE proposed an amendment to "Income Tax" (86 Ill Adm Code 100; 38 Ill Reg 5782). The amendment allocates to Illinois as nonbusiness income any lottery winnings and unemployment compensation if paid by Illinois regardless of whether the taxpayer is an Illinois resident.

Questions/ requests for copies/ comments regarding the proposed rulemaking through 4/21/14: Paul Caselton, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

## **TELECOMMUNICATIONS**

The ILLINOIS COMMERCE COMMISSION has proposed amendments to "Approval of Negotiated Agreements"

(83 Ill Adm Code 763; 38 Ill Reg 5682) that are intended to streamline the process by which the Commission formally approves routine, uncontested negotiated agreements governing rates and terms of interconnection between telecommunications carriers. ICC, or an interested party, could initiate a proceeding for an expedited approval of negotiated agreements. A process to contest the filed agreement is established. If no proceeding to contest the agreement were initiated, the agreement would take effect 30 days after its filing date. The amendments also update references to "hearing examiners" to "administrative law judges".

Questions/requests for copies/comments through 4/21/14: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Spfld IL 62701, 217/782-7434.

# 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. The rulemakings will be considered at JCAR's March 19, 2014 meeting.

## **SECRETARY OF STATE**

"Issuance of Licenses" (92 Ill Adm Code 1030) proposed 12/20/13 (37 Ill Reg 20117)

## **DEPARTMENT OF HUMAN SERVICES**

"Early Intervention Program" (89 Ill Adm Code 500) proposed 5/17/13 (37 Ill Reg 6417)

## **DEPARTMENT OF NATURAL RESOURCES**

"Wild Swine" (17 Ill Adm Code 700) proposed 12/13/13 (37 Ill Reg 19817)

## **DEPARTMENT OF PUBLIC HEALTH**

"Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code" (77 Ill Adm Code 515) proposed 12/27/13 (37 Ill Reg 20601)