

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

MEDICAID EXPANSION

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted 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 effective 2/26/14. 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 were all effective 10/1/13. 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 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

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Proposed Regulations

STATE TRAVEL

The HIGHER EDUCATION TRAVEL CONTROL BOARD proposed amendments to "Higher Education Travel" (80 Ill Adm Code 2900; 38 Ill. Reg. 5927) to alter mileage reimbursement rates in conformity with Public Act 96-240. That Public Act modified the State Finance Act to state that a federal mileage reimbursement rate change is effective immediately, and not on July 1 following the effective date of a federal mileage rate change.

Questions/requests for copies/comments for the above rulemakings through 4/28/14: Cathy Young, University of Illinois, Illini Plaza, Suite 210, 1817 S. Neil St., Champaign IL 61820, 217/244-8750, fax: 217/239-6683, cyoung45@uillinois.edu.

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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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.

CHILD SUPPORT

DHFS also adopted amendments to "Child Support Services" (89 Ill Adm Code 160; 37 Ill Reg 18022), effective 2/26/14, that implement several Public Acts. The rulemaking implements PA 98-318, which gives DHFS authority to intercept gambling winnings from non-custodial parents who are delinquent in paying child support. Gaming establishments (e.g., race-tracks, off-track betting facilities, riverboat casinos) have authority to withhold winnings and transmit them to DHFS for disbursement to custodial parents who are owed child support. An administrative appeals process is provided for persons affected by withholding of gambling winnings. The rulemaking also implements PA 97-926 and PA 98-563, which allow registration of final administrative child support orders initiated by DHFS without the requirement of personal service upon the other party in certain circumstances. PA 98-653 also allows DHFS to send a one-time notice to persons who may be owed interest on unpaid child support cases prior to 1/1/06 (obligees) that they have 60 days to request that DHFS calculate the interest and add it to the case account. If the obligee does not respond within 60 days, he or she must pursue any unpaid interest in court instead of through DHFS. Those affected by this rulemaking include licensed gaming establishments.

Questions/requests for copies of the 6 DHFS rulemakings above: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, e-mail: HFS.Rules@illinois.gov.

WATER POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to "Proceedings Pursuant to Specific Rules or Statutory Provisions" (35 Ill Adm Code 106; 37 Ill Reg 11843) and "Effluent Standards" (35 Ill Adm Code 304; 37 Ill Reg 11861), effective 2/26/14, that establish alternative thermal effluent limitations pursuant to the federal Clean Water Act and set procedural rules for the Board to consider those standards.

Requests for copies: Daniel Robertson, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931 or download copies at www.ipcb.state.il.us. Please reference docket R13-20.

HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to "Licensing" (11 Ill Adm Code 502; 37 Ill Reg 29523), effective 3/1/14 for a maximum of 150 days. An identical emergency rulemaking was effective 11/20/13. The amendments increase the occupation license fee for the following racing-related occupations 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 racetracks (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: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701,

Chicago IL 60601, 312/814-5017.

MOTOR VEHICLES

The SECRETARY OF STATE adopted amendments to the Part titled "Illinois Safety Responsibility Law" (92 Ill Adm Code 1070; 37 Ill Reg 17344), effective 3/1/14, 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: Jennifer Egizii, SOS 2701 S. Dirsken Pkwy., Springfield IL 62723, 217/557-4462.

SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to "Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1; 37 Ill Reg 15635), effective 2/27/14, that make various changes to classroom instruction, personnel, and other requirements applicable to public schools and school districts recognized by SBE. Effective 9/1/14, the rulemaking phases out all existing waivers from the use of student performance data or performance categories for evaluating teachers and principals. For students with medical conditions that prevent them from attend-

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ing school for 2 consecutive weeks or longer, districts are required to evaluate the potential need for home or hospital instruction; guidelines for determining the district's responsibility for providing such instruction are also included. The rulemaking incorporates Next Generation Science Standards into the State goals for learning in science beginning with the 2016-17 school year. Additional changes affecting instructional standards and content include changing the focus of physical education goals from athletic skills to physical fitness; removing specific subject matter requirements from rules for consumer education; implementing statutory requirements for waivers allowing driver education to be outsourced to commercial driving schools; and clarifying that districts will not be held responsible for lack of English proficiency progress among students whose parents have declined to enroll them in bilingual educational programs. Regarding discipline, the rulemaking limits the length of "time outs" to no longer than therapeutically necessary and no more than 30 minutes after the student ceases the specific behavior for which the time out was imposed. Requirements for the new teacher leader endorsement (contained in 23 Ill Adm Code 25) are reflected, and the minimum age for obtaining an educator license is raised from 19 to 20. Changes affecting record keeping and documentation include: adding immunization and physical exam records to the student's permanent record; adding information regarding the district's concussion/head injury policy to all documents that student athletes and their parents/guardians are required to sign; allowing online posting of the school's and the district's recognition status; and requiring any change in recognition status to be posted within 30 days after the change

is made. Other changes include Intermediate Service Centers as entities that can fulfill the functions of a regional superintendent; revise training requirements for staff who handle hazardous materials; update the duties of school nurses; clarify when districts can be exempted from unfunded mandates; update incorporations of various educational, psychological testing, and curriculum goal standards; and change the mailing address for waiver appeals from the Springfield to the Chicago SBE office. Public school districts are affected by this rulemaking.

Questions/requests for copies: Jeff Aranowski, SBE, 100 W. Randolph St., Suite 14-300, Chicago IL 60601, 312/814-2220.

EDUCATOR LICENSURE

SBE also adopted amendments to "Code of Ethics for Illinois Educators" (23 Ill Adm Code 22; 37 Ill Reg 17352), "Standards for the School Service Personnel Certificate" (23 Ill Adm Code 23; 37 Ill Reg 17358), "Standards for Certification in Special Education" (23 Ill Adm Code 28; 37 Ill Reg 17439), and "Standards for Administrative Certification" (23 Ill Adm Code 29; 37 Ill Reg 17551), all effective 2/27/14, 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 Ill Adm Code 235). Part 29 amendments replace existing Illinois Professional School Leader Standards with the

National Policy Board for Educational Administration's (NBPEA) 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 Ill. Adm. Code 30 that replaced this endorsement. Student teachers and teacher preparation programs are affected by these rulemakings.

Questions/requests for copies of the 4 SBE rulemakings: Vicki Phillips, SBE, 100 North First Street, C-215, Springfield, Illinois 62777-0001, 217/782-4620.

HOME SERVICES PROGRAM

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to "Program Description" (89 Ill Adm Code 676; 38 Ill Reg 6453), "Eligibility" (89 Ill Adm Code 682; 38 Ill Reg 6463), "Service Planning and Provision" (89 Ill Adm Code 684; 38 Ill Reg 6468), and "Provider Requirements, Type of Services, and Rate of Payment" (89 Ill Adm Code 686; 38 Ill Reg 6473), all effective 2/28/14 for a maximum of 150 days. Identical proposed rulemakings appears in this week's *Illinois Register* at 38 Ill Reg 5935, 5937, 5939 and 5941, respectively. These rulemakings implement a federal CMMS directive, which determined the physician certification requirement for Home Services Program (HSP) services is not required, prompting DHS to remove the physician certification requirement from its HSP rules.

Questions/requests for copies/comments on the 4 DHS proposed rulemakings through 4/28/14: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.