

*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

### DRINKING WATER TESTING

The POLLUTION CONTROL BOARD adopted amendments to "Primary Drinking Water Standards" (35 Ill Adm Code 611; 38 Ill Reg 693) effective 4/21/14 that allow laboratories certified or approved in other states with drinking water regulations equivalent to the National Primary Drinking Water Regulations (NPDWR) to perform tests for particular water contaminants when no laboratory certified by the Illinois EPA or USEPA is able to test for the contaminant. The rulemaking also updates incorporations by reference of USEPA water testing standards. This rulemaking may affect municipalities with public water supplies.

Requests for copies: Michael McCambridge, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6924, e-mail: [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov). Please reference docket R14-9.

### IL POWER AGENCY

The ILLINOIS POWER AGENCY adopted a new Part titled "Fee Assessment and Collection for Regular Procurement Events, Special Procure-

ment Events and Other Services" (83 Ill Adm Code 1200; 37 Ill Reg 8353) effective 4/28/14 that sets fees and charges it is authorized to collect in order to fund the Agency's operations. Covered topics include publication of overhead and mediation rates; regular and special procurement events; and contract review, evaluation and mediation requirements. (Procurements are any competitive bidding process overseen by IPA or one of its agents. Regular procurements are those authorized by an ICC approved procurement plan; special procurements are those mandated for a particular procurement cycle after its associated procurement planning cycle has ended.) IPA also adopted a new Part titled "Uniform System of Accounts" (83 Ill Adm Code 1220; 37 Ill Reg 8367) effective 4/28/14 that implements accounting rules and a system of accounts governing all reporting required by the State under the Power Agency Act, by the IPA, or under the Public Utilities Act.

Questions/requests for copies of the 2 IPA rulemakings: Michael Strong, IPA, 160 N. LaSalle St., Suite N-506, Chicago IL 60601.

## Proposed Regulations

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Pay Plan" (80 Ill Adm Code 310; 38 Ill Reg 9719) implementing several collective bargaining measures. An agreement between DCMS and the United Food and Commercial Workers sets a prevailing wage of \$25 per hour for barbers and beauticians hired on or after 1/1/13; for teachers of barbering or beauty culture, the established rate is \$2.50 higher. Other amendments update pay rates for seasonal highway maintainers represented by the Teamsters and remove the Conservation Police Captain title at Department of Natural Resources from a list of bargaining unit positions. Finally, the title of pharmacy manager is added to those represented by an AFSCME bargaining unit.

Questions/requests for copies/comments through 6/23/14: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 271/524-4570, e-mail: [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov).

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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

## HEALTH CENTERS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Children's Community-Based Health Care Center Code" (77 Ill Adm Code 260; 37 Ill Reg 6135) effective 4/28/14 that clarify admission criteria and staff requirements for different children's services provided in these facilities. The rulemaking requires a facility to supply forms for its employees, volunteers or children's representatives to record day, time and nature of complaints. The facility must also provide a phone and the Department's toll free complaint hotline number. Facilities must retain documentation in an employees' file that they have been trained to use a fire extinguisher and have been taught the facility's evacuation plan. The rulemaking also revises the list of medical emergencies that should be addressed with staff and incorporated into the facilities policies and procedures. DPH also clarified eligibility criteria for respite care and transitional care admissions. The rulemaking also requires the facility's medical director to be on-site a minimum of two days per week, provides

on-call requirements for facility staff, and outlines standards for the facility's medical advisory committee. A child's parent or representative may not be retaliated against for filing a complaint or providing information concerning a complaint against the facility. The rulemaking also further clarifies child's rights under this Part, adds a new Section addressing reporting requirements for allegations of abuse and neglect to DCFS, and requires a facility to provide 2 to 4 hours per day, as tolerated by the child, of recreational/leisure activities for children during their stay. Facilities are allowed to stock a small supply of prescription medications approved by the medical director that are available for immediate use. The rulemaking also revises personnel, food service and physical plant guidelines and quality assessment and improvement standards for facilities. The rulemaking also revises the definitions Section and updates incorporated and referenced materials.

## PLUMBING CODE

Also, DPH adopted amendments to

"Illinois Plumbing Code" (77 Ill Adm Code 890; 37 Ill Reg 5309), effective 4/24/14, recommended by the Plumbing Code Advisory Council to update the existing minimum code standards for plumbing and fixtures, materials, design and installation methods of plumbing systems. The rulemaking makes numerous technical corrections and clarifications, and adds new illustrations for clarity. Since 1<sup>st</sup> Notice, DPH has made extensive changes, including removing the proposed new Subpart N establishing standards for design and construction of sustainable plumbing systems. Related definitions and illustrations were also removed. The rulemaking makes numerous additional changes that cannot be adequately addressed in this summary. Plumbers, building contractors, and owners of food service and other businesses are affected.

Questions/requests for copies of the 2 DPH rulemakings: Susan Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Flr., Springfield IL, 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## 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**

# 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 May 20, 2014 meeting.

## **DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**

"Nurse Practice Act" (68 Ill Adm Code 1300) proposed 1/24/14 (38 Ill Reg 2523)

"Illinois Dental Practice Act" (68 Ill Adm Code 1220) proposed 8/23/13

## **ILLINOIS COMMERCE COMMISSION**

"The Preservation of Records of Telephone Utilities (General Order 188)" (83 Ill Adm Code 705) proposed 1/10/14

"Tariff Filings" (83 Ill Adm Code 745) proposed 1/10/14

"9-1-1 Implementation Reports (General Order 208) (Repealer)" (83 Ill Adm Code 720) proposed 12/27/13

"Customer Credits" (83 Ill Adm Code 732) proposed 12/27/13

## **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

"Permits" (35 Ill Adm Code 652) proposed 2/21/14

## **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

"Reports of Child Abuse and Neglect" (89 Ill Adm Code 300) proposed 1/10/14

## **DEPARTMENT OF INSURANCE**

"The Minimum Mortality Standard for Valuation of Annuity and Pure Endowment Contracts (50 Ill Adm Code 935)  
proposed 8/6/13

## **POLLUTION CONTROL BOARD**

"Permits" (35 Ill Adm Code 502) proposed 12/2/13

## **DEPARTMENT OF REVENUE**

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 1/17/14

"Automobile Renting Occupation Tax" (86 Ill Adm Code 180) proposed 1/17/14

"Income Tax" (86 Ill Adm Code 100) proposed 2/7/14

## **STATE BOARD OF ELECTIONS**

"Counting of Provisional Ballots" (26 Ill Adm Code 218) proposed 2/14/14

## **DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES**

"Medical Payment" (89 Ill Adm Code 140) proposed 1/24/14