

*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

### INDEPENDENT TAX TRIBUNAL

The ILLINOIS INDEPENDENT TAX TRIBUNAL adopted a new Part titled "Organization, Information, Rulemaking and Hearings" (86 Ill Adm Code 5000; 38 Ill Reg 2597), effective 5/1/14, detailing its purpose. A companion emergency rulemaking effective 1/9/14 appeared in the *Illinois Register* at 38 Ill Reg 2956. The rule details the Tribunal's composition, procedures for requests for records, materials available, and requires that it follow Illinois Administrative Procedure Act provisions. Procedural rules address representation before the Tribunal, pleadings, hearings, discovery details, service provisions, subpoena requirements, stipulations and bonds. Taxpayers utilizing the Tribunal will be affected.

Questions/requests for copies: James Conway, Chief Administrative Law Judge, IITT, James R. Thompson Center, 100 W. Randolph St., Chicago IL 60601, 312/814-4291, email: [james.conway@illinois.gov](mailto:james.conway@illinois.gov).

### ☞ PHARMACISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled "Pharmacy Practice Act of 1987" (68 Ill Adm Code 1330; 38 Ill Reg 10534) that add provisions for certified pharmacy technicians, add or clarify requirements for dispensing, telepharmacy and remote automated pharmacy services (RAPS), and allow pharmacists to administer flu and tetanus-diphtheria-pertussis (Tdap) shots to children ages 10-13. Pharmacy technicians who are no longer enrolled in a pharmacy program must inform DFPR within 10 days and have 90 days to register as certified pharmacy technicians. The fee for restoring a pharmacist license is increased from \$20 to \$50, with a cap of \$450 on lapsed renewal fees. Unethical conduct standards are also updated. Licensees and registrants must notify DFPR within 60 days of being disciplined in another state. License restoration will require proof of 600 hours of clinical practice within the previous 2 years, or successful completion of the Pharmacist Assessment for

Remediation Evaluation. Guidelines for dispensing medication when a pharmacist is not present are included; under these circumstances, medication may be dispensed via an after-hours cabinet or emergency kit. If a pharmacist-in-charge is absent from a pharmacy for more than 90 days, a new pharmacist-in-charge must be appointed. All pharmacies and pharmacists that provide remote prescription or medication order processing services must be licensed in Illinois, and a telepharmacy may permit only pharmacists or certified pharmacy technicians to access Schedule II controlled substances. Telepharmacies located outside Illinois need not be licensed in the State but must abide by Illinois laws and regulations. All RAPS must be licensed, must maintain bulk prescription drug inventory, and must have orders approved by a pharmacist before they are released. The rulemaking includes a confidentiality requirement for information collected by the Department and requires all pharmacies to conduct an annual self-inspection and keep records of the inspection for at least 5 years. Other provisions concern

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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.

# Proposed Regulations

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changes in pharmacy ownership or hours, pharmacy relocation and transfer of drugs, mail-order pharmacies, automated kiosks, compounding standards, medication packets, and requirements for automated dispensing or storage systems in hospitals, long-term care facilities, and residential hospices. Pharmacists, pharmacy technicians, pharmacy owners, and facilities that use automated medication dispensing services are affected by this rulemaking.

license fee in \$1,000 annual installments. Technical changes are also made. Pawn shops will be affected by this rulemaking.

Questions/requests for copies/comments on the 3 DFPR rulemakings through 6/30/14: Craig Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Fl., Springfield IL 62786, 217/785-0813 Fax: 217/557-4451.

## OIL AND GAS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled "The Illinois Oil and Gas Act" (62 Ill Adm Code 240; 37 Ill Reg 10624). DNR is creating, increasing or otherwise changing the fee structure for permitting of wells. A petition for an order requiring unitization of a pool application fee is \$2,500; a petition for an order requiring integration of a pool application fee is \$1,500; a petition to establish pool-wide drilling unit application fee is \$2,500; and a petition to modify or establish a special drilling unit application fee is \$1,500. All the application fees are non-refundable. The rulemaking eliminates a cost range fee structure for the annual assessment of wells and establishes a per well cost structure of \$75 per well for the first 100 wells and \$50 per well for all wells in excess of 100. The application to drill or convert observation or gas storage wells is a non-refundable fee of \$300. The transfer of an existing well permit to operate to a new owner is increased from \$15 to \$50. These rulemakings may affect small businesses involved in the extraction, storage or movement of oil and/or gas.

Questions/requests for copies/comments through 6/30/14: Robert G. Mool, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

## PROCUREMENT

The CHIEF PROCUREMENT OFFICER for GENERAL SERVICES (CPO-GS) proposed amendments to the Part

titled "Chief Procurement Officer for General Services Standard Procurement" (44 Ill Adm Code 1; 38 Ill Reg 10327) to revise procurement rules in conformity with Public Acts amending the Procurement Code. An amendment to a contract regulated under this Part may or may not document a material change (a "change order" may be an amendment to a contract, but an amendment may not necessarily be a change order). Newly defined terms include change order, construction agency (IDOT, Capital Development Board, Illinois Tollway Authority, etc.), contract award, and emergency contract award. Examples of purchase of care contracts exempt from the Code are given (e.g., Medicaid care coordination programs and primary care case management services), along with examples and definitions of a procurement compliance monitor and State Purchasing Officer (SPO). The CPO may delegate procurement action to a SPO or a State agency and the CPO is responsible for publication of the Illinois Procurement Bulletin. The rulemaking adds information about bid amounts and veterans or minority contractor status of all bidders to that required to be published in a notice of award, along with information related to renegotiated contracts and change orders. The CPO may operate a vendor portal to facilitate procurement actions. All bids and offers shall be date and time-stamped, recorded in a log and securely stored. Electronic signatures for bids may be submitted according to standards prescribed by CMS. Vendors who claim confidential data must identify information claimed to be trade secrets or competitively sensitive. Subcontractor disclosure thresholds are raised from \$25,000 to \$50,000. Permissible grounds for substitution of a subcontractor are prescribed (e.g., bankruptcy or death of a subcontractor or failure to perform). Amendments to bids must be made 72 hours prior to bid submission, or the solicitation may be cancelled and reissued by the SPO or extend the period of time for bid submission. Subject to the approval of the SPO, an evaluation com-

## SHORTHAND REPORTERS

DFPR proposed amendments to the Part titled "Illinois Certified Shorthand Reporters Act of 1984" (68 Ill Adm Code 1200; 38 Ill Reg 10510) increasing the restoration fee from \$10 to \$50, clarifying that applicants who fail a part of the shorthand reporter exam have 3 years to retake that portion, and increasing the time notes or transcripts must be retained from 5 to 10 years. The rulemaking repeals the requirement that the Certified Shorthand Reporters Board must file an annual report, updates continuing education hours for writing articles to 2.5 - 5 hours of credit, and allows 2.5 hours of CE credit for passage of one of the following exams: Registered Merit Reporter, Certified Realtime Reporter, Certified Communication Access Realtime Translation Provider, Certified Broadcast Captioner, or Registered Diplomat Reporter. Shorthand reporters and their employers may be affected by this rulemaking.

## PAWN BROKERS

DFPR also proposed amendments to "Licensing and Regulation of Pawn Brokers" (38 Ill Adm Code 360; 38 Ill. Reg. 10502), primarily to raise the cost of license fees under the Pawnbrokers Regulation Act from \$765 to \$1,000 per year as well as creating a two-year license term to replace the current annual fee structure. Provisions are made for a pro-rated payment of \$84 per month for applicants obtaining a license during the year. Applicants may also pay the \$2,000

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mittee for proposal review shall be determined by the State agency. A sole source hearing must be requested. Notice of Award of professional and artistic service contracts (including those under \$20,000 exempt from bidding) must be published in the Bulletin. A SPO may request information from an agency to assist the SPO in determining whether cancellation of a bid or proposal is appropriate. Inclusion on any State agency-maintained vendor list is not required to be considered for future contracting opportunities. Contract renewals may be entered into only if authorized by the original con-

tract. Change orders increasing a contract by more than \$10,000 or extending the contract term more than 30 days must include a written determination that the change was not foreseeable; professional and artistic service contract change orders may not result in an increase of more than 5% or extend the contract term by more than 2 months; change orders exceeding \$249,999 must be submitted to the Procurement Policy Board (PPB) for review and comment. Other changes concern policies for small business set-aside and sheltered workshops with qualified not-for-profit agencies, campaign political regis-

tration, procurement ex parte communication requirements, and protest procedures. This rulemaking includes extensive changes that cannot all be listed and readers are advised to consult the rule text or direct questions to the agency contact person listed below. This rulemaking affects small businesses seeking State procurements or contracts.

Questions/requests for copies/comments through 6/30/14: Margaret van Dijk, CPO-GS, 712 Stratton Building, Springfield IL 62706 217/558-2228, [Margaret.vanDijk@illinois.gov](mailto:Margaret.vanDijk@illinois.gov).

## 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 Department of Healthcare and Family Services and Department of Human Services rulemakings will be considered at JCAR's May 20, 2014 meeting; the Department of Central Management Services rulemaking will be considered at JCAR's June 17, 2014 meeting.

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

"Reimbursement for Nursing Costs for Geriatric Facilities" (89 Ill Adm Code 174) proposed 1/17/14 (38 Ill Reg 1590)

### **DEPARTMENT OF HUMAN SERVICES**

"Mental Health Reporting for Firearm Owner's Identification Card" (59 Ill Adm Code 150) proposed 1/17/14 (38 Ill Reg 1791)

### **DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

"State Vehicles and Garage" (44 Ill Adm Code 5040) proposed 1/31/14 (38 Ill Reg 3241)