

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

☞ HOME SERVICES PROGRAM

The DEPARTMENT OF HUMAN SERVICES adopted amendments to "Provider Requirements, Type Services, and Rates of Payment" (89 Ill Adm Code 686; 38 Ill Reg 2560), effective 5/15/14, that implement provisions of Public Act 97-732. PA 97-732 provides DHS' Home Service Program (HSP) with the authority to pay the enhanced rate for health insurance costs, to set rates and fees for services, and pay the same rate for services that are identical to the Department on Aging (DonA). The rulemaking requires Homemaker Service (HS) providers to be in compliance with all DHS and Illinois Department of Healthcare and Family Services (DHFS) Medicaid provider requirements. HS providers may appeal program decisions and compliance reviews and the rule establishes a 30 day time period in which to request an appeal. The rulemaking adds a new Section containing the enhanced rate for health insurance costs for eligible HS providers, including information outlining the type of health insurance plans, eligibility requirements and the annual insurance review for participating providers. The rulemaking also

adds HS provider requirements for financial reporting of rate-based wage increases for homemaker employees and changes minimum homemaker cost for HS provider percentages consistent with DonA's. Home services providers are affected.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

HEALTH AND SAFETY

The DEPARTMENT OF LABOR repealed the Part titled "Health and Safety" (56 Ill Adm Code 350; 38 Ill Reg 2599) and adopted a new Part with the same title (38 Ill Reg 2634) both effective 5/16/14. The new Part establishes health and safety standards for public sector work places in Illinois. The standards incorporate current Occupational Health and Safety Administration standards. Inspection criteria, including procedures for complaints from employees, protection of trade secrets and when informal reviews can be conducted, are established. Standards for the issuance of citations are set. Citations are issued after the Division Manager

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☞ PRESCRIPTION MONITORING

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Parts titled "Electronic Prescription Monitoring Program" (77 Ill Adm Code 2080; 38 Ill Reg 11412) and "Electronic Prescription Monitoring Program Long Term Care" (77 Ill Adm Code 2081; 38 Ill Reg 11434) updating rules for compliance with a number of Public Acts. Part 2080 amendments update the rules to reflect changes in both the federal and State controlled substances acts by implementing Section 5-2.12 of the Public Aid Code; Public Acts 96-1372 and 97-334; and 21 CFR 1300, 1301, 1304, 1306, 1311, 1312 and 1313. The rulemaking establishes electronic prescription monitoring program (PMP) reporting requirements for any discharge or outpatient prescription exceeding a 72 hour quantity and requires the information to be reported within 7 days after dispensing the prescription. Failure to comply with reporting requirements may result in fines of up to \$100 per day, per patient and per medication. DHS details the information to be submitted via PMP reporting, specifies methods for

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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

reviews the inspection report for alleged violations. Citations must be specific in nature and must provide a reasonable time for abatement. The employer may petition to modify the date in which the alleged violation must be abated if he or she has shown a good faith effort but cannot complete because of circumstances outside his or her control. Proposed penalties are set. Employers may contest citations and notices of proposed penalty in accordance with DOL's Rules of Procedure in Administrative Hearings. Specific procedures are established to verify abatement of alleged violations. Employers will be required to keep records of workplace related fatalities, injuries and illnesses. Examples include needle

sticks, occupational hearing loss and TB. The rulemaking designates how to determine work-relatedness, new cases and what must be recorded. The Department may allow for variances from these standards. Since 1st Notice, DOL has added a new Section (350.125) outlining the Safety Inspection and Education Act's prohibitions of discrimination against employees who exercise their right to report workplace safety violations or incidents and establishing a procedure for hearing and adjudicating complaints of such discrimination.

Questions/requests for copies of the 2 DOL rulemakings: Cheryl Neff, DOL, 900 S. Spring St, Springfield, IL 62704, 217/782-9386.

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to "Hospital Services" (89 Ill Adm Code 148; 37 Ill Reg 18011) effective 5/13/14. The rulemaking replaces annual supplemental payments to long term stay hospitals with a per diem rate added to payments made for current claims beginning with admissions on or after 11/16/13. For payments due for the period 7/1/13 through 11/15/13, hospitals will receive the former annual supplemental payment prorated over 137 days.

Questions/requests for copies: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Spfld IL 62763, 217/782-1233.

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

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**Vicki Thomas
Executive Director**

Proposed Regulations

reporting information and security protocols. DHS is implementing Public Act 96-1372 by establishing a new Part 2081 addressing electronic prescription monitoring for long term care facilities. The rulemaking largely mirrors requirements found in 77 Ill Adm Code 2080. Pharmacies, hospitals and long-term care facilities are affected.

Questions/requests for copies/comments concerning the 2 DHS rulemakings through 7/14/14: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

BILINGUAL EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to the Part titled "Transitional Bilingual Education" (23 Ill Adm Code 228; 38 Ill Reg 11459). The rulemaking incorporates by reference English language development standards for early childhood education, updates incorporations for the two prescribed screening instruments for assessment of bilingual education students' English language proficiency and requires transitional programs of instruction to include native language support when necessary. The rulemaking also requires school districts offering bilingual education or English as a Second or New Language (ESL or ENL) in a preschool setting to ensure that by 7/1/16 all

educators assigned to teach them meet State requirements for bilingual education or ESL/ENL (as applicable). Districts not meeting this standard in the 2014-2015 and 2015-2016 school years must submit a plan to SBE describing past and current efforts to hire qualified educators and detailing how they will meet the needs of English language learners in the absence of qualified staff.

CHARTER SCHOOLS

SBE also proposed amendments to "Charter Schools" (23 Ill Adm Code 650; 38 Ill Reg 11482). The rulemaking sets procedures for SBE to monitor charter authorizers (school districts and the State Charter School Commission (SCSC)) and the criteria it will use to sanction authorizers that fail to meet SBE standards. The National Association of Charter School Authorizers' "Principles and Standards of Quality Charter School Authorizing" are incorporated as the standards for evaluating charter authorizers. The rulemaking also clarifies that, when SBE reviews charter school contracts, approval is also contingent on the charter's financial schedule and plan for providing special education.

Questions/requests for copies/comments on the 2 SBE rulemakings through 7/14/14: Shelley Helton, SBE, 100 North First Street, S-493, Springfield, IL

62777-000, rules@isbe.net.

DFPR PUBLICATION ERROR

The JOINT COMMITTEE ON ADMINISTRATIVE RULES issued a Notice of Publication Error for a Department of Financial and Professional Regulation rulemaking titled "Pharmacy Practice Act" (68 Ill Adm Code 1330; 38 Ill Reg 10534) that appeared in the 5/16/14 *Illinois Register*. Proposed changes to Sections 1330.510(b)(4)(C), 1330.510(b)(5), and 1330.510(c)(3) were inadvertently omitted from the text of the proposed rulemaking, which addresses use of remote medication dispensing systems and the practice of telepharmacy. The omitted changes specified that pharmacies using remote medication dispensing systems must create barcodes for stock bottles that do not have them; that counseling must be performed by a pharmacist via video and audio link before a drug or medical device (currently, "script") is released, that the pharmacist must be employed by the home pharmacy or a pharmacy contracted with it, and must have access to relevant information maintained by the home pharmacy; and that pharmacist and pharmacy technician initials or unique identifiers must appear on the prescription record and the prescription label. JCAR regrets these errors.

Second Notices

There were no rulemakings moved to Second Notice this week. The next JCAR meeting is scheduled for June 17, 2014 in Chicago.