

*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

### MENTAL HEALTH SERVICES

The DEPARTMENT OF PUBLIC HEALTH adopted a new Part by emergency rulemaking titled "Specialized Mental Health Rehabilitation Facilities Code" (77 Ill Adm Code 380; 38 Ill Reg 11819), effective 5/22/14 for a maximum of 150 days. A companion proposed Part appears in this week's *Illinois Register* at 38 Ill Reg 11713. The new Part implements Public Act 98-104, effective 7/22/13, also known as the Specialized Mental Health Rehabilitation Act of 2013. The rulemaking permanently establishes a process for licensing facilities providing services to people with serious mental illness. It also contains provisional and full licensure requirements and processes, training requirements for staff, consumer assessment standards and processes, and facility physical plant requirements. DPH also delineates the care to be provided to consumers in the four levels of service that will be provided in specialized mental health rehabilitation facilities. DPH also proposed amendments to "Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300; 38 Ill Reg 11666) repealing Subpart T, which established a demonstration

certification program in concert with the Department of Healthcare and Family Services for facilities serving persons with serious mental illness. DPH will no longer be certifying these facilities under the demonstration program rules.

### FOOD SERVICE

DPH also adopted amendments to "Food Service Sanitation Code" (77 Ill Adm Code 750; 38 Ill Reg 2787) effective 5/21/14 that implement provisions of Public Act 98-566. PA 98-566 reduced the required training hours for Food Service Sanitation Manager Certification (FSSMC) and changed the recertification and reciprocity approval process in the State of Illinois. The rulemaking updates incorporated and referenced materials, amends requirements for certification and recertification issuance, updates course content and course approval requirements, and amends reciprocity provisions. Food service businesses are affected.

### TANNING FACILITIES

DPH adopted amendments to "Tan-

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## Proposed Regulations

### INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to "Income Tax" (86 Ill Adm Code 100; 38 Ill Reg 11716). The amendments synchronize Illinois income tax return due dates and payment due dates with U.S. return and payment due dates. If a due date falls on a Saturday, Sunday or holiday, the return is timely if filed by the next day that is not a Saturday, Sunday or holiday. The amendments also impose no penalty for returns deemed to have a reasonable cause for late filing (due to a holiday, weekend day or natural disaster as defined by Treasury regulation).

Questions/requests for copies/comments through 7/21/14: Paul Caselton, DOR Legal Services, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

### LOCAL RECORDS

The SECRETARY OF STATE (Archives Division) proposed amendments to "Local Record Commission" (44 Ill Adm Code 4000; 38 Ill. Reg. 11734) which update requirements for man-

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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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ning Facilities Code" (77 Ill Adm Code 795; 38 Ill Reg 1801) effective 5/21/14 implementing PA 98-349, which prohibits persons under age 18 from using tanning equipment in tanning facilities effective 1/1/14. The rulemaking defines "equipment", adds definitions of "personal use" and "private residence" and exempts personal use of tanning beds in a private residence from the age restriction. Unlawful use of tanning equipment by an underage customer is added as a basis for denying or refusing to renew a tanning facility's permit, and verification of patrons' age is added to facility record-keeping requirements. Commercial tanning salons and other tanning facilities are affected by this rulemaking.

21/14 updating references to federal and State laws and regulations governing production, processing, packaging and shipment of milk and milk products. The Illinois Food, Drug and Cosmetic Act is also added as an authority source for this Part. Dairies, grocery stores and other businesses that sell or ship milk products are affected.

Questions/requests for copies of the DPH emergency and adopted rules, and comments on the proposed Part 300 and 380 rulemakings through 7/21/14: Susan Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

5/23/14 to make adjustments to that Part. Provisions pertaining to the Government Charge Cards program are being repealed or stricken, as that program has been terminated. Provisions regarding reimbursable travel expenses from an employee's headquarters or residence are being clarified to require reimbursement for a given day. Agencies are no longer to be responsible for monitoring claims for reimbursable mileage expenses. Since 1<sup>st</sup> Notice, provisions requiring specific approval by the Chairman of the Governor's Travel Control Board for requests for travel outside of the contiguous United States have been changed to require approval from the Governor's Office of Management and Budget instead of being repealed.

## ☞ MILK PRODUCTS

DPH also adopted amendments to the Part titled "Grade A Pasteurized Milk and Milk Products" (77 Ill Adm Code 775; 38 Ill Reg 1794) effective 5/

## ☞ STATE TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Travel" (80 Ill Adm Code 2800; 38 Ill Reg 3273) effective

Questions/requests for copies: Mary Matheny, 720 Stratton Bldg., Springfield IL 62706, 217/557-5404. Fax: 217/558-2697, [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov).

# Proposed Regulations

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agement and retention of local records to reflect current technology and records management practices, including those for the long-term management of electronic records. Numerous key terms are formally defined for the first time, such as "administrative value" (records containing facts that an agency needs for its immediate day-to-day functions); "analog records" (records created and maintained on a physical medium such as paper, photos or audio tape); "born-digital records" (records created in a digital format); "geographic redundancy" (storing records at 2 or more distinct physical sites); "record series" (a group of identical or related records arranged under a single filing system or kept together as a unit); among

others. Current computer record operational methods are incorporated by reference. Local record disposal application procedures are detailed in the rulemaking, with an ultimate determination to be made by the Local Records Commission comprised of a county board chairperson/president, a county auditor, a State's Attorney (all appointed by the Governor) and the State Archivist and State Historian. Records containing social security, State driver's license or State identification numbers must be destroyed in a secure manner that does not permit reconstitution or reuse of the original record information. Approved methods of destroying various categories of records as well as reporting requirements are prescribed.

Detailed technical requirements for the micro imaging and reproduction of records with an eye toward destroying the original record are also prescribed, with signatures and certifications provided by the person doing the imaging. Records of any kind may not be destroyed unless done pursuant to a retention schedule approved by the Local Records Commission. Local units of government may be affected.

Questions/requests for copies/comments through 7/21/14: Dave Joens, Illinois State Archives, Norton Bldg., 2<sup>nd</sup> Fl., Springfield IL 62756, 217-782-3492, [djoens@ilsos.net](mailto:djoens@ilsos.net).

# 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. These rulemakings will be considered at JCAR's June 17, 2014 meeting.

## DEPARTMENT OF AGRICULTURE

"Forever Green Illinois Program" (8 Ill. Adm. Code 241) proposed 2/21/14 (38 Ill. Reg. 4549)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Licensing Standards for Day Care Centers" (89 Ill. Adm. Code 407) proposed 8/23/13 (37 Ill. Reg. 13608)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Medical Practice Act of 1987" (68 Ill. Adm. Code 1285) proposed 8/30/13 (37 Ill. Reg. 13821)

## DEPARTMENT OF HUMAN SERVICES

"Aid to the Aged, Blind or Disabled" (89 Ill. Adm. Code 113) proposed 3/28/14 (38 Ill. Reg. 7041)

"Rules of Conduct, Discipline, Suspension and Discharge Procedures" (89 Ill. Adm. Code 827) proposed 2/14/14 (38 Ill. Reg. 4292)

## DEPARTMENT OF PUBLIC HEALTH

"Certification and Operation of Environmental Laboratories" (77 Ill. Adm. Code 465) proposed 1/24/14 (38 Ill. Reg. 2723)

"Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code" (77 Ill. Adm. Code 515) proposed 4/4/14 (38 Ill. Reg. 7490)

## STATE UNIVERSITIES RETIREMENT SYSTEM

"Universities Retirement" (80 Ill. Adm. Code 1600) proposed 4/4/14 (38 Ill. Reg. 7571)

"Universities Retirement" (80 Ill. Adm. Code 1600) proposed 4/11/14 (38 Ill. Reg. 7863)

## DEPARTMENT OF REVENUE

"Home Rule County Retailers' Occupation Tax" (86 Ill. Adm. Code 220) proposed 3/21/14 (38 Ill. Reg. 6549)

"Home Rule Municipal Retailers' Occupation Tax" (86 Ill. Adm. Code 270) proposed 3/21/14 (38 Ill. Reg. 6562)

"Regional Transportation Authority Retailers' Occupation Tax" (86 Ill. Adm. Code 320) proposed 3/21/14 (38 Ill. Reg. 6575)

"Metro East Mass Transit District Retailers' Occupation Tax" (86 Ill. Adm. Code 370) proposed 3/21/14 (38 Ill. Reg. 6588)

"Metro-East Park and Recreation District Retailers' Tax" (86 Ill. Adm. Code 395) proposed 3/21/14 (38 Ill. Reg. 6601)

"County Water Commission Retailers' Occupation Tax" (86 Ill. Adm. Code 630) proposed 3/21/14 (38 Ill. Reg. 6614)

"Special County Retailers' Occupation Tax for Public Safety" (86 Ill. Adm. Code 670) proposed 3/21/14 (38 Ill. Reg. 6627)

"Salem Civic Center Retailers' Occupation Tax" (86 Ill. Adm. Code 690) proposed 3/21/14 (38 Ill. Reg. 6640)

"Non-Home Rule Municipal Retailers' Occupation Tax" (86 Ill. Adm. Code 693) proposed 3/21/14 (38 Ill. Reg. 6653)

"County Motor Fuel Tax" (86 Ill. Adm. Code 695) proposed 3/21/14 (38 Ill. Reg. 6666)

## DEPARTMENT OF LABOR

"Rules of Procedure in Administrative Hearings" (56 Ill. Adm. Code 120) proposed 3/21/14 (38 Ill. Reg. 6520)