

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

MEDICAL CANNABIS

Three State agencies have adopted rulemakings implementing Public Act 98-122, the Compassionate Use of Medical Cannabis Pilot Program Act, which establishes a 4-year pilot program allowing cultivation and dispensing of cannabis (marijuana) for medical purposes. These rules are too detailed to describe in their entirety. For more information, consult the contact person listed below for each agency.

CULTIVATION

The DEPARTMENT OF AGRICULTURE adopted a new Part titled "Compassionate Use of Medical Cannabis Pilot Program" (8 Ill Adm Code 1000; 38 Ill Reg 8069), effective 7/25/14, regulating cultivation centers that grow cannabis plants and produce cannabis-infused products (baked goods, liquids, tinctures, ointments). DOA will grant permits for a total of 22 cultivation centers, one for each Illinois State Police district. Cultivation centers cannot sell products directly to consumers and cannot enter into exclusive agreements with particular dispensaries. A single entity cannot hold more

than 3 cultivation center permits. Cultivation centers cannot be located within 2,500 feet of any school, day care facility, or area zoned for residential use, or within 1,000 feet of a dispensary or another cultivation center. Financial requirements include a \$25,000 permit application fee, a \$2 million escrow account or surety bond (the amount decreases by \$500,000 upon opening of the center and \$500,000 every year thereafter, phasing out after 3 years of operation), documentation of at least \$500,000 in liquid assets, a \$200,000 initial permit fee, and a \$100,000 annual renewal fee. Permit applications will be accepted within a 14-day window to be announced by DOA on its website. Information required on a cultivation center permit application includes the names, addresses, and dates of birth of all principal officers and board members; verification from ISP of fingerprint-based criminal background checks of the principal officers, agents, agent-in-charge, and board members; detailed operation and management plans; a projected annual budget; documented experience with agricultural cultivation techniques; and verification that the center is in compli-

LIQUOR CONTROL

The ILLINOIS LIQUOR CONTROL COMMISSION proposed amendments to the Part titled "The Illinois Liquor Control Commission" (11 Ill Adm Code 100; 38 Ill Reg 16634) regulating low alcohol content products. Specifically, the rulemaking excludes those who manufacture, import, distribute or sell products that contain 0.5% or less of alcohol by volume. The rulemaking adds provisions concerning when a retailer licensee is subject to a bankruptcy proceeding and clarifies that post-dated checks that clear the bank before the end of the 30-day credit period are considered valid payment. Finance, delivery and any or all customary charges in the industry may be added to the credit issued. However, the retailer may not charge for electronic transfers. Provisions prohibiting off-premises retail warehousing and regulating hotel/motel mini bars are established. Product sampling and tasting guidelines allow for the supervised presentation of products at a retail location. All products to be tasted or sampled must be registered with the Commission. Samples are limited to 1/4 oz. distilled

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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

ance with local zoning ordinances. Selection criteria for cultivation center permits are listed. Identification cards for cultivation center agents are \$100 for the original card, \$100 to renew a card, and \$50 for a replacement card. Fees are also charged for changing the name or ownership of a cultivation center (\$1,000); making significant modifications or expansions to a cultivation center (\$8,000); making minor alterations (\$1,000); and registering a product with DOA (\$100 per product). Violations of the Act or this Part may incur fines of no more than \$50,000 per violation. Detailed financial disclosure statements, including documentation of funding sources, are required upon application for a permit and must be updated when changes are made. A center that does not begin operations within 6 months after receiving a permit, or that ceases production for more than 90 consecutive days after opening, will forfeit its permit, unless it obtains an extension from DOA or shows good cause for the interruption in production. Other topics addressed in this Part include recordkeeping requirements; specifications for cultivation and production areas; containment, packaging and labeling specifications; transportation, inventory control and security requirements (which include 24-hour video monitoring accessible to DOA or ISP in real time); laboratory testing; and waste disposal. Changes since 1st Notice include the following: A list of approved ingredients for pesticides to be used on cannabis plants was added. Provisions for a character and fitness review to insure that cultivation center permit applicants do not threaten public health or safety, or undermine public confidence in the medical cannabis industry due to their business practices, records or associations, were added. The 30-day window for submitting applications was reduced to 14 days; various provisions regarding surety bonds were clarified; an exemption from financial disclosure for certain types of securities (e.g. stocks) was narrowed; and provisions for certifying minority, female, disabled or veteran ownership

or participation (which adds bonus points to an applicant's score) were clarified. DOA also clarified the status of cultivation centers or their agents-in-charge who are less than 30 days late in renewing their permits or identification cards (they may not sell or deliver cannabis while the permit or card is expired, until DOA receives their renewal application and fee; if they do not renew within 30 days of expiration, the center's permit will be revoked and the center must cease operations). Other changes were made to insure consistency with the rules of DFPR and DPH. Persons planning to own, operate, work at or invest in a cannabis cultivation center are affected by this rulemaking. Persons planning to own, operate, work at or invest in a cannabis cultivation center are affected by this rulemaking.

Questions/requests for copies: Amanda Sutton, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/524-4190, fax 217/524-5960.

DISPENSARIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled "Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program" (68 Ill Adm Code 1290; 38 Ill Reg 8163), effective 7/24/14, establishing a registry for dispensing organizations (DOs) authorized to provide medical cannabis to patients. The Part establishes 60 DO districts throughout the State, based on ISP districts, counties and townships. Dispensing organizations must be authorized before they can be registered; the Part includes criteria and processes for both authorization and registration. No person can be part of more than 5 dispensing organizations and a single dispensing organization may register for only one dispensary per district, in up to 5 districts. Fees are \$5,000 to apply for authorization, \$30,000 for initial registration, \$25,000 per year for registration renewal, \$100 for an agent application, \$5,000 for a change of location, \$50 per year for an agent

ID card, and \$50 for replacement of a DO registration or agent ID card. All authorized DOs must submit registration packets within 120 days after authorization. Registrations will not be granted until the registration packet is complete and the dispensary has passed an inspection by DFPR. Additionally, each registered DO must show proof of a \$50,000 surety bond. Registrations cannot be transferred or assigned and expire annually. Criteria for dispensing agents and agents-in-charge are established. All agents-in-charge must be a principal officer or full-time employee of the DO. Principal officers must obtain dispensing agent ID cards. Dispensing organizations must include their names on all packaging and can only obtain medical cannabis and medical cannabis products from Illinois-permitted cultivation centers. All third party vendors must be disclosed to DFPR. Dispensaries may only operate between 6 a.m. and 8 p.m. Prohibited activities are listed. Dispensaries must have real-time, web-based inventory control systems. Audits must be performed by the agent-in-charge every 30 calendar days. Records must be stored electronically and made available to DFPR for inspection. Advertising restrictions and grounds for discipline are outlined. A person disciplined under these rules may be fined up to \$10,000 and could have his or her registration suspended. Hearing procedures are also established. Since 1st Notice, DFPR has added or clarified the following provisions: procedures for evaluating the character and fitness of applicants; a 90-day notice to registered dispensaries before a registration expires, with renewal accepted 45 days or fewer prior to the expiration date; provisions for cancelling a surety bond; provisions for verifying the required amount of liquid assets (one signed statement dated within 10 days prior to application is required, rather than 2 signed statements dated 30 days and 5 days prior to application); tie breaker and scoring provisions are clarified; and definitions of "medical cannabis infused

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Proposed Regulations

spirits, 1 oz. wine and 2 oz. beer. Samplings and tasting may only be conducted at a licensed premise. The Commission will allow for test marketing on a case-by-case basis. The rulemaking clarifies that the Commission has the exclusive right to issue liquor licenses to boats and that the Illinois Gaming Board has the exclusive jurisdiction to set hours of operations for liquor sales on boats licensed under the Riverboat Gambling Act. Provisions for auction liquor licenses are established and include the requirement that anyone applying for this type of license must first be licensed under the Illinois Auction License Act. The Commission may allow a member to appear via audio or video conferencing in accordance with the Open Meetings Act. Wine makers and craft beer makers may self-distribute directly to retail license holders if they meet the established requirements. The Commission will not issue a new license to a person who holds a 5% or greater interest in a revoked license unless it, in its discretion, determines that the person has been significantly rehabilitated. Finally, liquor may be imported without a liquor license if it is less than 1 gallon or for personal use and the inventory has been approved by the Commission, all State use taxes have been paid and all federal laws and rules are abided by. Liquor license holders and those in the liquor industry may be interested in this rulemaking.

Questions/requests for copies/comments through 9/22/14: Richard Haymaker, LCC, 100 W. Randolph, Suite 7-801, Chicago IL 60601, 312/814-1804.

INSURANCE

The DEPARTMENT OF INSURANCE proposed new rules or amendments for "Rules and Rate Filings" (50 Ill Adm Code 754; 38 Ill. Reg. 16507); "Confidential Supervisory Information" (50 Ill Adm Code 870; 38 Ill. Reg. 16523); "Minimum Standards of Individual Accident and Health Insurance" (50 Ill Adm Code 2007; 38 Ill. Reg. 16528);

"Workers' Compensation Electronic Claims" (50 Ill Adm Code 2908; 38 Ill. Reg. 16557); "Managed Care Reform and Patient Rights" (50 Ill Adm Code 5420; 38 Ill. Reg. 16579); "Health Maintenance Organization" (50 Ill Adm Code 5421; 38 Ill. Reg. 16585); and "Health Carrier External Review" (50 Ill Adm Code 5430; 38 Ill. Reg. 16596). The Part 754 amendments will require insurance companies to file documents with DOI electronically using the System for Electronic Rate and Form Filing (SERFF) maintained by the National Association of Insurance Commissioners (NAIC). Existing reporting formats are being repealed. Companies that write workers' compensation, group inland marine and medical malpractice insurance will not be subject to the filing requirements of this Part. Part 870 is new and permits conditional, limited disclosure of confidential supervisory information (information held by regulatory entities such as DOI), as permitted by a court order. The Director of DOI may impose conditions or limits on the disclosure of supervisory information that are necessary to protect the confidentiality of that information. Consultants and contractors hired by DOI or the State shall not use information gained in the course of their work for the State for financial gain. Part 2007's amendments are largely technical in nature, such as removing language that appears to permit an exclusion from coverage for suicide or attempted suicide, clarifying the definition of "Fixed Indemnity Plans" to state insurance payments may also be made on a basis other than a period of time, and making other changes. Part 2908 is entirely new and implements the workers' compensation electronic claims provisions of Section 8.2a of the Illinois Workers' Compensation Act. It includes definitions of various terms specialized for electronic claims processing. Numerous technical methods of electronic medical bill processing are incorporated by reference. Billing codes shall be in accordance with the Workers' Compensation Commission Medical Fee Schedule. Before accepting an electroni-

cally submitted medical bill, the payer shall ensure that a medical provider or clearinghouse has software capable of exchanging, submitting and receive medical bill information. Minimum elements for a payer to accept a medical bill as complete include being submitted and transmitted in accordance with the rule and including in legible text all supporting documentation and identify key information (the injured employee, employer, insurance carrier, health care provider, and medical service or product). Various types of required acknowledgments for receipt of information are specified in the rule, as well as minimum standards for secure documentation of electronic claims and records. Protocols for an Electronic Remittance Advice (ERA) (an explanation of benefits or explanation of review regarding payment or denial of a medical bill) of payments and electronic funds transfer (ETF) are prescribed, as are procedures for payer review of medical bills and contact with medical providers for more documentation. Requests for medical reports shall be accompanied by releases from the patient. Readers are advised to look at the rule in detail. Part 5420's amendments include a nursing home as a provider in the Managed Care Reform and Patient Rights Act and this Part, implementing Public Act 98-651. Part 5421's amendments mirror those made for Part 5420, as well increasing length of care and treatment for inpatient mental health care (from 10 to 45 days) and inpatient alcohol and drug treatment rehabilitation services (from 10 to 45 days for inpatient care, and from 20 to 60 outpatient care visits). Numerous changes are being made to Part 5430 primarily due to statutory changes made to the underlying Act by Public Act 97-574. Various definitions are amended or added, such as: adverse determination (a negative assessment of a claim for payment), cohort study (a prospective evaluation of 2 groups of patients with only one group receiving specific intervention), emergency medical condition, prospective review

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products", "financial interest" and "pre-existing" (as it applies to the 1,000-foot setback) have been revised. Operational requirements now state that at least two people should be working while a dispensary is open. Other provisions have been revised for consistency with rules adopted by DOA and (in next week's *Illinois Register*) DPH. Those interested in establishing dispensing organizations, and municipalities where dispensing organizations may be established, are affected by this rulemaking.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl. Springfield IL 62786, 217/785-0813, fax: 217/557-4451.

implementing a State income tax surcharge on income earned from the sale or exchange of any assets of a cultivation center or dispensary organization. The surcharge is equal to the federal income tax liability incurred by transactions subject to these rules. The amendment includes examples of situations in which the surcharge applies or does not apply. Those affected by these rulemakings include medical cannabis cultivation centers and dispensaries.

Questions/requests for copies/comments on the 3 DOR rulemakings: Richard Wolters (217/782-2844) for Part 130 and 429 and Paul Caselton (217/782-7055) for Part 100, DOR, 101 W. Jefferson St., Springfield IL 62794.

garage, and assigned an equipment number and State credit card. State agencies are advised of a statutory requirement that they must draft a vehicle use policy, which is submitted to CMS and made available on its website. State agencies are responsible for tracking fines and citations obtained by employees, who are responsible for them unless caused by mechanical failure. CMS shall charge agencies for their use of a State vehicle in accordance with its fee schedule on the CMS website. Duties of State agency vehicle use coordinators/vehicle use officers include: assisting agencies in drafting agency vehicle use policies and distributing and implementing same as well as communicating CMS rules and policies to agency personnel; tracking internal agency vehicle inventory and locations; overseeing agency vehicle logs, monitoring of vehicle use, maintenance, repair, fuel and cost data; tracking vehicle assignment and use and submitting reports to CMS in accordance with rules and policies of CMS. CMS is abandoning its requirement that it publish an Annual Statement concerning its implementation of this Part embracing such topics as rental, use and overhead charges for the current fiscal year, listing CMS Vehicle staff and annual CMS vehicle procurement policy, as well as motor pool rates and usage requirements. Since 1st Notice, CMS removed language making the Office of the Governor jointly responsible for establishing State vehicle policy.

Questions/requests for copies: Benno Weisberg, CMS, 100 W. Randolph, Ste. 4-500, Chicago IL 60601, 312/814-0933, fax 312/814-0911, e-mail: benno.weisberg@illinois.gov.

CANNABIS SALES TAX

Finally, the DEPARTMENT OF REVENUE adopted amendments to the Part titled "Retailers' Occupation Tax" (86 Ill Adm Code 130; 38 Ill Reg 8294) and adopted a new Part titled "Medical Cannabis Cultivation Privilege Tax Law" (86 Ill Adm Code 429; 38 Ill Reg 8319), both effective 7/25/14, both concerning taxation of medical cannabis and related products. The Part 130 amendments establish a basic State sales tax rate of 1% for cannabis, including cannabis-infused products, and a rate of 6.25% for cannabis paraphernalia. Local sales taxes also apply. The amendments also require DOR to notify DFPR and DPH when a dispensary's certificate of registration is revoked or not renewed. All books and records kept by a medical cannabis dispensing organization shall be made available during business hours to DOR at any time. The Part 429 rule implements an additional 7% tax on the sales price per ounce of medical cannabis. The rule further details registration provisions, required information on returns, claims and credit memoranda, recordkeeping, penalties and interest, and revocation proceedings of certificate of registration. DOR also adopted an amendment to the Part titled "Income Tax" (86 Ill Adm Code 100; 38 Ill Reg 832), effective 7/23/14,

STATE TRAVEL & VEHICLES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "State Vehicles and Garage" (44 Ill Adm Code 5040; 38 Ill Reg 3241), effective 7/25/14, that make extensive changes and updates to the Part. CMS shall be responsible for State vehicle fleet policy. Vehicle services offered by CMS include: management of State Fleet and vehicle acquisitions; usage/maintenance programs; maintenance and repair policy; and CMS fleet credit card and fuel/vendor fleet car services. The CMS Division of Vehicles (DOV) will make purchases of vehicles for all Executive Branch agencies except for the State Police and Department of Transportation. DOV may recommend to the CMS Bureau of Strategic Sourcing to delegate authority for the purchase of vehicles from other sources when in the best interests of the State. Policies pertaining to agency purchase or lease of a vehicle from the CMS motor pool, and to the CMS motor pool itself, are being repealed. CMS shall set policy on whether to establish contracts for vehicle purchase, lease or rental, using competitively bid contracts established by CMS for this purpose. A State surplus vehicle cannot be obtained by an agency unless the vehicle is inspected, repaired at a State

RADIATION TECHNOLOGISTS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to "Accrediting Persons in the Practice of Medical Radiation Technology" (32 Ill Adm Code 401; 38 Ill Reg 7422), effective 7/25/14, that reflect

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New Regulations (cont.)

the American Registry of Radiologic Technologists' increase in examination fees for limited scope in practice for radiography. Fees are increased from \$80 to \$100 for the categories of chest, extremities spine, skull and sinuses, or any combination thereof; effective 1/1/15, fees will be increased to \$125. Fees are increased from \$80 to \$125 (changed since 1st Notice) for registration as a limited student-in-training, which includes exam fees. Affected entities include those who provide such services.

Questions/requests for copies: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860, TDD 217/782-6133.

HOME SERVICES PROGRAM

The DEPARTMENT OF HUMAN SERVICES adopted amendments to "Program Description" (89 Ill Adm Code 676; 38 Ill Reg 5935), "Eligibility" (89 Ill Adm Code 682; 38 Ill Reg 5937), "Service Planning and Provision" (89 Ill Adm Code 684; 38 Ill Reg 5939), and "Provider Requirements, Type of Services, and Rate of Payment" (89 Ill Adm Code 686; 38 Ill Reg 5941), all effective 7/25/14. Companion emergency rulemakings effective 2/28/14 appeared in the *Illinois Register* at 38 Ill Reg 6453, 6463, 6468, and 6473, 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/com-

ments on the 4 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

DNR PENALTIES

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part titled "Revocation Procedures for Conservation Offenses" (17 Ill Adm Code 2530; 38 Ill Reg 5754), effective 7/25/14, updating DNR's procedures for revoking permits, licenses, and permission to access DNR property due to conservation offenses or other violations. Accumulated points remain in effect for 18 months after arrest for Type I offenses and 36 months for Type II offenses, or until DNR or a court terminates the suspension or expunges the offense and the applicable reinstatement fee for the license, permit or other privilege has been paid. Reinstatement fees are \$50 to \$250 for first offenses and \$100 to \$500 for subsequent offenses. DNR must process paperwork and fees for reinstatement within 15 days after they are received. Violations of Section 48-3(b) of the Criminal Code, which forbids interference with lawful hunting or taking of wildlife, are added to the list of offenses that accumulate points. Nuisance wildlife control operators are added to Type I (business/commercial) license/permit holders. Criminal Code offenses related to hunting or fishing are added to Type II offenses. A new Section sets forth procedures for removal or eviction from DNR property; notice requirements and other procedures vary depending upon whether the eviction is for up to 90 days or for more than 90 days. The rulemaking also adds provisions explaining the Interstate Wildlife Viola-

tion Compact and listing the 39 member states. (The compact allows member states, including Illinois, to exchange information regarding violations and to impose hunting, fishing and trapping penalties incurred in any member state as if they had occurred in the violator's home state.) DNR law enforcement must notify the compact within 15 days after a suspension has been terminated. Other provisions address notices, requests for hearings, pre-conference hearings, procedures for conducting hearings, evidence, appeals, and other procedural issues. Since 1st Notice, DNR has added a Section outlining general hearing procedures. This rulemaking may affect small businesses with DNR licenses or permits, as well as units of local government.

Questions/requests for copies/comments through 5/19/14: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

LIQUOR COMMISSION

The ILLINOIS LIQUOR CONTROL COMMISSION adopted amendments to "Public Information, Rulemaking, and Organization" (2 Ill Adm Code 2075; 38 Ill Reg 16997), effective 8/4/14, authorizing the Commission to delegate to its administrative staff (attorneys, inspectors, clerks, and others employed by the Commission) authority to act on its behalf. Any such delegation of authority should occur by an official act of the Commission.

Questions/requests for copies: Richard Haymaker, LCC, 100 W. Randolph, Suite 7-801, Chicago IL 60601, 312/814-1804.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The DOR rulemaking will be considered at the August 12, 2014 meeting and the DCFS rulemaking will be considered at the September 16, 2014 meeting.

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 6/6/14 (38 Ill Reg 11716)

DEPT OF CHILDREN AND FAMILY SERVICES

"Use of Department Facilities and Grounds" (89 Ill Adm Code 433) proposed 1/10/14 (38 Ill Reg 610)

Proposed Regulations (cont.)

(a review conducted prior to admission or provision of health care services) and person. Health carriers must now file with DOI the following material sent on notices to members making an appeal: the number of levels of appeal available; timeframes for various events regarding an appeal; contact information for DOI, among other information. The assignment of the DOI Director of an independent review organization (IRO) to conduct an external review in accordance with law shall be done on a random basis among those IROs approved by the Director, said random selection to be done on a computerized rotation basis.

Questions/requests for copies/comments concerning the 7 DOI rulemakings above through 9/22/14: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

the Part titled "The Taking of Reptiles and Amphibians Under a Sport Fishing License" (17 Ill Adm Code 880; 38 Ill Reg 16654) that extend the annual season for taking bullfrogs and common snapping turtles through 10/15. Currently, the season is 6/15 through 8/31. The rulemaking also repeals provisions prohibiting the taking of copperbelly watersnakes in counties bordering the Wabash and Ohio rivers. DNR states that this species is no longer endangered and that the interstate conservation agreement these rules implemented has not been renewed.

Questions/requests for copies/comments on the 5 DNR rulemakings through 9/22/14: Robert Mool (Parts 3700, 3702, 3704 and 3708) and Felicia Page (Part 880), DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed a new Part titled "Rate Case Expense" (83 Ill Adm Code 288; 38 Ill Reg 16456) setting rules for determining what a utility may reasonably pay (and thus recover via its rates as an ordinary and reasonable cost of doing business) during the preparation and presentation of a rate case.

Questions/requestes for copies/comments by 9/22/14: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701; 217/782-7434. Please reference ICC Docket No. 11-0711.

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to "Medical Payment" (89 Ill Adm Code 140; 38 Ill Reg 16468) that add, in accordance with the federal Affordable Care Act, face-

to-face tobacco cessation counseling as a covered service for pregnant women age 21 and over during pregnancy and up to 60 days postpartum when provided by a physician, rural health clinic (RHC) or federally qualified health center (FQHC). These services must be provided by a physician or under a physician's supervision and documented in the patient's medical record. Coverage is limited to a maximum of 3 quit attempts per calendar year, with up to 4 counseling sessions per quit attempt. These limitations do not apply to tobacco cessation services for persons under age 21 (for whom Medicaid coverage of screening, diagnostic and preventive services is required by federal law). The rulemaking also applies existing restrictions on coverage of group psychotherapy services (e.g., no more than 2 sessions per week, conducted by a physician, advanced practice nurse or other mental health professional, with no more than 12 participants per group) to RHCs and FQHCs. The definition of a diagnosed mental illness for which group psychotherapy may be covered is revised to include the International Classification of Diseases, 10th Revision, Clinical Modification (ICD-10-CM) system when it is implemented. Currently, the ICD-9-CM system or the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) may be used to define mental illness. Those affected by this rulemaking include medical providers who offer tobacco cessation counseling or group psychotherapy.

Questions/requests for copies/comments through 9/22/14: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov.

WATERWAY PERMITS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Parts titled "Construction in Floodways of Rivers, Lakes and Streams" (17 Ill Adm Code 3700; 38 Ill Reg 16658), "Construction and Maintenance of Dams" (17 Ill Adm Code 3702; 38 Ill Reg 16664), "Regulation of Public Waters" (17 Ill Adm Code 3704; 38 Ill Reg 16670) and "Floodway Construction in Northern Illinois" (17 Ill Adm Code 3708; 38 Ill Reg 16676). All four rulemakings correct an error in the formula for determining the annual inflation adjustment for permit fees charged under each Part. Those affected by this rulemaking include applicants for dam or floodway construction permits.

FISHING

DNR also proposed amendments to