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Illinois General Assembly

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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, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ CONCEALED CARRY

DEPARTMENT OF STATE POLICE adopted amendments to the Part titled Firearm Concealed Carry Act Procedures (20 IAC 1231; 38 Ill Reg 9205), effective 9/12/14. A companion emergency rule effective 4/16/14 appeared in the *Illinois Register* at 38 Ill Reg 9703. The rulemaking establishes procedures for Concealed Carry Firearms Instructor approval for out-of-State residents. Those out-of-State individuals must provide proof to ISP that they are not required to possess a Firearms Concealed Carry License (FCCL) to carry in Illinois or that they are eligible to carry under the laws of their state of residence. The rulemaking eliminates the grandfathering provisions that allowed instructors to teach through 4/16/14 without possessing an FCCL.

Instructors must cease instructing or may not begin instructing classes until after they have received a FCCL. The rulemaking also removes the phone number for complaints about instructors, instead directing complaints to be submitted via a section of the ISP website. Lastly, the rulemaking removes Appendix C that contains the FCCL certification form. Since 1st Notice, DSP has removed language outlining records to be maintained for auditing purposes. Instead, the rulemaking lists the information to be included on the written training rosters for each class (e.g., student's name, date of birth, and address; total hours attended; pass/fail live fire qualification). DSP also removed language concerning confidentiality of personal documents that advised

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Proposed Rulemakings

■ INCOME TAX

DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 38 Ill Reg 19128) implementing PA 96-468, which changes the method of computing maximum allowable credit for taxes paid to other states after 12/31/09. The credit is the smaller of either 1) the total amount of tax paid to other states for that year, or 2) the product of Illinois tax due multiplied by the fraction that results from dividing the taxpayer's non-Illinois base income by Illinois base income. Multi-state business entities will be affected by this rulemaking.

Questions/requests for copies/comments through 11/10/14: Paul Caselton, DOR Legal Services, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates 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: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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applicants to redact personal information on copies of documents they provide to trainers (e.g., DD 214 military discharge documents). Finally, DSP clarified that out-of-State FCCL instructors must meet all qualifications for obtaining a FOID card other than Illinois residency. This rulemaking may affect not-for-profits and small businesses engaged in FCCL training courses.

Questions/requests for copies: Suzanne L.Y. Bond, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

■ ABUSE INVESTIGATIONS

DEPARTMENT OF HUMAN SERVICES adopted amendments to the Part titled Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 38 Ill Reg 6999), effective 9/10/14, stating that failure to report incidents or allegations of abuse or neglect within the required timeframe is a Class A misdemeanor and clarifying that no representative of the agency or facility that employs a person being interviewed by the DHS OIG in the course of an investigation may be present at the interview. The rulemaking also adds a definition of “victim” (an individual regarding whom there is an allegation of abuse, neglect or financial exploitation) and makes other updates to the

Part. Agencies that provide services to persons with disabilities, and employees of these agencies, are affected by this rulemaking.

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

■ PUBLIC HEALTH DATA

DEPARTMENT OF PUBLIC HEALTH adopted amendments to the Part now titled Collection, Disclosure, and Confidentiality of Health Statistics; Institutional Review Board (77 IAC 1005; 38 Ill Reg 3315), effective 9/10/14, changing the name of the Part and updating the Part (not amended since its adoption in 1983) to conform to federal laws and rules concerning patient privacy and protection of human research subjects. The rulemaking replaces references to the former Data Protection Review Board with references to an Institutional Review Board (IRB) that will review requests for health data and approve or reject proposals for research projects involving human research subjects. The rulemaking prescribes a standard format for submitting requests to DPH for health data. Requests for data must state the specific purpose for the request and the hypothesis that the data will be used to test. If DPH denies a request for data, it must return the request within 90 days and explain why the request was denied. Any request for data that contains direct

identifiers (e.g., birthdates, addresses or zip codes, medical record numbers, account numbers, provider license or certificate numbers) must be reviewed by DPH and the IRB. Conditions for release of individually identifiable health data are also listed in the rulemaking (e.g., if the individual consents to its release or the requesting entity enters into a written confidentiality agreement with DPH), along with standards for disclosing de-identified or aggregate health data that is not linked to an individual patient or health provider. Other provisions specify the composition of the IRB, which must include at least 5 members, at least one of whom must be a scientist or researcher and at least one of whom must be a non-scientist. Changes since 1st Notice extend from 90 to 120 days the time allowed for DPH to process an approved request for data and require the IRB chairperson to solicit DPH officials, staff, other IRB members, and other professional and human services organizations for recommendations for IRB membership. Those affected by this rulemaking include medical researchers, hospitals, medical schools and universities.

■ SURGERY CENTERS

DPH also adopted amendments to Ambulatory Surgical Treatment Center Licensing Requirements (77 IAC 205; 37 Ill Reg 14565), effective 9/9/14, that reflect changes in federal regulations governing Medicare and

New Rules

Medicaid coverage of ASTC services. The rulemaking updates incorporations to include applicable federal documents and regulations, State rules and statute, and organization guidelines. Other changes expand the requirements for an ASTC's organizational plan and the standards of professional work, require an ASTC's policies and procedures manual to include a data-driven quality assessment program and update requirements for emergency post-operative and pre-operative care. The rulemaking adds a new Section addressing infection control requirements and requires ASTCs to comply with the Pregnancy Termination Report Code (77 Ill Adm Code 505). Since 1st Notice, DPH has corrected the definition of overnight stay and incorporated additional professional standards by reference, among other changes. Ambulatory surgical treatment centers are affected by this rulemaking.

Questions/requests for copies of the 2 DPH rulemakings: Susan Meister, DPH, 535 W. Jefferson St., 5th Flr., Spfld IL, 62761, 217/782-2043, dph.rules@illinois.gov.

■ PROPERTY TAX APPEALS

PROPERTY TAX APPEAL BOARD adopted amendments to the Part titled Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 38 Ill Reg 788) effective 10/1/14 to update the Board's website

address and the address of its Cook County regional office; clarify where PTAB meeting agendas are posted, and how petitions may be filed and by whom; comply with changes in the Freedom of Information Act; and prohibit use of fax machines to submit evidence. Various definitions and terms are also clarified. Change since 1st Notice remove provisions for electronic filing of appeals and evidence since PTAB has not yet obtained the necessary computer equipment and software to handle these tasks, and

reinstated a requirement that requests to intervene be accompanied by a copy of a resolution of the governing board of a taxing body authorizing the request. Those affected by this rulemaking include businesses and local governments that appeal property tax determinations.

Questions/requests for copies: Louis G. Apostol, PTAB, 402 Stratton Bldg., Springfield IL 62706, 217/785-4456 or 847/294-4399, fax 217/785-4425, e-mail: louis.apostol@illinois.gov

Proposed Rulemakings

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INSURANCE

DEPARTMENT OF INSURANCE (DOI) proposed amendments to Insurance Data Reporting Requirements (50 IAC 4203; 38 Ill Reg 19083) making technical updates to the Part. For example, references to the defunct National Association of Independent Insurers are changed to the National Property Casualty Insurers of America (PCI), and a definition of Class Code-Classification Code (the alphanumeric field identifying the class of insurance being reported), is added, among other changes.

Questions/requests for copies/comments through 11/10/14: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-8220, Fax: 217-524-9033.

MEDICAL ASSISTANCE

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 38 Ill Reg 19054) allowing federally qualified health centers (FQHCs) and rural health clinics (RHCs) to be paid on a fee-for-service basis for non-surgical, transcervical, permanent female contraceptive devices (e.g., Fallopian tube implants) effective 10/1/14. The rulemaking also clarifies that current reimbursement policies for implantable contraceptive devices apply only to long acting reversible contraceptives (e.g., removable intrauterine devices).

Questions/requests for copies/comments through 11/10/14: Jeanette Badrov, HFS, 201 S. Grand Ave. E., 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

Second Notices

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 October 14, 2014 meeting.

ILLINOIS COMMERCE COMMISSION

Rules of Practice (83 IAC 200) proposed 2/7/14 (38 Ill Reg 6)

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

State Administration of the Federal Community Development Block Grant Program for Small Cities (47 IAC 110) proposed 7/11/14 (38 Ill Reg 14071)

STATE BOARD OF EDUCATION

Charter Schools (23 IAC 650) proposed 5/30/14 (38 Ill Reg 11482)

Educator Licensure (23 IAC 25) proposed 7/11/14 (38 Ill Reg 14081)

Dismissal of Tenured Teachers Under Article 24 and Dismissal of Tenured Teachers and Principals Under Article 34 of the School Code (23 IAC 51) proposed 7/11/14 (38 Ill Reg 14217)

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (68 IAC 1175) proposed 7/7/14 (38 Ill Reg 13595)

Joint Committee on Administrative Rules

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