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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 3

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

FISHING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to The Taking of Reptiles and Amphibians Under a Sport Fishing License (17 IAC 880; 38 Ill Reg 16654), effective 12/31/14, extending the annual season for taking bullfrogs and common snapping turtles through 10/15 (formerly 6/15 through 8/31). The rulemaking also repeals a ban on taking copperbelly watersnakes in counties bordering the Wabash and Ohio rivers since this species is no longer endangered and the interstate conservation agreement these rules implemented has not been renewed.

■ DNR GRANTS

DNR also adopted amendments to Open Space Lands Acquisition and Development

Grant Program (17 IAC 3025; 38 Ill Reg 16143), effective 12/31/14, concerning the acquisition and development of land. Companion emergency amendments effective 7/16/14 appeared in the *Illinois Register* at 38 Ill Reg 16400. The rulemaking implements a changeover from a total reimbursement program to a

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partial reimbursement program, with at least 50% of the money being provided to the applicant up front, and provides for funding of 90% of the project costs for entities meeting the stated criteria as a distressed local government. Changes since 1st Notice clarify the applicability of the Grant Funds Recovery Act and the State Finance Act to grants made under these rules. Units of

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Proposed Rulemakings

■ CAREGIVER REGISTRY

The DEPARTMENT ON AGING proposed amendments to Elder Rights (89 IAC 270; 39 Ill Reg 889) implementing Public Acts 98-49 and 98-1039. The rulemaking establishes an Adult Protective Services Registry listing in-home and community-based caregivers (of disabled adults age 18-59 or anyone age 60 or older) against whom a verified and substantiated finding of abuse, neglect or financial exploitation has been made under the Adult Protective Services Act. Access to the online registry is limited to direct care provider agencies, DonA, and the Departments of Public Health, Healthcare and Family Services, and Human Services. Any agency that provides direct care and is paid with public funds, or is licensed, certified, or regulated

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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.

Proposed Rulemakings

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by a State agency with access to the registry, must conduct an online check of the registry before hiring a caregiver. The rulemaking requires agencies to notify DonA's Office of Adult Protective Services (OAPS) and forward all case records within 5 business days after an allegation against a caregiver has been verified and substantiated. If OAPS concurs with the provider agency's findings, OAPS must notify the caregiver; the caregiver's employer; the victim of the abuse, neglect or exploitation; and the victim's guardian or agent that the caregiver will be placed on the registry. The rulemaking provides an appeal process for caregivers contesting placement on the registry, with rules for conducting hearings and obtaining evidence. A caregiver who has been cited for only one incident of abuse, neglect or financial exploitation may request removal from the registry after one year. If DonA determines that a preponderance of the evidence (including any remedial actions taken by the caregiver) shows that removal would be in the public interest, it must remove the caregiver's name from the registry. Caregivers cited for more than one incident cannot be removed from the registry. Persons, businesses, and agencies that provide in-home care to elderly or disabled adults are affected by this rulemaking.

Questions/requests for copies/comments through 3/2/15: Karen

Alice Kloppe, DonA, One Natural Resources Way, Suite 100, Springfield IL 62701-1789, 217/785-3346.

FINANCIAL INSTITUTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed repeal of Parts titled Board of Savings Institutions (38 IAC 500; 39 Ill Reg 923) and Illinois Savings and Loan Act of 1985 (38 IAC 1000; 39 Ill Reg 945). DFPR states that these Parts are obsolete because their enabling statute was repealed effective 1/1/15 and all Illinois financial institutions formerly regulated under that statute have merged with or converted to other types of depository institutions.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 3/2/15: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments to 7 Parts: General Provisions (23 IAC 2700; 39 Ill Reg 1049), Illinois National Guard (ING) Grant Program (23 IAC 2730; 39 Ill Reg 1075), Illinois Veteran Grant (IVG) Program (23 IAC 2733; 39 Ill Reg 1085), Monetary Award Program (MAP) (23 IAC 2735; 39 Ill Reg 1094), State Scholar Program (23 IAC 2760; 39 Ill Reg 1107), Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC

2763; 39 Ill Reg 1114) and Golden Apple Scholars of Illinois Program (23 IAC 2764; 39 Ill Reg 1122). Amendments to Part 2700 require institutions that participate in MAP to submit graduation and completion rate data as well as information regarding student advising and support programs. The Part 2730 and 2733 rulemakings require veterans who qualify for ING or IVG and for benefits under the federal Post-9/11 GI Bill to apply GI Bill benefits to tuition, fees and other qualifying expenses before using their State benefits. The Part 2735 amendments allow dislocated workers to be considered for MAP assistance for the 2015-16 and 2016-17 academic years even if they apply after the cutoff date for the general pool of applicants. Dislocated worker applicants will be considered until MAP funds are exhausted or until 8/15. Amendments to Part 2760 remove references to the obsolete Prairie State Achievement Exam. Finally, amendments to Parts 2763 and 2764 correct and clarify cross-references to federal and State statutes and regulations. Those affected by these rulemakings include applicants for student assistance programs.

Questions/requests for copies/comments on the 7 ISAC rulemakings through 3/2/15: Lynn Hynes, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500, ext. 2305, fax 847/831-8299, e-mail: lynn.hynes@isac.illinois.gov

New Rules

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local government that apply for grants are affected.

■ WATERWAY PERMITS

DNR adopted amendments to Construction in Floodways of Rivers, Lakes and Streams (17 IAC 3700; 38 Ill Reg 16658), Construction and Maintenance of Dams (17 IAC 3702; 38 Ill Reg 16664), Regulation of Public Waters (17 IAC 3704; 38 Ill Reg 16670) and Floodway Construction in Northern Illinois (17 IAC 3708; 38 Ill Reg 16676), all effective 12/31/14, to correct an error in the formula for determining the annual inflation adjustment for permit fees charged under each Part. Applicants for dam or floodway construction permits are affected.

Questions/requests for copies of the 6 DNR rulemakings: Felicia

Page (Part 880), Brendan Dailey (Part 3025), and Robert Mool (Parts 3700, 3702, 3704 and 3708), DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; 38 Ill Reg 18148), effective 1/5/15, concerning restricted licenses allowing drivers to only operate vehicles equipped with Breath Alcohol Ignition Interlock Devices (BAIIDs). The rulemaking allows SOS to include the BAIID restriction on the person's license, similar to existing restrictions for corrective lenses, daytime-only driving, and other conditions.

Questions/requests for copies: Jennifer Egizii, SOS, 2701 S.

Dirksen Parkway, Springfield IL 62723, 217/557-4462.

PUBLIC INFORMATION

The ILLINOIS EMERGENCY MANAGEMENT AGENCY repealed Parts titled Public Information, Rulemaking and Organization (2 IAC 1075; 39 Ill Reg 1128) and Freedom of Information Procedures (2 IAC 1076; 39 Ill Reg 1130), both effective 12/30/14, and adopted amendments to Public Information, Rulemaking and Organization (2 IAC 1800; 39 Ill Reg 1132) effective 1/5/15. The rulemakings repeal obsolete Freedom of Information Act rules of the former Department of Nuclear Safety and update IEMA's existing FOIA rules.

Questions/requests for copies: Traci Burton, IEMA, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9860 or 217/524-3698.

JCAR Meeting Action

At its 1/15/15 meeting, the Joint Committee on Administrative Rules took the following actions.

EXTENSIONS

JCAR extended 2nd Notice for the following rulemakings an additional 45 days: Department of Healthcare and Family Services, Medical Payment (89 IAC 140; 38 Ill Reg 18308); Department of Insurance, Filing Policy and Endorsements Form (50 IAC 753; 38 Ill Reg 13131) and Viatical Settlement Provider Reporting Requirements (50 IAC 5701; 38 Ill Reg 18094); and Office of the State Fire Marshal, Fire Truck Revolving Loan Program (41 IAC 290; 38 Ill Reg 20092), Ambulance Revolving Loan Program (41 IAC 292; 38 Ill Reg 20106) and Fire Station Revolving Loan Program (41 IAC 294; 38 Ill Reg 20121).

POSTPONEMENT

JCAR postponed consideration of the Department of Insurance rulemaking titled Health Carrier External Review (50 IAC 5430, 38 Ill Reg 16596), currently on extended 2nd Notice, to the 2/17/15 meeting.

RECOMMENDATION

With respect to the Pollution Control Board rulemaking titled Organization, Public Information, and Types of Proceedings (2 IAC 2175; 38 Ill Reg 22834) JCAR recommends that PCB be more timely in updating its rules to reflect statutory changes. The amendments to the Freedom of Information Act being implemented by this rulemaking occurred nearly 5 years ago.

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 the Committee's February 17, 2015 meeting in Springfield. Other items not listed in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be sent to JCAR at the address, phone number and Web address on page 1.

ILLINOIS GAMING BOARD

Video Gaming (General) (11 IAC 1800) proposed 10/17/14 (38 Ill Reg 19901)

DEPT OF HUMAN SERVICES

Electronic Prescription Monitoring Program (77 IAC 2080) proposed 5/30/14 (38 Ill Reg 11412)

Electronic Prescription Monitoring Program Long Term Care (77 IAC 2081)
proposed 5/30/14 (38 Ill Reg 11434)

DEPT OF PUBLIC HEALTH

Local Health Protection Grant Rules (77 IAC 615) proposed 8/1/14 (38 Ill Reg 16145)

DEPT OF REVENUE

Income Tax (86 IAC 100) proposed 11/14/14 (38 Ill Reg 21295)

SECRETARY OF STATE

Certificates of Title, Registration of Vehicles (92 IAC 1010) proposed 10/31/14 (38 Ill Reg 20619)