

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

■ QUARANTINES

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to Control of Communicable Diseases Code (77 IAC 690; 38 Ill Reg 21756) effective 3/9/15. A companion emergency amendment effective 11/5/14 appeared in the *Illinois Register* at 38 Ill Reg 21954. The rulemaking establishes modified quarantine and monitoring of persons at risk of developing infectious diseases such as Ebola. "Modified quarantine" is defined as a selective, partial limitation of freedom of movement or actions of a person or group or persons who are or may have been exposed to a contagious or possibly contagious disease. Modified quarantine includes, but is not limited to, exclusion of children from school; prohibition or restriction from engaging in a

particular occupation or using public or mass transportation; or mandatory use of devices or procedures intended to limit disease transmission. Travel outside of the jurisdiction of the local health authority for persons under modified quarantine is permitted only by mutual agreement of the health authority and the public health official who will assume responsibility. "Monitoring" is defined as watching, checking or documenting medical findings of potential contacts for the development, or non-development, of an infection or illness. Monitoring may include community-level social distancing measures to reduce potential exposure or transmission of infection, such as reporting of one's geographic location for a period of time, restricted use of public transportation, use of masks, and temperature

screening. The rulemaking also defines "public transportation" as any form of transportation that charges fares and is available for public use, including taxis, multiple-occupancy cars, and shuttle services and changes the definition of "observation" to permit restriction of movement. Since 1st Notice, the definition of modified quarantine was changed to require written notice of travel outside Illinois to the out of state jurisdiction that will assume responsibility. Those affected by this rulemaking include local health departments, healthcare providers, schools, and public transportation providers or facilities.

Questions/requests for copies: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

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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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CASUALTY INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Filing Policy and Endorsements Form (50 IAC 753; 38 Ill Reg 13131), effective 3/9/15, directing casualty insurance providers to file documents with DOI using an electronic rate and form filing system captioned as SERFF. Some existing document and form filing requirements are also being altered. A copy of a declaration page and policy jacket, if used by the company, must be filed; filings can be through a third party filer acting with a company's authorization; and companies under the same ownership or general management are no longer required to make separate company filings. Filings must be made between 8 a.m. and 5 p.m. Central Time, Monday through Friday, excluding holidays. Exhibit A of this Part, regarding Authorization to Accept Filings by Reference (Form RF-1), is being repealed.

PROTECTIVE ORDERS

DOI also adopted a new Part titled Confidentiality Protocols for Request and Receipt of Claim Information by Alternative Means (50 IAC 2028; 38 Ill Reg 20854), effective 3/9/15. The rulemaking implements Public Act 98-189, which directs DOI to adopt rules guarding against disclosure of information that could endanger persons under an order of protection. Protected information

includes the address, telephone number or personally identifying information of the person who made a request for information, or for a child on whose behalf the information was requested; the nature of health care services provided; or name and address of the provider of health care services. Insurance companies must accommodate a reasonable request by a covered person to receive claim-related information by alternative means or at alternative locations if the person clearly states that disclosure of information could endanger the person. The rule applies to any company issuing policies after 1/1/14. The rulemaking defines terms such as claims related information (all claim or billing information relating to an insured covered by an accident or health insurance policy) and reasonable request (a statement that disclosure of information could endanger the insured person or a person protected by a protective order). Insurance companies doing business in Illinois must develop protocols to implement a reasonable request to receive claims-related information by alternative means or at alternative locations. A company may require that the information be requested in writing, that it include a statement that disclosure could endanger the requestor, and that the request contain an alternative address, phone number or other method of contact. Company confidentiality procedures must include the method by which a

requestor may make a request and provide an alternative address, telephone number or other method of contact; the process for limiting or removing personally identifiable information before information is disclosed (where possible); internal control procedures for annual review of confidentiality information; and insurance company internal notification procedures, among other elements. In the event a company is required to release information to another party pursuant to a court order or subpoena, the company shall notify the requestor that it shall release information. A company is required to post information concerning this rule on its website. Since 1st Notice, DOI has set timelines of 3 business days for companies to respond to a request made electronically and 5 business days for a request made by hardcopy delivery.

HEALTH INSURANCE

DOI adopted amendments to Health Carrier External Review (50 IAC 5430; 38 Ill Reg 16596) effective 9/1/15. 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

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New Rules

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group receiving specific intervention), emergency medical condition, prospective review (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, with random selection to be done on a computerized rotation basis. Changes since 1st Notice add a definition of member; require all notices to include the full date of the initial and, if applicable, final adverse determination.

Questions/requests for copies of the 3 DOI rulemakings: John Gatlin (217/782-1786) for Part 753, Yvonne Clearwater (217/785-5987) for Part 2028, and Mary Petersen (217/782-5822) for Part 5430, DOI, 320 W. Washington St., Springfield IL 62767-0001.

DOI RECODIFICATION

DOI also issued a Notice of Recodification for three Parts: Insurance Companies Originating Payday Loans (50 IAC 902), Advertising and Sales Promotion of Life Insurance and Annuities (50 IAC 909), and Life Insurance Solicitation (50 IAC 930), all effective 3/9/15. The contents of each Part are unchanged, but they are being reclassified as DOI rules rather than rules of the Department of Financial and Professional Regulation.

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION adopted amendments to Approval of Negotiated Agreements (83 IAC 763; 38 Ill Reg 5682) effective 4/1/15 that are intended to streamline the process by which the Commission formally approves routine, uncontested negotiated agreements governing rates and terms of interconnection between telecommunications carriers. ICC, or an interested party, could initiate a proceeding for an expedited approval of negotiated agreements. A process to contest the filed agreement is established. If no proceeding to

contest the agreement were initiated, the agreement would take effect 30 days after its filing date. The amendments change the term “hearing examiners” to “administrative law judges”.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

PUBLIC RECORDS

The STATE BOARD OF INVESTMENT adopted a new Part titled Access to Records of the Illinois State Board of Investment (2 IAC 2260; 39 Ill Reg 4137), effective 3/3/15, under the required rulemaking procedure in Section 5-15 of the Illinois Administrative Procedure Act. (Section 5-15 allows adoption of certain internal agency rules without public notice or JCAR review.) The new Part establishes procedures for the public to inspect and copy SBI records and documents under the Illinois Freedom of Information Act (FOIA) and states what records will and will not be disclosed.

Questions/requests for copies: Linsey Schoemehl Payne, SBI, 180 N. La Salle St., Suite 2015, Chicago IL 60610, 312/793-1486, Linsey.Payne@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 the Committee's April 14, 2015 meeting in Springfield. Other items that have not been listed in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be sent to JCAR using the contact information on page 1.

DEPT OF AGRICULTURE

General Operations of the State Fairs and Fairgrounds (8 IAC 270)
proposed 12/19/14 (38 Ill Reg 23525)

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Board of Savings Institutions (Repealer) (38 IAC 500) proposed 1/16/15 (39 Ill Reg 923)

Illinois Savings and Loan Act of 1985 (Repealer)(38 IAC 1000) proposed 1/16/15 (39 Ill Reg 945)

DEPT OF PUBLIC HEALTH

Compassionate Use of Medical Cannabis Patient Registry (77 IAC 946)
proposed 1/2/15 (39 Ill Reg 247)

Quality of Life Code (77 IAC 974) proposed 12/5/14 (38 Ill Reg 22435)

JCAR Meeting Action

At its 3/17/15 meeting, the Joint Committee on Administrative Rules issued one Objection to a proposed rulemaking and one Objection to an emergency rulemaking.

DEPT OF INSURANCE

JCAR objected to the DOI rulemaking titled Confidential Supervisory Information (50 IAC 870; 38 Ill Reg 16523) because the agency has not been able to demonstrate that the confidentiality of supervisory information will be sufficiently preserved.

STATE EMPLOYEES RETIREMENT SYSTEM

JCAR objected to Section 1540.380(c) of the SERS emergency rulemaking titled The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 39 Ill Reg 2792) because that subsection subjects other State agencies to SERS rules without statutory authority to do so. (The subsection in question applies the SERS rules to the General Assembly Retirement System and Judges Retirement System.)