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Editor

Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 16

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

■ ELECTRIC SUPPLIERS

The ILLINOIS COMMERCE COMMISSION adopted a new Part titled "Governmental Electric Aggregation" (83 IAC 470; 37 Ill Reg 20544), effective 4/1/15, addressing the duties of electric suppliers with respect to governmental aggregation (municipalities, townships and/or counties combining the electrical use of their residents in order to obtain more advantageous terms of service from an electric supplier). The new Part outlines procedures for both opt-in aggregation programs (those that aggregate electric usage only among customers that choose to enroll) and opt-out aggregation programs (programs approved by referendum vote in an affected area that aggregate all electric users and assign them to one supplier, except those who choose not to participate). Topics

covered in these rules include procedures for transfer of customer information to retail electric suppliers by a governmental aggregator; provisions for protection of customer information (e.g., customer-specific information cannot be sold or disclosed to any entity outside the program); procedures for notifying ICC of the terms of an aggregation agreement; and information to be included in customer disclosures and other notices to persons in an area affected by an aggregation agreement. Since 1st Notice, ICC has clarified the content and wording of customer disclosures and provided that customer-specific information used to send such notices to customers not enrolled with the aggregation provider must be destroyed after it is used. Those affected by this rulemaking

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Proposed Rulemakings

ABORTION FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD proposed an amendment to Processing, Classification Policies and Review Criteria (77 IAC 1110; 39 Ill Reg 5540) clarifying Certificate of Need (CON) provisions for Ambulatory Surgical Treatment Centers (ASTCs) that provide abortion services. The rulemaking states that ASTCs devoted to abortion-related care, including those licensed as Pregnancy Termination Specialty Centers (PTSCs, which normally are exempt from CON requirements applicable to other ASTCs), must obtain a CON permit to add ASTC services not related to abortion.

Questions/requests for copies/comments through 6/1/15: Claire

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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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include electrical suppliers and customers in areas implementing governmental aggregation.

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

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an amendment to Video Gaming (General) (11 IAC 1800; 38 Ill Reg 19901), effective 4/1/15, implementing and clarifying a provision of Public Act 98-31. The act authorizes the vendor of the Central Communications System to hold a license as a manufacturer or distributor, but prohibits this vendor from collecting or using data on gaming devices or individual

game performance. The rulemaking clarifies that the prohibition against data gathering applies only to data from competing licensees, not to data gathered by the licensee regarding its own operations.

Questions/requests for copies: Emily Mattison, IGB, 160 N. La Salle St., Chicago IL 60601, 312/814-7137.

DISCRIMINATION

The DEPARTMENT OF HUMAN RIGHTS adopted amendments to Procedures of the Department of Human Rights (56 IAC 2520; 38 Ill Reg 23904), effective 4/6/15, increasing to 90 days the time in which a request for review of a dismissal of a charge alleging a human rights violation. A technical change was also made in the listing of Illinois counties by region for internal DHR purposes.

Questions/requests for copies: David T. Rothal, DHR-Legal Division, 100 W. Randolph St., Suite 10-100, Chicago IL 60601, 312/814-6257, TTY: 866/740-3953.

ADA COMPLAINTS

The DEPARTMENT OF INSURANCE adopted amendments to Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 250; 38 Ill Reg 21282), effective 3/30/15, correcting a misspelled word, making stylistic changes and adding a modifier for clarity. No substantive changes are being made.

Questions/requests for copies: Ryan Gillespie, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217/782-6369.

Proposed Rulemakings

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Burman, HFSRB, 69 W. Washington St., Suite 3500, Chicago IL 60602, 312/814-8814, Claire.Burman@illinois.gov

■ HOSPITAL ASSISTANCE

The OFFICE OF THE ATTORNEY GENERAL proposed amendments to Hospital Financial Assistance under the Fair Patient Billing Act (77 IAC 4500; 39 Ill Reg 5536) that implement updated Federal Poverty Level guidelines for 2015. The income

eligibility thresholds for persons applying for assistance to pay hospital bills is being increased by approximately \$100 for each member of a family/household seeking assistance. Hospitals and hospital patients seeking financial assistance are affected by this rulemaking.

Questions/requests for copies/comments through 6/1/15: Lynn Patton, Office of the Attorney General, 500 S. 2nd St., Springfield IL 62706, 217/524-1504.

SOS PROCUREMENT

The SECRETARY OF STATE proposed amendments to Secretary of State Standard Procurement (44 IAC 2000; 39 Ill Reg 5565) to expressly add policies on procurement communications reporting, implementing Section 50-39 of the Illinois Procurement Code. Various statutory terms and requirements are included, along with examples of communications that are exempt

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Proposed Rulemakings

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from the Procurement Code, such as statements made by a person in a public forum, statements pertaining to procedural matters or the administration of an existing contract (except for change orders or contract renewals or extensions), in-house or privileged communications, etc. An SOS employee must report any communication that the employee reasonably believes was made for an improper purpose, that requests or imparts material information, or that makes a material argument regarding a potential procurement action if that communication attempts to influence a procurement process through duress, coercion or an offer of anything of value to any person.

Questions/requests for copies/comments through 6/1/15: Amy Williams, 298 Howlett Bldg., Springfield IL 62756, 217-785-3094, awilliams3@ilsos.net

JCAR Meeting Action

At its 4/14/15 meeting, the Joint Committee on Administrative Rules approved the following actions.

RECOMMENDATION

With regard to the Department of Children and Family Services rulemaking titled Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 IAC 431; 38 Ill Reg 10700), JCAR recommends that the Department be more timely in

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 May 12, 2015 meeting in Springfield. Further comments concerning these rulemakings should be sent to JCAR using the contact information on page 1.

DEPT OF CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310) proposed 1/9/15 (39 Ill Reg 587)

DEPT OF HUMAN SERVICES

Perinatal Mental Health Disorders Prevention and Treatment (77 IAC 2110) proposed 1/23/15 (39 Ill Reg 1427)

ILLINOIS STUDENT ASSISTANCE COMMISSION

Illinois Prepaid Tuition Program (23 IAC 2775) proposed 2/6/15 (39 Ill Reg 2133)

DEPT OF INSURANCE

Producer Licensing (50 IAC 3121) proposed 1/23/15 (39 Ill Reg 1513)

Rules and Rate Filings (50 IAC 754) proposed 8/8/14 (38 Ill Reg 16507)

STATE UNIVERSITIES RETIREMENT SYSTEM

Universities Retirement (80 IAC 1600) proposed 2/20/15 (39 Ill Reg 2557)

implementing statute in its rules. Public Act 96-1164, which this rulemaking implements, became effective on 7/21/10.

EXTENSIONS

JCAR and the Department of Public Health agreed to extend the Second Notice period an additional 45 days for rulemakings titled Visa Waiver Program for International Medical Graduates (77 IAC 591; 38 Ill Reg 20133) and Quality of Life Code (77 IAC 974; 38 Ill Reg 22435).