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Joint Committee on Administrative Rules
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.

Emergency Rules

■ MEDICAID RATES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Medical Payment (89 IAC 140; 39 Ill Reg 6903), Specialized Health Care Delivery Systems (89 IAC 146; 39 Ill Reg 6945) and Long Term Care Reimbursement Changes (89 IAC 153; 39 Ill Reg 6956), all effective 5/1/15 through 6/30/15. These emergency rules implement provisions of Public Act 99-2, which requires HFS to reduce reimbursement rates and rates paid for certain services through the end of fiscal year 2015. The Part 140 amendments reduce payment rates for primary care physician services; optometric, dental, podiatry, laboratory and diagnostic imaging services; physical, occupational and speech therapy; home health care services; medical equipment,

supplies, prosthetic and orthotic devices; and ground and air ambulance services by 16.75% from the rates in effect on 4/30/15. The amendments also reduce pharmacy dispensing fees by \$1. Amendments to Part 146 implement a 12.6% payment reduction for supportive living facilities and specialized mental

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health rehabilitation centers and a 16.75% reduction for freestanding birth centers. The Part 153 rulemaking implements a 12.6% reduction in nursing home payment rates. Medical providers and long term care facilities will be affected.

Questions/requests for copies of the 3 emergency rules: Mollie Zito, HFS, 201 S. Grand Ave. E., 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

Proposed Rulemakings

GAMING BOARD MEETINGS

The ILLINOIS GAMING BOARD proposed amendments to Riverboat Gambling (86 IAC 3000; 39 Ill Reg 6730) allowing Board members who participate in Board meetings via video conference from a public building to be counted as part of the quorum. Board members may participate in meetings via video or phone if a quorum is physically present at the main meeting site, prior notice has been given (if practical) and the member has an illness or disability, is elsewhere on Board business, or has a family or other emergency. Members of the public will be permitted to speak at Board meetings for up to 5 minutes provided they give at least 2 days' notice. These provisions also apply to public meetings under the Video

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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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Gaming Act. Those involved in riverboat gambling may be interested in these rules.

Questions/requests for copies/comments through 6/29/15: Emily Mattison, Illinois Gaming Board, 160 N. LaSalle St, Chicago, IL 60601, 312/814-7253, emily.mattison@igb.illinois.gov.

SOS PERSONNEL

The SECRETARY OF STATE proposed amendments to Department of Personnel (80 IAC 420; 39 III Reg 6853) adding parties to a marriage and domestic partners (before 6/1/11) to the definition of immediate family. The Director of Personnel may approve leaves of absence for certified employees who accept positions exempt from Personnel Code Jurisdiction B. The rulemaking also adds the Workers' Occupational Diseases Act to the list of acts under which disability claims may be filed and updates the State's third-

party workers' compensation insurance carrier to SERS TRISTAR. SOS also proposed amendments to the Part titled General Rules, Definitions (92 IAC 1000; 39 III Reg 6869) removing the interview requirement for Investigator Sergeant applicants.

Questions/requests for copies/comments on the 2 SOS rulemakings through 6/29/15: Stephan Roth or Steven Dennis, SOS, Department of Personnel, Room 197 Howlett Building, Springfield IL 62765, 217/782-1750.

RADIOACTIVE MATERIAL

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed amendments to Licensing of Radioactive Material (32 IAC 330; 39 III Reg 6748) reflecting updated U.S. Nuclear Regulatory Commission requirements. Changes include adding static elimination devices and ion generating tubes to the list of products containing radioactive

materials that are exempt from this Part's licensing requirements, and clarifying licensing and reporting requirements for new products and products containing tritium or promethium. Proposed amendments to Financial Assurance Requirements (32 IAC 326; 39 III Reg 6743) and Fees for Radioactive Material Licenses (32 IAC 331; 39 III Reg 6824) update their cross-references to Part 330 to reflect the proposed changes. IEMA also proposed amendments to Radioactive Materials Transportation (32 IAC 341; 39 III Reg 6638) and Radiation Safety Requirements for Industrial Radiographic Operations (32 IAC 350; 39 III Reg 6845) that are identical in substance to federal regulations and exempt from JCAR review under the Illinois Administrative Procedure Act. These amendments update incorporations by reference of recently amended federal regulations regarding the notification of tribal officials along transportation routes and updating the allowable quantity of radioisotopes in packaging. The amendments also add the address of the American National Standards Institute (ANSI).

Questions/requests for copies/comments on the 5 IEMA rulemakings through 6/29/15: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704; 217/785-9860 (voice); 217/782-6133 (TDD).

Peremptory Rulemaking

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 39 III Reg 6964), effective 4/29/15, updating prevailing wage rates for boiler safety specialists (employed by the Office of the State Fire Marshal) in accordance with an existing collective

bargaining agreement. The amendment updates prevailing rates for the central and southern regions of Illinois that were recently verified by the Illinois Department of Labor.

Questions/requests for copies: Jason Doggett, CMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov

New Rules

■ INCOME TAX

The DEPARTMENT OF REVENUE adopted an amendment to Income Tax (86 IAC 100; 39 Ill Reg 250) effective 4/29/15. An identical emergency amendment, effective 12/22/14, appeared in the *Illinois Register* at 39 Ill Reg 483. The rulemaking requires employers to electronically file Form W-2 information for 2014 no later than 2/15/15 (formerly, the W-2 filing deadline was 3/31). DOR states that the earlier deadline is intended to allow verification of withholding and other information reported on Illinois

income tax returns while they are being received and processed. Employers who file W-2 information are affected.

Questions/requests for copies: Paul Castleton, DOR, 101 W. Jefferson St., Springfield IL 62796, 217/524-3951.

DFPR REPEALERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION repealed 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), both effective 5/15/15. 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 (savings and loan associations and savings banks) have merged with or converted to other types of depository institutions.

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

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 June 16, 2015 meeting in Chicago. Other items that have not been listed in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be sent to JCAR using the contact information on page 1.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

Training and Education Program (Repealer) (29 IAC 110) proposed 3/13/15 (39 Ill Reg 3450)

ILLINOIS RACING BOARD

Medication (11 IAC 603) proposed 12/1/14 (38 Ill Reg 22022)

Entries, Subscriptions, and Declarations (11 IAC 1413) proposed 3/6/15 (39 Ill Reg 3415)

SECRETARY OF STATE

Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040) proposed 3/13/15 (39 Ill Reg 3457)

JCAR Meeting Action

At its 5/12/15 meeting, the Joint Committee on Administrative Rules took the following actions:

EXTENSIONS

The Committee and the following agencies agreed to extend the Second Notice periods for the listed rulemakings an additional 45 days:

Department of Natural Resources, Outfitter Regulations (17 IAC 640; 39 III Reg 2487) and Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life (17 IAC 870; 39 III Reg 3249)

Illinois Student Assistance Commission, Illinois Prepaid Tuition Program (23 IAC 2775; 39 III Reg 2133)

Pollution Control Board, Water Quality Standards (35 IAC 302; 38 III Reg 19366), Water Use Designations and Site-Specific Water Quality Standards (35 IAC 303; 38 III Reg 19401) and Permits (35 IAC 309; 38 III Reg 19416)

State Employees Retirement System, The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 39 III Reg 2538)

OBJECTION

With respect to the Department of Public Health rulemaking titled Quality of Life Code (77 IAC 974;38 III Reg 22435) JCAR objects to the Department, since 2010, awarding grants funded from the Quality of Life Endowment Fund without having adopted rules establishing standards for making those grant awards.

RECOMMENDATION

With regard to the Department of Human Services rulemaking titled Perinatal Mental Health Disorders Prevention and Treatment (77 IAC 2110; 39 III Reg 1427), JCAR recommends that the Department be more timely in implementing statute in its rules. Public Act 95-469, which this rulemaking implements, became effective on 1/1/08.

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Greg Harris

Senator Bill Brady

Representative Lou Lang

Senator Karen McConnaughay

Representative David Leitch

Senator Don Harmon

Representative Ron Sandack

Senator Tony Muñoz

Representative André Thapedi

Senator Ira Silverstein

Representative Michael Tryon

**Vicki Thomas
Executive Director**