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Editor

Joint Committee on Administrative Rules  
Illinois General Assembly

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217/785-2254 [ilga.gov/commission/jcar](http://ilga.gov/commission/jcar)

VOL. 39

May 29, 2015

Issue 22

*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

### ■ MEDICAL CANNABIS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Compassionate Use of Medical Cannabis Patient Registry (77 IAC 946; 39 Ill Reg 247) effective 5/15/15. A companion emergency amendment effective 12/22/14 appeared in the *Illinois Register* at 39 Ill Reg 444. The rulemaking implements recent amendments to the Compassionate Use of Medical Cannabis Pilot Program Act that allow patients under age 18 to receive patient registry identification cards and that add seizure disorders (e.g., epilepsy) to the list of debilitating medical conditions for which medical cannabis may be used. The rulemaking establishes a procedure through which parents, guardians or designated caregivers of qualifying medical cannabis patients under age 18 can apply for registry

identification cards on their behalf. (The patient must reapply for his or her own registry card after reaching age 18.) A parent or designated caregiver of a qualified medical cannabis patient under age 18 will be added to DPH's Medical Cannabis Advisory Board, and a practitioner with experience in pediatrics or child or adolescent psychiatry/mental health must be included among the 9 board members who are currently licensed healthcare practitioners. The rulemaking also removes obsolete language regarding the phase-in of the registry card application process. DPH will accept applications year-round effective 1/1/15. Medical cannabis patients, caregivers, and physicians or other health practitioners are affected by this rulemaking.

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## Proposed Rulemakings

### ■ DHS APPEALS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to 7 Parts: Medicaid Community Mental Health Services Program (59 IAC 132; 39 Ill Reg 7301), Alcoholism and Substance Abuse Treatment and Intervention (77 IAC 2060; 39 Ill Reg 7308), Subacute Alcoholism and Substance Abuse Treatment Services (77 IAC 2090; 39 Ill Reg 7315), General Administrative Provisions (89 IAC 10; 39 Ill Reg 7321), Practice in Administrative Hearings (89 IAC 14; 39 Ill Reg 7332), Appeals and Hearings (89 IAC 510; 39 Ill Reg 7372), and Program Definitions (89 IAC 521; 39 Ill Reg 7396), all concerning appeal procedures for clients of various assistance programs. Appeal procedures for clients of public assistance (e.g., TANF, SNAP) and medical assistance

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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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Questions/requests for copies: Elizabeth Paton, DPH, 535 W. Jefferson St. 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

### ■ CHILD WELFARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES repealed the Part titled Licensure of Direct Child Welfare Services Employees and Supervisors (89 IAC 412; 38 Ill Reg 17880) and adopted a new Part with the same title (89 IAC 412; 38 Ill Reg 17907) effective 5/15/15. The new Part revises standards for licensure of DCFS employees or employees of contracted agencies who carry assigned cases, conduct child protective investigations, recommend or approve placement or family reunification decisions, or make licensing decisions for child care and other facilities. Qualifications for licensure, implementing Public Act 94-943, now include possession of a valid driver's license. Newly added criteria for refusal of a license include transporting a child in a motor vehicle without a valid driver's license; being convicted of reckless driving, reckless homicide involving a motor vehicle, or DUI; receiving 3 or more citations for moving traffic violations within a 12-month period; and evidence of a pattern of dishonesty that would place State funds or records at risk. The definition of "imminent danger to the public" that constitutes

grounds for immediate suspension of a license without a hearing is expanded to include harm or risk of harm to public funds as well as harm to a child, other individual, family or community. The new Part also requires notification to the Department of Financial and Professional Regulation when DCFS suspends or revokes the child welfare employee licensure of a person who holds a separate professional license in a child welfare-related field (e.g., licensed clinical social worker, licensed marriage and family therapist). Other provisions address administrative hearings and appeals or notifications of licensure actions. Those affected by this rulemaking include child welfare caseworkers and licensed employees of child welfare agencies.

Questions/requests for copies of the 2 DCFS rulemakings: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, e-mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)

### ■ DEER HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 39 Ill Reg 3202) and White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 39 Ill Reg 3225), both effective 5/18/15, concerning changes in the application procedure for firearm deer hunting permits. Both

rulemakings add a third Statewide lottery drawing for deer permits that remain unfilled after the first drawing (open only to Illinois residents, with a 4/30 application deadline) and the second drawing (open to non-resident applicants, with a 6/30 application deadline) are completed. Applications for the third drawing will be accepted through the third Friday in August for that year's firearm deer seasons. This drawing replaces the random daily drawings for unfilled permits that currently take place from mid-August through mid-September. The Part 650 rulemaking also sets a 10/1 application deadline for property-only hunting permit applications and renewals (currently, the deadline is announced annually). Other amendments to both Parts extend current limitations on tree stands to ground blinds and make site-specific changes applicable to several State fish and wildlife areas. Applicants for firearm deer hunting permits are affected by these rulemakings.

### ■ AQUATIC LIFE

DNR also adopted amendments to Injurious Species (17 IAC 805; 39 Ill Reg 3241), and Viral Hemorrhagic Septicemia (VHS) (17 IAC 875; 39 Ill Reg 3264) effective 5/18/15 concerning movement of various aquatic species. The Part 805 amendments add new species, including golden mussels and killer shrimp, to the list of injurious

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# Proposed Rulemakings

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are contained in amendments to 89 IAC 14. Amendments to 89 IAC 10 clarify the time limits for filing appeals and the directions for filing an appeal that must be included in any notice of denial, reduction or discontinuance of assistance. Other rulemakings establish and cross-reference appeal rights for clients of the DHS community mental health program (59 IAC 132), alcoholism and substance abuse programs (77 IAC 2060 and 2090), and the Home Services Program (89 IAC 510). Finally, amendments to 89 IAC 521 update the definitions of a hearing and of a hearing officer with regard to the DHS Vocational Rehabilitation Program. Clients and providers of the programs listed above will be affected by these rulemakings.

Questions/requests for copies/comments regarding these 7 DHS rulemakings through 7/13/15: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## HARNESS RACING

The ILLINOIS RACING BOARD proposed amendments to Racing Rules (11 IAC 1318; 39 Ill Reg 7408) clarifying that one handed whipping of horses is restricted to elbow and wrist action only. The whipping hand shall not be raised above the shoulder or behind the driver. Penalties for illegal whipping are increased to \$200-\$500 for a 1<sup>st</sup> offense, \$400-\$1,000 for a 2<sup>nd</sup>

offense, minimum \$1,000 fine and a 7-day suspension for the 3<sup>rd</sup> offense, and a minimum \$2,000 fine and 10 day-suspension for subsequent offenses.

Questions/requests for copies/comments through 7/13/15: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 5-700, Chicago IL 60601, 312/814-5017.

## SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluations, Recognition and Supervision (23 IAC 1; 39 Ill Reg 7413) implementing the following Public Acts: PA 98-648, authorizing the State Superintendent to identify alternative instruments school districts may utilize to gauge learning conditions in place of the 5 Essentials Survey; PA 98-716, aligning employee tuberculosis screenings to Department of Public Health rules; PA 98-795, authorizing the use of epinephrine auto-injector pens by school nurses or trained personnel; and PA 98-885, recognizing that an Advanced Placement course in computer science qualifies as fulfilling State mathematics requirements.

SBE also proposed amendments to Educator Licensure (23 IAC 25; 39 Ill Reg 7475) implementing the following Public Acts: PA 98-646, changing the priority consideration of certain categories of activities (annual

payments and incentives will be provide on a first-come-first serve basis); PA 98-860, allowing teachers with physical education or health endorsements to meet the No Child Left Behind criteria for highly qualified general education teachers in core subjects; PA 98-947, allowing individuals certified by the National Association of School Psychologists to qualify for a school support personnel endorsement to serve as a school psychologist; and PA 98-917 and PA 98-1147, which expand the types of experience required to receive the principal endorsement.

Proposed amendments to Standards for Endorsements in Early Childhood Education and in Elementary Education (23 IAC 26; 39 Ill Reg 7586) extend the phase-out period for existing programs and require new programs to be aligned to the revised standards on 9/1/19. Finally, SBE proposed amendments to Payments to Certain Facilities under Section 14-7.05 of the School Code (23 IAC 405; 39 Ill Reg 7592) extending until 9/1/18 its authority to issue short-term emergency approval in special education.

Questions/requests for copies/comments on the 4 SBE rulemakings through 7/13/15: Shelley Helton, SBE, 100 N. 1<sup>st</sup> St, S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

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## New Rules

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species and require a Restricted Species Transportation Permit for live hauling of commercially wild-caught Asian carp. The Part 875 amendments correct a reference to the federal list of VHS-susceptible species and require a Restricted Species Transportation Permit to transport Tilapia and other non-approved species from VHS-affected regions. Those affected by these rulemakings include commercial fishing operations, hatcheries, and fish processing plants.

### ■ LAND CONSERVATION

DNR adopted amendments to Conservation Stewardship Program (17 IAC 2580; 39 Ill Reg 2235), effective 5/18/15, clarifying various aspects of the program, which provides property tax relief to owners of unimproved land who implement DNR-approved conservation management

plans. Eligible taxpayers must have legal access to the property (i.e., the property cannot be landlocked) prior to enrollment in the program, and must pay all debts in a timely manner. Management plans must be renewed every 10 years, and owners must reapply before the plan expires or whenever there is a change in ownership. Removal of invasive/exotic species has been added to the objectives of management plans. Land owners must report the management practices they implement to DNR annually; if the owner fails to do so, DNR may remove the land from the program. Since 1<sup>st</sup> Notice, DNR has clarified the definitions of taxpayer and of legal access. Those affected by this rulemaking include small businesses, non-profits and others who own land enrolled in the program.

Questions/requests for copies of the 5 DNR rulemakings: Shelly

Knuppel (217/782-1809) for Parts 650 and 660, Craig Colbrook (217/557-0659) for Parts 805 and 875, and Anne Mergen (217/782-1809) for Part 2580, DNR, One Natural Resources Way, Springfield IL 62702-1271.

## Proposed Rulemakings

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### ■ TOLLWAY SPEED LIMITS

The ILLINOIS STATE TOLL HIGHWAY AUTHORITY proposed amendments to State Toll Highway Rules (92 IAC 2520; 39 Ill Reg 7598) implementing PA 98-1126 and PA 98-1128. The rulemaking increases the maximum speed limit on certain portions of its toll highways.

Questions/requests for copies/comments through 7/13/15: David Goldberg, ISTHA, 2700 Ogden Ave, Downers Grove IL 60515.

## Second Notices

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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 not 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.

### DEPT OF INSURANCE

Variable Contracts (50 IAC 1451) proposed 2/27/15 (39 Ill Reg 2810)

### DEPT OF PUBLIC HEALTH

Control of Communicable Diseases Code (77 IAC 690) proposed 4/3/15 (39 Ill Reg 4837)

AIDS Drug Assistance Program (77 IAC 692) proposed 4/3/15 (39 Ill Reg 4860)

### STATE BOARD OF EDUCATION

School Construction Program (23 IAC 151) proposed 2/27/15 (39 Ill Reg 2970)