

Elaine Spencer
Editor

Joint Committee on Administrative Rules
Illinois General Assembly

700 Stratton Bldg. Springfield IL 62706
217/785-2254 ilga.gov/commission/jcar

VOL. 39

October 30, 2015

Issue 44

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

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Payment (89 IAC 140; 39 Ill Reg 7761), effective 10/14/15. An identical emergency amendment effective 5/20/15 appeared in the *Illinois Register* at 39 Ill Reg 8137. The rulemaking implements Public Act 99-2, which increased inpatient and outpatient provider assessments upon hospitals for the period 4/1/15 through 6/30/15. The increase is intended to generate \$20.25 million in additional inpatient assessments and \$6.75 million in additional outpatient assessments for that period. Hospitals are affected by this rulemaking.

Questions/requests for copies: Mollie Zito, HFS, 201 S. Grand Ave. 3rd Fl., Springfield IL 62763-0002, 217/782-1233.

WORKPLACE INJURIES

The DEPARTMENT OF LABOR adopted an amendment to Health and Safety (56 IAC 350; 39 Ill Reg 9860), effective 10/19/15, modifying reporting requirements for workplace deaths, hospitalizations, and injuries. An inpatient hospitalization of one or more employees, or an amputation of an employee's limb or digit or loss of an eye due to a work-related incident, must be reported to DOL within 24 hours (currently, inpatient hospitalizations must be reported within 8 hours). Work-related deaths must still be reported within 8 hours.

Questions/requests for copies: Chris Wieneke, DOL, 900 S. Spring St., Springfield IL 62704, 217/558-1270.

(cont. page 2)

Proposed Rulemakings

LIVESTOCK

The DEPARTMENT OF AGRICULTURE proposed amendments to Diseased Animals (8 IAC 85; 39 Ill Reg 14044), Illinois Dead Animal Disposal Act (8 IAC 90; 39 Ill Reg 14061), Swine Disease Control and Eradication Act (8 IAC 105; 39 Ill Reg 14078) and Animal Disease Laboratories Act (8 IAC 110; 39 Ill Reg 14089), concerning testing and disposal of diseased or dead animals. The Part 85 amendments add polymerase chain reaction (PCR) testing as an option for detecting paratuberculosis (Johne's Disease) and remove restrictions currently placed on entire herds when an animal tests positive, if the herd is not participating in the voluntary Johne's Disease risk management program. The animal that tests positive may be

(cont. page 2)

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

(cont. from page 1)

SOS PERSONNEL

The SECRETARY OF STATE adopted amendments to Department of Personnel (80 IAC 420; 39 Ill Reg 6853), effective 10/19/15, 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 adopted amendments to the Part titled General Rules, Definitions (92

IAC 1000; 39 Ill Reg 6869) effective 10/19/15 removing the interview requirement for Investigator Sergeant applicants.

Questions/requests for copies of the 2 SOS rulemakings: Stephan Roth or Steven Dennis, SOS, Room 197 Howlett Building, Springfield IL 62765, 217/782-1750.

Proposed Rulemakings

(cont. from page 1)

sold only for slaughter, but no restrictions will be placed on the remainder of the herd. Amendments to Part 90 permit composting of equine (horses), cervid (deer, elk) and small animal carcasses as a method of carcass disposal. The Part 105 rulemaking eliminates the requirement of pseudorabies testing for Illinois exhibition swine as long as Illinois maintains pseudorabies-free status, and also allows swine from other pseudorabies-free states to be exhibited in Illinois without testing. The Part 110 amendments update DOA's schedule of fees for tests and other services. Submission fees for most tissue samples are increased from \$2 to \$5 per submission; fees for euthanasia, spinal cord removal and for multiple animals are excluded from the \$150 cap for livestock diagnostic cases; cremation is provided only for animal carcasses weighing 200 pounds or less; a \$12 handling fee for

"dangerous goods" shipped to out of State laboratories is added; and a fee of \$5 for avian influenza testing is added to the serology fee schedule. Those affected by these rulemakings include livestock owners and veterinarians.

■ MEAT INSPECTION

DOA also proposed amendments to Meat and Poultry Inspection Act (8 IAC 125; 39 Ill Reg 14101) incorporating recent changes in federal labeling and inspection rules. The changes require that a descriptive designation be included in the product name on the label of any raw meat or poultry product that contains an added solution and does not meet a standard of identity. Also, raw or partially cooked needle- or blade-tenderized beef products, including those injected with a marinade or other solution, must be described as "mechanically tenderized", "blade tenderized", or "needle tenderized" unless they will be fully cooked or

otherwise treated before sale. Meat and poultry processors will be affected by this rulemaking.

Questions/requests for copies/comments on the 5 DOA rulemakings through 12/14/15: Susan Baatz, DOA, State Fairgrounds, P.O. Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

■ FALCONRY

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Falconry and the Captive Propagation of Raptors (17 IAC 1590; 39 Ill Reg 14116) concerning capture of peregrine falcons. The amendments set permit fees of \$50 for Illinois residents and \$100 for non-residents, allocate permits to non-residents by lottery after all permit applications from Illinois residents are filled, establish an annual capture season for peregrine falcons (9/20-10/20)

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

and require successful captures to be reported to DNR electronically or by phone within 48 hours. Authorized persons may be required to provide feathers or other samples to DNR or the U.S. Fish and Wildlife Service as directed. Applicants for peregrine falcon capture permits must possess valid master class falconry permits. Also, any federally authorized raptor species may be used for nuisance wildlife abatement (killing or scaring away animals

or other birds that threaten human health or cause property damage).

Questions/requests for copies/comments through 12/14/15: Craig Colbrook, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

TOLLWAYS

The ILLINOIS STATE TOLL HIGHWAY AUTHORITY proposed amendments to State Toll Highway Rules (92 IAC 2520; 39 Ill Reg 14128) establishing

penalties for violations on the Elgin-O'Hare Tollway (to be opened in 2016 with an entirely electronic toll collection system). The amendments set a fine of \$10 per violation (\$20 on other portions of the Tollway) with a \$25 additional penalty for fines more than 30 days past due (\$50 on other portions of the Tollway).

Questions/requests for copies/comments through 12/14/15: David Goldberg, ISTHA, 2700 Ogden Ave., Downers Grove IL 60515, 630/241-6800, ext. 1530.

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 November 17, 2015 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 39 Ill Reg 9731) proposed 7/17/15

STATE BOARD OF EDUCATION

Special Education (23 IAC 226; 39 Ill Reg 8906) proposed 7/6/15

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Nurse Practice Act (68 IAC 1300; 38 Ill Reg 22373) proposed 12/5/14

POLLUTION CONTROL BOARD

Sound Emission Standards and Limitations for Property Line Noise-Sources (35 IAC 901; 39 Ill Reg 6179) proposed 5/8/15

IL EMERGENCY MANAGEMENT AGENCY

Standards for Protection Against Radiation (32 IAC 340; 39 Ill Reg 12068) proposed 9/4/15

Licensing Requirements of Source Material Milling Facilities (32 IAC 332; 39 Ill Reg 12059) proposed 9/4/15

Licensing of Radioactive Material (32 IAC 330; 39 Ill Reg 12046)proposed 9/4/15

Financial Assurance Requirements (32 IAC 326; 39 Ill Reg 12037) proposed 9/4/15

IL LABOR RELATIONS BOARD

General Procedures (80 IAC 1200; 39 Ill Reg 10617) proposed 7/17/15