

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

■ OIL & GAS WELLS

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 40 Ill Reg 2095) effective 4/22/16. The rulemaking includes a more detailed explanation of how DNR will serve notice upon a permittee and stronger language regarding falsification/misstatement of information. The rulemaking clarifies that civil penalties for falsification/misrepresentation will not exceed \$5,000 per falsification/misrepresentation and \$1,000 per day for each and every violation not subject to the penalty for falsification/misrepresentation. Other provisions add a structure for adding or calculating other falsification/misrepresentation penalties; clarify that a permit applicant must hold 100% of the rights to

the land and/or formations applicable to a proposed well; and increase the allowable depth of certain wells. DNR also clarifies that a permittee is not obligated to drill additional wells in leases in existence prior to the adoption of this rulemaking. Specifications for wells include a 40 ft. level of required surface casing for wells set over bedrock and a permanent well site equipment setback of 200 ft. from the nearest occupied dwelling existing at the time of application, unless the surface land owner of the dwelling agrees otherwise. All flowlines are required to be maintained in a leak-free condition. Procedures for extending the amount of time allowed to complete procedures related to the plugging of a well are included. For drilling test or drill wells, the rulemaking increases the fee to \$300 per

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Proposed Rulemakings

■ DUAL CREDIT COURSES

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 40 Ill Reg 6923) concerning dual credit classes for high school students. The rulemaking allows dual credit classes to be taught by persons with appropriate credentials, competency and experience in college-level teaching. (Current rule allows only full-time or adjunct faculty employed by the college to teach dual credit classes.) Instructors for college/university transfer courses must hold at least a master's degree with 18 graduate hours appropriate to the field or discipline being taught. Career and technical education class instructors must have at least 2,000 hours of work experience

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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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section and removes the financial cap. The rulemaking also outlines additional responsibilities for leases or assignees of existing operations; outlines a new lease validation petition process; and requires permittees to notify the department within 30 days of any change in mailing address. Since 1st Notice, DNR has added an effective date of 7/1/16 for the provisions in this rulemaking. This rulemaking may affect municipalities, not-for-profits and small business that either lease property for drilling or are themselves engaged in gas/oil production.

Questions/requests for copies: Daniel Nelson, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ DOT PROCUREMENT

The DEPARTMENT OF TRANSPORTATION (DOT) adopted amendments to the Part titled Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration (44 IAC 650; 39 Ill Reg 15061), effective 4/25/16, clarifying and updating various provisions related to DOT contracting and bidding. The rulemaking clarifies how the CPO-DOT and DOT cooperate in prequalifying contractors; clarifies that a determination of prequalification, rather than a Certificate of Eligibility, allows contractors to seek authorization to bid on contracts; and clarifies prequalification rating. Other

provisions address forms and procedures for requesting an authorization to bid, eliminate provisions regarding financial disclosures (which are not part of the prequalification process, but are addressed in 44 IAC 6), and update provisions for collecting information from trucking and material supply firms in accordance with federal regulations. The rulemaking also updates website links and makes the Part more consistent with the Code and current practice. Businesses seeking DOT contracts or prequalification to bid on DOT contracts are affected.

Questions/requests for copies: Michael Copp (217/782-3413) or Sannaz Etemadi (217/524-7763), DOT, 2300 S. Dirksen Pkwy., Springfield IL 62764.

■ NURSING SCHOLARSHIPS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Nursing Education Scholarships (77 IAC 597; 40 Ill Reg 1448) effective 4/21/16 updating and clarifying various aspects of DPH's Nursing Education Scholarship program. Scholarship renewals are being limited to only the current nursing degree being sought, and an existing scholarship cannot be renewed or extended to cover a higher-level degree program. Other provisions establish criteria under which scholarship recipients may request a deferral or waiver of their nursing education or service obligation; incorporate reporting and

recovery provisions for scholarship grants; and add provisions for nurse educator scholarships. Nursing students, nursing educators, and nursing schools may be affected.

■ DISEASE REPORTING

DPH also adopted amendments to Control of Communicable Diseases Code (77 IAC 690; 40 Ill Reg 1479) effective 4/21/16 reinstating Campylobacteriosis (a foodborne bacterial infection) as a Class II reportable disease that must be reported within 7 days to a local health department, which in turn must report the case to DPH within another 7 days. Laboratories must also report and submit food samples or other specimens related to an outbreak. Local health departments are affected by this rulemaking.

Questions/requests for copies of the 2 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: rules@idph.state.il.us

Proposed Rulemakings

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and appropriate, recognizable credentials in their field. High school students who demonstrate readiness for college level work (currently, juniors and seniors) may enroll in dual credit classes, provided they pass the same placement tests or satisfy the same course prerequisites that would be required of college level students. Dual credit classes must be transferrable to 4-year (bachelor's degree-granting) Illinois institutions or count towards an ICCB-approved associate degree or certificate program. This rulemaking may affect high school students and counselors, community colleges and other colleges/universities.

Questions/requests for copies/comments through 6/20/16: Matt Berry, ICCB, 401 E. Capitol Ave. Springfield IL 62701-1711, 217/785-7411, Fax: 217/524-4981.

■ BOILER SAFETY

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to Boiler and Pressure Vessel Safety (41 IAC 2120; 40 Ill Reg 6974) requiring installation of carbon dioxide detectors in commercial buildings where any portion of a pressurized CO2 system is located; requiring intake and exhaust points of ventilation piping in any boiler system installed after 12/1/14 to be located outside of the building served and at least 36 inches above grade; and requiring performance of a full grid

CORRECTION

PUBLIC HEARING CANCELED

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION has canceled a scheduled public hearing on proposed amendments to the Part titled Residential Mortgage License

ultrasonic testing (UT) inspection on historical boilers (those that power steam locomotives, antique tractors, steamboats or other historic vehicles or conveyances) that miss the required 2-year certificate inspection. Owners of buildings with boiler systems and museums or other entities that operate historical boiler equipment are affected.

Questions/requests for copies/comments through 6/20/16: Tom Andryk, OSFM, 1035 Stevenson Dr., Springfield IL 62703, 217/785-5758, fax 217/524-5487.

■ STATE VENDOR PAYMENTS

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to the Part titled Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 IAC 900; 40 Ill Reg 6891) implementing statutory changes. The rulemaking begins adding interest penalties under the Prompt Payment Act to unpaid State bills 90 days (currently, 60

Act of 1987 (38 IAC 1050; 40 Ill Reg 5243). A notice of the hearing, which had been scheduled for this week, was erroneously published in an earlier version of the Flinn Report. JCAR regrets this error.

days) after the bill is received. The change applies to bills payable from funds appropriated after 12/28/12. For services provided after 7/1/15, payments made for utility service provided by a local government entity are not excluded from the Prompt Payment Act. Local governments and small businesses with State contracts are affected.

Questions/requests for copies/comments through 6/20/16: Kelly Weston, DCMS, 720 Stratton Building, Springfield IL 62706, 217/524-7518.

■ SOS PROCUREMENT

The SECRETARY OF STATE proposed amendments to Secretary of State Standard Procurement (44 IAC 2000; 40 Ill Reg 5565) raising the small purchase threshold for contracts exempt from competitive bidding from \$25,000 to \$40,000. Small businesses seeking contracts with SOS may be affected.

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Proposed Rulemakings

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Questions/requests for copies/ comments through 6/20/16: Amy Williams, 298 Howlett Bldg., Springfield IL 62756, 217-785-3094, awilliams3@ilsos.net

■ HEALTH DEPARTMENTS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Certified Local Health Department Code (77 IAC 600; 40 Ill Reg 7021). Predominantly, the rulemaking makes numerous technical changes throughout for consistency, adds definitions for accreditation, sentinel event and SHIP, revises other definitions, and adds a referenced materials Section. Also, DPH removed obsolete certification expiration provisions, clarified the waiver request process, and revised community health needs assessment and IPLAN requirements. Local health departments are required to notify the Department in writing within 10 business days after the effective date of the termination, resignation or leave of absence of the public health administrator and other employees identified in the rulemaking. Local health departments are affected.

Questions/requests for copies/ comments through 6/20/16: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

■ MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 40 Ill Reg 6936) implementing recent statutory changes and clarifying certain policies. The rulemaking exempts advanced practice nurses (APNs) practicing in hospitals, hospital affiliates, and Ambulatory Surgical Treatment Centers from the general requirement that APNs have a written collaborative agreement with a physician or practitioner in order to enroll in the Medical Assistance Program. (Currently, this exception applies only to Certified Registered Nurse Anesthetists.) Also, the term “practitioner” in this context is replaced with “dentist or podiatric physician”. Effective 6/1/15, the rulemaking also permits nursing homes and specialized mental health rehabilitation facilities to receive bed reserve payments (at 75% of the current Medicaid per diem rate) for traumatic brain injury patients on therapeutic home visits, provided the facilities have at least a 90% occupancy rate and at least 80% of residents are Medicaid eligible. These payments are limited to 10 days per calendar month. Finally, the rulemaking clarifies that 6-month dental checkups for patients age 20 and under are covered in both office and school settings. Advanced practice nurses, long term care facilities, and school clinics may be affected.

HOSPITALS

HFS also proposed an amendment to Hospital Reimbursement Changes (89 IAC 152; 40 Ill Reg 6966) clarifying its method for measuring changes in a hospital’s case mix that are attributable to documentation and coding improvement (DCI) rather than to actual changes in the hospital’s patient population. (The DCI calculations affect hospital Medicaid payment rates.)

Questions/requests for copies/ comments on the 2 HFS rulemakings through 6/20/16: Mollie Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217 / 782 - 1233 , HFS.Rules@illinois.gov

■ ECONOMIC DEVELOPMENT

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to Illinois Promotion Act Programs (14 IAC 510; 40 Ill Reg 6907) implementing Public Act 99-476, creating the Municipal Convention Center and Sports Facility Incentive Grant Program. The intent of the amendments and the Act is to provide grants to offer incentives for the purpose of attracting conventions, meetings and trade shows to some municipal convention centers and attracting sporting

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Proposed Rulemakings

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events to municipal amateur sports facilities. The amendments details eligible applicants, allocation of appropriations, funding limitations, annual certification and certification supporting documentation.

Questions/requests for copies/comments through 6/20/16: Jolene Clarke, DCEO, 500 E. Monroe, Springfield IL 62701, 217/557-1820, jolene.clarke@illinois.gov

■ UNDERGROUND TANKS

The POLLUTION CONTROL BOARD proposed amendments to Underground Storage Tanks

(35 IAC 731; 40 Ill Reg 6991) implementing updates to USEPA's corresponding regulations. The rulemaking adds requirements for previously deferred tank systems (underground storage tanks (USTs) that are field-constructed, are part of airport hydrant fuel distribution systems, or store fuel solely for emergency power generation). This rulemaking also deletes PCB UST rules that exceed PCB's current mandate to maintain rules identical-in-substance to federal regulations.

Requests for copies/comments through 6/19/16: John Therriault, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Questions: Michael McCambridge at the

same address, 312/814-6924, Michael.McCambridge@illinois.gov. Please reference docket R16-16. Copies of the Board's opinion and order, as well as copies of all docket-related documents and public comments, can be obtained from <http://www.ipcb.state.il.us> or by calling 312/814-3620.

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Greg Harris

Senator Karen McConnaughay

Representative Lou Lang

Senator Matt Murphy

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**

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 10, 2016 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.

ILLINOIS GAMING BOARD

Video Gaming (General) (11 IAC 1800; 40 Ill Reg 2884) proposed 2/16/16

DEPT OF PUBLIC HEALTH

Food Service Sanitation Code (77 IAC 750; 40 Ill Reg 1508) proposed 1/22/16

OFFICE OF THE STATE FIRE MARSHAL

School Inspections (41 IAC 111; 40 Ill Reg 3165) proposed 2/19/16

POLLUTION CONTROL BOARD

General Rules (35 IAC 101; 40 Ill Reg 52) proposed 1/4/16

Regulatory and Information Hearings and Proceedings (35 IAC 102; 40 Ill Reg 95)
proposed 1/4/16

Enforcement (35 IAC 103; 40 Ill Reg 107) proposed 1/4/16

Regulatory Relief Mechanisms (35 IAC 104; 40 Ill Reg 114) proposed 1/4/16

Appeals of Final Decisions of State Agencies (35 IAC 105; 40 Ill Reg 121) proposed 1/4/16

Proceedings Pursuant to Specific Rules or Statutory Provisions (35 IAC 106; 40 Ill Reg 127)
proposed 1/4/16

Petition to Review Pollution Control Facility Siting Dec isions (35 IAC 107; 40 Ill Reg 138)
proposed 1/4/16

Administrative Citations (35 IAC 108; 40 Ill Reg 144) proposed 1/4/16

Tax Certifications (35 IAC 125; 40 Ill Reg 148) proposed 1/4/16