

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

■ BOBCAT HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Parts now titled Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat, and Woodchuck (Groundhog) Hunting (17 IAC 550; 40 Ill Reg 1413) and Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat, and Woodchuck (Groundhog) Trapping (17 IAC 570; 40 Ill Reg 1429), both effective 6/13/16, implementing Public Act 99-33, which permits bobcat hunting and trapping on DNR-owned or managed hunting sites. The amendments add "Bobcat" to the species listed in the name of each Part; require hunters to obtain bobcat hunting and trapping permits before taking bobcats and bobcat registration permits

within 48 hours after taking a bobcat (the hunting/trapping and registration permits each cost \$5 and can be purchased online from DNR); and require federally approved pelt tags to be attached to any bobcat hide that is exported from the U.S. or transferred to a fur buyer, taxidermist, tanner or manufacturer. Amendments to Part 570 also set bobcat trapping hours and dates and limit possession to one bobcat per person, per season. Roadkilled bobcats are also subject to the possession, permit and tagging requirements. Other amendments to Part 570 allow licensed trappers with valid Firearm Owners Identification Cards to use pistols and airguns to remove trapped animals during the firearm deer season and other open seasons. Since 1st Notice, DNR has reinstated language

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Proposed Rulemakings

■ DD FACILITIES

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Administration of Medication in Community Settings (59 IAC 116; 40 Ill Reg 8512) concerning administration of medication to developmentally disabled persons who reside in DHS-funded or licensed community settings (e.g., small group homes), or in Department of Public Health-licensed Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) with 16 or fewer licensed beds. The rulemaking permits trained direct care staff of these DD facilities to administer injectable insulin to diabetic residents via insulin pens prefilled by the manufacturer. It also permits authorized staff who have completed the prescribed training to administer

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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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stating which violations of these rules are Class A and Class B misdemeanors.

Questions/requests for copies of the 2 DNR rulemakings: Anne Mergen, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-6899.

■ MEDICAL ASSISTANTS

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted a new Part titled Grant Program for Medical Assistants in Training (23 IAC 2742; 40 Ill Reg 2195), effective 7/1/16, which provides grant assistance to individuals seeking certification in medical assistant programs at Illinois public community colleges for the 2016-2021 enrollment years. Criteria for receiving grants include being enrolled/accepted on at least a half time basis in a medical assistant program; demonstrating financial need; and making satisfactory academic progress. Benefits are limited to tuition and fees for 2 semesters in any academic year, or \$5,000 total per academic year. Grants are limited by availability of funding. Preference may be given to certain applicants based upon their expected family contribution or to renewal applicants as long as the grantee continues to meet the eligibility requirements. If all other criteria are equal, priority consideration will be given to qualified applicants based upon the date

the application is submitted. The rule also includes timelines and institutional procedures for requesting and delivering grant funds. This rulemaking may affect municipalities, not-for-profits, small business and educational entities engaged in the training of medical assistants.

Questions/requests for copies: Lynn Hynes, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500, ext. 18032, e-mail: lhynes@isac.illinois.gov.

■ WATER POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to the Part titled Permits (35 IAC 309; 39 Ill Reg 15103), effective 6/13/16, concerning procedures for issuing National Pollutant Discharge Elimination System (NPDES) federal permits as well as permits issued by the Illinois Environmental Protection Agency for construction or operation of systems that do not require NPDES permits. The rulemaking allows permittees to request a waiver from the requirement to apply for renewal of an NPDES permit at least 180 days prior to the expiration date of the current permit. The waiver request must include an explanation of why the permittee cannot apply within the normal timeframe and must specify the date by which the permittee will submit the application. IEPA must grant or deny the waiver within 21 days after it receives the request. Operating permits for sewers, wastewater sources, and

pretreatment works may remain valid for the lifetime of these systems (currently, permits must be renewed at least every 5 years). An operating permit may be terminated if IEPA determines that a permitted facility is no longer in operation or existence, or if the permittee requests termination. Other provisions specify conditions that require pretreatment works to obtain modified operating permits; list discharges that are not required to have a State operating permit, although they may require State construction permits; require construction permits for new sewers or wastewater sources that are being connected to public sanitary or combined sewer systems; and exempt certain facilities (e.g., cooling towers, ion exchange systems or reverse osmosis treatment for industrial source waters) from construction permitting requirements. Businesses and municipalities with State or federal discharge permits will be affected by this rulemaking.

Questions/requests for copies: Jason James, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6929, Jason.James@illinois.gov. Copies of the Board's opinion and order may be requested at 312/814-3620 or downloaded at www.ipcb.state.il.us. Please reference docket R15-24.

Proposed Rulemakings

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epinephrine by auto-injector in cases of serious allergic reactions, and to administer medications through enteral tubes. The rulemaking revises DHS' rules for nurse-trainers (registered professional nurses who train non-licensed direct care staff to administer medication). Nurse-trainers and the master nurse-trainers who train them must hold unencumbered Illinois licensure as registered professional nurses and must have at least one year (currently, two years) clinical registered professional nursing experience within the past 5 years, preferably in the field of developmental disabilities. Nurse-trainers also must have understanding and knowledge of the health history and mental status of the individual residents for whom they train non-licensed staff to administer medication. The rulemaking adds provisions and criteria for DHS to revoke a nurse-trainer's status, along with a notification and appeal process for nurse-trainers who wish to contest a revocation. With regard to administration of insulin by prefilled pen, the rulemaking permits authorized staff to perform this task provided they complete a DHS-approved training program specific to diabetes and insulin administration and consult with their nurse-trainer before administering insulin based on the results of a blood glucose test. Authorized staff may not attempt to calculate insulin

dosages based on the results of blood glucose tests. Additional training is required whenever a resident's medication or dosage changes, or a new individual who requires medication enters the facility. Other provisions in this rulemaking address maintenance of residents' individual medication administration records; procedures for administering medication intended to be taken as needed, rather than at specifically prescribed intervals; administration of non-prescription medication and over the counter non-drug products; and self-administration of medication by residents deemed competent to do so. DHS also proposed an amendment to Administrative Hearings (89 IAC 508; 40 Ill Reg 8541) that cross-references 59 IAC 116 and adds it to the list of Parts to which the DHS hearing rules in 89 IAC 508 apply. Staff and agencies who operate residential facilities for the developmentally disabled are affected by these rulemakings.

Questions/requests for copies/comments on the 2 DHS rulemakings through 8/8/16: Tracie Drew, DHS, 101 S. Grand Ave. East, 3rd Floor, Springfield IL 62762, 217/785-9772.

■ BOW HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Crossbow and Standing Vehicle Hunting Authorizations (17 IAC 760; 40 Ill

Reg 8545) removing the 200-pound peak draw weight limit for crossbows and removing requirements for crossbows to have broadhead points meeting certain specifications. DNR states that the rulemaking will permit bowhunters to use field tips to hunt small game animals. Bowhunters, outfitters and bow hunting equipment sellers may be affected by this rulemaking.

Questions/requests for copies/comments through 8/8/16: Daniel Nelson, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

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 July 12, 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.

DEPT OF NATURAL RESOURCES

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 40 Ill Reg 6305) proposed 4/15/16

Duck, Goose, and Coot Hunting (17 IAC 590; 40 Ill Reg 6322) proposed 4/15/16

White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 40 Ill Reg 6377) proposed 4/15/16

White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 40 Ill Reg 6397) proposed 4/15/16

White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 40 Ill Reg 6412) proposed 4/15/16

Special White-Tailed Deer Season for Disease Control (17 IAC 675; 40 Ill Reg 6436) proposed 4/15/16

Late-Winter Deer Hunting Season (17 IAC 680; 40 Ill Reg 6440) proposed 4/15/16

Youth Hunting Seasons (17 IAC 685; 40 Ill Reg 6445) proposed 4/15/16

Squirrel Hunting (17 IAC 690; 40 Ill Reg 6451) proposed 4/15/16

The Taking of Wild Turkeys - Spring Season (17 IAC 710; 40 Ill Reg 6463) proposed 4/15/16

The Taking of Wild Turkeys - Fall Gun Season (17 IAC 715; 40 Ill Reg 6488) proposed 4/15/16

The Taking of Wild Turkeys - Fall Archery Season (17 IAC 720; 40 Ill Reg 6496) proposed 4/15/16

Dove Hunting (17 IAC 730; 40 Ill Reg 6507) proposed 4/15/16

Crow, Woodcock, Snipe, Rail, and Teal Hunting (17 IAC 740; 40 Ill Reg 6525) proposed 4/15/16

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 40 Ill Reg 5527) proposed 4/1/16

Standards for Endorsement in Elementary Education (23 IAC 20; 40 Ill Reg 5547) proposed 4/1/16

Educator Licensure (23 IAC 25; 40 Ill Reg 5551) proposed 4/1/16

Standards for Endorsements in Early Childhood Education and in Elementary Education (23 IAC 26; 40 Ill Reg 5638) proposed 4/1/16

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Enterprise Zone and High Impact Business Programs (14 IAC 520; 40 Ill Reg 6627) proposed 4/22/16

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

Chief Procurement Officer for Capital Development Board (44 IAC 8; 40 Ill Reg 6294) proposed 4/15/16

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Second Notices

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CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION

Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement (44 IAC 4; 40 Ill Reg 3529) proposed 3/11/16

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Real Estate License Act of 2000 (68 IAC 1450; 39 Ill Reg 15183) proposed 11/30/15

JCAR Meeting Action

At its 6/14/16 meeting, the Joint Committee on Administrative Rules took the following actions:

OBJECTION

JCAR objected to the Department of Children and Family Services implementing policy outside of rule, which is contrary to Sections 1-70 and 5-10 of the Illinois Administrative Procedure Act. The agency has implemented a policy of investigating certain child death and near death notifications via the Child Abuse and Neglect Hotline. DCFS says it is enforcing this policy under the mandate of Section 4.2 of the Abused and Neglected Child Reporting Act [325 ILCS 5] to investigate the cause of death or serious life threatening injury to a child. However, nothing in that statute authorizes DCFS to establish policy for these investigations without first adopting that policy as rule under the IAPA.

RECOMMENDATION

With regard to the Illinois Power Agency rulemaking titled Monitoring of Contracts Administered by the Illinois Power Agency (83 IAC 1210; 39 Ill Reg 8710), JCAR recommends that, in the future, IPA be more timely in adopting rules required by statute. The statute requiring these rules became effective more than 8 years ago.

EXTENSION

JCAR and the Illinois Labor Relations Board agreed to extend the Second Notice period for the ILRB rulemaking titled General Procedures (80 IAC 1200; 40 Ill Reg 2414) an additional 45 days.

Joint Committee on Administrative Rules

Senator Bill Brady
Senator Karen McConnaughay
Senator Matt Murphy
Senator Don Harmon
Senator Tony Muñoz
Senator Ira Silverstein

Representative Greg Harris
Representative Lou Lang
Representative David Leitch
Representative Ron Sandack
Representative André Thapedi
Representative Michael Tryon

Vicki Thomas
Executive Director