

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

■ DENTAL PRACTICE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Illinois Dental Practice Act (68 IAC 1220; 40 Ill Reg 5697), effective 9/2/16, implementing a PA allowing dentists to administer flu vaccinations to patients 18 and older. This rulemaking sets out the training requirements and clarifies that applicants must pass the restorative, periodontal, prosthodontic and endodontic portions of the dental licensing exam (not simply the exam as a whole). Restricted faculty licensees are made eligible for controlled substances licenses. Finally, DFPR is updating its list of procedures dental assistants and hygienists are prohibited from performing and clarifying the examination that must be passed before placing, carving or finishing amalgam

restorations. Dentists, dental assistants and hygienists, and dental schools are affected by this rulemaking.

■ REAL ESTATE

DFPR also adopted amendments to the Part titled Real Estate License Act of 2000 (68 IAC 1450; 39 Ill Reg 15183), effective 9/2/16, implementing numerous updates and statutory changes. The rulemaking removes obsolete references to salesperson licenses, updates the broker and managing broker designations, and updates continuing education (CE) requirements for transferring licensees. These amendments also implement Public Act 98-553, which creates a new certification for real estate auctioneers and distinguishes between those who may actually

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Proposed Rulemakings

■ RIVERBOAT CASINOS

The ILLINOIS GAMING BOARD proposed amendments to Riverboat Gambling (86 IAC 3000; 40 Ill Reg 12538) modifying the specifications for temporary and permanent ID badges issued to occupational licensees (employees) of riverboat casinos and removing the requirement that an IGB agent process and complete these badges. The rulemaking also clarifies that an applicant may request a hearing upon denial or rescission of a temporary ID badge. Parties to a hearing may file exceptions to the recommendations of a hearing officer within 14 days after the recommendation is issued.

Questions/requests for copies/comments through 10/17/16: Agostino Lorenzini, IGB, 160 N. La

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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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sell or lease real estate at auction and those who merely cry or call real estate auctions. Numerous changes since 1st Notice include reductions in license application and renewal fees for CE schools; clarifications regarding CE requirements; and clarification regarding the functions of a real estate auctioneer. Real estate agents, auctioneers and their employers will be affected by this rulemaking.

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

■ HAZARDOUS MATERIALS

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to Hazardous Materials Emergency Response Reimbursement (41 IAC 270; 40 Ill Reg 6661) effective 8/18/16. The rulemaking transfers authority for reviewing reimbursements to the Fire Advisory Commission, transfers current and future money into the Fire Prevention Fund, and clarifies that the authority with jurisdiction over the location of the emergency response action has authority to request reimbursement of eligible costs. Other provisions lower from 5% to 2% the percentage of the local emergency response agency's total budget that a hazardous materials response action (e.g., cleaning up a chemical spill)

must cost in order to be eligible for reimbursement, and overhaul the review process so that OSFM can either accept or overrule the Fire Advisory Commission's recommendation for reimbursement. The State Fire Marshal's action will be considered the agency's final administrative decision. Units of local government, including small municipalities and fire protection districts, will be affected by this rulemaking.

Questions/requests for copies: Deborah Williams, OSFM, 1035 Stevenson Dr. Springfield IL 62703-4259.

■ GAMING LICENSES

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 40 Ill Reg 5753), effective 8/19/16, establishing criteria the Board will consider to determine whether "undue economic concentration" will occur if it grants or renews a terminal operator license. Factors the Board will consider include the percent of market share controlled by the applicant, the relative position of other terminal operator licenses, current and projected financial condition of video gaming, and barriers to entry into the video gaming industry.

IGB also adopted an amendment to Riverboat Gambling (86 IAC 3000; 40 Ill Reg 7285), effective 8/19/16, affecting administrative hearing procedures. The

rulemaking allows any party to a hearing concerning a license denial or restriction, a disciplinary action, or placement on or removal from an exclusion list to file exceptions to findings of fact, conclusions of law, and recommendations of the hearing officer or Administrative Law Judge no later than 14 days after receipt of the recommended decision. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken, and no oral arguments shall be conducted on exceptions. Individuals and businesses appealing adverse actions by IGB or seeking removal from an exclusion list will be affected by this rulemaking.

Questions/requests for copies of the 2 IGB rulemakings: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253.

INSURANCE

The DEPARTMENT OF INSURANCE adopted an amendment to Licensing of Public Adjustors (50 IAC 3118; 40 Ill Reg 5813), effective 8/16/16, clarifying DOI policy that public adjustor contracts that have not been filed and approved by the DOI Director are void.

Questions/requests for copies: Robert Rapp, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-785-1680.

Proposed Rulemakings

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Salle St., Chicago IL 60601, fax 312-814-7253, e-mail: James.pellum@igb.illinois.gov

■ NUCLEAR FACILITIES

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed amendments to Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 IAC 505; 40 Ill Reg 12497) updating requirements and incorporated standards to align with current nuclear industry

practice. The amendments clarify the requirements for authorized inspectors and the procedures for inservice inspection of boilers/pressure vessels in nuclear facilities. Also, administrative hearings associated with this Part are made subject to IEMA's own hearing rules (32 IAC 200) rather than to the State Fire Marshal's administrative hearing process for boilers and pressure vessels. Small businesses involved with the insurance or inspection of boilers/pressure vessels may be affected.

Questions/requests for copies/comments through 10/17/16: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704; 217/785-9860 (voice); 217/782-6133 (TDD).

New JCAR Member

The Joint Committee on Administrative Rules welcomes Sen. Chuck Weaver, R-Peoria, as its newest member. Sen. Weaver replaces Sen. Matt Murphy, R-Palatine, who resigned last month.

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 September 6, 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 CHILDREN AND FAMILY SERVICES

Service Appeal Proces (89 IAC 337; 39 Ill Reg 12658) proposed 9/18/15

DEPT OF AGRICULTURE

Motor Fuel and Petroleum Standards Act (8 IAC 850; 40 Ill Reg 8880) proposed 7/8/16

ILLINOIS COMMERCE COMMISSION

Submission of Rate Case Testimony (83 IAC 286; 40 Ill Reg 5157) proposed 3/25/16

ILLINOIS GAMING BOARD

Video Gaming (General) (11 IAC 1800; 40 Ill Reg 9024) proposed 7/8/16

STATE BOARD OF EDUCATION

Programs for the Preparation of Principals in Illinois (23 IAC 30; 40 Ill Reg 6743) proposed 4/29/16

Programs for the Preparation of Superintendents in Illinois (23 IAC 33; 40 Ill Reg 6752) proposed 4/29/16

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

State Universities Civil Service System (80 IAC 250; 40 Ill Reg 7537) proposed 5/20/16