

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.

Emergency Rules

■ MEDICAL CANNABIS

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Compassionate Use of Medical Cannabis Patient Registry (77 IAC 946; 40 Ill Reg 13732) effective 9/16/16. These amendments change and clarify provisions of an earlier emergency rulemaking at 40 Ill Reg 10992 that took effect 8/1/16 for a maximum of 150 days, and are valid for the remainder of the 150-day period. The new emergency amendments allow patient and caregiver registry cards to be renewed and fees paid on a 1-year, 2-year or 3-year basis. Fees for qualifying patients are \$100 for 1 year, \$200 for 2 years, and \$250 for 3 years; for caregivers of patients under age 18, \$25, \$50, and \$75; for veterans and disabled persons eligible for reduced fees, \$50, \$100 and \$150. Persons who applied for and received 1-year

registry cards prior to 9/12/16 may extend their current registration to 2 or 3 years at their next renewal application by paying only the 1- or 2-year fee. Proof of identity and Illinois residency, along with a written physician's certification, must be submitted every 3 years, but is not required for 1- or 2-year renewals. The emergency amendments also allow petitions for new debilitating conditions that were submitted to DPH in January 2016 to be reviewed and added in accordance with the rules in effect at that time. Medical cannabis patients and their caregivers are affected by these emergency rules.

Questions/requests for copies: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

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New Rules

■ DRIVERS' LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; 40 Ill Reg 8039) effective 9/19/16 abolishing issuance of permanent driver's licenses and State identification cards at SOS driver's license facilities. Instead, applicants will receive temporary licenses and ID cards printed on secure paper, while the permanent license will be produced in a secure central facility and mailed to the applicant after fraud and identity checks are completed. SOS states that this change will have the effect of reducing fraud and allow the incorporation of additional security features into licenses and ID cards. The amendments also increase from 30 to 45 days the time limit for applicants to return to an SOS

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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.

Emergency Rules

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CONTROLLED SUBSTANCES

The DEPARTMENT OF HUMAN SERVICES adopted an emergency amendment to Schedule of Controlled Substances (77 IAC 2070; 40 Ill Reg 13718) effective 9/13/16 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 40 Ill Reg 13502. These rulemakings add U-47700, a synthetic opioid, to the Illinois list of Schedule I controlled substances. DHS states that U-47700 has been linked to at least 50 deaths in the U.S. since it was introduced from China in 2015.

New Rules

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facility to have errors on their driver's licenses or IDs corrected.

Questions/requests for copies: Jennifer Egiizi, SOS-Driver Services, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

■ ETHANOL FUELS

The DEPARTMENT OF AGRICULTURE adopted an amendment to the Part titled Motor Fuel and Petroleum Standards Act (8 IAC 850; 40 Ill Reg 8880) effective 9/16/16 that maintains exceptions to vapor pressure standards for ethanol fuels listed in the National Institute of Standards and Technology (NIST) Handbook

Questions/requests for copies/comments on the proposed rulemaking through 11/14/16: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an emergency amendment to Medical Payment (89 IAC 140; 40 Ill Reg 13677) effective 9/16/16 for a maximum of 150 days. The emergency rule implements Public Act 99-516, which expands ACA Access Payments to hospitals for services to ACA Adults (persons ages 19-64 who became eligible for Medicaid

under the federal Affordable Care Act) to include ACA Adults enrolled in Medicaid managed care organizations. (Previously, hospitals received these payments only for ACA Adults enrolled on a fee-for-service basis.) The emergency rule also increases the hospital assessment for State fiscal years 2016, 2017 and 2018 if ACA Access Payments exceed \$450 million annually. The increased assessment will fund the State's share of these payments.

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

130. This rulemaking replaces an emergency rule (40 Ill Reg 7478) that was adopted 4/26/16. The rulemaking adopts the ethanol fuel standards found in the 2016 (formerly 2013) edition of NIST Handbook 130 but rejects NIST's 5/1/16 expiration date for the vapor pressure exceptions. Businesses that sell ethanol blended motor fuels are affected.

Questions/requests for copies: Susan Baatz, DOA, State Fairgrounds, P.O. Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

■ DEER SALVAGE PERMITS

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part titled Salvage Permits for Deer (17 IAC

750; 40 Ill Reg 8690) effective 9/13/16 removing the option to report possession of a road-killed deer by telephone; reports must now be submitted via the DNR website. Once a report is made, the individual making the report will be issued a Report ID, which must be kept with the remains until they are consumed or no longer possessed. A Report ID must be provided to law enforcement upon request. The rulemaking also provides that a salvage tag will no longer be required for road-killed deer, but if the deer is taken to a taxidermist, tanner or meat processor, the business must document the Report ID. Salvage tags will still be required for

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Proposed Rulemakings

■ UNCLAIMED PROPERTY

The OFFICE OF THE TREASURER proposed an amendment to the Part titled Uniform Disposition of Unclaimed Property Act (74 IAC 760; 40 Ill Reg 13538) that simplifies and expedites the claims process for unclaimed property turned over to the State. The rulemaking allows claims to be filed online or via a written form prescribed by the Treasurer; requires claimants to prove ownership of the claimed property by a preponderance of the evidence; and requires claimant signatures to be notarized or guaranteed when the claimed property is valued at more than \$500 (currently, more than \$100). A claim is considered complete when all information and documentation requested by the Treasurer has been received and entered into the Treasurer's unclaimed property system; once a claim is complete, the Treasurer must issue a decision within 90 days. Claims for two-party checks will no longer require a surety bond if the check amount is \$500 or less, the original check is missing or destroyed, and the issuer no longer has sufficient records to identify the owner. Finally, no person or company may claim a fee for discovering abandoned property unless it has been in the Treasurer's custody for at least 24 months. Small businesses, local governments, and non-profits that claim or report unclaimed property may be affected by this rulemaking.

Questions/requests for copies/comments through 11/14/16: G. Allen Mayer, Illinois State Treasurer's Office, 219 State House, Springfield IL 62706, 217/557-2673.

TURKEY HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to The Taking of Wild Turkeys – Spring Season (17 IAC 710; 40 Ill Reg 13527) establishing uniform Statewide hunting season dates for the 2017 spring youth turkey hunt (March 25-26 and April 1-2 in both the northern and southern zones).

Questions/requests for copies/comments through 11/14/16: Dan Nelson, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Hospital Services (89 IAC 148; 40 Ill Reg 13504) and Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 IAC 149; 40 Ill Reg 13522) that change the payment methodology for inpatient acute care services at large public hospitals from cost-based per diem payments to the APR-DRG methodology for dates of discharge on or after 1/1/16. The Part 149 amendments also clarify that the payment rate for inpatient

services provided by non-cost reporting hospitals applies only to non-transplant services.

Questions/requests for copies/comments on the 2 HFS rulemakings through 11/14/16: Mollie K. Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

■ AIR POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Permits and General Provisions (35 IAC 201; 40 Ill Reg 13545) and Definitions and General Provisions (35 IAC 211; 40 Ill Reg 13580). The Part 201 amendments implement a permit by rule (PBR) program for small emission sources that do not require a full IEPA construction permitting process, and also implement specific PBR requirements for small boilers. The amendment to Part 211 adds a definition of "pipeline natural gas" consistent with federal regulations.

Questions/requests for copies/comments on the 2 PCB rulemakings through 11/14/16: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Comments may also be filed electronically through the Clerk's Office On-Line at www.ipcb.state.il.us. Please reference docket R17-09.

New Rules

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possession of deer that have been killed by means other than a vehicle collision or legal hunting. Also, permission to transport salvaged deer will not be granted to persons who are delinquent in child support payments. Taxidermists, tanners and meat processors who process salvaged deer are affected.

■ BOW HUNTING

DNR also adopted amendments to Crossbow and Standing Vehicle Hunting Authorizations (17 IAC 760; 40 Ill Reg 8545) effective 9/13/16 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 of the 2 DNR rulemakings: Part 750, Anne Mergen; Part 760, Daniel Nelson, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

SCHOOL ADMINISTRATORS

The STATE BOARD OF EDUCATION adopted amendments to Programs for the Preparation of Principals in Illinois (23 Ill Adm Code 30; 40 Ill

Reg 6743) effective 9/15/16 broadening the type of staff eligible to mentor principal candidates and updating a cross-reference to 23 Ill Adm Code 25. SBE also adopted an amendment to Programs for the Preparation of Superintendents in Illinois (23 Ill Adm Code 33; 40 Ill Reg 6752) effective 9/15/16 updating a cross-reference to 23 Ill Adm Code 25. School districts will be affected by these rulemakings.

Questions/requests for copies of the 2 SBE rulemakings: Lindsay Bentivegna, SBE, 100 N. 1st St, S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

FOSTER CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to Service Appeal Process (89 IAC 337; 39 Ill Reg 12658) effective 9/18/16 that clarify the effect of certain juvenile court decisions upon the DCFS foster care placement appeal process. The rulemaking states that if a juvenile court determines current foster care placement to be “necessary and appropriate” for a particular child, that determination does not constitute a ruling on the merits of any appeal filed by a former foster parent or relative caregiver concerning placement of the child. Other amendments replace the term Child and Youth Investment Team (CAYIT) with Clinical Intervention for Placement Preservation (CIPP).

Changes since 1st Notice update the definitions of CIPP, relative, step-grandparents, and fictive kin to reflect an intervening adopted rulemaking.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe, Station 65-D, Springfield IL 62701-1498, 217/524-1983, fax 217/557-0692, TTY 217/524-3715, e-mail: cfpolicy@idcfs.state.il.us

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Extensions of Jurisdiction (80 IAC 305; 40 Ill Reg 5749) effective 9/13/16 extending Personnel Code jurisdiction B (merit and fitness rules) to the Sign Hanger and Sign Hanger Foreman job classifications, in accordance with a Memorandum of Understanding between CMS and the International Brotherhood of Teamsters. Since 1st Notice, CMS has removed extension of jurisdictions A and C to the affected classifications and removed an effective date of 12/9/13 from the rulemaking.

Questions/requests for copies: Kelly Weston, CMS, 720 Stratton Building, Springfield IL 62706, 217/524-7518.

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 October 11, 2016 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF REVENUE

Income Tax (86 IAC 100; 40 III Reg 7297) proposed 5/13/16

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 40 III Reg 10137) proposed 7/29/16

Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 40 III Reg 9332) proposed 7/15/16

WORKERS' COMPENSATION COMMISSION

Freedom of Information Act (Repealer) (2 IAC 2026; 40 III Reg 10149) proposed 7/29/16

Access to Records of the Workers' Compensation Commission (2 IAC 2026; 40 III Reg 10168) proposed 7/29/16

Electronic Filing (50 IAC 9015; 40 III Reg 10191) proposed 7/29/16

Pre-Arbitration (50 IAC 9020; 40 III Reg 10199) proposed 7/29/16

Arbitration (50 IAC 9030; 40 III Reg 10221) proposed 7/29/16

Review (50 IAC 9040; 40 III Reg 10237) proposed 7/29/16

Oral Arguments (50 IAC 9050; 40 III Reg 10252) proposed 7/29/16

Judicial Review (50 IAC 9060; 40 III Reg 10256) proposed 7/29/16

Settlement Contracts and Lump Sum Petitions (50 IAC 9070; 40 III Reg 10260) proposed 7/29/16

Disciplining of Attorneys; Agents (50 IAC 9090; 40 III Reg 10268) proposed 7/29/16

Insurance Regulations (50 IAC 9100; 40 III Reg 10272) proposed 7/29/16

Miscellaneous (50 IAC 9110; 40 III Reg 10307) proposed 7/29/16

Joint Committee on Administrative Rules

Senator Bill Brady
Senator Karen McConnaughay
Senator Don Harmon
Senator Tony Muñoz
Senator Ira Silverstein
Senator Chuck Weaver

Representative Tom Demmer
Representative Greg Harris
Representative Lou Lang
Representative André Thapedi
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Vicki Thomas
Executive Director