

*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

### ■ DUAL CREDIT COURSES

The ILLINOIS COMMUNITY COLLEGE BOARD adopted amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 40 Ill Reg 6923) effective 9/29/16 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. (Formerly, only full-time or adjunct faculty employed by the college could 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 and appropriate, recognizable credentials in their

field. High school students who demonstrate readiness for college level work (formerly, 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

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degree-granting) Illinois institutions or count towards an ICCB-approved associate degree or certificate program. The rulemaking also updates statutory citations and an incorporation by reference. This rulemaking may affect high school students and counselors, community colleges and other colleges/universities.

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## Proposed Rulemakings

### VOTER REGISTRATION

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Voter Registration Program (89 IAC 512; 40 Ill Reg 14012), clarifying certain aspects of procedures through which DHS staff, in accordance with federal law, must offer clients of public assistance or disability programs the opportunity to register to vote if they are not already registered. DHS staff must inform clients of their right to complete, or decline to complete, a voter registration application and offer clients assistance in completing the form if they desire it. No action may be taken to encourage or discourage a client from registering, and clients must not be led to believe that their decision for or against registering will affect the availability of services or

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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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Questions/requests for copies: Matt Berry, ICCB, 401 East Capitol Avenue, Springfield IL 62701-1711, 217/785-7411, [matt.berry@illinois.gov](mailto:matt.berry@illinois.gov).

## TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 40 Ill Reg 6770) effective 9/28/16. First, the definitions of "amounts earned by a member" and "gainful employment" are being revised to clarify that amounts contributed to a tax deferred retirement plan or other similar account do not reduce a benefit recipient's earned income for gainful employment purposes. Prescribed earned amounts earned outside of a recipient's disability payment impose a ceiling on outside income earned by a recipient in order to still be entitled to disability income. Also, a new Subpart R is added to address Tier II members (those who began working on or after 1/1/11) regarding disability benefits, determination of a member's final average salary, and calculation of a member's disability retirement annuity. Salary limitations on Tier II members for purposes of contributions shall be applied without regard to whether a member has earnings in a reciprocal pension system. Changes since 1<sup>st</sup> Notice clarify the caps on gainful employment

income as well as references to the Illinois Pension Code.

Questions/requests for copies: Cynthia M. Fain Grey, TRS, 2815 W. Washington, PO Box 19253, Springfield IL 62794-9253, 217/753-0375.

## ■ STATE PAYMENTS

The COMPTROLLER adopted amendments to the Part titled Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 IAC 330; 40 Ill Reg 7519) effective 9/28/16, implementing statutory changes. (The actual rule text appeared in the 10/7/16 *Illinois Register* at 40 Ill Reg 13831, effective 9/26/16, in the form of amendments to 74 IAC 900 adopted by CMS.) The rulemaking imposes Prompt Payment Act interest penalties upon unpaid bills from State vendors beginning 90 days (currently, 60 days) after the bill is received, for bills payable from funds appropriated after 12/28/12. Also, 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 and are subject to interest penalties. Local governments and small businesses with State contracts are affected.

Questions/requests for copies: Alissa Camp, Office of the Comptroller, 325 W. Adams St., Springfield IL 62704, 217/782-6000, fax: 217/558-5123.

## HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD adopted amendments to Health Facilities and Services Financial and Economic Feasibility Review (77 IAC 1120; 39 Ill Reg 13566) effective 9/27/16 that update and clarify financial and economic feasibility standards. HFSRB adds a definition for "audit" to clarify that an independent certified public accountant must perform audits of financial reports referenced in this Part. Also added is a requirement that applicants submit their current bond rating and most recent audited financial statement, if applicable, so that Board members can review applications based on up-to-date financial information. The rulemaking updates financial and economic review standards for new construction and modernization costs per gross square foot for end stage renal disease centers and ambulatory surgery treatment centers to reflect 2015 data and removes the cost complexity index criteria that were previously applied to hospital projects to be more consistent with industry practice. Changes since 1<sup>st</sup> Notice further clarify the definition of an audit and the circumstances under which financial statements and current bond ratings must be submitted. They also clarify that this Part does not apply to exemption applications or to

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# Proposed Rulemakings

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benefits. The rulemaking provides that voter registration applications sent from DHS offices will be identified by a confidential office number assigned by a deputy registrar, in order to preserve the privacy of persons who register to vote in this manner. Clients of State-operated residential mental health facilities must register using their last address prior to admission (not the address of the facility). Clients who miss the traditional registration deadline (28 days prior to an election) may still be registered through election day utilizing the grace period provided in the Election Code.

Questions/requests for copies/comments through 11/28/16: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## ■ STD TREATMENT

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Control of Sexually Transmissible Infections Code (77 IAC 693; 40 Ill Reg 14020) expanding the definition of a health care professional to include licensed physician assistants, advanced practice nurses (currently, only PAs and APNs who have delegations or collaborative agreements with a physician) and individuals

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## DOC Public Hearing

### PRISON PROCEDURES

The DEPARTMENT OF CORRECTIONS will hold a public hearing on proposed amendments to Discipline and Grievances (20 IAC 504; 40 Ill Reg 8628) on **Wednesday, Oct. 19, from 11 a.m. to 1 p.m.** in the Auditorium of the Michael J. Howlett Building, Second and Edwards Streets, Springfield. The hearing concerns a DOC rulemaking published in the 7/1/16 *Illinois Register* that revises the standards for administration of discipline in order to reduce use of segregation and require consideration of mental health impact on offenders in discipline processes. Other changes included in this rulemaking affect

procedures for segregation, the levels of institutional privileges inmates receive based on behavior, and procedures for filing certain grievances. Persons wishing to provide oral testimony must send a written copy of their remarks to the agency contact person (listed below) no later than Tuesday, Oct. 18. Persons needing accommodation due to disability must contact DOC no later than Monday, Oct. 17.

Questions/requests for copies/comments concerning the public hearing or the proposed rulemaking: Echo Beekman, DOC, 1301 Concordia Ct., P.O. Box 19277, Springfield IL 62794-9277, 217/558-2200, ext. 6501, email: [echo.beekman@doc.illinois.gov](mailto:echo.beekman@doc.illinois.gov).

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## PCB Public Hearing

### ■ AIR POLLUTION

The POLLUTION CONTROL BOARD will hold a public hearing on 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) **Wednesday, Nov. 16, at 1 p.m.** at PCB's Chicago hearing room (Room 2-025, James R. Thompson Center, 100 W. Randolph) and its Springfield hearing room (Conference Room 1244N, 1021 N. Grand Ave. East). The hearing concerns proposed amendments to Part 201 that implement a streamlined permit

by rule (PBR) program for small emission sources, along with an amendment to Part 211 that adds a definition of "pipeline natural gas" consistent with federal regulations. Persons wishing to provide oral testimony must provide the hearing officer with a written copy of their remarks.

Questions/requests for copies/comments on the 2 PCB rulemakings or the public hearing: Jason James, Hearing Officer, PCB, 100 W. Randolph St., Ste. 11-500, Chicago IL 60601, 312/814-6929, [jason.james@illinois.gov](mailto:jason.james@illinois.gov). Please reference docket R17-09 for both rulemakings.

## Proposed Rulemakings

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certified by a state or local public health department to provide HIV testing and counseling. The rulemaking also clarifies the definition of partner services and the applicability of confidentiality rules to partner notification. Health care providers and agencies that offer testing or treatment for HIV and other sexually transmitted infections will be affected.

Questions/requests for copies/comments through 11/28/16: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

### TORTURE COMMISSION

The TORTURE INQUIRY AND RELIEF COMMISSION proposed amendments to Policy, Hearings and Forms (20 IAC 2000; 40 Ill Reg 14042) and Organization, Public Information, Procedures and Rulemaking (2 IAC 3500; 40 Ill Reg 14032) implementing Public Act 99-668. The Part 2000 amendments expand the definition of “claim of torture” to include any allegation of police torture through which a defendant was forced to confess to a crime that resulted in a felony conviction in a Cook County court. Amendments to Part 3500 declare automatically refiled, with their original submission dates, any cases that were rejected, dismissed or not referred to the Commission because they were not within the

Commission’s jurisdiction before PA 99-688 became law. (Originally, the Commission’s jurisdiction was limited to cases involving former Chicago Police Commander Jon Burge or officers under his authority.) A deadline of 8/10/19 for accepting new claim forms is also established. This rulemaking lists various factors that the Commission may consider when prioritizing cases, including whether or not the claimant is incarcerated solely for a crime linked to an allegedly tortured confession and the order in which the claim was filed. It also clarifies when and how alternate public members of the Commission may substitute for the three Public Member Commissioners (appointed members who are not attorneys, court employees, or court officers).

Questions/requests for copies/comments on the 2 proposed TIRC rulemakings through 11/28/16: Michelle Jenkins, Staff Attorney, TIRC, 100 W. Randolph St., Suite 10-300, Chicago IL 60601.

## Peremptory Rule

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### SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted peremptory amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 40 Ill Reg 14114) effective 10/1/16. The amendments implement federal Fiscal Year 2017 cost of living

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long-term care facility applications.

Questions/requests for copies: Jeannie Mitchell, HFSRB, 69 W. Washington Street, Suite 3501, Chicago IL, 60602, 312/814-6226, e-mail: [Jeannie.Mitchell@illinois.gov](mailto:Jeannie.Mitchell@illinois.gov).

### UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted a new Part titled Donations of Utilities (83 IAC 325; 40 Ill Reg 2088) effective 10/3/16. This Part sets out guidelines for utilities to report charitable contributions exceeding \$1,000 in the financial documents they submit to ICC when requesting rate increases.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

adjustments to income eligibility standards and to deductions for shelter and utility costs. Clients of the SNAP program are affected.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## JCAR Meeting Action

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At its 10/11/16 meeting, JCAR took the following action:

### **POSTPONEMENT**

JCAR and the State Universities Civil Service System postponed consideration of the rulemaking titled State Universities Civil Service System (80 IAC 250; 40 Ill Reg 7537), currently on extended Second Notice, until the 11/15/16 meeting. (The proposed rulemaking concerns procedures for universities to implement employee furloughs in lieu of layoffs when work stoppages are necessary for economic reasons.)

## Second Notices

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JCAR received no Second Notices this week.

## **Joint Committee on Administrative Rules**

**Senator Bill Brady**

**Representative Tom Demmer**

**Senator Karen McConnaughay**

**Representative Greg Harris**

**Senator Don Harmon**

**Representative Lou Lang**

**Senator Tony Muñoz**

**Representative André Thapedi**

**Senator Ira Silverstein**

**Representative Michael Tryon**

**Senator Chuck Weaver**

**Representative Keith Wheeler**

**Vicki Thomas  
Executive Director**