

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

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 40 Ill Reg 9024) effective 10/18/16 amending the definition of "person with significant influence or control" (PSIC) over a gaming licensee to include any person or entity that receives net terminal income under a contractual agreement, or that holds an option agreement to acquire an equity stake in a terminal operator licensee. (A PSIC is subject to more stringent disclosure and reporting requirements.) Since 1st Notice, IGB has clarified that its prohibition against a PSIC participating in gaming does not apply to licensed non-profit, fraternal or veterans' establishments unless the person directly manages the establishment's video gaming operation. Businesses that

receive income from video gaming terminals or have options to acquire an interest in a video gaming business are affected by this rulemaking.

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

Emergency Rule, Page 3

■ HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 40 Ill Reg 9943) effective 10/18/16 setting a start date of July 1 for accepting applications for permit reservations on public/private partnership lands (Silver

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Proposed Rulemakings

■ TOBACCO PRODUCTS

The OFFICE OF THE ATTORNEY GENERAL proposed amendments to Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 (14 IAC 250; 40 Ill Reg 14817) adding methods by which tobacco product distributors may receive notice when products or brands are added to, or removed from, the directories maintained by the AG for purposes of tracking monies due to the State's tobacco settlement fund. (Distributors are required to report their sales to the AG every quarter.) Notices may be received by electronic mail, fax or via publication on the AG's website. Distributors who have e-mail accounts must provide their e-mail addresses to the AG. Tobacco product distributors are affected by this rulemaking.

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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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Springs, Ramsey Lake, Horseshoe Lake and Chain O'Lakes State Parks). The start date for accepting permit applications for other State parks and areas operated by DNR is the first Monday of August. Other changes allow hunters under age 18 (formerly, under age 16) to participate in youth hunting days without paying a permit fee; establish separate fee schedules for controlled pheasant hunting permits on standard hunting days and on special non-standard hunting days; and replace fixed fees for pheasant hunting permits with fee ranges (e.g. between \$30 and \$40 for a resident 2-pheasant permit, instead of \$33). Other site-

specific changes in hunting days and hours are made. A change since 1st Notice clarifies the effect that lease agreements with concessionaires at these sites may have upon hunting permit fees.

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

■ EARLY CHILDHOOD ED

The STATE BOARD OF EDUCATION adopted amendments to Early Childhood Block Grant (23 IAC 235; 40 Ill Reg 6758) effective 10/24/16 establishing standards for block grants for training, technical assistants and high-quality

supports and programs for web-based services. Standards include criteria for eligible applicants, application procedures, review of programs and grant terms. Changes since 1st Notice clarify intended uses for these grants, include program leaders among those who may receive web-based services, clarify which materials must be in languages other than English, that proposed activities must be evidence-based, and that for-profit institutions are eligible to receive grants. School districts will be affected by this rulemaking.

Questions/requests for copies: Lindsay Bentivegna, SBE, 100 N. 1st St, S-493, Springfield IL 62777-0001, 217/782-5270.

Proposed Rulemakings

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Questions/requests for copies/comments through 12/19/16: Marilyn Kueper, OAG, 500 S. Second St., Springfield IL 62706, 217/785-8541.

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Assistance Programs (89 IAC 120; 40 Ill Reg 14982) allowing persons who receive Medicaid coverage under a federal waiver for medically fragile technology dependent children to remain eligible past their 21st birthdays

if they are waiver participants on the day before they turn 21.

HOSPITALS

DHFS also proposed an amendment to Medical Payment (89 IAC 140; 40 Ill Reg 14999) implementing Public Act 99-516. (An identical emergency rule, effective 9/16/16 for a maximum of 150 days, was published at 40 Ill Reg 13677.) The PA and this amendment expand 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 rulemaking 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/comments on the 2 HFS rulemakings through 12/19/16: Mollie K. Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

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Proposed Rulemakings

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ELECTRIC SUPPLIERS

The ILLINOIS COMMERCE COMMISSION proposed amendments to Obligations of Retail Electric Suppliers (83 IAC 412; 40 Ill Reg 14931) and Internet Enrollment Rules (83 IAC 453; 40 Ill Reg 14971), expanding consumer protections for RES customers. The rulemakings restrict misleading advertising by RES representatives, strengthen requirements for third-party verification of RES enrollment, and standardize contract content and plan/price descriptions. Both rulemakings are in ICC Docket 15-0512.

GAS PIPELINES

ICC also proposed amendments to Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 IAC 590; 40 Ill Reg 14978; ICC Docket 16-0487) updating its incorporation by reference of federal pipeline safety standards, including a new requirement that pipeline operators submit geospatial data for inclusion in the National Pipeline Mapping System.

Questions/requests for copies/comments on the 2 ICC rulemakings through 12/19/16: Elizabeth Rolando, Chief Clerk, ICC, 527 East Capitol Avenue, Springfield IL 62701; 217/782-7434. Please reference the applicable docket(s) in your comment. Copies of these rulemakings and related ICC

Emergency Rule

■ DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted an emergency amendment to an emergency rule titled Developmental Disabilities Services (89 IAC 144; 40 Ill Reg 15181) effective 10/19/16. A companion proposed amendment appears in this week's *Illinois Register* at 40 Ill Reg 15040. This emergency amendment makes a change to an earlier emergency rule (40 Ill Reg 14366), effective 10/7/16, for the remainder of that emergency rule's 150 day term. The amendment lowers from 60% to 50% the percentage of Medical

Level III (highest medical need) residents that an Intermediate Care Facility for the Developmentally Disabled (ICF/DD) must have in order to qualify for enhanced per diem payments under this Part. The companion proposed rulemaking contains this provision as well as a provision from the earlier emergency rule increasing adjustment factors used to calculate the per diem rate.

Questions/requests for copies/comments on the proposed rulemaking through 12/19/16: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

documents, transcripts and public comments can also be found by searching for the docket number in the e-Docket box at <https://icc.illinois.gov>.

■ AED GRANTS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Heartsaver AED Grant Code (77 IAC 530; 40 Ill Reg 15124) implementing Public Acts 99-246 and 99-501, which add sheriff's offices, municipal police departments and public libraries to the entities eligible to apply for a matching Heartsaver AED Fund grants. This rulemaking also updates the grant application process to provide for electronic submission of application forms.

Questions/requests for copies/comments through 12/19/16: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

■ DSP REPEALERS

The DEPARTMENT OF STATE POLICE proposed the repeal of the following 4 Parts: Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act (83 IAC 726; 40 Ill Reg 15047); Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency

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Proposed Rulemakings

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Telephone System Act (83 IAC 727; 40 Ill Reg 15063); Standards of Service Applicable to Wireless 9-1-1 Emergency Systems (83 IAC 728; 40 Ill Reg 15079) and Administration of Funds Created by the Wireless Emergency Telephone Safety Act (83 IAC 729; 40 Ill Reg 15099). These Parts, originally adopted by the Interstate Commerce Commission (whose rulemaking authority over 9-1-1 emergency service standards was transferred to DSP effective 1/1/16), have been replaced by DSP rules at 83 IAC 1325, 1326, 1328 and 1329.

Questions/requests for copies/comments on the 4 DSP rulemakings through 12/19/16: Matthew R. Rentschler, DSP, 801 S. 7th St., Ste. 1000-S, Springfield IL 62703, 217/782-7658.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 40 Ill Reg 14827) making various updates and corrections. Four new job titles (gaming operations supervisor, gaming shift supervisor, gaming unit supervisor, public safety screening drug specialist) with corresponding bargaining unit pay grades are added in accordance with two memoranda of understanding between CMS and AFSCME. The merit compensation system (MS) title list and salary ranges are updated to include three recently added titles (juvenile justice school counselor, public safety screening drug specialist, and special education resources coordinator) and to correct the salary range assigned to two

other titles (educator – career and technical and educator – career and technical provisional). Other amendments remove obsolete in-hire rates from the Engineering Technician II, III and IV titles represented by a Teamsters bargaining unit, correct the effective date and salary ranges for that bargaining unit’s rate table, and revise existing rule language in various Sections for consistency with Illinois Administrative Code standards and Pay Plan definitions.

Questions/requests for copies/comments through 12/19/16: Jason Doggett, CMS, 504 William G. Stratton Bldg. Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov

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
Representative Michael Tryon
Representative Keith Wheeler

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 November 15, 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 HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 40 Ill Reg 6936) proposed 5/6/16

Medical Payment (89 IAC 140; 40 Ill Reg 9909) proposed 7/22/16

Hospital Reimbursement Changes (89 IAC 152; 40 Ill Reg 6966) proposed 5/6/16

IL STUDENT ASSISTANCE COMMISSION

Illinois Prepaid Tuition Program (23 IAC 2775; 40 Ill Reg 12942) proposed 9/9/16

DEPT OF PUBLIC HEALTH

Regional Poison Control Center Code (77 IAC 215; 40 Ill Reg 11115) proposed 8/19/16

Automated External Defibrillator Code (77 IAC 525; 40 Ill Reg 11131) proposed 8/19/16

Compassionate Use of Medical Cannabis Patient Registry (77 IAC 946; 40 Ill Reg 10751)
proposed 8/12/16

TEACHERS' RETIREMENT SYSTEM

The Administration and Operation of the Teachers' Retirement System
(80 IAC 1650; 40 Ill Reg 9146) proposed 7/8/16