

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

■ MEDICAL PAYMENTS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Practice in Administrative Hearings (89 IAC 104; 40 Ill Reg 9900), effective 3/30/17, regarding the appeal process for ambulance providers whose payments have been denied or reduced, or who have been barred, terminated or suspended from enrollment as medical assistance providers. The amendments remove references to "ground" ambulance service providers; extend from 30 to 60 days the time limit for HFS to schedule an appeal hearing after a provider has been notified of denial, termination, suspension or exclusion from participation in the Medical Assistance Program; and provide that appeal hearings will be conducted de novo (presenting the entire case as if

for the first time). Documentary evidence will no longer be limited to documents submitted to HFS for review prior to the hearing. Any documentation supporting medical necessity will be accepted whether or not it has been previously submitted. Changes since 1st Notice clarify the distinction between an informal review of a request for an appeal and an actual appeal. Ambulance service providers are affected by this rulemaking.

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

■ FORESTRY

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Parts titled Forestry Development Cost-Share Program (17 IAC 1536; 40

Ill Reg 16645) and Forest Management Plan (17 IAC 1537; 40 Ill Reg 16680), both effective 3/31/17, to overhaul its forestry program. Both rulemakings phase out enrollment of plots smaller than 10 acres. The Part 1536 rulemaking adds new Sections concerning timber stand improvement; pruning hardwood crop trees; forestry best management practices; and allowable costs and procedures for invasive and exotic species control. Amendments to Part 1537 repeal the 10 year projected harvest schedule and repeal Sections concerning reforestation and afforestation; forest regeneration; soil and water conservation goals; forest wildlife habitat enhancement; protection measures; estimates of practice costs; forest management plan approval; annual review process; and amended plans.

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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

(cont. from page 1)

This rulemaking adds new Sections concerning: certification forms; goals and objectives; soil information; stand practices; conservation opportunities, constraints and concerns; plan review; and the cancellation process. Since 1st Notice, DNR has added grandfathering provisions to Part 1537 (for parcels of less than 10 acres that were enrolled in the program prior to 2009 and have continuously participated) for consistency with Part 1536. Landowners enrolled in the forestry program are affected.

Questions/requests for copies of the 2 DNR rulemakings: Javonna Ackerman, DNR, One Natural

Resources Way, Springfield IL 62702-1271, 217/782-1809.

HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to Programs (11 IAC 415; 40 Ill Reg 16095) Race Track Operators and Their Duties (11 IAC 1305; 40 Ill Reg 16099), Race Officials (11 IAC 1306; 40 Ill Reg 16103), Regulations and Meetings (Thoroughbred) (11 IAC 1424; 40 Ill Reg 16108), and Admissions and Credentials (11 IAC 1428; 40 Ill Reg 16113), all effective 4/7/17. The Part 415 rulemaking merely makes technical changes to restructure the Section. Amendments to Parts 1305 and 1424 remove the requirement that the locked box containing emergency medication be stored

in the State Veterinarian's office in the detention barn. Since 1st Notice, IRB has clarified that the box must remain under the veterinarian's continuous, direct supervision. The Part 1306 amendment removes obsolete language from the rule. The Part 1428 amendments clarify that admission tax payments are due on either Monday or Tuesday (formerly, on Thursday) after the close of the prior Sunday to Saturday week. A change since 1st Notice also clarifies how to report admissions and admission taxes payable.

Questions/requests for copies of the 5 IRB rulemakings: Mickey Ezzo, IRB, 100 W. Randolph St., Ste. 5-700, Chicago IL, 60601, 312 / 814 - 5017, Mickey.ezzo@illinois.gov.

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 May 9, 2017 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 16464) proposed 12/30/16

DEPT OF INSURANCE

Accident Health Reserves (50 IAC 2004; 40 Ill Reg 16504) proposed 12/30/16

DEPT OF PUBLIC HEALTH

Laboratory Services Fees (77 IAC 475; 40 Ill Reg 9325) proposed 7/15/16

DEPT OF REVENUE

Income Tax (86 IAC 100; 41 Ill Reg 2025) proposed 2/17/17