

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

■ DD FACILITIES

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Administration of Medication in Community Settings (59 IAC 116; 40 Ill Reg 8512), effective 5/26/17, concerning administration of medication to developmentally disabled persons who reside in DHS-funded or licensed community settings (e.g., small group homes), or in Department of Public Health-licensed Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) with 16 or fewer licensed beds. The rulemaking permits trained direct care staff of these DD facilities to administer injectable insulin to diabetic residents via insulin pens prefilled by the manufacturer. It also permits authorized staff who have completed the prescribed training to administer epinephrine by auto-injector in

cases of serious allergic reactions, and to administer medications through enteral tubes. The rulemaking revises DHS' rules for nurse-trainers (registered professional nurses who train non-licensed direct care staff to administer medication). Nurse-trainers and the master nurse-trainers who train them

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must hold unencumbered Illinois licensure as registered professional nurses and must have at least one year (currently, two years) clinical registered professional nursing experience within the past 5 years, preferably in the field of developmental disabilities. Nurse-trainers also must have understanding and

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Proposed Rulemakings

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 41 Ill Reg 6436) that codify historical and current statutes establishing the amount of the standard personal exemption for taxpayers, the amount of additional exemptions for the blind and elderly, and the application of the cost-of-living adjustment to the standard exemption in future years. References to a 3% individual income tax rate (in effect prior to 2011) are removed and replaced with generic language. Finally, an exclusion is provided for net income and tax attributable to Illinois when the combined apportionment method does not adequately portray income and tax for a corporation is unitary with the partnership.

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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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knowledge of the health history and mental status of the individual residents for whom they train non-licensed staff to administer medication. The rulemaking adds provisions and criteria for DHS to revoke a nurse-trainer's status, along with a notification and appeal process for nurse-trainers who wish to contest a revocation. The rulemaking permits authorized staff to administer insulin by prefilled pen provided they complete a DHS-approved training program and consult with their nurse-trainer before administering insulin based on the results of a blood glucose test. Authorized staff may not attempt to calculate insulin dosages based on the results of blood glucose tests. Additional training is required whenever a resident's medication or dosage changes, or a new individual who requires medication enters the facility. Other provisions in this rulemaking address individual medication administration records; procedures for administering medication intended to be taken as needed; administration of non-prescription medication and over the counter non-drug products; and self-administration of medication by residents deemed competent to do so. Since 1st Notice, DHS has clarified its requirement that 2 epinephrine auto-injectors be kept "in close proximity" to a resident who may need them at all times and has also clarified other provisions.

Emergency Rule

■ BILINGUAL EDUCATION

The STATE BOARD OF EDUCATION adopted emergency amendments to the Part titled Transitional Bilingual Education (23 IAC 228; 41 Ill Reg 6687) effective 5/24/17 for a maximum of 150 days. Companion proposed amendments appear in this week's *Illinois Register* at 41 Ill Reg 6472. The emergency and proposed amendments change the screening instrument used for obtaining a baseline assessment for potential English Learners in

the second semester of grade 1 and grades 2 through 12. The MODEL screening instrument will now only be used for kindergarten and the first semester of grade 1. School districts with transitional bilingual education programs will be affected by these rulemakings.

Questions/requests for copies/comments on the proposed rulemaking through 7/24/17: Lindsay Bentivigna, SBE, 100 N. First St. S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

DHS also adopted an amendment to Administrative Hearings (89 IAC 508; 40 Ill Reg 8541,) effective 5/26/17, that cross-references 59 IAC 116 and adds it to the list of Parts to which the DHS hearing rules in 89 IAC 508 apply. Staff and agencies who operate residential facilities for the developmentally disabled are affected by these rulemakings.

rulemaking reflect updated practices regarding notification of victims or their guardians and elimination of the report submission timeframe.

Questions/requests for copies of the 3 DHS rulemakings: Tracie Drew, DHS, 101 S. Grand Ave. East, 3rd Floor, Springfield IL 62762, 217/785-9772.

■ ABUSE INVESTIGATION

DHS also adopted amendments to Office of the Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 41 Ill Reg 2305), effective 5/26/17, that reflect the discontinuation of the OIG's Community Agency Investigative Protocol program. Other provisions of this

■ FIREFIGHTERS

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to Policy and Procedures Manual for Fire Protection Personnel (41 IAC 141; 40 Ill Reg 15482) effective 8/1/17, updating firefighter certification requirements to match those of the National Fire Protection Association. The

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Proposed Rulemakings

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Questions/requests for copies/comments through 7/24/17: Brian Stocker, DOR, 101 W. Jefferson St, Springfield IL 62796, 217/ 782-2844.

■ TURKEY HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to The Taking of Wild Turkeys –Spring Season (17 IAC 710; 41 Ill Reg 6427) that replace the 4th lottery drawing for seasonal hunting permits with an over the counter (OTC) sales system after the 3rd lottery. Any applications or fees received by DNR after 2/8 (the cutoff date for the 3rd lottery) will be rejected and returned. The rulemaking also removes the DNR toll-free number for permit sales and directs sales to the DNR online site. OTC permit procedures and policies are also outlined, and individuals are limited to 3 turkey permits including landowner/tenant permits.

Questions/requests for copies/comments through 7/24/17: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

ELECTIONS

The STATE BOARD OF ELECTIONS proposed an amendment to Procedures for Implementing the Electronic

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HFS Public Hearing

■ MEDICAL EQUIPMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES will hold a public hearing on proposed amendments to Medical Payment (89 IAC 140; 41 Ill Reg 3098) on **Wednesday, June 21, from 10 a.m. to noon** at the Prescott Bloom Building, 201 S. Grand Avenue East, Springfield. The hearing concerns a rulemaking published in the 3/17/17 *Illinois Register* implementing Public Act 99-895, which affects Medicaid billing for

medical equipment, supplies, and prosthetic/orthotic devices. Persons wishing to provide oral testimony must provide a written copy of their remarks and each speaker will be limited to 3 minutes. Those affected by this rulemaking include providers of medical equipment and supplies.

Questions concerning the rulemaking or the public hearing: Office of General Counsel, HFS, 401 Clinton St., Chicago IL 60607, e-mail: HFS.Rules@illinois.gov

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 41 Ill Reg 6695) effective 5/24/17, implementing two collective bargaining agreements. The rule implements an annual update to prevailing-wage-based pay rates for boiler safety specialists and boiler safety audit specialists employed in the Northern Region and represented by the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers. Under the State's current contract with the Boilermakers, pay rates for boiler safety employees are based upon prevailing wages for each region

(an earlier peremptory rule implemented rates for the Central and Southern regions), the employee's hiring date, the employee's applicable pension formula (if hired prior to 12/1/13), and, for certain Department of Corrections employees, a maximum security pay adjustment. This peremptory rule also implements a memorandum of understanding with AFSCME assigning the position of museum theater systems technician at the Historic Preservation Agency to an AFSCME bargaining unit.

Questions/requests for copies: Jason Doggett, CMS, 503 Stratton Bldg., Springfield IL 62706, 217/524-1055, fax 217/558-4497, e-mail: CMS.PayPlan@illinois.gov

New Rules

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rulemaking updates certification levels and equivalency determination procedures for non-approved and out-of-State courses; eliminates obsolete bypass exam procedures; establishes a web-based scheduling system for course times, locations and instructors; and establishes an approval process for test facilities and proctors that administer State written exams.

Questions/requests for copies: Cindy R. Baum, OSFM, 1035 Stevenson Drive, Springfield IL 62703-4259, 217/785-4212, fax 217/524-5487.

HORSE RACING

The ILLINOIS RACING BOARD repealed 5 Parts: Supertrifecta Exchange (11 IAC 310; 41 Ill Reg 1986), Hi/Low (11 IAC 313; 41 Ill Reg 1994), Show Quinella (11 IAC 316; 41 Ill Reg 1999), Countdown (11 IAC 317; 41 Ill Reg 2004), and WPS Pick (N) (11 IAC 323; 41 Ill Reg 2012), all effective 5/25/17. These Parts contained rules for obsolete pari-mutuel wagers. IRB also adopted an amendment to General Licensee Rules (11 IAC 1313; 41 Ill Reg 2021) effective 5/25/17, eliminating a requirement that harness horses in stakes races be in the paddock by noon on race day. Finally, effective 5/25/17, IRB repealed the Part titled Access to Public Records of the Illinois Racing Board (2 IAC 2251; 41 Ill Reg 1958) and adopted amendments

to the Part now titled Public Requests and Rulemaking (2 IAC 2250; 41 Ill Reg 1952) that incorporate related provisions of Part 2251.

Questions/requests for copies of the 8 IRB rulemakings: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 5-700, Chicago IL 60601, 312/814-5017, Mickey.ezzo@illinois.gov

LABOR RELATIONS BOARD

The ILLINOIS LABOR RELATIONS BOARD adopted amendments to General Procedures (80 IAC 1200; 40 Ill Reg 14568) effective 5/26/17, updating the address of the Board's Springfield office and clarifying that when the first day of a time period for an action falls on a Saturday, Sunday or legal holiday, the time period does not begin until the next business day.

Questions/requests for copies: Anna Hamburg-Gal, ILRB, 160 N. LaSalle St., Ste. 400, Chicago IL 60601, 312/793-6380, Anna.Hamburg-Gal@Illinois.gov

PUBLIC INFORMATION

The ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY adopted a new Part titled Access to Records of the Illinois Criminal Justice Information Authority (2 IAC 1755; 41 Ill Reg 6481) effective 7/1/17. The new Part establishes Freedom of Information Act (FOIA) procedures and contact

information for persons seeking public records from the agency.

Questions/requests for copies: Simeon Kim, ICJIA, 300 W. Adams St., Suite 200, Chicago IL 60606, 312/793-0449, simeon.kim@illinois.gov

The HEALTH FACILITIES AND SERVICES REVIEW BOARD adopted amendments to Public Information Access, Rulemaking and Organization (2 IAC 1925; 41 Ill Reg 6502) effective 5/26/17, replacing a list of records exempt from disclosure under FOIA with cross references to the FOIA itself.

Questions/requests for copies: Jeannie Mitchell, HFSRB, 69 W. Washington St., Suite 3501, Chicago IL 60602, 312/814-6226, Jeannie.Mitchell@illinois.gov

No Second Notices This Week

Proposed Rulemakings

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Canvass (26 IAC 219; 41 Ill Reg 6474) correcting numbering errors in the Vote File Record Structure Table used when submitting electronic canvass results to the State Board.

Questions/requests for copies/comments through 7/24/17: Kenneth Menzel, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62708, 217/782-4141, fax: 217/782-5959, email: kmenzel@elections.il.gov