

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 ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 40 Ill Reg 16464), effective 6/15/17, implementing Public Act 99-621, which allows licensed clinical psychologists (LCPs) and licensed clinical social workers (LCSWs) to enroll as providers in the Medical Assistance Program. For dates of service on or after 1/1/17, these providers will be reimbursed for diagnostic and therapeutic services, including family and group psychotherapy, on a fee-for-service basis at 75% of the physician reimbursement rate. LCPs will also be permitted to prescribe medications provided they are licensed to do so and have a current written collaborative agreement with a licensed physician. Since 1st Notice, HFS removed "direct"

from a provision stating that practitioners may bill for services provided by them personally or under their "direct supervision".

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

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Acquisition of Control of a Domestic Company (50 IAC 651; 41 Ill Reg 312), Pre-Acquisition Notification (50 IAC 653; 41 Ill Reg 332) and Prior Notification of Dividends on Common Stock and Other Distributions (50 IAC 655; 41 Ill Reg 340), all effective 6/19/17, implementing changes in the National Association of Insurance

(cont. page 2)

Proposed Rulemakings

■ SALES TAX

The DEPARTMENT OF REVENUE proposed amendments to Retailers' Occupation Tax (86 IAC 130; 41 Ill Reg 7448) implementing Public Acts 97-335 and 98-974. Effective 1/1/12, persons who sell tangible personal property through vending machines and add new machines must contact DOR to request sub-certificates of registration for the new machines. With each request, the person must report the number of sub-certificates requested along with the total number of vending machines from which sales are made. Beginning 1/1/15, DOR must notify a taxpayer who is delinquent in paying the ROT or any other State, county or municipal tax 60 days (formerly 120 days) prior to the expiration of the taxpayer's ROT certificate

(cont. page 2)

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)

Commissioners (NAIC) Model Law Number 440, adopted in 2010. Amendments to Part 651, in addition to defining commonly used terms (e.g., Code (referring to the Insurance Code), Department and Director) and making technical amendments, add a severability Section providing that the remainder of the Part is not affected if a provision of this Part is held invalid. With regard to forms used to report acquisition of control of a domestic insurer, the

rulemaking authorizes the Director of DOI to request further information for clarification and allows documents already filed with the Department to be incorporated by reference. Provisions in current rule regarding filing of a Notice and Summary Statement are being repealed. New provisions pertaining to financial statements and exhibits of an acquiring party are prescribed. The Part 653 rulemaking adds definitions and a severability clause, updates statutory references, and allows

incorporation of required documents in reports filed with DOI. Amendments to Part 655 also implement provisions of Public Act 98-609, which altered statutory provisions governing insurance holding company systems to reflect changes made by the NAIC Model Law Number 440.

Questions/requests for copies of the 3 DOI rulemakings: Eric Moser, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217-557-3759.

Proposed Rulemakings

(cont. from page 1)

of registration that the certificate will not be automatically renewed until these obligations are met. The notification shall include amounts of penalty, interest and tax due.

Questions/requests for copies/comments through 8/14/17: Debra Boggess, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

■ VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 41 Ill Reg 7409) addressing shutdown and reactivation of video gaming terminals following an establishment's non-payment of renewal fees, loss of a liquor license, or tax delinquency. IGB will shut down terminals immediately upon

expiration of a video gaming license or loss of a liquor license, or upon notification from the Illinois Department of Revenue that an establishment is 100 days or more delinquent in payment of any obligation or debt to the State. To reactivate terminals, an establishment must pay a \$100 reactivation fee per terminal and resolve the situation that prompted the shutdown (i.e., pay the renewal fee in full, obtain a new liquor license, pay delinquent taxes in full or enter into a payment plan with DOR). Reactivation fees will be waived if IGB determines that video gaming terminals within a licensed location should not have been shut down. The rulemaking also clarifies that service of documents in person or by certified mail in licensing and disciplinary cases will be deemed complete if completed earlier than the 4-day period now specified in rule. Small

businesses and fraternal or veteran's organizations that hold video gaming licenses will be affected by this rulemaking.

Questions/requests for copies/comments through 8/14/17: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253, e-mail: James.pellum@igb.illinois.gov

■ HIGHER EDUCATION

The BOARD OF HIGHER EDUCATION proposed amendments to the Parts titled Dual Credit Courses (23 IAC 1009; 41 Ill Reg 7259), Program Review (Private Colleges and Universities) (23 IAC 1030; 41 Ill Reg 7266), Approval of New Units of Instruction, Research and Public Service at Public Institutions (23 IAC 1050; 41 Ill Reg 7319) and Private Business

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

and Vocational Schools (23 IAC 1095; 41 Ill Reg 7349). The proposed amendments to Part 1009 allow exceptions to the normal criteria (e.g., master's degree or 2,000 hours work experience with recognizable credentials) for faculty who have professional experience, equivalent training, or other qualifications to teach dual credit college transfer or career/technical courses. The other rulemakings address increased fee structure, complaint procedures and bad conduct on the part of a college, reciprocity agreement membership, and procedures to be followed when a private college is being shut down or going out of business. Those affected by these rulemakings include private colleges, vocational schools, and instructors of dual credit high school/college courses.

Questions/requests for copies/comments on the 4 BHE rulemakings through 8/14/17: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701-1377, 217/557-7358. Fax: 217/782-8548. email: helland@ibhe.org.

SCHOOL COUNSELORS

The STATE BOARD OF EDUCATION proposed an amendment to the Part titled Standards for School Support Personnel Endorsements (23 IAC 23; 41 Ill Reg 7467) implementing Public Act 98-413. The rulemaking allows licensed

marriage and family therapists to obtain a school support personnel endorsement and establishes the standards therapists must meet to obtain the endorsement.

AG EDUCATION

SBE also proposed amendments to the Part titled Agricultural Education Program (23 IAC 75; 41 Ill Reg 7481) implementing Public Act 99-826. The rulemaking creates a grant program for public school districts and area vocational education centers offering State-approved agricultural education programs to pay for teachers' additional work time beyond the time established in their collective bargaining contracts. The rulemaking covers application procedures, allocation of funds, reporting hours, and the terms of the grant.

Questions/requests for copies/comments on the 2 SBE rulemakings through 8/14/17: Lindsay Bentivigna, SBE, 100 N. First St. S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

PAWNBROKERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Licensing and Regulation of Pawnbrokers (38 IAC 360; 41 Ill Reg 7385). As part of a regulatory initiative, DFPR is removing its pawnbroker licensure and

renewal requirements from rule and directing interested parties to contact the Department or visit its website. Some information presently required of license applicants has been maintained (e.g., instead of a criminal history, applicants are required to furnish fingerprints for a criminal history background check, as well as personal history and experience in a form prescribed by DFPR or the Nationwide Mortgage Licensing System and Registry (NMLSR)). Nonrefundable license application fees are reduced from \$2,000 to \$1,000. Licenses issued after 6/30/17 shall expire on 12/31/18 rather than the present date of June 30. At the discretion of the Secretary of DFPR, all fees, forms and information prescribed by the Secretary shall be transmitted to NMLSR at its website. All licensing requirements for pawnshop managers are being repealed. The rule also provides that "in the event" the Secretary utilizes NMLSR, the license renewal period shall be between 11/1 and 12/31 of each year. A requirement that licensees must conspicuously display their pawnbroker's license is being repealed.

ARCHITECTS

DFPR proposed amendments to the Illinois Architecture Practice Act of 1989 (68 IAC 1150; 41 Ill Reg 7402) allowing architecture license applicants to certify by either electronic or written means

(cont. page 4)

Proposed Rulemakings

(cont. from page 3)

that they have read and understand the Act and the Part.

BANKS

DFPR also proposed an amendment to the Part titled Calculation, Assessment and Collection of Periodic Fees (38 IAC 375; 41 Ill Reg 7398), repealing a fee schedule that is statutorily established in Sec. 48.05 of the Illinois Banking Act.

Questions/requests for copies/comments on the 3 DFPR rulemakings through 8/14/17: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, fax: 217/557-4451.

MISSING PERSONS

The DEPARTMENT OF STATE POLICE proposed repeal of the Part titled Intergovernmental Missing Child Recovery Act (20 IAC 1325; 41 Ill Reg 7493) and proposed amendments to the Part titled Missing Person Notification (20 IAC 1291; 41 Ill Reg 7523) implementing Public Act 97-938. The PA eliminated the I-SEARCH program and replaced it with the State Missing Persons Clearinghouse, effective 1/1/13. The amendment to Part 1291 directs information into the State's current missing persons tracking system. Units of local government and their police or public safety departments may be affected by these rulemakings.

Questions/requests for copies/comments on the 2 DSP rulemakings through 8/14/17: Matthew R. Rentschler, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to Race Track Security (11 IAC 425; 41 Ill Reg 7422), Licensing (11 IAC 502; 41 Ill Reg 7431) and Medication (11 IAC 603; 41 Ill Reg 7438) and proposed repeal of the Part titled Rack Track Leases (11 IAC 431; 41 Ill Reg 7427). The Part 425 amendments implement Public Act 98-490 by establishing goals for awarding of contracts by organization licensees or inter-track wagering licensees to businesses owned by minorities, females, and persons with disabilities. The amendments also change the name of the Part to "Race Track Security and Contracting Goals". IRB shall set these goals every calendar year as a percentage of the total dollar amount of subcontracts and purchase orders placed by a licensee. Licensees shall propose contracting goals for the coming year by 11/1 and shall report on their compliance with the previous year's goals by 1/31. Emergency contracts (those necessary to avoid health and safety hazards or serious disruption to the licensee's operations) are exempt from these goals. Amendments to Part 502 provide that IRB will honor suspensions, revocations, and

denials issued by another racing jurisdiction until that jurisdiction advises otherwise, and clarify that IRB rulings against one spouse will apply equally to both unless the spouse of the ineligible person proves that his or her ownership and racing of horses is independent of the ineligible spouse. The Part 603 rulemaking updates Association of Racing Commissioners International (ARCI) guidelines for foreign substances to the most recent version issued 4/21/17. Finally, Part 431 is being repealed because its provisions for racetrack leases are outdated and inapplicable to current Illinois racetracks.

Questions/requests for copies/comments on the 4 IRB rulemakings through 8/14/17: Mickey Ezzo, IRB, 100 W. Randolph, Suite 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 July 18, 2017 meeting. Other items not listed 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 NATURAL RESOURCES

Surface Mined Land Conservation and Reclamation Act (62 IAC 300; 41 Ill Reg 4416) proposed 4/21/17

IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 41 Ill Reg 2751) proposed 3/3/17

Riverboat Gambling (86 IAC 3000; 41 Ill Reg 4483) proposed 4/28/17

IL COMMUNITY COLLEGE BOARD

Americans with Disabilities Act Grievance Procedure (4 IAC 1050; 41 Ill Reg 4585) proposed 5/5/17

DEPT OF REVENUE

Income Tax (86 IAC 100; 40 Ill Reg 16711) proposed 12/30/16

Retailers' Occupation Tax (86 IAC 130; 41 Ill Reg 3168) proposed 3/17/17

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Peter Breen

Senator Karen McConnaughay

Representative Tom Demmer

Senator Don Harmon

Representative Greg Harris

Senator Tony Muñoz

Representative Lou Lang

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**