

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

■ DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Program Description (89 IAC 676; 40 Ill Reg 11079), Customer Rights and Responsibilities (89 IAC 677; 40 Ill Reg 11087), Service Planning and Provision (89 IAC 684; 40 Ill Reg 11093) and Provider Requirements, Type Services, and Rates of Payment (89 IAC 686; 40 Ill Reg 11101), all effective 8/1/17, concerning overtime pay for providers in the Home Services Program (HSP) for persons with disabilities. Amendments to Parts 676, 677 and 684 update definitions, customer responsibilities, the process of procuring a service provider, criteria for service plans, and rules for enrollment of family members/relatives as service providers to reflect the changes in overtime policy and the criteria that the provider and

customer must meet. The amendments to Part 686 stipulate that an individual HSP provider (e.g., aide or personal assistant) cannot work more than 45 (changed since 1st Notice from 40) hours per work week, either for a single customer or multiple customers. The 45-hour limit includes both work time and travel time to the customer's home. Customers receiving more than 45 hours of care per week in their weekly service plans must hire more than one provider to cover these hours, and must also hire backup providers to cover times when a regularly scheduled provider is unable to work. Exceptions to the 45-hour limit are permitted with DHS approval for customers in need of intensive medical or personal care, or in other extraordinary circumstances. Since 1st Notice, DHS has expanded and clarified the

(cont. page 2)

Emergency Rulemakings

■ TEACHERS

The STATE BOARD OF EDUCATION adopted emergency amendments to the Parts titled Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 41 Ill Reg 8932), Educator Licensure (23 IAC 25; 41 Ill Reg 8949), and Programs for the Preparation of Principals in Illinois (23 IAC 30; 41 Ill Reg 8967), all effective 6/28/17 for a maximum of 150 days. Companion proposed amendments appear in this week's *Illinois Register* at 41 Ill Reg 8308, 41 Ill Reg 8310, and 41 Ill Reg 8312. Amendments to Part 1 allow individuals to teach self-contained general education at the elementary level, departmentalized grades 6 through 8, and grades 9 through 12 if granted short-term approval for up to 3 years pursuant to Part

(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)

allowable exceptions and revised the procedures for requesting exceptions. Customers and individual providers are responsible for monitoring the provider's work hours. Exceptions to the 45-hour limit must be approved in advance or requested as soon as the need becomes apparent. Up to 4 additional hours per pay period, or 30 hours per year, beyond the 45-hour limit will be authorized for emergency situations without pre- or post-approval. Customers and providers will be notified if overtime use is deemed unjustified. Providers will receive written warnings for the first two instances of unjustified overtime use; a third instance of unjustified overtime will result in a 3-month suspension of the provider (changed since 1st Notice from immediate termination). A provider who incurs 3 suspensions will be terminated. Customers who lose individual providers due to unjustified overtime may request replacement providers, or switch to agency providers. Those affected by these rulemakings include HSP customers and their families, individual service providers, and HSP service agencies.

Questions/requests for copies of the 4 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

(cont. page 4)

Emergency Rules

(cont. from page 1)

25. For grades 9 through 12 teachers, 9 semester hours (formerly, 20 or 24) in their content area (the subject they are hired to teach) are required for short-term approval. The Part 25 rulemaking removes, as a condition for short-term approval, the requirement that a school or school district be unable to recruit a fully qualified candidate for the position. It also expands short-term approval to individuals who lack the required grade level endorsement for an assignment and to positions which do not require a content area test for endorsement. Short-term approval may be granted to licensed teachers who document either completion of 9 semester hours of college coursework in their content area, or having passed the content area test for that assignment. Individuals teaching with short-term approval must apply for and receive the applicable endorsement to continue teaching in the assigned area before their 3-year term expires. The rulemaking makes changes to information that school districts must file for short-term approved teachers and requires regional superintendents to upload all information to the Educator License Information System within 10 business days of the teacher being hired. It also no longer requires the State Superintendent to issue a letter granting short-term authorization. Amendments to Part 30 remove the requirement that candidates

for principal endorsement have a professional educator license endorsed in a teaching field or in school support personnel before admission to a principal preparation program. Schools and school districts will be affected by these rules.

Questions/requests for copies/comments on the 3 proposed SBE rulemakings through 8/28/17: Lindsay Bentivigna, SBE, 100 N. First St. S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

■ MATERNAL/CHILD HEALTH

The DEPARTMENT OF HUMAN SERVICES adopted an emergency amendment to Maternal and Child Health Services Code (77 IAC 630; 41 Ill Reg 8925), effective 6/28/17 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 41 Ill Reg 8212. The emergency and proposed rules allow use of maternal and child health grant program funds toward "indirect costs" such as administrative costs. County health departments, federally qualified health centers, universities, hospitals, and other organizations that participate in the grant program are affected.

Questions/requests for copies/comments on the proposed rulemaking through 8/28/17: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Proposed Rulemakings

IDENTIFICATION CARDS

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 41 Ill Reg 8268), establishing procedures under which SOS will issue identification cards to youths under guardianship or custody of the Department of Children and Family Services (e.g., foster children) and to persons recently released from the Department of Corrections or the Department of Juvenile Justice. Those eligible for the ID cards include youths under temporary protective DCFS custody, those placed in custody or guardianship via court order, and children whose parents have signed an adoptive surrender or voluntary placement agreement with DCFS.

Questions/requests for copies/comments through 8/28/17: Jennifer Egizii, SOS, 2701 South Dirksen Parkway, Springfield IL 62723, 217/557-4462, jegizii@ilsos.net.

■ SALES TAX

The DEPARTMENT OF REVENUE proposed an amendment to Retailers Occupation Tax (86 IAC 130; 41 Ill Reg 8239) identifying listed exemptions that are not subject to sunset provisions because the exemption existed prior to the establishment of sunset provisions under the Retailer's Occupation Tax Act. The amendment also removes exemptions that have expired;

adds statutory language mirroring the exemption of food/medicines/devices when purchased for a person receiving medical assistance in a long term care facility; more accurately reflects the exemption for materials, parts, equipment, used in modification or refurbishment of aircraft; and adds a statutory sales tax exemption for menstrual pads, tampons and menstrual cups.

Questions/requests for copies/comments through 8/28/17: Debra Boggess, DOR, 101 W. Jefferson St, Springfield IL 62794, 217/ 782-2844.

PROPERTY TAX APPEALS

The PROPERTY TAX APPEAL BOARD proposed amendments to Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 41 Ill Reg 8214) that update hours and locations of operations; allow electronic service and communication; and modify the provisions of the amendatory process regarding appeals.

Questions/requests for copies/comments through 8/28/17: Louis G Apostol, PTAB, 402 Stratton Bldg., Springfield IL 62706, 217/785-4456, fax: 217/785-4425, email: louis.apostol@illinois.gov

DonA REPEALERS

The DEPARTMENT ON AGING proposed repeal of two obsolete Parts titled Long-Term Care Insurance Partnership Program

(89 IAC 260; 41 Ill Reg 8187) and Board and Care Homes Registration (89 IAC 290; 41 Ill Reg 8192). Part 260 is being repealed because the program is now administered by the Department of Healthcare and Family Services and the Department of Financial and Professional Regulation. Part 290 is being repealed because authority to oversee board and care homes was statutorily transferred to the Department of Public Health by PA 94-21.

Questions/requests for copies/comments on the 2 DonA rulemakings through 8/28/17: Karen Alice Kloppe, DonA, One Natural Resources Way, #100, Springfield IL 62702-1271, 217/785-3346, fax 217/785-4477, e-mail: Karen.Kloppe@illinois.gov

PCB REPEALER

The POLLUTION CONTROL BOARD proposed repeal of the Part titled Procedures for Measuring Transfer Efficiency for Surface Coating Operations in Wood Furniture Coating Facilities (35 IAC 278; 41 Ill Reg 8202). The Part contains obsolete procedures for a process now subject to other IEPA rules at 35 IAC 215.204(I).

Questions/requests for copies/comments through 8/28/17: Sara Terranova, IEPA, 1021 N. Grand Ave. E., P.O. Box 19276, Springfield IL 62794-9276, 217/782-5544, sara.terranova@illinois.gov.

New Rules

(cont. from page 2)

■ HUNTING

The DEPARTMENT OF NATURAL RESOURCES, effective 6/28/17, adopted amendments to the following Parts: General Hunting and Trapping on Department-Owned or -Managed Sites (17 IAC 510; 41 Ill Reg 2354); Landowner Permits (17 IAC 528; 41 Ill Reg 2362); Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 41 Ill Reg 2374); Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 IAC 550; 41 Ill Reg 2392); Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver and Woodchuck (Groundhog) Trapping (17 IAC 570; 41 Ill Reg 2408); Duck, Goose and Coot Hunting (17 IAC 590; 41 Ill Reg 2425); White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 41 Ill Reg 2490); White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 41 Ill Reg 2516); White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 41 Ill Reg 2532); Youth Hunting Seasons (17 IAC 685; 41 Ill Reg 2561); Squirrel Hunting (17 IAC 690; 41 Ill Reg 2568); The Taking of Wild Turkeys - Spring Season (17 IAC 710; 41 Ill Reg 2581); The Taking of Wild Turkeys - Fall Gun Season (17 IAC 715; 41 Ill Reg 2609); The Taking of Wild Turkeys - Fall Archery Season (17 IAC 720; 41 Ill Reg

2617); Dove Hunting (17 IAC 730; 41 Ill Reg 2634); and Crow, Woodcock, Snipe, Rail and Teal Hunting (17 IAC 740; 41 Ill Reg 2654). With the exception of Parts 510, 528 and 715, these rulemakings make site-specific changes for the 2017 hunting seasons. Amendments to Parts 550 and 570 also change hunting season dates and zones, while the Part 650, 670, 710, 715 and 720 rulemakings replace landowner/tenant permit regulations with cross-references to rules in Part 528. Amendments to Part 510 remove requirements for orange hunting clothing during upland game season. The Part 528 rulemaking places landowner/tenant permit system rules in one Part. Amendments to Part 530 change the types of shot that may be used on state land and set up a confirmation/registration permit system for hunting on certain State lands. Possession of the permit while hunting on State land is required. Changes to Part 550 prohibit use of shotgun slugs to hunt raccoons except when also deer hunting, and remove an exception for game breeding or licensed hunting preserved areas. The Part 590 rulemaking makes some statewide changes to hunting rules for DNR property allowing adjustments for flood conditions. Since 1st Notice, DNR has clarified provisions regarding use and placement of blinds during flood conditions. Amendments to Parts 650 and 660 make changes to the lottery system; amendments to Part 690 allow use of .25 caliber or smaller

air guns; and the Part 670, 710, 715 and 720 rulemakings lower the required minimum pull of bows to 30 pounds.

■ NUISANCE WILDLIFE

DNR also adopted amendments to Nuisance Wildlife Control Permits (17 IAC 525; 41 Ill Reg 3131), effective 6/28/17, that expand and further delineate practices and DNR operational procedures, more accurately reflect federal law and practices, address changes in technology and reflect this rulemaking's interaction with other applicable Parts, statutes, and federal regulations. The rulemaking changes the classification system for permits and adds Classes D and E for commercial or governmental bodies that desire to remove migratory birds.

Questions/requests for copies of the 17 DNR rulemakings: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ EDUCATOR LICENSURE

The STATE BOARD OF EDUCATION adopted amendments to Educator Licensure (23 IAC 25; 41 Ill Reg 2800) effective 6/28/17, concerning educator preparation providers (EPPs) and requirements for educator preparation. Not-for-profit entities are no longer required to be approved by the Board of Higher

(cont. page 5)

New Rules

(cont. from page 4)

Education. Holders of an educator license with stipulations endorsed for provisional career and technical educator do not need to pass the test of basic skills for renewal if the license was issued on or prior to 1/1/15. Professional educator license (PEL) applicants entitled at an institution of higher education must complete a program satisfaction survey in the Educator Licensure Information System (ELIS) before they receive their licenses. Short-term emergency approvals in Special Education may be used for individuals with a PEL or Learning Behavior Specialist I in order to teach in a different grade range. Candidates who complete an elementary education preparation program before 9/1/18 must apply for or be entitled to the elementary education endorsement by 9/1/19. Reading specialist endorsement candidates may hold an educator license with stipulations endorsed for provisional educators. All educator preparation providers (EPPs) must enter each candidate into ELIS in pre-completion status at the time the candidate enters into the program. The State Educator Preparation and Licensure Board (SEPLB) will inform ISBE whether it approves or denies an EPP's initial approval to offer a program leading to licensure. EPPs must report impact and outcome measures, as well as annual program reports, by April 30.

Additionally, each EPP must provide its policy on plagiarism and cheating. Beginning 9/1/17, all EPPs must participate in a data collection pilot program. The two-year state-wide program will replace the current State annual program report submission. The new reporting process will collect data on each preparation program's enrollees and completers, and be tied to employment, testing and survey data collected by ISBE. ISBE will also conduct annual audits of licensure entitlements. Audits will be performed at least once every five years and may include a site visit by ISBE staff. EPPs must provide a list of all individuals entitled within the last 12 months by July 30. The date for which individuals who have worked as school support personnel can apply for a principal endorsement has been extended from 6/30/19 to 6/30/21. Individuals with a PEL (or submitting an application for a PEL) must indicate whether they have any criminal charges pending against them. PELs will be suspended and PEL applications denied for individuals convicted of a crime, sent to a correctional facility and where less than 7 years have lapsed since the end of the sentence. Educator license holders can carry over PD hours earned between April 1 and June 30 of the last year of his/her renewal cycle to be applied to the next renewal cycle.

Questions/requests for copies: Lindsay Bentivigna, SBE, 100 N.

First St. S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 41 Ill Reg 3632), effective 7/1/17, that remove in-hire rates (matching the City of Chicago minimum wage) for certain trainee and intern positions located in Chicago, introduce new options and remove obsolete options for Public Service Administrator and Senior Public Service Administrator titles, add and remove merit compensation titles recently established or abolished by the Civil Service Commission, and establish the general applicability of the Pay Plan for fiscal year 2018.

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

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The DMA rulemaking will be considered at the Committee's July 18, 2017 meeting, while the ICC rulemakings will be considered at the August 15, 2017 meeting. Other items not listed below or published in the *Illinois Register* may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF MILITARY AFFAIRS

Illinois Manual for Courts-Martial and Nonjudicial Punishment (95 IAC 400; 41 Ill Reg 5153)
proposed 5/19/17

IL COMMERCE COMMISSION

Internet Enrollment Rules (83 IAC 453; 40 Ill Reg 14971) proposed 11/4/16

Obligations of Retail Electric Suppliers (83 IAC 412; 40 Ill Reg 14931) proposed 11/4/16

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

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