

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

■ FOSTER CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES, effective 1/17/18, adopted amendments to the following 12 Parts: Reports of Child Abuse and Neglect (89 IAC 300; 41 Ill Reg 1836), Placement and Visitation Services (89 IAC 301; 41 Ill Reg 1853), Services Delivered by the Department of Children and Family Services (89 IAC 302; 41 Ill Reg 1863), Access to and Eligibility for Child Welfare Services (89 IAC 304; 41 Ill Reg 1874), Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 IAC 309; 41 Ill Reg 1886), Permanency Planning (89 IAC 315; 41 Ill Reg 1896), Administrative Case Reviews and Court Hearings (89 IAC 316; 41 Ill Reg 1906), Interstate Placement of Children (89 IAC 328; 41 Ill Reg 1913),

Service Appeal Process (89 IAC 337; 41 Ill Reg 1918), Appeal of Foster Family Home License Denials by Relative Caregivers (89 IAC 338; 41 Ill Reg 1928), Authorized Child Care Payments (89 IAC 359; 41 Ill Reg 1934) and Licensing Standards for Foster Family Homes (89 IAC 402; 41 Ill Reg 1940). The rulemakings implement Public Act 99-836, which expands the definition of "fictive kin" (an individual with whom a child has close personal or emotional ties, who is not related to the child by birth or marriage; DCFS includes fictive kin in its definition of "relative") to include a child's current foster parent when the child has been placed in the foster home for at least one year, has developed a significant and family-like relationship to the foster parent, and the foster parent has been identified by DCFS as a

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Proposed Rulemakings

■ HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250; 42 Ill Reg 2088) implementing various Public Acts. The rulemaking requires that patients be given written notice within 24 hours when they are placed under observation status rather than being admitted. The notice must advise the patient that observation status may affect private insurance, Medicare or Medicaid coverage for any services or medications they receive while in the hospital, as well as coverage of any subsequent discharge to a nursing home or to home- or community-based care. The notice also must advise the patient to contact his or her insurance provider to better

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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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permanent connection (viable candidate to become the child's adoptive parent or legal guardian). Additionally, the Part 337 rulemaking corrects a definition of "family" that was inadvertently amended in an earlier rulemaking. Foster parents and DCFS wards will be affected by these rulemakings.

Questions/requests for copies of the 12 DCFS rulemakings: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, fax 217/

557-0692, TDD: 217/524-3715, e-mail: CFPolicy@idcfs.state.il.us

■ ATM TERMINALS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Electronic Fund Transfers (38 IAC 315; 41 Ill Reg 13284), effective 2/2/18, allowing required disclosures on ATM terminals (e.g., transaction fees) to be displayed either by physical signage or electronically on screen. Disclosure requirements are also extended to ATMs not

operated by financial institutions. The former requirement that all ATMs be registered with DFPR is eliminated. Instead, all ATMs are required to provide the customer with contact information for the ATM operator and for the DFPR Division of Banking to report a malfunction or other issues. Businesses and financial institutions that own or operate ATMs are affected.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

Proposed Rulemakings

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understand the implications of being placed in observation status. DPH is also requiring hospitals to report emergency treatment of opioid overdoses within 48 hours of treatment; the report must indicate the age, sex, county of residence, race and ethnicity of the patient, the cause of the overdose (e.g., whether caused by heroin or by another opioid drug), and whether or not an opioid antagonist medication was administered. Other amendments permit advanced practice nurses or physician assistants with clinical privileges to admit patients; require hospitals to adopt protocols for screening and treatment of patients with sepsis or septic shock (including protocols specific to treatment of adults and treatment of children) and to update these protocols at least

every 3 years; and require hospitals to provide information on safe sleep environments to parents prior to discharge of a newborn infant. The rulemaking also updates incorporated National Fire Protection Association life safety codes and other incorporated materials.

Questions/requests for copies/comments through 3/19/18: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

PUBLIC INFORMATION

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments to Public Information, Rulemaking and Organization (2 IAC 5175; 42 Ill Reg 2079) authorizing ICCB board members to attend meetings by audio or video

conference when physical presence is not possible due to illness, emergency or other circumstances; establishing procedures for members of the public to address the Board; providing that minutes of closed sessions will be reviewed twice a year to determine if all or part of those minutes may be made public; and codifying procedures under which the Board reviews proposed changes to its Illinois Administrative Code rules prior to First Notice publication in the Illinois Register and after Second Notice consideration by the Joint Committee on Administrative Rules. The rulemaking also outlines the organization of the ICCB and the composition of the Board.

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Proposed Rulemakings

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SBE REPEALER

whose expenditure was regulated by this Part.

Questions/requests for copies/comments through 3/19/18: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, fax 217/524-4981, Matt.berry@illinois.gov

The STATE BOARD OF EDUCATION proposed repeal of the Part titled Low Income-Students Funds Plan (23 IAC 203; 42 Ill Reg 2131) because Public Act 100-46 abolished supplemental general State aid,

Questions/requests for copies/comments through 3/19/18: Lindsay Bentivegna, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

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 February 13, 2018 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 FINANCIAL AND PROFESSIONAL REGULATION

Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges (38 IAC 130; 41 Ill Reg 10220) proposed 7/28/17

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 41 Ill Reg 3098) proposed 3/17/17

Medical Payment (89 IAC 140; 41 Ill Reg 11478) proposed 9/15/17

DEPT OF NATURAL RESOURCES

The Illinois Oil and Gas Act (62 IAC 240; 41 Ill Reg 14368) proposed 12/1/17

DEPT OF REVENUE

Income Tax (86 IAC 100; 41 Ill Reg 14166) proposed 11/27/17

DEPT OF TRANSPORTATION

Hours-of-Service of Drivers (92 IAC 395; 41 Ill Reg 14923) proposed 12/8/17

HEALTH FACILITIES AND SERVICES REVIEW BOARD

Narrative and Planning Policies (77 IAC 1100; 41 Ill Reg 5900) proposed 6/2/17

Processing, Classification Policies and Review Criteria (Repealer) (77 IAC 1110; 41 Ill Reg 5934) proposed 6/2/17

Processing, Classification Policies and Review Criteria (New Part) (77 IAC 1110; 41 Ill Reg 6140) proposed 6/2/17

Long-Term Care (77 IAC 1125; 41 Ill Reg 6304) proposed 6/2/17

Joint Committee on Administrative Rules

Senator Pamela Althoff

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**