

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

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 41 Ill Reg 2777), effective 2/2/18, imposing new requirements on all use agreements entered into between terminal operators and licensed video gaming locations (LVGL) on or after the use agreement's effective date. The rulemaking requires use agreements to state which sales agent, broker or other person, if any, procured the use agreement on behalf of the terminal operator; prohibits automatic renewal in the absence of cancellation; and caps the use agreement's duration at 8 years (changed since 1st Notice from 5 years). IGB will provide a standard form for use agreements in rule. All new and renewed use agreements entered into shall incorporate the language of the standard form

and shall be consistent with the standard form in all respects. The rulemaking also adds a new Subpart on responsible gaming. Since 1st Notice, IGB has clarified that use agreements must affirm that no inducement (originally, "improper" inducement) was offered or accepted for placement or operation of video gaming terminals. IGB has also clarified that owners, persons with significant influence or control, managers and other LVGL employees are allowed, but not obligated, to conduct conversations about responsible gaming with video gaming players. Other changes protect LVGLs from liability if a person enrolled in the problem gambling registry or riverboat gambling self-exclusion list plays a video gaming terminal on the premises; require video gaming managers to complete on-line

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Proposed Rulemakings

■ MENTAL HEALTH SERVICES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 42 Ill Reg 3040) concerning Medicaid community-based mental health services. The rulemaking clarifies what types of providers qualify for payment (community mental health centers; behavioral health clinics; and independent practitioners, including psychiatrists, licensed clinical psychologists and licensed clinical social workers) and the services for which they may be reimbursed; clarifies professional qualifications for staff members (licensed practitioners of the healing arts, qualified mental health professionals, mental health professionals, and rehabilitative

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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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instruction in responsible gaming within 30 days after starting employment, or after the course of study becomes available; allow non-Illinois residents to enroll in the problem gambling registry; and provide that e-mails sent to registry enrollees will include only links to problem gambling prevention/treatment resources available in Illinois. This rulemaking will impact video gaming terminal owners and operators.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL, 60601, 312/814-7253.

■ CHARTER SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Charter Schools (23 IAC 650; 41 Ill Reg 11010), effective 1/31/18, codifying its rules for a revolving, interest-free loan fund to assist new charter schools in paying start-up costs. Charter schools that have received school district and SBE approval of their initial charter application and are in their first contract term may apply for loans of up to \$750 per enrolled student to pay for acquisition of educational materials (including print and electronic textbooks), supplies, furniture, and technological equipment. The rulemaking establishes eligibility criteria and application, accounting and repayment procedures for these loans.

Applications are due by March 15 prior to the fiscal year for which the loan will be made. Loans must be paid in full by December 15 of the year in which the initial contract term ends. Since 1st Notice, SBE has clarified that funds can only be used during the initial contract term of the charter school; required that loan proceeds will only be used for items specified in the relevant section of the School Code, or for building-wide facility needs; and clarified that loan payments may be made early provided the loan is paid in full on time.

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

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Hospital Services (89 IAC 148; 41 Ill Reg 11508), effective 1/31/18, increasing or reinstating various supplemental payments to hospitals and reinstating a \$60 per day add-on payment (previously in effect during FY 14 and FY 15) to hospitals and freestanding dialysis centers for outpatient or home dialysis treatments rendered to Medicaid recipients.

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

■ PROCUREMENT

The AUDITOR GENERAL adopted amendments to Purchases and Contracts (44 IAC 500; 41 Ill Reg 13137), effective 2/16/18, updating the AG's procurement procedures to reflect recent Public Acts (100-43, 100-203 and 100-391). The rulemaking raises the small purchase limits below which competitive bidding is not required to \$100,000 for supplies, services, construction and professional and artistic services (formerly, \$33,500 for supplies and services, \$30,000 for professional and artistic services, and \$50,000 for construction). It also permits communication between the AG and an inquiring prospective bidder/contractor to clarify details of a bid solicitation if this communication does not give the inquiring person or business a competitive advantage and if the inquiry and answer are posted in the Auditor General Bulletin as an addendum to the solicitation. Bidders/contractors who use recycled products will be given preference if use of the product does not constitute an undue practical hardship. Small businesses seeking contracts with the Auditor General are affected.

Questions/requests for copies: Rebecca Patton, Office of the Auditor General, 740 E. Ash St., Springfield IL 62703, 217/782-6046, TTY 888/261-2887.

Proposed Rulemakings

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services associates); establishes criteria for treatment plans, crisis services, intensive outpatient services, medication administration/monitoring, and rehabilitative therapy; and sets forth the composition of community support teams, targeted case management, and assertive community treatment services. Approval processes for various types of community-based mental health services are also outlined. Mental health clinics and practitioners are affected by this rulemaking.

Questions/requests for copies/comments through 4/2/18: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

RADIOACTIVE MATERIAL

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed amendments to Licensing Requirements for Source Material Milling Facilities

(32 IAC 332; 42 Ill Reg 2970), Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material (32 IAC 337; 42 Ill Reg 2976), Radioactive Materials Transportation (32 IAC 341; 42 Ill Reg 3028) and Status Signals for Nuclear Power Reactors (32 IAC 504; 42 Ill Reg 3034) to update references and maintain consistency of IEMA's rules with U.S. Nuclear Regulatory Commission rules.

Questions/requests for copies/comments through 4/2/18: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860.

DRIVER'S LICENSES

The SECRETARY OF STATE proposed an amendment to Issuance of Licenses (92 IAC 1030; 42 Ill Reg 3113) removing an exception to the requirement of a license photograph for persons who are temporarily out of State, outside of the U.S., or in the military when their Illinois driver's license is issued. SOS states that current technology

allows such licenses to be issued with photographs.

Questions/requests for copies/comments through 4/2/18: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to Medication (11 IAC 603; 42 Ill Reg 3102) updating its incorporation of the Association of Racing Commissioners International (ARCI) foreign substances guidelines to the January 2018 edition, and also updating allowable threshold levels of caffeine and theobromine in accordance with ARCI's most recent Endogenous, Dietary, or Environmental Substances Schedule.

Questions/requests for copies/comments through 4/2/18: Mickey Ezzo, IRB, 100 W. Randolph St., 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 March 13, 2018 meeting and will be listed in next week's *Illinois Register*. 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 REVENUE

Income Tax (86 IAC 100; 41 Ill Reg 15041) proposed 12/15/17

Property Tax Code (86 IAC 110; 41 Ill Reg 15043) proposed 12/15/17

JCAR Meeting Action

At its 2/13/18 meeting, the Joint Committee on Administrative Rules approved the following actions:

OBJECTION

JCAR objected to the Illinois Gaming Board's rulemaking titled Video Gaming (General) (11 IAC 1800; 41 Ill Reg 12670) because the Board decided it would like more time to consider the issues addressed in this rulemaking in the context of other policies and procedures and best practices. The Board has indicated it will withdraw the rulemaking in response to the Objection.

EXTENSION

JCAR and the Department of Financial and Professional Regulation agreed to extend the Second Notice period for the rulemaking titled 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) an additional 45 days. This rulemaking will be considered again at the March 13 meeting.

POSTPONEMENT

JCAR postponed action on the State Board of Education rulemaking titled Special Education Facilities under Section 14-7.02 of the School Code (23 IAC 401; 41 Ill Reg 3831) until the March 13 meeting. This rulemaking is on extended Second Notice through March 13.

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**