

*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.*

## Proposed Rulemakings

### SCHOOL NURSES

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 42 Ill Reg 3871) and Special Education (23 IAC 226; 42 Ill Reg 3886) implementing Public Act 100-513, which allows registered nurses, under certain conditions, to delegate medication administration and other interventions to persons who do not hold a nursing license. The rulemakings list the conditions under which a school nurse who is an RN may delegate medication administration to a staff member who is not a nurse: the RN must act within his or her professional judgment and under the provisions of the Nurse Practice Act; the school principal or chief administrative officer must agree to the delegation; the staff member must voluntarily

accept the delegation, be trained to properly administer the medication and demonstrate competency to do so; and the staff member must be monitored on an ongoing basis for safety and competency. An RN may, at any time, decline to delegate medication administration or rescind delegated duties. If the designated staff member is no longer able to perform the delegated task, an RN, LPN or school administrator may do so. School nurses, school administrators and other school staff members may be affected by these rulemakings.

Questions/requests for copies/comments on the 2 SBE rulemakings through 4/16/18: Lindsay M. Bentivegna, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, [rules@isbe.net](mailto:rules@isbe.net)

### ELDER/DISABLED SERVICES

The DEPARTMENT ON AGING proposed amendments to Adult Protection and Advocacy Services (89 IAC 270; 42 Ill Reg 3774) implementing two Public Acts that establish an Adult Protective Services (APS) Registry recording the names of caregivers against whom substantiated findings have been made of abuse, neglect or financial exploitation of an adult with disabilities age 18 to 59, or any person age 60 or older, living in a domestic (non-institutional) environment. The registry will be hosted by the Department of Public Health on its website. The rulemaking defines a caregiver as anyone who assumes responsibility for the care of an eligible adult needing assistance with activities of daily living, whether for pay, voluntarily or as

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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.

# Proposed Rulemakings

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the result of a family relationship, and outlines the procedures for placing a caregiver on the registry. When an allegation of abuse, neglect or financial exploitation is made and substantiated by an APS provider agency, DonA's Office of Adult Protective Services (APS Office) will review the victim's case record. Within 30 days after receiving the case record, the APS Office will either concur with the finding and recommend that the caregiver be placed on the registry, or not concur and recommend against placement; the caregiver will be notified of the decision in either case. An appeal process, including hearing procedures, rules of evidence and testimony, etc., is provided for caregivers who contest their placement on the registry. Caregivers placed on the registry for a single incident or report may request removal at any time, but are limited to one request per 3-year period and no more than 3 total requests. A caregiver seeking removal must prove by a preponderance of the evidence that their removal from the registry is in the public interest. Caregivers cited for more than one incident cannot be removed from the registry. Access to the registry is limited to licensed direct care provider agencies (who are required to screen prospective employees for listing on the registry), DonA, DPH, the Department of Healthcare and Family Services, and the Department of Human Services.

APS provider agencies must notify DonA within 24 hours if there is imminent risk of abuse, neglect or financial exploitation of an eligible adult from a caregiver against whom a verified and substantiated finding has been made. If a victim moves to a long-term care or other health care facility, the APS provider agency must make reasonable efforts to inform the facility about any placement of a relevant caregiver on the registry. Those affected by this rulemaking include caregivers for older or disabled adults and agencies which hire or supervise caregivers.

Questions/requests for copies/comments through 4/16/18: Tracey Trigillo, DonA, One Natural Resources Way, Suite 100, Springfield IL 62701-1789, 217/785-3346, [Tracey.Trigillo@illinois.gov](mailto:Tracey.Trigillo@illinois.gov)

## ■ 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; 42 Ill Reg 3862) implementing an Executive Order that forbids State legislators from participating in a representation case on any matter before PTAB. A "representation case" is defined as professional representation of any person, client or principal, with or without compensation, in any matter before a State agency in which the agency exercises "substantial discretion", other than normal inquiries for

information or other services that a legislator may make on behalf of a constituent or member of the public. A legislator is also prohibited from participating in a representation case if he or she receives direct or indirect compensation through an interest in a partnership, limited liability corporation, or other business entity that handles property tax cases.

Questions/requests for copies/comments through 4/16/18: Steven M. Waggoner, PTAB, Room 402, Stratton Office Bldg., 401 S. Spring St., Springfield IL 62706, 217/782-6076, fax 217/785-4425, [steve.waggoner@illinois.gov](mailto:steve.waggoner@illinois.gov)

## ■ ADMINISTRATIVE HEARINGS

The OFFICE OF THE COMPTROLLER proposed amendments to the Part titled Rules of Practice in Administrative Hearings (74 IAC 310; 42 Ill Reg 3818) to reflect the expansion of the Comptroller's administrative authority to include hearings and decisions regarding oversight of cemeteries, crematories, and pre-need funeral or burial sales. Other changes update references to the obsolete Illinois Revised Statutes to the Illinois Compiled Statutes, reflect various statutory changes, and institute gender-neutral language. Those affected by this rulemaking may include funeral homes, cemeteries and crematories.

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## Proposed Rulemakings

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Questions/requests for copies/comments through 4/16/18: Adam Alstott, Office of the Comptroller, 325 W. Adams St., Springfield IL 62704, 217/558-5157, [Adam.Alstott@illinoiscomptroller.gov](mailto:Adam.Alstott@illinoiscomptroller.gov)

The OFFICE OF THE TREASURER proposed a new Part titled Rules of Practice in Administrative Hearings (74 IAC 730; 42 Ill Reg 3840) setting forth rules for all administrative hearings conducted by the Treasurer that are not specifically addressed elsewhere in the Illinois Administrative Code. Procedures for requesting hearings, submitting documents,

notice of hearings, motions, evidence, and testimony are included.

Questions/requests for copies/comments through 4/16/18: Chris Flynn, Office of the Treasurer, 400 W. Monroe St., Suite 401, Springfield IL 62704, 217/558-0115, fax 217/785-2777, [CFlynn@illinoistreasurer.gov](mailto:CFlynn@illinoistreasurer.gov)

### STATE RETIREMENT SYSTEM

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 42 Ill Reg 3903) removing an

obsolete provision that allowed certain lump sum salary payments for unused benefit time to count toward a member's pension (under current statute, these payments are not pensionable). The rulemaking also clarifies that SERS members qualify for disability benefits only if they are active employees at the time of incurring a disabling condition.

Questions/requests for copies/comments through 4/16/18: Jeff Houch, SERS, 2101 S. Veterans' Pkwy., P.O. Box 19255, Springfield IL 62794-9255, 217/524-8105, fax 217/557-3943, e-mail: [jeff.houch@srs.illinois.gov](mailto:jeff.houch@srs.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. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### DEPT OF CENTRAL MANAGEMENT SERVICES

Conditions of Employment (80 IAC 303; 41 Ill Reg 13465) proposed 11/13/17

State Vehicles and Garage (44 IAC 5040; 41 Ill Reg 11042) proposed 9/8/17

### DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Economic Development for a Growing Economy Program (EDGE) (14 IAC 527; 41 Ill Reg 12953) proposed 10/20/17

Low Income Home Energy Assistance Program (47 IAC 100; 41 Ill Reg 13921) proposed 11/17/17

### IL ENVIRONMENTAL PROTECTION AGENCY

Medication Takeback Program (35 IAC 889; 41 Ill Reg 5012) proposed 5/19/17

Procedures for Measuring Transfer Efficiency for Surface Coating Operations in Wood Furniture Coating Facilities (Repealer) (35 IAC 278; 41 Ill Reg 8202) proposed 7/14/17

Procedures for Providing Financial Assistance From the Public Water Supply Loan Program Under the American Recovery and Reinvestment Act of 2009 (Repealer) (35 IAC 664; 41 Ill Reg 11145) proposed 9/8/17

Procedures for Providing Financial Assistance from the Water Pollution Control Loan Program Under the American Recovery and Reinvestment

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## Second Notices

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Act of 2009 (Repealer) (35 IAC 369; 41 Ill Reg 11047) proposed 9/8/17

Combined Sewer Overflow Exception Criteria and First Flush Determination (Repealer) (35 IAC 375; 41 Ill Reg 11129) proposed 9/8/17

Procedures for Issuing Municipal Waste Planning and Nonhazardous Solid Wastes or Municipal Waste Enforcement Grants (Repealer) (35 IAC 870; 41 Ill Reg 11731) proposed 9/29/17

General Conditions of State of Illinois Municipal Waste Planning and Nonhazardous Municipal Waste Enforcement Grants (Repealer) (35 IAC 871; 41 Ill Reg 11784) proposed 9/29/17

Procedures for White Goods Collection Grants (Repealer) (35 IAC 875; 41 Ill Reg 11829) proposed 9/29/17

### **DEPT OF FINANCIAL AND PROFESSIONAL REGULATION**

Real Estate Appraiser Licensing (68 IAC 1455; 41 Ill Reg 12643) proposed 10/13/17

### **DEPT OF HUMAN SERVICES**

Related Program Provisions (89 IAC 117; 41 Ill Reg 15167) proposed 12/26/17

### **POLLUTION CONTROL BOARD**

Regulatory Relief Mechanisms (35 IAC 104; 41 Ill Reg 11236) proposed 9/8/17

## **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**