

*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

### ■ SEXUAL ASSAULT

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 42 Ill Reg 6577) implementing two Public Acts concerning collection and handling of sexual assault evidence kits. PA 99-801 directs hospitals to complete evidence collection kits for any sexual assault survivor who presents for emergency services within 7 days after the assault. Written consent to release an evidence kit for testing may be signed by a survivor 13 years of age or older. For minors under age 13, consent may be signed by the parent, guardian, the investigating law enforcement officer, or the Department of Children and Family Services. For adults who have appointed guardians or health care surrogates, the guardian,

surrogate or investigating law enforcement officer may consent to release the kit. If written consent to release an evidence kit is not obtained before the survivor leaves the hospital, the kit must be stored for 5 years after its completion or (if the survivor is a minor) 5 years after the survivor's 18<sup>th</sup> birthday. During the 5-year storage period, anyone authorized to consent to testing of the evidence kit may obtain and sign a release form from the law enforcement agency with jurisdiction over the case, the law enforcement agency contacted by the hospital, or from a rape crisis center. The survivor's discharge instructions from the hospital must include notice of the 5-year storage period and contact information for obtaining release of the evidence kit. A hospital must notify the relevant law enforcement agency, within 4

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## New Rules

### ■ TEACHER PREPARATION

The STATE BOARD OF EDUCATION repealed the Part titled Standards for Endorsements in Specific Teaching Fields (23 IAC 27; 41 Ill Reg 14434) and adopted a new Part with the same title and Part number (23 IAC 27; 41 Ill Reg 14797), both effective 3/30/18. The new Part includes national standards established by professional education associations that, beginning 10/1/24, will replace the current State-specific endorsement standards for all teachers in each subject area. Since 1<sup>st</sup> Notice, SBE agreed to retain current endorsement standards in the new Part until the new standards become effective. Teachers, student teachers, and educator preparation programs are affected by these rulemakings.

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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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hours after completing treatment and evidence collection, that it has an evidence kit in its possession. If the law enforcement agency fails to respond within 5 days, the hospital must notify the agency again; if no response is received within 10 days after the initial contact, the hospital must notify the State's Attorney of the county in which the law enforcement agency is located. The rulemaking also implements PA 99-173, which removes a requirement that advanced practice nurses and physician assistants who examine and treat sexual assault survivors must have collaborative agreements with a physician (in addition to clinical privileges at the treating hospital). Those affected by this rulemaking include hospitals, law enforcement agencies, and agencies that assist sexual assault survivors.

Questions/requests for copies/comments through 5/29/18: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## CAMPAIGN FINANCING

The STATE BOARD OF ELECTIONS proposed amendments to Campaign Financing (26 IAC 100; 42 Ill Reg 6612) updating its political campaign contribution limits per election cycle. Candidate committees may accept up to \$5,600 (currently \$5,400) from an

individual, \$11,100 (currently \$10,800) from a corporation, labor organization or association, and \$55,400 (currently \$53,900) from another candidate committee or a political action committee. Caps on contributions by individuals or groups to political party committees and political action committees and on contributions between political party and candidate committees during primary election cycles are also raised. The rulemaking also clarifies that when a candidate committee switches its support to a different candidate, the change will be treated as a transfer of funds from one candidate committee to another and will be subject to the contribution limit that applies between two separate candidate committees. If the committee's fund balance exceeds the limit, the excess funds must be disposed of prior to the conversion. A committee that owes outstanding fines cannot change its candidate or its committee type until the fines are paid in full.

Questions/requests for copies/comments through 5/29/18: Kenneth R. Menzel or Heather V. Kimmons, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217/782-4141, fax 217/782-5959, [kmenzel@elections.il.gov](mailto:kmenzel@elections.il.gov) or [hkimmons@elections.il.gov](mailto:hkimmons@elections.il.gov)

## UNINSURED MOTORISTS

The SECRETARY OF STATE proposed amendments to Illinois Safety Responsibility Law (92 IAC 1070; 42 Ill Reg 6601)

establishing a procedure for courts to notify SOS when an order has been entered concerning an unsatisfied judgment against an uninsured motorist who has been involved in an accident. Courts must notify SOS when an installment payment agreement has been made, when a defendant defaults on an installment agreement, or when a judgment has been vacated or released upon payment in full. The rulemaking also removes references to a repealed statute.

Questions/requests for copies/comments through 5/29/18: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

## DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually Impaired (89 IAC 730; 42 Ill Reg 6551) updating the Part to conform with federal laws and to eliminate obsolete services no longer offered at ICRE-Wood, Chicago (a short-term DHS residential facility for adults who have recently become blind or visually impaired). The rulemaking establishes competitive integrated employment (a job or self-employment that is performed in the same environment and for the

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# New Rules

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Questions/requests for copies of the 2 SBE rulemakings: Lindsay 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 adopted amendments to Adult Protection and Advocacy Services (89 IAC 270; 41 Ill Reg 12932), effective 4/2/18, implementing Public Acts 98-49 and 98-1039. The rulemaking establishes a statewide Fatality Review Team Advisory Council to oversee DonA's Regional Interagency Fatality Review Teams, which review deaths of all persons age 60 or older, and disabled persons ages 18-59, living independently or at home to determine whether these deaths were linked to abuse or neglect and how such deaths can be prevented. The rulemaking establishes the composition of the advisory council and of the regional teams. Advisory council members are appointed for 3-year terms while regional team members are appointed for 2-year terms; both groups must meet at least 4 times per year. The advisory council, in addition to coordinating and collecting information from regional teams, will review any deaths that occur in a planning and service area not currently served by a regional review team. Regional teams must include representatives of local law enforcement (police,

coroner/medical examiner, State's Attorney), local health departments, local hospitals or emergency medical providers, social service or health agencies serving persons with disabilities or mental illness, home services providers, and a physician or other health provider knowledgeable about abuse and neglect of at-risk adults. Regional teams must review any deaths of at-risk adults that are attributable to blunt force trauma; of undetermined cause or suspicious; referred to the team by a physician, other health provider, coroner/medical examiner, or State's Attorney; or that are the subjects of open or closed cases handled by law enforcement or another agency charged with protecting at-risk adults. Other provisions establish meeting procedures and confidentiality policies for the advisory council and review teams. Local governments and agencies serving disabled or older adults may be affected by this rulemaking.

Questions/requests for copies: Tracey Trigillo, DonA, One Natural Resources Way, #100, Springfield IL 62702-1271, 217/785-3346.

## ■ MILK PRODUCTION

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to Grade A Pasteurized Milk and Milk Products (77 IAC 775; 41 Ill Reg 14917), effective 3/29/18, updating various federal guidelines and rules and

professional standards that have been incorporated by reference. All incorporated federal regulations refer to the 2015 Code of Federal Regulations unless otherwise specified. Milk producers are affected by this rulemaking.

## ■ DD FACILITIES

DPH adopted an amendment to Long-Term Care for Under Age 22 Facilities Code (77 IAC 390; 41 Ill Reg 15022), effective 3/29/18, removing a requirement that license application and renewal forms include the Social Security numbers for all owners of the facility or building in which the facility is located. Other changes align the language of the rule more closely with statute.

## ■ NURSES' AIDES

DPH also adopted an amendment to Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 41 Ill Reg 14912) effective 3/29/18 that increases the maximum allowable student-to-instructor ratio for laboratory instruction from 15:1 to 16:1. Certified Nurses Aide training programs are affected by this rulemaking.

Questions/requests for copies of the 3 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

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# Proposed Rulemakings

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same pay and benefits as workers without disabilities) as a goal of DHS rehabilitation services for the blind and visually impaired. It also adds or updates definitions of “blind” (vision of 20/200 or less, even with corrective lenses), “visually impaired” (vision of 20/60 or less, or significant limitation in the visual field), and “deafblind” (vision of 20/200 or less plus a severe chronic impairment or progressive hearing loss that prevents most speech from being understood). Other changes update or expand the types of adaptive skills in which customers (currently, clients) are trained and update policies concerning dietary and transportation services, communication, and rules of customer conduct.

Questions/requests for copies/comments through 5/29/18: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## RETIREMENT FUNDS

The ILLINOIS STATE BOARD OF INVESTMENT proposed amendments to Rules and Regulations of the Board (74 IAC 800; 42 Ill Reg 6630) and State (of Illinois) Employees’ Deferred Compensation Plan (80 IAC 2700; 42 Ill Reg 6647) updating Board procedures and operations. The Part 800 amendments remove the achievement of specific compounded rates of return as

investment policies or objectives; revise ISBI by-laws; clarify applicable Open Meetings Act provisions for Board meetings; and provide that ISBI will submit its annual report at the end of each fiscal year to the Department of Insurance or any other regulatory body provided by law. Amendments to Part 2700 provide that a target date fund (with investments tailored to a target date for retirement) will be used as a default option when a deferred compensation enrollee fails to designate an investment option. The rulemaking also adds timetables for distribution of remaining deferred compensation funds to designated beneficiaries after the death of the enrollee.

Questions/requests for copies/comments on the 2 ISBI rulemakings through 5/29/18: Burke, Burns & Pinelli Ltd., Attn: Sara Boeckman, ISBI, 70 W. Madison St., Suite 4300, Chicago IL 60602, [sboeckman@bbp-chicago.com](mailto:sboeckman@bbp-chicago.com)

## HORSE RACING

The ILLINOIS RACING BOARD proposed an amendment to General Licensee Rules (11 IAC 1313; 42 Ill Reg 6597) requiring harness horses who are not receiving the medication furosemide (Lasix) to be in the paddock 3 hours (currently, 4-6 hours) prior to post time. The rulemaking also removes a restriction limiting admission to the paddock to no more than 2 members of a registered stable, other than the driver. Owners,

trainers, drivers, grooms and other persons authorized by the stewards may enter the paddock.

Questions/requests for copies/comments through 5/29/18: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, [mickey.ezzo@illinois.gov](mailto:mickey.ezzo@illinois.gov)

## AIR POLLUTION

The POLLUTION CONTROL BOARD proposed an amendment to Emissions Reduction Market System (35 IAC 205; 42 Ill Reg 6572) establishing a sunset date of 4/30/18 for the Part. PCB states that the cap-and-trade program implemented in this Part was established in 2000 to help reduce ozone levels in the Chicago area; since then, emissions from the regulated sources have decreased and many emission allowances have expired unused.

Questions/requests for copies/comments through 5/29/18: Clerk’s Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Please reference Docket R18-22. Comments may also be filed electronically through the Clerk’s Office On-Line (COOL) at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

## New Rules

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### ■ AIRCRAFT

The DEPARTMENT OF TRANSPORTATION adopted amendments to Aviation Safety (92 IAC 14; 41 Ill Reg 15050) effective 3/30/18, clarifying that unmanned aircraft (e.g., drones) are not subject to this Part; adding powered parachutes registered with the Federal Aviation Administration to the list of special purpose aircraft and subjecting pilots and owners to special purpose aircraft regulations; correcting the cost of Federal Airman Certificates to match statute and raising the cost of a duplicate certificate from \$3 to \$5; and updating definitions, citations to the Code of Federal Regulations, and DOT's contact information. Aircraft owners and operators are affected.

Questions/requests for copies: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Rm. 317, Springfield IL 62764.

### ■ PROCUREMENT

The OFFICE OF THE COMPTROLLER adopted amendments to Office of the Comptroller Standard Procurement (44 IAC 1120; 41 Ill Reg 13930), effective 3/30/18, implementing updates to the Illinois Procurement Code made by Public Act 100-43. The rulemaking raises the small purchase threshold below which competitive bidding is not required from \$33,500 for supplies and services (including professional and artistic services) and \$40,100 for construction to \$100,000 for all purchases. The annual sales threshold criteria for a small business eligible for set-

aside preferences is raised to \$10 million for wholesale and construction businesses (formerly, \$7.5 million for wholesale and \$3 million for construction) and \$6 million for retail businesses (formerly, \$1.5 million). The target percentage of contracts to be awarded to businesses owned by minorities, women, or persons with disabilities is raised from 12% to 20%. Other provisions address conflicts of interest and procedures for seeking, protesting or appealing bid awards. Small businesses seeking contracts with the Comptroller are affected.

Questions/requests for copies: Adam Alstott, Office of the Comptroller, 325 W. Adams St., Springfield IL 62704, 217/558-5157.

## Second Notices

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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 May 15, 2018 meeting.

### ENVIRONMENTAL PROTECTION AGENCY

Interpretation of Pollution Control Board Rules and Related Definitions Concerning Grain Handling and Grain Drying Operations (35 IAC 264; 42 Ill Reg 1981) proposed 1/26/18

NOx Trading Program Procedures (Repealer) (35 IAC 273; 42 Ill Reg 1041) proposed 1/19/18

Clean Air Set-Aside (Repealer) (35 IAC 274; 42 Ill Reg 1051) proposed 1/19/18

### IL EMERGENCY MANAGEMENT AGENCY

Licensing Requirements for Source Material Milling Facilities (32 IAC 332; 42 Ill Reg 2970) proposed 2/16/18

Status Signals for Nuclear Power Reactors (32 IAC 504; 42 Ill Reg 3034) proposed 2/16/18

### IL RACING BOARD

Medication (11 IAC 603; 42 Ill Reg 3102) proposed 2/16/18

### TEACHERS' RETIREMENT SYSTEM

The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 42 Ill Reg 2005) proposed 1/26/18