

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

■ HUNTING & TRAPPING

The DEPARTMENT OF NATURAL RESOURCES, effective 6/22/18, adopted amendments to the following 14 Parts implementing site-specific and Statewide rule changes for the 2018-19 hunting seasons: General Hunting and Trapping on Department-Owned or –Managed Sites (17 IAC 510; 42 Ill Reg 4221); Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 42 Ill Reg 4229); Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 42 Ill Reg 4259); Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 42 Ill Reg 4272); White-Tailed Deer Hunting by Use of Firearms (17 IAC 650;

42 Ill Reg 4351); White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 IAC 660; 42 Ill Reg 4371); Special White-Tailed Deer Season for Disease Control (17 IAC 675; 42 Ill Reg 4377); Late-Winter Deer Hunting Season (17 IAC 680; 42 Ill Reg 4381); Youth Hunting Seasons (17 IAC 685; 42 Ill Reg 4387); Squirrel Hunting (17 IAC 690; 42 Ill Reg 4398); The Taking of Wild Turkeys – Spring Season (17 IAC 710; 42 Ill Reg 4411); The Taking of Wild Turkeys – Fall Gun Season (17 IAC 715; 42 Ill Reg 4436); The Taking of Wild Turkeys – Fall Archery Season (17 IAC 720; 42 Ill Reg 4445) and Dove Hunting (17 IAC 730; 42 Ill Reg 4459). The Part 510 rulemaking provides that hunters who fail, for two consecutive hunt years, to timely report their annual harvest from a site where windshield cards are issued will forfeit their

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Proposed Rulemakings

■ GIFTED STUDENTS

The STATE BOARD OF EDUCATION proposed amendments to Gifted Education (23 IAC 227; 42 Ill Reg 12920) implementing Public Acts 99-706 and 100-421. The rulemaking requires school districts to implement policies allowing accelerated placement of students, which may consist of assigning a student to a higher grade or assigning the student higher-level work in one or more subjects. These policies must also indicate approaches the district will use to identify students for early entrance to kindergarten (for students not yet 5 years old by September 1 of that school year) or first grade (for students not yet 6 years old by September 1 who have not completed kindergarten). Plans for gifted education must use multiple

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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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hunting privileges at the site for the following year (currently, hunting privileges for the following year are suspended after one missed report). The remaining rulemakings open or close various State-owned or managed sites to hunting and update hunting seasons, rules regarding use of firearms and crossbows, and other regulations. Changes since 1st Notice to Parts 685 and 710 clarify that a non-Illinois resident supervising a youth hunter must have a valid Illinois hunting license.

■ CONTROLLED BURNS

DNR also adopted amendments to the Part titled Illinois Prescribed Burning Act (17 IAC 1565; 42 Ill Reg 4478) effective 6/22/18 requiring prescribed burn managers to record completed burns by apprentice burn managers in a signed task book, and adding training and burn logs to the required materials for certification as a prescribed burn manager. Persons who conduct or train others to perform prescribed burns are affected.

BOATING

Finally, DNR adopted an amendment to the Part titled Designation of Restricted Waters in the State of Illinois (17 IAC 2030; 42 Ill Reg 5724) effective 6/22/18 updating references to the United States Coast Guard's U.S. Aids to Navigation System

(for marking restricted boating areas with signs, buoys, etc.) and the corresponding federal regulations.

Questions/requests for copies of the 16 DNR rulemakings: Parts 510 through 730 and Part 2030, Javonna Ackerman (217/557-0126); Part 1565, John Heidinger (217/557-6379), DNR, One Natural Resources Way, Springfield IL 62702-1271.

■ MENTAL HEALTH SERVICES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 42 Ill Reg 3040), effective 6/25/18, 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 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. Since 1st Notice HFS has clarified references to its fee schedule, limits on targeted case management services, targeted populations for psychosocial rehabilitation (PSR) services, and the services and service areas for behavioral health clinics. Mental health clinics and practitioners are affected by this rulemaking.

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

■ OPIOID USE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted an amendment to the Part titled Medical Practice Act of 1987 (68 IAC 1285; 41 Ill Reg 14870) effective 7/6/18 that incorporates by reference, in DFPR's standards for determining whether a physician has engaged in unprofessional conduct, the Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain issued by the national Federation of State Medical Boards (April 2017). The rulemaking is in response to an Executive Order directing DFPR to establish

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Proposed Rulemakings

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(currently, three or more) assessment instruments to identify students for accelerated placement; must actively consider the potential eligibility of students with disabilities; and include a selection process that identifies gifted and talented students among under-represented groups such as low-income, minority, twice exceptional (gifted students who also have a learning or other disability) and English learners. When identifying students for accelerated placement, local norms for assessment scores must be considered (currently, students who place in the top 5 percent locally are identified). A district does not have to submit its acceleration plan to SBE for review or approval unless specifically requested, but must post the plan on the district website, if available. Beginning with the 2018-19 school year, district data on accelerated placement must be annually reported to SBE via the Student Information System no later than 7/31. This data must include the numbers of students in each type of accelerated placement (whole grade acceleration, individual subject acceleration, early entrance to kindergarten or first grade) as well as data regarding the gender, ethnicity, English language, low income and special education status of students in accelerated placements. Information reported to SBE will be posted and annually updated on the SBE website. The rulemaking also

replaces the PRAXIS examination with the National Evaluation Series Gifted Education examination as an assessment instrument for teachers seeking to qualify for gifted education programs. School districts will be affected by this rulemaking.

Questions/requests for copies/comments through 8/20/18: Lindsay Bentivegna, SBE, 100 N. First St., E-222, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

■ POLICE IMAGES

The DEPARTMENT OF STATE POLICE proposed amendments to Imaging Products (20 IAC 1298; 42 Ill Reg 12934) updating its policies regarding copying and use of digital information collected by DSP during investigations. Imaging products covered by this Part include digital images, videos, measurements, animations, charts, and other digital media. All imaging products requested from DSP will be provided in a digital format and will no longer be provided in print photo or videotape format. Graphic images that depict dead, severely traumatized or nude human bodies or that could reasonably be considered invasive of personal privacy will be released to a requester only if the request includes a subpoena or notarized permission from the individual depicted in the image or (if the individual is deceased or unable to grant permission) his or her legal representative. Fees

of \$20 to \$120, based on the digital size of the products provided, will be charged for each request. Those affected by this rulemaking include private investigators, attorneys and local law enforcement bodies who request images collected by DSP.

Questions/requests for copies/comments through 8/20/18: Matthew R. Rentschler, DSP, 801 S. Seventh St. Suite 1000-S, Springfield IL 62703, 217/782-7658.

UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed a new Part titled Regulatory Accounting Treatment for Cloud-Based Computing Solutions (83 IAC 289; 42 Ill Reg 12369) that establishes comparable regulations for both cloud-based and on-premises computer accounting systems used by public utilities. Costs associated with cloud-based computing solutions may be recorded and amortized by a utility company as a regulatory asset under certain conditions (e.g., the cost would be attributable to a utility plant account if the system were on the premises of that plant) and must be associated with specific service contracts. Utilities must report their acquisition of such assets to ICC within 6 months after the effective date of this rulemaking, and every March 31 and September 30 thereafter

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New Rules

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opioid prescribing guidelines for physicians. Licensed physicians are affected by this rulemaking.

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

POLITICAL FUNDRAISING

The STATE BOARD OF ELECTIONS adopted amendments to Campaign Financing (26 IAC 100; 42 Ill Reg 6612) effective 6/19/18 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, kmenzel@elections.il.gov or hkimmons@elections.il.gov

STATE CONTRACTS

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to the Part titled Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 IAC 10; 41 Ill Reg 11026), effective 6/25/18, concerning procurement procedures for State agencies and higher education institutions under the Business Enterprise Program (BEP). A new Subpart establishes procedures for collecting evidence of past or present racial, gender or disability-based discrimination in awarding State contracts and for establishing narrowly tailored sheltered markets to address this discrimination. Other amendments increase the certification period from 5 to 7 years, require a faster response to requests for information from businesses that wish to participate in the program, and

direct reconsideration of denied contracts to the BEP Council Certification Committee (rather than to the BEP Secretary). Businesses that seek State contracts and are owned by minorities, females or persons with disabilities are affected by this rulemaking.

Questions/requests for copies: Benjamin G. Jones, CMS, 100 W. Randolph, Suite 4-500, Chicago IL 60601, 312/814-4689, fax 312/814-0911, e-mail: benjamin.jones@illinois.gov

STATE EMPLOYEES

CMS adopted an amendment to Merit and Fitness (80 IAC 302; 41 Ill Reg 15434) effective 6/25/18 extending the absolute hiring preference for veterans to include all persons who served at least 4 years in the Illinois National Guard or a reserve component of the U.S. armed forces, whether or not they were ever called to active duty. CMS also adopted an amendment to Extensions of Jurisdiction (80 IAC 305; 41 Ill Reg 15444) effective 6/25/18 implementing Public Act 99-6 and a memorandum of understanding with AFSCME that extends Personnel Code provisions concerning position classification and pay (Jurisdiction A), qualifications (Jurisdiction B), and conditions of employment (Jurisdiction C) to the positions of Accountant, Executive II, and Public Service Administrator Option 1 (formerly,

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New Rules

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financial and budget assistant, 9-1-1 Analyst III, and Manager, 9-1-1) at the Illinois Commerce Commission, effective 1/1/16.

Questions/requests for copies of the 2 CMS rulemakings: Part 302, Bureau of Administrative Services; Part 305, Personnel Bureau, CMS,

715 Stratton Bldg., 401 S. Spring St., Springfield IL 62706, 217/782-2141.

LIVESTOCK WASTE

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to Procedures for Reporting Releases of Livestock Waste (35 IAC 580; 41 Ill Reg

13924) effective 7/1/18 that update statutory and regulatory references.

Questions/requests for copies: Stefanie N. Diers, IEPA, 1021 N. Grand Ave. East, PO Box 19276, Springfield IL 62794-9276, 217/782-5544.

Proposed Rulemakings

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through 12/31/24. After that date, reporting will be required with rate case filings when the regulatory assets exceed existing project cost thresholds.

Questions/requests for copies/comments through 8/20/18: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

DEER HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 42 Ill Reg 12526) implementing Public Act 100-489, which allows crossbows to be used on the same basis as other archery equipment. The rulemaking also establishes a Restricted Archery Zone in Champaign, Douglas, Macon, Moultrie and Piatt counties, in which only antlered deer may be harvested between October 1 and October 15.

Questions/requests for copies/comments through 8/20/18: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-0126.

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to License and Documents Necessary to Engage in Activities and Examinations (50 IAC 752; 42 Ill Reg 12382), Mid-Term Cancellations (50 IAC 940; 42 Ill Reg 12449), Minimum Standards for Individual and Group Medicare Supplement Insurance (50 IAC 2008; 42 Ill Reg 12464), Managed Care Reform & Patient Rights (50 IAC 4520; 42 Ill Reg 12511) and Health Carrier External Review (50 IAC 4530; 42 Ill Reg 12520). Amendments to Part 752 eliminate obsolete provisions and reflect a shift in certain licensure responsibilities from DOI's Property and Casualty Compliance Unit to the Corporate Regulatory Section. The Part 940 rulemaking removes a

requirement that insurance companies file contract amendments omitting reinsurance coverage in addition to filing the reinsurance contract cancellation itself. Amendments to Part 2008 align the Part with federal mandates under the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA), which prohibits the sale of Medicare supplement policies covering Part B deductibles to persons who become newly eligible for Medicare due to age or disability on or after 1/1/20. This rulemaking also prohibits the sale of Medicare supplement policies with a "ladle-shaped" premium structure that temporarily lowers rates for several years after the insured has passed age 65. The Part 4520 rulemaking recognizes the Accreditation Association for Ambulatory Health Care as an accrediting organization for utilization review providers. Finally, amendments to Part 4530 change the annual deadline for

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Proposed Rulemakings

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health carriers to submit external review reports to DOI from March 1 to June 1.

DOI REPEALERS

DOI also proposed repeal of the Parts titled Illinois Insurance Exchange Annual Statement (50 IAC 551; 42 Ill Reg 12376), Uniform Accounting Instructions for Fire and Marine and Casualty and Surety Insurers (50 IAC 903; 42 Ill Reg 12387), Supplemental Reports for Property and Casualty Insurance Companies (50 IAC 936; 42 Ill Reg 12442), and Admitted Assets (50 IAC 945; 42 Ill Reg 12454). DOI states that the rules contained in these Parts are obsolete due to changes in statute or changes in reporting and accounting procedures.

Questions/requests for copies/comments on the 9 DOI rulemakings through 8/20/18:

Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957.

■ WASTE DISPOSAL

The POLLUTION CONTROL BOARD proposed amendments to Underground Injection Control Operating Requirements (35 IAC 730; 42 Ill Reg 12549), Standards for Universal Waste Management (35 IAC 733; 42 Ill Reg 12649), Hazardous Waste Injection Restrictions (35 IAC 738; 42 Ill Reg 12694), Standards for the Management of Used Oil (35 IAC 739; 42 Ill Reg 12722), Solid Waste Disposal: General Provisions (35 IAC 810; 42 Ill Reg 12782), Standards for New Solid Waste Landfills (35 IAC 811; 42 Ill Reg 12807) and Information to be Submitted in a Permit Application (35 IAC 812; 42 Ill Reg 12914). These rulemakings are part of a consolidated PCB docket correcting and updating hazardous waste handling,

storage, transport and disposal rules to align with federal EPA regulations approved during 2016 and 2017. Other rulemakings implementing this docket appeared in the 6/15, 6/22 and 6/29 issues of the *Illinois Register*. Small businesses and small municipalities that collect, transport, store or dispose of hazardous waste may be affected by these rulemakings.

Requests for copies/comments on the 7 PCB rulemakings through 8/20/18: Don A. Brown, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Please reference consolidated docket R17-14/R17-15/R18-11/R18-31. Questions: Michael J. McCambridge, same address, 3 1 2 / 8 1 4 - 6 9 2 4 , michael.mccambridge@illinois.gov. Copies of the Board's opinion and order may be downloaded from the Board's website at <http://www.ipcb.state.il.us>.

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 July 17, 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 CHILDREN AND FAMILY SERVICES

Services Delivered by the Department of Children and Family Services (89 IAC 302; 41 Ill Reg 13887) proposed 11/17/17

IL COMMERCE COMMISSION

Telephone Assistance Programs (83 IAC 757; 42 Ill Reg 7558) proposed 3/23/18