

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

■ ADDICTION TREATMENT

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 IAC 2060; 41 Ill Reg 14878), effective 7/18/18, implementing a provision of Public Act 100-23, the FY18 Budget Implementation Act, that increases payment rates for licensed substance abuse treatment providers. The rulemaking provides that DHS will establish payment methodologies specific to each Medicaid reimbursable service, based on appropriated funds, the need for services, and other factors. If an appropriation is made specifically to provide a cost of living adjustment to providers, and this amount is sufficient to grant all providers at least a 1 percent increase, an across the board rate increase

will be granted to all providers. If the appropriation is not sufficient, specific categories of treatment or recovery providers will receive an increase. Rates and rate modifications will take effect only upon approval by DHS and, for Medicaid reimbursed services, by the Department of Healthcare and Family Services. Affected providers and the public will be informed of changes in rate methodology in accordance with federal law. Since 1st Notice, DHS has included a more detailed explanation of its payment methodology. Licensed alcohol and drug treatment providers will be affected by this rulemaking.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Floor, Springfield IL 62762, 217/785-9772.

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Proposed Rulemakings

■ DRIVERS' LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 42 Ill Reg 14350) affecting the third-party certification program for commercial driver's license (CDL) testing and licensure. Third-party certifying entities must notify SOS of its CDL testing appointments, including the dates, times and locations of each test, at least 2 business days prior to each test. Failure to maintain required testing records, or maintenance of incomplete records, will be deemed evidence that required testing was not administered. SOS may (currently, shall) annually re-examine a percentage of certified employees or members of a third-party certifying entity, and safety officers who have not

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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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MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 41 Ill Reg 12709 and 13532), effective 7/23/18, combining two separately proposed rulemakings. The amendments update contact information for the HFS Office of Inspector General and remove references to defunct provider assessment programs.

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

VEHICLE REGISTRATION

The SECRETARY OF STATE adopted amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 42 Ill Reg 4497), effective 7/23/18,

adding used vehicle dealers to the list of entities required to use the Electronic Registration and Titling Program effective 1/1/19. Since 1st Notice SOS added language clarifying current options for electronic registration and titling.

Questions/requests for copies: Gina Harrison, SOS, 100 W. Randolph St., #5-400, Chicago IL 60601, 312/814-7246.

WATER POLLUTION LOANS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted an amendment to Procedures for Issuing Loans From the Water Pollution Control Program (35 IAC 365; 42 Ill Reg 7272), effective 7/20/18, updating the Part for consistency with recent changes to the federal Clean Water Act that allow additional state subsidization to eligible recipients. Municipalities that qualify for the loan program may be affected.

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

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Universal Life Insurance (50 IAC 1411; 42 Ill Reg 1086), effective 7/23/18, implementing statute establishing the National Association of Insurance Commissioners (NAIC) Valuation Manual as the source for actuarial valuation standards for insurance contracts issued on or after 1/1/17. The rulemaking amends the Part to apply only to contracts not covered by the NAIC manual effective 1/1/17.

Questions/requests for copies: Bruce Sartain, DOI, 320 W. Washington St., Springfield IL 62767, 217/785-0903.

Proposed Rulemakings

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administered at least 10 skills tests in a calendar year may take a refresher course in lieu of having SOS observe the officer's administration of a skills test. The rulemaking also exempts active duty military personnel who have completed a training course certified by the Motorcycle Safety Foundation within the previous year from road testing prior to

issuance of a Class M or L (motorcycle or motor-driven cycle) license. Those affected by this rulemaking include third-party CDL certifying entities and their employees.

Questions/requests for copies/comments through 9/17/18: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

LONG TERM CARE

The DEPARTMENT ON AGING proposed amendments to Adult Protection and Advocacy Services (89 IAC 270; 42 Ill Reg 14309) updating its rules for the Office of the State Long-Term Care Ombudsman and its references to federal regulations. (The Long-Term Care Ombudsman

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Proposed Rulemakings

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Program trains persons to serve as advocates for recipients of facility-based, community-based or home-based long term care when the recipients have concerns or complaints.) The rulemaking includes definitions, an explanation of the program's structure and goals, an outline of involved agencies' responsibilities (e.g., the Regional Ombudsman, the Area Agency on Aging, the provider agency), provisions for ombudsmen's access to resident and participant information and records, complaint investigation procedures, and procedures to address willful interference with the duties of the ombudsman. Those affected by this rulemaking include long term care facilities, community-based or home care providers, and local agencies providing senior services.

Questions/requests for copies/comments through 9/17/18: Tracey Trigillo, DonA, One Natural Resources Way, Springfield IL 62702-1271, 217/785-3346, Tracey.Trigillo@illinois.gov

ABLE ACCOUNTS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Temporary Assistance for Needy Families (89 IAC 112; 42 Ill Reg 14263), Aid to the Aged, Blind or Disabled (89 IAC 113; 42 Ill Reg 14279), and Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 42 Ill Reg 14296) that exempt Achieving a Better Life Experience (ABLE) savings accounts for persons with disabilities from consideration as assets in determining financial eligibility for TANF, AABD or SNAP.

Questions/requests for copies/comments on the 3 DHS rulemakings through 9/17/18: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ THERMOSTATS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed amendments to Collection of Out-of-Service Mercury Thermostats (35 IAC 190; 42 Ill Reg 14342)

concerning IEPA's collection program for obsolete and unused thermostats with mercury temperature sensing switches. The rulemaking reduces IEPA's Statewide collection goal for 2018 to 7,000 (currently, 32,500) thermostats; for 2019, 6,000 (currently, 37,500); and for 2020, 5,000 (currently, 40,000). Added goals for the collection program including maintaining at least 600 collection sites Statewide or 20% more locations than were maintained the previous calendar year, whichever is less; engaging in in-person, telephone or electronic outreach to all collection locations; and engaging in outreach to thermostat wholesalers, contractors, retailers and homeowners. Businesses that sell or install thermostats may be affected by this rulemaking.

Questions/requests for copies/comments through 9/17/18: Gabriel H. Neibergall, IEPA, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield IL 62794-9276, 217 / 782 - 5544, gabriel.neibergall@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 August 14, 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 CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 42 Ill Reg 8991) proposed 6/8/18

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Acupuncture Practice Act (68 IAC 1140; 42 Ill Reg 8683) proposed 6/1/18

DEPT OF HUMAN RIGHTS

Procedures of the Department of Human Rights (56 IAC 2520; 42 Ill Reg 8725) proposed 6/1/18

DEPT OF NATURAL RESOURCES

Duck, Goose and Coot Hunting (17 IAC 590; 42 Ill Reg 4286) proposed 3/9/18

DEPT OF REVENUE

Income Tax (86 IAC 100; 42 Ill Reg 8144) proposed 5/18/18

Income Tax (86 IAC 100; 42 Ill Reg 8737) proposed 6/1/18

Joint Committee on Administrative Rules

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Senator Don Harmon

Senator Tony Muñoz

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