

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

■ ALZHEIMER'S CARE

The DEPARTMENT OF PUBLIC HEALTH proposed a new Part titled Alzheimer's Disease and Related Dementias Services Code (77 IAC 973; 42 Ill Reg 19510) implementing two Public Acts that created the Alzheimer's Disease and Related Dementias Services Act [410 ILCS 406]. The Act and the new Part govern all facilities and services, including home health, assisted living, intermediate or skilled nursing, and hospice services, that serve persons with Alzheimer's Disease or related dementias. Services must be implemented in accordance with nationally recognized standards of care (e.g., Alzheimer's Association, National Institutes of Health). The new Part also lists qualifications and continuing education requirements for an Alzheimer's

services director and training requirements for staff with direct access to clients or patients. An entity that knowingly offers Alzheimer's/dementia services not in compliance with this Part and is licensed, certified or regulated by the State will be deemed in violation of its licensing/certification statutes and any contract or agreement it has with the State; non-licensed entities will be guilty of a business offense punishable by a fine of at least \$1,001. Those affected by this rulemaking include nursing homes, assisted living facilities, home care and hospice services, and other entities that care for persons with dementia.

Questions/requests for copies/comments through 12/17/18: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

UNCLAIMED LIFE INSURANCE

The DEPARTMENT OF INSURANCE proposed a new Part titled Unclaimed Life Insurance Benefits (50 IAC 920; 42 Ill Reg 19362) implementing provisions of the Unclaimed Life Insurance Benefits Act [215 ILCS 185] that require DOI to establish a Lost Policy Finder Service. All Illinois insurers must register for the service within 30 days after the new Part takes effect or within 30 days after they are authorized to sell life insurance products in Illinois. Each insurer must designate a Primary Policy Search Coordinator who will ensure that the company properly responds to requests for information and makes required reports to DOI. Requests to use the service may be submitted at the DOI website or via a paper

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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.

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form and must include a copy of the insured's death certificate or other proof of death. Any insurer receiving a Lost Policy Finder request must respond within 30 or 45 days (depending on the type of request) and use all reasonable efforts to search for any in-force policies, annuity contracts, or retained asset accounts belonging to the deceased person identified in the request. Within 30 days after the final disposition of a Lost Policy Finder request, the insurer must report to DOI whether the claim was paid and the amount paid, or if the claim was not paid, the reason for nonpayment. Insurers must also perform a comparison of their electronic searchable files concerning policies, annuities, and retained asset accounts with a master death record file. Upon receiving notice of an insured's death, an insurer must: check its records to determine if the deceased had any other policies, annuities or accounts with that company; notify any affiliate, parent or subsidiary company of the death or of a match in the master file; and make good faith efforts to contact beneficiaries at least once at their last known addresses. Good faith efforts to discover beneficiary contact information include, but are not limited to, searching the insurer's electronic files, using internet search engines, or searching the State Board of Elections voter registration database. When a policy, annuity or account is established or when the insured

or the beneficiary changes, the insurer must request sufficient information to ensure that benefits or proceeds will be property distributed upon the insured's death, and must update its records whenever it receives or gains knowledge of a relevant change. Those affected by this rulemaking include insurance companies, executors or legal representatives of estates, and potential beneficiaries of unclaimed policies.

INSURANCE CLAIMS

DOI also proposed amendments to Improper Claims Practice (50 IAC 919; 42 Ill Reg 19331) updating the Part to add definitions; clarify the Part's applicability to all claims activity on or after 6/17/74; list criteria for frequency of examinations and maintenance of claims data; and clarify current practices regarding filing of fire and extended coverage claims, storage and towing of vehicles, unreasonable delays in resolving claims, and other issues.

Questions/requests for copies/comments on the 2 DOI rulemakings through 12/17/18: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957.

■ STATE PROPERTY

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to

Marking, Inventory, Transfer and Disposal of State-Owned Personal Property (44 IAC 5010; 42 Ill Reg 19247) aligning the Part (which governs inventory, sale and disposal of State-owned items such as vehicles, electronic equipment, furniture, etc.) with recent statutory changes. Equipment with a value greater than the nominal value established by CMS (currently, greater than \$500) or that is subject to theft, including all vehicles and firearms, must be marked with a unique identification number and reported to CMS. Agencies have 90 days (currently, 30 days) to update equipment inventories after acquisition, change, or deletion of an item. The nominal value of items subject to depreciation shall be determined by the owning agency using prevailing industry standards and based on the condition of the item. Items that cannot be sold and would ordinarily be scrapped, burned or disposed of in a landfill will first be examined to determine if they can be recycled. Finally, the rulemaking defines as "priority agencies" the following entities to whom surplus State property must be offered for sale before it is offered to the general public: municipalities and other units of local government; school districts; medical institutions (including clinics, hospitals, and health centers); schools; colleges and universities; child care centers; museums; nursing

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homes; programs for the elderly; food banks; sheltered workshops; the Boy and Girl Scouts of America; and other charitable or non-profit educational or public health organizations. Those affected by this rulemaking include municipalities and non-profits that are priority agencies.

Questions/requests for copies/comments through 12/17/18: Alyson Grady, CMS, 721 Stratton Office Bldg., Springfield IL 62706, 217/782-2141.

■ FISHING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Commercial Fishing and Musseling in Certain Waters of the State (17 IAC 830; 42 Ill Reg 19498) opening the South Fork of the Sangamon River, from the Ill. Route 48 bridge downstream to the Sangamon River, to commercial fishing and allowing a maximum of 2 special use permits to be issued for commercial removal of selected fish in Bay Creek (Pope County) or Kiser Creek (Pike County). DNR also proposed amendments to Sport Fishing Regulations for the Waters of Illinois (17 IAC 810; 42 Ill Reg 19373) making site-specific changes, declaring June 14-17, 2019, as the annual Free Fishing Days, and setting a daily harvest limit of 5 fish per boat for youth-only (age 18 and under) sanctioned fishing tournaments. Commercial fishermen and

sponsors of fishing tournaments may be affected by these rulemakings.

Questions/requests for copies/comments through 12/17/18: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-6379.

■ DCEO HEARINGS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to Administrative Hearing Rules (56 IAC 2605; 42 Ill Reg 19290) updating its procedures for hearings on recovery of grant funds, suspension or revocation of tax credits, and other agency actions. With regard to grants, provisions of the Grant Accountability and Transparency Act (GATA) and its implementing rules (44 IAC 7000) take precedence over the rules in this Part if they conflict. DCEO is also authorized to enter into an intergovernmental agreement with another State agency for the services of a hearing officer. Other provisions clarify that the requirement of an “impartial” hearing officer (who must be an Illinois licensed attorney) does not exclude an attorney who is employed by DCEO or another State agency, provided that person has not been directly involved with the case being heard; specify actions that can be made via written motions; allow notices to be delivered electronically when the parties to a hearing agree to this process in writing; require

written petitions for hearing to be delivered to DCEO’s Chicago (rather than Springfield) address; and clarify or define actions such as failure to appear. Those affected by this rulemaking include small businesses appealing adverse decisions of DCEO.

Questions/requests for copies/comments through 12/17/18: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, fax 217/524-3701, jolene.clarke@illinois.gov

■ ICC PROCEDURES

The ILLINOIS COMMERCE COMMISSION proposed amendments to Rules of Practice (83 IAC 200; 42 Ill Reg 19323) that allow all documents to be certified in the manner provided under the Code of Civil Procedure (instead of by a notary public) and prescribe that all electronic documents submitted to ICC via e-Docket be in PDF format. Those affected by this rulemaking may include small businesses.

Questions/requests for copies/comments through 12/17/18: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

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 November 13, 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 HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 42 Ill Reg 13411) proposed 7/13/18

Hospital Services (89 IAC 148; 42 Ill Reg 13415) proposed 7/13/18

Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
(89 IAC 149; 42 Ill Reg 13418) proposed 7/13/18

Hospital Reimbursement Changes (89 IAC 152; 42 Ill Reg 13420) proposed 7/13/18

DEPT OF INSURANCE

Minimum Standards for Individual and Group Medicare Supplement Insurance
(50 IAC 2008; 42 Ill Reg 12464) proposed 7/6/18

DEPT OF PUBLIC HEALTH

Control of Communicable Diseases Code (77 IAC 690; 42 Ill Reg 5729) proposed 3/30/18

TEACHERS' RETIREMENT SYSTEM

The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 42 Ill Reg 16477) proposed 9/7/18