

*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

### HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Hospital Licensing Requirements (77 IAC 250; 43 Ill Reg 7919, effective 10/22/19, implementing Public Acts 100-99 and 100-306 as well as federal regulations. Incorporated standards for infection control issued by the federal Centers for Disease Control and Prevention have been updated, and CDC standards for antibiotic stewardship (practices intended to prevent unnecessary or inappropriate use of antibiotics) have also been incorporated. Hospitals must include antibiotic stewardship programs in their policies concerning control of infections and communicable diseases. Hospitals may only refer patients or their families to home health, home services, or home nursing agencies that are licensed under the Home Health, Home Services, and Home Nursing

Agency Licensing Act. Anesthesiologists shall be board certified or candidates for board certification in the American Board of Anesthesiology examination system (formerly, board certification or eligibility was recommended) and procedures shall be established for regular inspection, maintenance and repair of anesthesia equipment. For surgeries or other procedures

#### Peremptory Rule, Page 3

requiring anesthesia, the patient must be examined by a physician within 30 days prior to non-emergency procedures, or within 24 hours after admission or registration, and the exam findings and medical history must be entered into the patient's record. (Formerly this examination was required within 48 hours prior to the procedure.) Post-anesthesia

(cont. page 2)

## Proposed Rulemakings

### RADIOLOGY

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed amendments to the Part titled Accrediting Persons in the Practice of Medical Radiation Technology (32 IAC 401; 43 Ill Reg 12939) updating various definitions, references and procedures to conform to current law and practice. References to the Radiologic Technologist Accreditation Advisory Board (abolished by statute) are removed and the list of approved programs for accreditation is updated. Organizations currently recognized as continuing education providers will be listed on IEMA's website (instead of in rule) and the process of obtaining accreditation as a radiologist assistant or nuclear medicine advanced associate is updated. Failure to repay educational loans guaranteed by

(cont. page 2)

**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.

## New Rules

(cont. from page 1)

follow up visits are required within 48 (formerly 24) hours after surgery. When a hospital changes ownership, the buyer and seller shall inform DPH which party will be responsible for preserving the hospital's records. A license shall not be issued to the new owners until a plan for records preservation has been submitted to DPH. If no single party has complete responsibility for records preservation, DPH shall be provided a list identifying the records that each party is responsible for preserving. Reports of any incident that places patients in potential or actual

danger and requires them to be transferred to other parts of the facility or to other facilities (e.g., fire, flood, power failure) must be reported to DPH by e-mail within 24 hours (formerly, two working days). Finally, hospitals must notify DPH within 24 hours of receiving a strike notice from staff providing direct care. The hospital must also submit a strike contingency plan to DPH no later than 3 calendar days prior to the impending strike. Since 1<sup>st</sup> Notice, DPH clarified the requirements for anesthesiologist certification.

*Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL*

62761, 217/785-9212,  
[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

### ■ MEAT INSPECTION

The DEPARTMENT OF AGRICULTURE adopted amendments to the Part titled Meat and Poultry Inspection Act (8 IAC 125; 43 Ill Reg 7323), effective 10/28/19, implementing Public Act 100-1185. The rulemaking establishes the process by which Type I custom exempt establishments (those that slaughter or prepare meat or meat products for specific customers, in place of or in addition to preparing

(cont. page 3)

## Proposed Rulemakings

(cont. from page 1)

the Illinois Student Assistance Commission is removed as a grounds for suspension, revocation or denial or accreditation. With regard to applicants convicted of felonies, juvenile convictions shall not be considered; for adult convictions, IEMA must consider evidence of rehabilitation and mitigating factors before deciding that a conviction will disqualify the applicant. The examination fee for limited diagnostic radiography accreditation is increased from \$125 to \$140 effective 1/1/20. Those affected by this rulemaking include radiologists, nuclear medicine technicians, and their employers.

*Questions/requests for copies/ comments through 12/23/19: Traci Burton, IEMA, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9860.*

### STATE POLICE CANDIDATES

The STATE POLICE MERIT BOARD proposed an amendment to Procedures of the Department of State Police Merit Board (80 IAC 150; 43 Ill Reg 12971) implementing Public Act 101-374. The rulemaking requires applicants for appointment as sworn State Police officers to have an associate degree or to have completed 60 credit hours of study at an accredited college or university. (Currently, for applicants with less than a bachelor's degree,

various combinations of education and police experience or military service are required.) The rulemaking also updates the list of commissions from which the college or university must have obtained its accreditation.

*Questions/requests for copies/ comments through 12/23/19: Daniel Dykstra, SPMB, 531 Sangamon Ave. East, Springfield IL 62702, fax 217/786-0181, [ddykstra@ispmeritboard.org](mailto:ddykstra@ispmeritboard.org)*

# Proposed Rulemakings

---

(cont. from page 2)

meat for general retail sale) may request the custom exemption on an annual basis. Animals intended for custom exemption slaughter must be segregated for those intended for inspected slaughter. Portions of a cattle carcass that may carry bovine spongiform encephalopathy (mad cow disease) cannot be used in any custom meat product. All custom exemption products must be completely physically separated from inspected products throughout the production process and clearly stamped as “Not For Sale – Not Inspected”. Records of each custom-slaughtered animal and of meat processing procedures (e.g., smoking or curing) must be kept for at least 2 years and made available upon request to inspection personnel. All exemption approvals expire annually on December 31. Type I establishments that have an existing custom exemption and wish to slaughter, receive or process uninspected meat outside of approved hours may do so if they notify DOA after each occurrence. Since 1<sup>st</sup> Notice, DOA has clarified record keeping responsibilities; that establishments may determine what form of

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted preemptory amendments to Pay Plan (80 IAC 310; 43 Ill Reg 13031), effective 10/25/19, implementing a collective bargaining agreement with the Illinois Federation of Public Employees (IFPE) effective 7/1/15 through 6/30/23. The preemptory rule includes general pay increases of 1.5% effective 1/1/20; 2.1% effective 7/1/20; and 3.95% effective 7/1/21 and 7/1/22. Bargaining unit employees on active payroll at the time the agreement was signed also receive a \$2,500 stipend prorated by 25% for each year the employee was employed between 7/1/15 and 6/30/19, along with back pay owed from that period. Other provisions address pay

physical separation between custom exemption and inspected products will work best for the facility; and that E. coli test samples collected under the custom exemption provisions count toward the 13 samples generally required under the Meat and Poultry Inspection Act. Businesses that

## Preemptory Rule

determinations for changes to existing or new job classes; step increases; severance pay when a State facility closes or a program is terminated; parental leave after a birth or adoption; temporary assignments; overtime and holiday pay; time off for grievance resolution or bargaining unit business; clothing and equipment reimbursements/allowances, and other issues. This preemptory rule affects more than 600 employees of the Departments of Agriculture, Central Management Services, Human Services, Natural Resources, Veteran’s Affairs and Transportation.

*Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov)*

custom slaughter or process meat are affected by this rulemaking.

*Questions/requests for copies: Albert A. Coll, DOA, State Fairgrounds, P.O. Box 19281, Springfield IL 62794-9281, 217/782-5051, fax 217/785-4505.*

## 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 November 12, 2019 JCAR 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 HUMAN SERVICES

Developmental Disabilities Services (89 IAC 144; 43 Ill Reg 7596) proposed 7/12/19

### DEPT OF INSURANCE

Mistake in Benefit under Article 3 and Article 4 Pensions (50 IAC 4450; 43 Ill Reg 6242) proposed 5/31/19

### IL EMERGENCY MANAGEMENT AGENCY

General Grantmaking (IEMA) (44 IAC 7030; 43 Ill Reg 7903) proposed 7/26/19

## Joint Committee on Administrative Rules

**Senator Don Harmon, *co-chair***

**Representative Tom Demmer**

**Senator Kimberly Lightford**

**Representative Michael Halpin**

**Senator Tony Muñoz**

**Representative Frances Ann Hurley**

**Senator Sue Rezin**

**Representative Steven Reick**

**Senator Paul Schimpf**

**Representative André Thapedi**

**Senator Chuck Weaver**

**Representative Keith Wheeler, *co-chair***

**Vicki Thomas  
Executive Director**