

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 is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to "Video Gaming" (11 Ill Adm Code 1800; 35 Ill Reg 13021), effective 1/6/12. A companion emergency rulemaking was effective 7/29/11. A new section of text allows licensure applicants to withdraw applications without approval of the Illinois Gaming Board prior to Board action on the license unless the administrator of the Board objects. If the administrator objects, Board approval of the withdrawal is required, and reapplication may not be made for a period of one year without Board approval. Further amendments change the definition of "person with significant interest **and** control" to "person with significant interest **or** control" and add the ability to "influence" the activities of an applicant or licensee to the definition. Since 1st Notice, amendments were added to remove conflicting language from existing rule text. Those affected by these rulemakings include game localities, manufacturers, distributors, suppliers, and others who desire to be licensed for video gaming by IGB.

Questions/requests for copies: Lynn J. Carter, IGB, 160 N. LaSalle St., Chicago

IL 60601, 312/814-4654, Fax 312/814-7253.

STATE EMPLOYEES

The DEPARTMENT OF INSURANCE adopted amendments to "Americans With Disabilities Act Grievance Procedure" (4 Ill Adm Code 250; 35 Ill Reg 10457), effective 1/3/12, to reflect that the Department of Insurance is a free-standing Department and no longer part of the Department of Financial and Professional Regulation. Thus, these rules concerning how a disabled DOI employee may bring a grievance before DOI no longer label DOI as a division of DFPR. Minor language changes are also made to reflect consistency with terms used in other rules.

INSURANCE

DOI also adopted amendments to "Corrective Orders" (50 Ill Adm Code 1250; 35 Ill. Reg. 10466), effective 1/3/12, to conform to recent changes in a National Association of Insurance Commissioners (NAIC) model rule setting more objective evaluation criteria for insurance regulators examining financially precarious companies and

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CAPITOL COMPLEX USE

The SECRETARY OF STATE proposed amendments to "Public Use of the Capitol Complex and Springfield Facilities" (71 Ill Adm Code 2005; 36 Ill Reg 814) concerning use of the State Capitol grounds, adjacent State buildings, and other State government facilities in Springfield. The rulemaking changes public business hours for all Capitol complex buildings, unless otherwise posted, to 8 a.m. to 5 p.m. (currently, 7 a.m. to 6 p.m.) Monday through Friday, excluding State holidays. Visitors without a State-issued photo identification card must undergo security screening before entering any Capitol complex building (except for emergency personnel responding to an emergency), and employees entering or leaving buildings outside of business hours may be required to sign in or out. The rulemaking forbids commercial activity or direct solicitation of donations for any organization or cause, and allows only non-profit organizations to apply for permission to hold sales of baked goods or other items. Distribution of leaflets or other printed material is permitted if permission is sought in writing at least 48 hours in advance.

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NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating 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/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

the scope of enforcement authority an insurance commissioner (or director) may take. The rulemaking revises the following standards and criteria employed by DOI in evaluating an insurance company: audit reports and actuarial opinions as another basis of information; whether the company meets actuarial standards of practice adopted by the Actuarial Standards Board in Washington D.C.; whether the insurer's operating loss occurred in the last 12 months or more recently (including whether net capital gain or loss and change in non-admitted assets and cash dividends paid to shareholders is greater than 50% of the insurer's remaining surplus regarding policyholders in excess of the minimum required); and whether the insurer operating loss in the last 12 months or more recently, excluding net capital gains, is greater than 20% of the insurer's remaining surplus regarding policyholders. Additional criteria address whether an insurer has failed to meet financial and holding company requirements, absent a reason satisfactory to DOI; whether the company will experience cash flow or liquidity problems in the foreseeable future; whether the management of the insurer persistently engages in

actions that result in adverse development; and whether transactions among affiliates, subsidiaries, or controlling persons of an insurer do not provide sufficient value, liquidity, or diversity to assure the insurer's ability to meet outstanding obligations. In addition, the rulemaking specifies that an enforcement order by the director of DOI may direct an insurer to adjust rates for any non-life insurance product when the director determines such action is necessary to improve the financial condition of the insurer.

Questions/requests for copies of the 2 DOI rulemakings above: Eve Blackwell-Lewis (217/782-2867) for 4 Ill Adm Code 250 and Tom Ratsch (217/524-5441) for 50 Ill Adm Code 1250, DOI, 320 W. Washington, 4th Fl., Springfield IL 62767-0001, Fax 217/524-9033.

☞ MEDICAL TRANSPORT SERVICES

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to "Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515; 35 Ill Reg 12645), effective 1/6/12, concerning critical care medical patient transport. This type of transportation means the pre-hospital or

inter-hospital transport of a critically injured or ill patient by a vehicle service provider, including the provision of medically necessary supplies and services, beyond the scope of an EMT-paramedic. A 3-tiered system of critical care transport is specified that provides for voluntary certification at one of the 3 levels. Standards based upon (1) personnel staffing and licensure; (2) education, certification, and experience; (3) medical equipment and supplies; (4) vehicle standards; (5) treatment and transport protocols; and (6) a quality assurance program are delineated for each tier. In addition, the rulemaking provides for suspension of a vehicle provider and a subsequent hearing if the provider fails to meet the above standards. Since 1st Notice, language has been added to clarify that Tier I is considered "expanded scope of practice" while Tier II and Tier III are considered critical care. Those affected by this rulemaking include hospitals, emergency transporters, and other medical providers.

Questions/requests for copies: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761-0001, 217/782-2043, e-mail: dph.rules@illinois.gov.

Proposed Regulations

An existing ban on firearms and knives is expanded to include firearm ammunition; flammable, corrosive, or explosive chemicals: incendiary devices; irritants such as pepper spray or tear gas; toy or dummy weapons; and any item deemed to be inappropriate or that could be used as a weapon. Exceptions may be made for law enforcement, military, and ceremonial personnel performing official duties. An obsolete reference to designated smoking areas is stricken and replaced with a blanket ban on smoking in any building. Groups seeking permission to hold a demonstration or gathering in the Capitol complex must submit the name, telephone number and ad-

dress of an event contact person (currently, all officers or leaders of the group must submit contact information). A group event may be rescheduled or cancelled if it is determined that the activity will unreasonably interfere with the legislative process. Those affected by this rulemaking include persons or organizations planning gatherings, demonstrations, or other activities at the Capitol or other State facilities in Springfield.

☞ VEHICLE REGISTRATION

SOS also proposed amendments to "Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010; 36 Ill

Reg 826) requiring all new vehicle dealers to utilize SOS' Electronic Registration and Titling (ERT) program. (The ERT program allows vehicle dealers to submit title and registration documents to SOS electronically.) The rulemaking increases costs for unaccounted for vehicle registration stickers, vehicle plates intended for sale as a set, and vehicle plates intended for individual sale from \$100 to \$125. Beginning 7/1/12, ERT service providers must post a \$1.5 million performance bond. (Currently, ERT service providers are required to post a \$1 million performance bond.) This rulemaking will impact car, truck and other vehicle dealers and other busi-

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nesses providing ERT services.

Questions/requests for copies/comments on the 2 SOS rulemakings above through 3/5/12: Cynthia Grant, SOS, 298 Howlett Building, Springfield IL 62756, 217/785-3094, e-mail: cgrant@ilsos.net.

GUARDIANSHIP FEES

The ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION (GAC) proposed amendments to "Fee Schedule for the Office of the State Guardian" (59 Ill Adm Code 301; 36 Ill Reg 708) that update its fee schedule for the first time since 2000. The rulemaking increases case opening fees and monthly guardianship services fees, and sets flat rate fees for guardianship petitioning (\$500) and real estate property sales (\$1,000). Case opening and monthly guardianship services fees are divided into 3 rate categories based on whether the Office of the State Guardian serves as guardian of the person, guardian of the estate, or guardian of both the person and the estate. The new fees range from \$300 to \$1,000 for case opening (currently \$200 to \$500) and \$100 to \$1,000 for monthly guardianship services (currently \$100 to \$350). The rulemaking also removes the lower limit on protected assets (\$6,500). GAC clarified that no service fees would be assessed on an estate if the assessment would result in financial hardship for the ward and fees are terminated in the month following the ward's death. The rulemaking also amends the fee schedule in rules, including the above referenced fees and miscellaneous fees (income tax return filings, settlement of personal injury cause of action, establishment of trusts, etc.).

Questions/requests for copies/comments through 3/5/12: Danielle

Welliever, GAC, 160 N. LaSalle St., Suite S-500, Chicago IL 60601, 312/793-5919, Fax 312/793-4311, e-mail: danielle.welliever@illinois.gov.

TUBERCULOSIS CONTROL

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Control of Tuberculosis Code" (77 Ill Adm Code 696; 36 Ill Reg 772) that update the Part to make it consistent with current State law, communicable disease reporting practices, professional standards and federal guidelines. Topics addressed include responsibilities in "health care settings" (defined as any instance in which a health care worker "might share air space" with a TB-infected person or come in contact with clinical specimens); screening for latent infection and active disease; management of persons with latent infection; diagnosis and management of persons with suspected or confirmed active disease; reporting requirements; and DPH's or the local TB control authority's role in enforcement and control. These amendments are too detailed to describe in their entirety. For further information, contact the agency individual noted below. Affected entities include hospitals, long-term care facilities, residential facilities, alcohol and drug treatment centers, laboratories and other health care settings.

Questions/requests for copies/comments through 3/5/12: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761-0001, 217/782-2043, e-mail: dph.rules@illinois.gov.

AIR POLLUTANTS

The POLLUTION CONTROL BOARD proposed amendments to "Standards and Limitations for Organic Material Emissions for Area Sources" (35 Ill

Adm Code 223; 36 Ill Reg 727) that prohibit the sale or manufacture of adhesive removers, contact adhesives, electrical cleaners, electron cleaners, footwear or leather care products, general purpose degreasers, or graffiti removers manufactured on or after 7/1/12 that contain methylene chloride, perchloroethylene, or trichloroethylene. Also included are limits in the percentage of volatile organic material contents that may be contained in adhesive removers, contact adhesives, non-aerosol antistatic products, electrical cleaners, engine degreasers, fabric refreshers, footwear or leather care products, graffiti removers, hair styling products, shaving gels, and wood cleaners sold after 7/1/12. Affected entities include those selling or manufacturing such products.

Requests for copies/comments through 3/5/12: John Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620 or download copies at www.ipcb.state.il.us. For more information: Tim Fox at the same address, 312/814-6085, e-mail: foxt@ipcb.state.il.us. Please reference docket R12-8.

COMMERCIAL FISHING

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to "Commercial Fishing and Musseling in Certain Waters of the State" (17 Ill Adm Code 830; 35 Ill Reg 722) increasing the length of the Embarras River in east-central Illinois that is open to commercial fishing. Commercial fishermen will be affected by this rulemaking.

Questions/requests for copies/comments through 3/5/12: Nick San Diego, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

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 JCAR's February 7, 2012 meeting.

STATE UNIVERSITIES RETIREMENT SYSTEM

"Universities Retirement" (80 Ill Adm Code 1600) proposed 11/14/11 (35 Ill Reg 18589)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Genetic Counselor Licensing Act" (68 Ill Adm Code 1251) proposed 11/18/11 (35 Ill Reg 18986)

DEPARTMENT OF PUBLIC HEALTH

"Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300) proposed 6/24/11 (35 Ill Reg 9927)

DEPARTMENT OF NATURAL RESOURCES

"Illinois Resident Armed Forces Fee Exemptions" (17 Ill Adm Code 2510) proposed 11/18/11 (35 Ill Reg 19055)

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Gregory Harris

Senator Maggie Crotty

Representative Louis Lang

Senator Don Harmon

Representative Don Moffitt

Senator John O. Jones

Representative Rosemary Mulligan

Senator Dale A. Righter

Representative Angelo "Skip" Saviano

Senator Ira Silverstein

Representative Andre Thapedi

**Vicki Thomas
Executive Director**