

*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

### MEDICAL ASSISTANCE

### MOTOR VEHICLE EMISSIONS

### HEALTH CARE DATA

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to "Covering All Kids Health Insurance Program" (89 Ill Adm Code 123; 35 Ill Reg 683), effective 1/14/12, concerning the All Kids children's health insurance program. The rulemaking requires private health insurers to provide data match information to DHFS upon request in accordance with the Illinois Insurance Code. Any data provided by private insurers must comply with State and federal medical privacy laws. Since 1<sup>st</sup> Notice, statutory language stating that data matching would be performed for the purpose of determining eligibility has been deleted because the underlying statute was amended to remove that language. Health insurance carriers may be affected by this rulemaking.

Questions/requests for copies: Jeanette Badrov, DHFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233.

The POLLUTION CONTROL BOARD adopted amendments to "Mobile Sources" (35 Ill Adm Code 240; 35 Ill Reg 17178), effective 2/1/12, implementing Public Act 97-106. Current steady-state idle exhaust and evaporative system integrity inspection test standards are effective only through 1/31/12. New visual inspection tests standards as specified in these amendments will become effective 2/1/12. Entities affected by this rulemaking include those that own or operate a vehicle subject to emissions inspections.

Requests for copies: Daniel Robertson, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931, e-mail: [robertsd@ipcb.state.il.us](mailto:robertsd@ipcb.state.il.us). Please reference docket R12-12.

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Health Care Data Collection and Submission Code" (77 Ill Adm Code 1010; 36 Ill Reg 1009) implementing Public Act 97-180. The rulemaking concerns DPH procedures for collecting information from hospitals and ambulatory surgical treatment centers in order to compile statewide data for use in the Department's public reports (e.g., the Consumer Guide to Health Care component of DPH's Hospital Report Card website). Patient names, addresses, and any part of their Social Security numbers must not be released publicly, and only authorized DPH staff working on secure computers and databases will be permitted access to this information. However, DPH may use a unique patient identifier based on the last four digits of a patient's Social Security number to link patient discharge data with other internal or external data sets. The patient identifier may be released to State agencies, local

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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.*

# Proposed Regulations

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health departments, and approved data requesters using appropriate guidelines. A fee schedule for supplying data to non-government entities is added, and an appendix listing various data elements to be submitted to DPH is updated. Those affected by this rulemaking include hospitals and outpatient surgery clinics.

Existing advisory provisions for HIV counseling and testing centers are repealed since the CDC now recommends universal HIV testing during routine checkups, hospital admissions, and in other health care settings. Also, appendices containing sample consent forms for HIV testing are removed from the Part because PA 96-7 permits patients to consent to HIV testing either verbally or in writing. Those affected by this rulemaking include health care professionals, providers, and facilities that provide or process HIV tests.

Questions/requests for copies/comments on the 2 DPH rulemakings above through 3/12/12: Susan Meister, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## **TOURISM SIGNAGE PROGRAM**

The DEPARTMENT OF TRANSPORTATION (DOT) proposed amendments to "Tourism Attraction Signing Program" (92 Ill Adm Code 543; 36 Ill Reg 1049) concerning wineries that wish to be listed on DOT's tourism attraction signs at interstate highway exits. The rulemaking requires participating wineries to ferment at least 200 gallons of wine per year. The wine must also be processed in Illinois. This rulemaking may impact small businesses that wish to participate in the program but do not meet the 200 gallon per year requirement.

Questions/requests for copies/comments through 3/12/12: Justan Mann, DOT, 2300 S. Dirksen Pkwy., Rm. 009, Springfield IL 62764, 217/782-7231.

## **HIV/AIDS**

DPH also proposed amendments to "HIV/AIDS Confidentiality and Testing Code" (77 Ill Adm Code 697; 36 Ill Reg 960) that update the Part in accordance with Public Act 96-7, the federal Centers for Disease Control and Prevention's (CDC) current testing and treatment recommendations, and the federal Food and Drug Administration's approved HIV testing methods.

# Second Notices

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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.

## **DEPARTMENT OF HUMAN SERVICES**

"Program Definitions" (89 Ill Adm Code 521) proposed 8/19/11 (35 Ill Reg 14002)

"Services" (89 Ill Adm Code 590) proposed 8/19/11 (35 Ill Reg 14015)

## **STATE FIRE MARSHAL**

"Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas" (41 Ill Adm Code 200) proposed 8/5/11 (35 Ill Reg 12867)

## **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

"Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services Is Legally Responsible" (89 Ill Adm Code 325) proposed 10/14/11 (35 Ill Reg 16169)

## **DEPARTMENT OF PUBLIC HEALTH**

"Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515) proposed 11/14/11 (35 Ill Reg 18565)

## **DEPARTMENT OF STATE POLICE MERIT BOARD**

"Public Information, Rulemaking and Organization" (2 Ill Adm Code 2050) proposed 11/28/11 (35 Ill Reg 19263)

"Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150) proposed 11/28/11 (35 Ill Reg 19268)

# ***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**