

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

PRESCRIPTION DRUGS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to "Medical Payment" (89 Ill Adm Code 140; 35 Ill Reg 12600), effective 2/1/12, setting maximum allowable prices for prescription and over-the-counter drugs covered by DHFS medical assistance. For drugs dispensed by a non-pharmacy provider (e.g., physician or clinic), DHFS will pay the lowest of (1) the provider's usual and customary charge to the public, (2) the average sales price set by the federal government for Medicare purposes plus 6%, or (3) DHFS' lowest maximum allowable price for pharmacies. Rates will be updated at least twice per calendar year. For prescription drugs dispensed by pharmacies, the rulemaking establishes either "wholesale acquisition cost" (WAC) plus 1% or "suggested wholesale price" (SWP) minus 25% as the standard for maximum allowable prices under certain pricing formulas. (Formerly, the benchmark was "average wholesale price" minus 25% for generic drugs and minus 12% for brand name drugs.) Generic drug pricing formulas from which DHFS must select the lowest price are: SWP minus 25%, the federal upper limit for Medi-

care or a State upper limit (if established). For brand name drugs, DHFS must pay the lowest of WAC plus 1% or the State upper limit. For covered over-the-counter items, DHFS will pay the lowest of the pharmacy's usual and customary charge, WAC plus 25%, or the State upper limit. Changes since 1st Notice include an increase in the dispensing fee for generic drugs from \$4.60 to \$6.35. This rate will remain in effect if the generic dispensing rate increases at least 2% by 6/30/14; otherwise, the fee will revert to \$4.60 on 1/1/15. Also, the benchmark for generic drug pricing was changed to SWP minus 25% instead of WAC plus 1%, and the average of actual market wholesale prices was removed as a possible pricing formula. Those affected by this rulemaking include medical providers and pharmacies that serve medical assistance recipients.

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

INTERNATIONAL ADOPTIONS

The DEPARTMENT OF CHILDREN
(cont'd next page)

PROCUREMENT

The CHIEF PROCUREMENT OFFICER (CPO) FOR GENERAL SERVICES proposed amendments to "Chief Procurement Officer for General Services Standard Procurement" (44 Ill Adm Code 1; 36 Ill. Reg. 1820) to comply with Illinois Procurement Code changes mandated by Public Act 96-795. Numerous policy changes contained in this rulemaking include replacing the former CPO for such services (from the Department of Central Management Services) with a new CPO appointed by the Executive Ethics Commission. State Purchasing Officers (SPOs) appointed by the CPO are required to maintain procurement files that include bid and solicitation documents; Procurement Bulletin postings; the underlying contract and any change orders, amendments, or extensions; any bid protests and resolutions; vendor communications; and bidder or offeror evaluation materials. Other statutory and policy changes include an updated list of exemptions from the Procurement Code (e.g., most purchases of real estate, purchases of the Illinois Health Education Information Authority when specifically named funds are used, etc.) and revised defi-

(cont'd page 5)

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

AND FAMILY SERVICES repealed rules titled "Intercountry Adoption Services" (89 Ill Adm Code 333; 35 Ill Reg 7786) and replaced them with a new Part having the same title and Part number (89 Ill Adm Code 333; 35 Ill Reg 7794), effective 1/30/12, to implement provisions of the federal Intercountry Adoption Act of 2000 (42 USC 14901-14952). In addition to the current guidelines for adoption by Illinois residents of foreign children, the rulemaking establishes requirements for the adoption by foreigners of children who were born in the U.S. or are legal U.S. permanent residents. DCFS adds provisions from federal law that originated in the Hague Convention on Intercountry Adoption, including specific terminology that applies to Hague adoption proceedings and non-Hague proceedings. (Hague agreements are international agreements between participating countries based upon best adoption procedures, which consider the best interest of the child and prevention of abduction, exploitation, sale, or trafficking of children. The Convention's guidelines also require that one central authority be in place in each country to ensure that adoptive parents get the most accurate adoption information (e.g., the State Department in the U.S.A.)) The rulemaking adds intercountry adoption coordinator service provisions that list coordinator responsibilities during the intercountry adoption process. In addition, DCFS adds "placing agency" requirements concerning adoption of children emigrating from the U.S., including pre-placement and post-placement requirements. Also, the Illinois placing agency must retain jurisdiction over the emigration case during the various steps in the adoption proceeding. The rulemaking contains an added appendix that lists the minimum requirements for Illinois adoptive homes (e.g., free of fire hazards, properly heated, safely stored medicines). This rulemaking will impact child welfare agencies operating within Illinois that provide intercountry adoption services.

☞ DCFS CHILD PLACEMENTS

DCFS adopted amendments to "Placement and Visitation Services" (89 Ill Adm Code 301; 35 Ill Reg 7767) and "Background Checks" (89 Ill Adm Code 385; 35 Ill Reg 7835), effective 1/30/12, that require relatives and all members of their household 17 years of age and older to undergo a fingerprint-based, criminal background check within 30 days after the initial placement of a related child for whom DCFS is legally responsible in their unlicensed home, as required by the federal Adam Walsh Child Protection and Safety Act and the State Child and Family Services Act. The rulemakings also require DCFS caseworkers to reach a final placement decision within 90 days after a child is placed in a relative's home and add violations of the Methamphetamine Control and Community Protection Act to the list of convictions that bar placement of a child in a convicted person's home. However, in Part 385, DCFS adds a waiver of the listed prohibitions in order to allow a child's placement with relatives if the DCFS director waived such convictions during initial placement. If new convictions surface as a result of the fingerprint-based, criminal background check, the relative must request a new waiver from DCFS. These 2 rulemakings may affect child welfare agencies that provide placement services for DCFS.

DCFS also adopted amendments to "Licensing Standards for Child Welfare Agencies" (89 Ill Adm Code 401; 35 Ill Reg 7857), effective 1/30/12. An obsolete grace period granted to licensed child welfare agencies to obtain federal tax exempt status is removed, and the rulemaking clarifies that an agency's office space may not be a private residence and must have space to conduct confidential meetings. Agency staff changes must be reported monthly to DCFS, and a retention policy is mandated for closed adoption and child welfare case records. Also, an agency must obtain Department approval in writing prior

to transferring supervision of a child's or family's case to another child welfare agency, and the specified written disclosure policy lists information concerning the child that must be shared with an adoptive foster parent (e.g., criminal background, destructive behavior, substance abuse). This rulemaking may impact child welfare agencies that contract with DCFS and group homes.

Questions/requests for copies of the 5 DCFS rulemakings above: Jeff Osowski, DCFS, 406 E. Monroe, Station #65-D, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715, Fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us.

SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to "Student Records" (23 Ill Adm Code 375; 35 Ill Reg 16473), effective 1/24/12, concerning accessibility, retention, maintenance, and transfer of educational records in public schools. The rulemaking clarifies the types of health information (e.g., examinations, immunizations) that belong in a student's permanent record, which is retained for 60 years, and that belong in a student's temporary record, which is retained for 5 years. The role and responsibilities of school record custodians are explained in greater detail. Other topics addressed in this rulemaking concern inclusion of video or other electronic recordings in student records, use of electronic and digital images on school websites or in other publications, procedures parents may use to request that directory information about their child not be released, and forbidding use of social security numbers or unique student identifiers as directory information. Since 1st Notice, SBE has removed a definition of "individually identifiable" information, as well as a proposed requirement to retain records of social workers, guidance counselors, and psychologists in the temporary record. The definitions of "health related information" and "official records custodian" have also been changed to con-

New Regulations

form to statute.

SBE adopted amendments to "Certification" (23 Ill Adm Code 25; 35 Ill Reg 16443), effective 1/24/12, implementing two public acts and updating various requirements for educator certification programs. The rulemaking requires educator preparation programs to incorporate SBE's Social and Emotional Learning Standards into their curricula effective 7/1/14 and defines acceptable master's or doctoral programs for non-teaching speech-language pathologists as those which are accredited or have "accreditation candidate" status. Other provisions implement Public Act 97-233, which adds a fifth purpose of continuing professional development to four purposes already listed in the School Code, and Public Act 97-255, which allows individuals with master's degrees in public administration to apply for certification as a chief school business official if they meet certain requirements. The rulemaking also allows time employed in a school business office to be counted as part of internship requirements for certification as a chief school business official. Since 1st Notice, the effective date for including the Social and Emotional Learning Standards in educator preparation has been delayed until 7/1/14. Those affected by this rulemaking include institutions of higher education and nonprofit entities that offer educator preparation programs or public administration graduate degrees.

SBE also adopted amendments to "Voluntary Registration and Recognition of Nonpublic Schools" (23 Ill Adm Code 425; 35 Ill Reg 16495), effective 1/26/12, concerning timetables for meeting certain requirements of SBE's voluntary recognition program for nonpublic schools. The rulemaking sets an earlier deadline of November 15th (formerly December 31st) for nonpublic schools to apply to renew their State recognition status for the remainder of the school year, allows schools recognized during the previous school year to retain that status

until redetermination later in the current school year (instead of their recognition expiring at the end of the previous year), authorizes SBE staff to make "periodic" on-site visits to schools seeking recognition instead of requiring visits every 7 years, and requires schools applying for initial registration to submit materials to SBE no later than June 25th for a June 30th registration. Since 1st Notice, provisions for determining whether a school receiving block grant funds under the School Code is conforming to block grant program criteria have been added to the checklist for on-site visits. Those affected by this rulemaking include nonpublic schools operated by small businesses, religious organizations, or other nonprofit organizations.

Questions/requests for copies of the 3 SBE rulemakings above: Marcilene Dutton (217/782-5270) for Part 375, Linda Jamali (217/524-1373) for Part 25, and Mark Williams (217/782-4620) for Part 425, SBE, 100 N. First St., Springfield IL 62777-0001.

MOTOR VEHICLE EMISSIONS

The ENVIRONMENTAL PROTECTION AGENCY adopted amendments to rules titled "Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions" (35 Ill Adm Code 276; 35 Ill Reg 16918), effective 1/30/12, that implement Public Act 97-106. Steady-state idle exhaust and evaporative system integrity inspection tests are repealed. Pre-2007 heavy-duty vehicles with a gross vehicle weight rating (GVWR) between 8,501 and 14,000 pounds and any heavy-duty vehicles with a GVWR greater than 14,000 pounds are exempted from testing requirements, and a visual inspection test is added as a substitute for the on-board diagnostic (OBD) test for vehicles that cannot be tested due to their design or with known OBD software or communication problems. This rulemaking will affect small businesses, municipalities, and nonprofit corporations that own vehicles required to undergo ve-

hicle emission inspection.

Questions/requests for copies: Kent E. Mohr, Jr., EPA, 1021 N. Grand Ave. E., Springfield, IL 62794-9276, 217/782-5544; e-mail: kent.mohr@illinois.gov.

STATE VEHICLES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "State Vehicles and Garage" (44 Ill Adm Code 5040; 35 Ill Reg 12592), effective 1/24/12, altering State vehicle usage and vehicle replacement policy. Requests for vehicle acquisitions must be justified based upon work needs. State vehicles must be purchased only when that is the lowest cost alternative for the State and vehicles will be fully utilized in terms of business mileage. Factors determining which transportation option is cheaper will vary depending on the cost of fuel and the cost of purchasing State vehicles versus the cost of reimbursing State employees for use of private vehicles. Additional factors used in determining whether purchase of a vehicle is efficient are annual overall miles, annual business miles, percentage of commuting miles (if applicable), cargo, passenger load, or other special equipment or needs. A "break-even mileage reference point" will be maintained by the Department for use in determining efficient vehicle purchase decisions. The Department manager of vehicles may grant exceptions upon explanation from an agency head justifying less efficient usage of a State vehicle and if there is no alternative available to carry out agency work functions. The break-even mileage threshold maintained by the Department will be updated as changes in the formula variables occur. Since 1st Notice, DCMS has added a list of elements that must be included in a fleet request (e.g., vehicle purchase price and estimated useful service life); these elements will be part of a template available at the DCMS website. Also, new criteria for approval of vehicle acquisitions (in addition to break-even mileage) have

New Regulations

been added, including use of "developing technologies" such as hybrid or electric powered vehicles. A formula for determining break-even mileage has been added and will be posted on the DCMS Division of Vehicles website.

Questions/requests for copies: Mary Metheny, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/557-5404.

EMERGENCY MEDICAL SERVICES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515; 35 Ill Reg 14071), effective 1/25/12, that make certification of trauma nurse specialists consistent with current standards of care and health care practices through advanced trauma education. Required course elements are stricken and replaced with the requirement that the content comply with the trauma nurse specialist program prescribed in Section 515.760 of this Part. Covered topics include admission requirements, examinations, certification, re-certification, and inactive status. Also, required continuing education for recertification is decreased from 80 hours to 64. Hospitals that participate in an emergency medical services (EMS) system in a specific geographic area will be affected by this rulemaking.

MEDICAL & DENTAL GRANTS

DPH also adopted amendments for "Allied Health Care Professional Assistance Code" (77 Ill Adm Code 598; 35 Ill Reg 16413), "Loan Repayment Assistance for Physicians" (77 Ill Adm Code 581; 35 Ill Reg 16399), and "Loan Repayment Assistance for Dentists" (77 Ill Adm Code 580; 35 Ill Reg 16381), all effective 1/27/12. Part 598 provides scholarships for certain health professional students. This rulemaking expands the definition section and the list of referenced materials, adds repayment penalties for scholarship recipients who complete school but fail to become licensed, holds harmless scholarship recipients who must in-

voluntarily leave their employment before scholarship agreements are fulfilled, and specifies penalties for other contract breaches. Funds that recipients repay to DPH must be deposited into the Community Health Center Care Fund, and grant fund recovery procedures are explained. Those affected by the Part 598 rulemaking include students studying to become certified nurse midwives, certified nurse practitioners, certified registered nurse anesthetists, and physician assistants. Parts 580 and 581 provide loan assistance for medical and dental students. The rulemakings expand the definition section and the list of referenced materials, clarify loan eligibility and grant terms, explain penalties for breach of agreements, and add grant recovery procedures. Those affected by these 2 Parts include dental and medical students who avail themselves of the DPH loan programs.

Questions/requests for copies of the 4 DPH rulemakings above: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761-0001, 217/782-2043, e-mail: dph.rules@illinois.gov.

INCOME TAX

The DEPARTMENT OF REVENUE adopted an amendment to "Income Tax" (86 Ill Adm Code 100; 35 Ill Reg 16939), effective 1/25/12, eliminating subtraction and addition modifications to income on which tax liability is calculated for medical care savings accounts. Such accounts were used by taxpayers to secure pre-tax dollars to pay for medical care expenses. Statutory provisions concerning the accounts were repealed for taxable years beginning 1/1/10.

Questions/requests for copies: Paul Castleton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

SCHOOL BUS DRIVER PERMITS

The SECRETARY OF STATE adopted amendments to "School Bus Driver

Permit" (92 Ill Adm Code 1035; 35 Ill Reg 16960), effective 1/30/12, that implement a provision of Public Act 97-224 and make additional changes. The statutory change adds those under an order of court supervision to the list of drivers and applicants who may be denied a school bus driver permit. The rulemaking also amends the definition of "multifunction school activity bus" to reflect an increase in rider capacity and removes the word "restricted" from the commercial driving permit designation in compliance with federal audit findings requiring the removal of the type J48 restriction. A further amendment requires permit applicants to agree in writing to release drug and alcohol test results to SOS. Employers are required to notify SOS within 48 hours that a school bus driver permit holder has failed or refused a "reasonable suspicion" drug and alcohol test, and SOS is authorized to subsequently issue a 3-year permit suspension. This rulemaking may impact small businesses and units of local government that employ school bus drivers.

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

ROADSIDE MEMORIALS

The DEPARTMENT OF TRANSPORTATION adopted amendments to "Roadside Memorials" (92 Ill Adm Code 549; 35 Ill Reg 16512), effective 1/24/12, implementing a provision of Public Act 97-304 that statutorily extends the fatal accident memorial marker program until 12/31/12 (currently 12/31/11) and clarifies that this program applies only to streets and highways under DOT jurisdiction.

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

Proposed Regulations

nitions for "contract", "grant", "procurement compliance monitor", "subcontract" "subcontractor", and other terms. Prospective vendors must complete electronic registration screens in order to access procurement information and documents. The rulemaking also repeals references to the "official state newspaper", requires a vendor's bid or proposal to be kept firm for at least 30 days after bid/proposal opening, and adds subcontractor disclosure provisions. Parties who assist in formulating procurement need or documents, etc., are barred from being part of the ultimate procurement. Specific items of information that must be disclosed in a notice of award for either bid or proposal contracts are stated (e.g., date of solicitation, due date for submission of bid/offer, description of goods/services sought, contract price). Policies governing reverse auctions are prescribed. A numerical scoring system for evaluating proposals shall be used unless another scoring tool is authorized by an SPO. Organizational memberships and use of a broker for certain types of insurance coverage (if authorized by the CPO) are included as permissible methods of source selection. State agencies, rather than the CPO, may maintain a list of vendors who have expressed an interest in contracting with the State, and a vendor's source of supply may also be required to furnish contract security. New procurement preferences and policies are also added to this Part (e.g., environmentally preferable procurements, Illinois agricultural products, bio-based products, etc.) along with extensive provisions for procurement of office space. Finally, ethics requirements are added involving such topics as "ex parte" procurement communications, bars on contracting with Environmental Protection and Lead Poisoning Prevention Act violators, lobbying restrictions, Lobbyist Registration Act requirements, and disclosures by vendors concerning business in Iran. This rulemaking contains other provisions too numerous to list in detail. Small businesses and non-profit entities seeking State con-

tracts will be affected by this rulemaking.

Questions/requests for copies/comments concerning this proposed rulemaking through 3/26/12: Margaret van Dijk, Chief Procurement Office for General Services, 712 Stratton Building, Springfield IL 62706 217/558-2228, email: Margaret.vanDijk@illinois.gov. A public hearing will be conducted on Thursday, March 15th, from 3-5 p.m. at Brookens Auditorium, University of Illinois Springfield, One University Plaza, Springfield, Illinois 62703. In conjunction with the Springfield hearing, a video conference will be conducted from 3-5 p.m. on the same date at the James R. Thompson Center, 100 W. Randolph, Room 9-036, Chicago, Illinois 60601.

☞ **SCHOOL NURSES**

The STATE BOARD OF EDUCATION proposed amendments to rules titled "Special Education" (23 Ill Adm Code 226; 36 Ill Reg 2042) that remove registered nurses and advanced practice nurses from the list of individuals qualified to conduct medical reviews for special education students. The rulemaking will allow only certified school nurses or licensed physicians to conduct such reviews. (SBE had expanded medical review authorization to include RNs and APNs in 2010 in response to complaints from school districts reporting difficulty in finding certified school nurses to conduct such reviews. However, the Illinois Association of School Nurses objected to this change after the rule was adopted, stating that only certified school nurses are qualified to make decisions on how to accommodate special education students.) Those affected by this rulemaking include RNs and APNs who perform medical reviews but do not hold certification in school nursing.

☞ **SCHOOL TECHNOLOGY PROGRAM**

SBE also proposed amendments to its rules titled "School Technology Program" (23 Ill. Adm. Code 575; 36 Ill. Reg. 2052) to maximize SBE's abil-

ity to make loan awards. Three new loan determination dates have been added, on 9/15, 3/15 and 5/15 each fiscal year (now 10/15 and 12/15). Due dates for loan repayments are based on the loan determination dates, i.e., recipients with 9/15 or 10/15 determination dates have 9/1 and 3/1 repayment dates; those with 12/15 determination dates have 12/1 and 6/1 repayment dates; those with 3/15 determination dates have 3/1 and 9/1 repayment dates; and those with 5/15 determination dates have 12/1 and 6/1 repayment dates. Nonpublic schools will be affected by this rulemaking.

Questions/requests for copies/comments concerning the 2 SBE rulemakings through 3/26/12: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777, 217/782-5270, e-mail: rules@isbe.net.

☞ **PERINATAL AIDS PREVENTION**

The DEPARTMENT PUBLIC HEALTH proposed amendments to "Perinatal HIV Prevention Code" (77 Ill Adm Code 699; 36 Ill Reg 2060) that implement provisions of Public Acts 94-910 and 95-702, update the Part to correspond with new laboratory testing methodologies approved by the U.S. Food and Drug Administration, and provide requirements for follow-up services during the perinatal period (before, during and immediately after birth). For a living or deceased adult 18 years or older, persons in civil unions are added to the list of those individuals who may consent to HIV testing and/or disclosure of HIV test results. Telephone reporting of positive HIV tests and reporting of perinatal HIV exposure for a person under age 13 when caring for a newborn is required, and the monthly statistics that health care facilities must report are listed. Appendices containing sample written informed consent forms are repealed because the Perinatal HIV Prevention Act no longer requires that informed consent be provided in a written format. Those affected by this rulemaking include health care facilities and medical personnel providing

Proposed Regulations

prenatal medical care or labor and delivery services.

Questions/requests for copies/com-

ments until 3/26/12: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761-0001, 217/782-2043, e-mail: dph.rules@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 JCAR's March 6, 2012 meeting.

STATE BOARD OF EDUCATION

"School Construction Program" (23 Ill Adm Code 151) proposed 11/4/11 (35 Ill Reg 17597)

"Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1) proposed 11/4/11 (35 Ill Reg 17572)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"The Structural Engineering Practice Act of 1989" (68 Ill Adm Code 1480) proposed 12/9/11 (35 Ill Reg 19596)

"Illinois Professional Land Surveyor Act of 1989" (68 Ill Adm Code 1270) proposed 12/9/11 (35 Ill Reg 19570)

ENVIRONMENTAL PROTECTION AGENCY

"Annual Emissions Report" (35 Ill Adm Code 254) proposed 10/14/11 (35 Ill Reg 16178)

"Procedures For Collection of Air Pollution Site Fees" (35 Ill Adm Code 251) proposed 10/14/11 (35 Ill Reg 16172)

DEPARTMENT OF PUBLIC HEALTH

"Employee Vaccination Code" (77 Ill Adm Code 956) proposed 10/14/11 (35 Ill Reg 16431)

JCAR Meeting Action

At its 2/7/12 meeting, the Joint Committee on Administrative Rules voted to object to an emergency rulemaking and to issue a recommendation concerning a proposed rulemaking. The Committee also agreed to extend the Second Notice period for the Department of Public Health rulemaking titled "Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300; 35 Ill Reg. 9927) for an additional 45 days.

ILLINOIS STUDENT ASSISTANCE COMMISSION

With respect to the ISAC emergency rulemaking titled "John R. Justice Student Loan Program" (23 Ill Adm Code 2754; 36 Ill Reg 556), JCAR objects to the Commission disbursing federal funds under this program in 2010, without first adopting rules establishing standards and procedures for disbursing those funds; to ISAC establishing policy outside of rule by announcing an 11/30/11 deadline for applying for federal Fiscal Year 2012 funds prior to adoption of these emergency rules; and to ISAC using emergency rulemaking to implement the program when it had time to use the proposed rulemaking process.

DEPARTMENT OF PUBLIC HEALTH

Concerning the DPH rulemaking titled "AIDS Drug Assistance Program" (77 Ill Adm Code 692; 35 Ill Reg 15976), JCAR recommends that DPH update this part to reflect current policy in a more timely manner. DPH has been implementing changes in AIDS Drug Assistance Program policies and procedures without adopting them in rule first.

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Greg Harris

Senator Maggie Crotty

Representative Lou 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**