

*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

### ☞ PSYCHOTROPIC DRUGS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Administration of Psychotropic Medications to Children for whom the Department of Children and Family Services is Legally Responsible" (89 Ill Adm Code 325; 35 Ill Reg 16169), effective 2/24/12. A companion emergency rule-making effective 10/1/11 was published in the *Illinois Register* at 35 Ill Reg 16877. The amendments implement Public Act 97-245, which creates the Administration of Psychotropic Medications to Children Act [20 ILCS 535]. The rulemakings update DCFS guidelines governing the administration of psychotropic medications to children for whom DCFS is responsible and require DCFS and private agency caseworkers and investigators to identify potential medical and mental health issues. The Department must publish its psychotropic medication administration guidelines and a list of psychotropic medications on its website and the website of its psychiatric consultants. The rulemaking addresses such issues as requiring licensed prescribers to use Department forms when requesting consent to prescribe a psychotropic medication, psychotropic

medication utilization, the approval process for one-time non-emergency medication administration, and designating an Oversight Treatment Team to review decisions to administer psychotropic medications. The rulemakings also cover training DCFS staff members who are allowed to consent to the administration of psychotropic medications to DCFS wards. Both facilities that house DCFS wards and medication prescribers are required to monitor the children's responses to medications, and DCFS-licensed residential facilities must have a written policy for psychotropic medication administration. The rulemakings require DCFS to offer residential facilities, hospitals, foster parents, and relative caregivers training concerning these regulations. Other changes include notification of a ward's guardian ad litem when the ward has been administered a psychotropic medication and administrative case review of a ward who has been administered psychotropic medication in order to verify that the ward received the medication and that appropriate consent was obtained. A new section concerns how violations of these regulations by physicians and others will be adjudicated. Changes since 1<sup>st</sup> Notice

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### ☞ CHILD CARE LICENSING

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to "Licensing Enforcement" (89 Ill. Adm. Code 383; 36 Ill. Reg. 3579) to clarify its current requirements for conditional licensure of a child care facility. DCFS must conduct an informal review to determine the appropriateness of offering a conditional license (which authorizes a licensee to continue operating a licensed child care facility for 6 months in compliance with a corrective plan, statute, rules or the conditional license agreement). Before a conditional license can be issued, DCFS must revoke or refuse to renew the current license or the licensee must surrender the current license. The licensing representative documents compliance and progress with the conditional license agreement and corrective plan and must contact the licensing supervisor if he or she finds new violations, a previously corrected violation reoccurs, or there is non-compliance with the agreement. The licensing supervisor then notifies the regional licensing administrator who determines whether to modify the corrective plan, issue an order of ad-

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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.*

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include a new section concerning children living in temporary and independent living programs, and addition of two appendices listing approved psychotropic medications and guidelines for their use. (The rule as originally proposed only required publication of these documents on the DCFS website.) A provision has been added requiring caseworkers to ask youths age 18 and older for consent to release of information when they attach a psychotropic medication consent form to the youth's Client Service Plan. Psychotropic medication request forms must note whether the child objects to the administration of medication (originally, objections had to be noted only if the child was 12 or older) as well as the reason for the child's objection. Definitions of "child care facility" and "foster child" have been added. A request for review from a DCFS guardian has been added to the list of situations requiring review by an oversight treatment team. Finally, a guardian ad litem may now use a "properly executed consent" form to request notification when medication is administered to a ward in violation of these rules, instead of having to produce documentation of a court order granting the guardian authority to receive this information. Those who house or medically treat children who are wards of the State may be affected by these rulemakings.

Questions/requests for copies: Jeff Osowski at the DCFS address and telephone number on page 4.

## **ELECTRIC UTILITIES**

The ILLINOIS COMMERCE COMMISSION adopted amendments to "Money Pool Agreements" (83 Ill Adm Code 340; 35 Ill Reg 8615), effective 3/1/12, that implement a provision of Public Act 96-927. The amendments specify that this Part, which governs short-term loans between utilities and their affiliates (entities with a financial interest in the utility) and governs investment of money pool funds, applies to local exchange telecommunications carriers that chose market

regulation for their competitive retail telecommunications services.

## **TELECOMMUNICATION SERVICES**

ICC also adopted an amendment to "Provision of Advanced Telecommunications Services" (83 Ill Adm Code 733; 35 Ill Reg 8915), effective 3/1/12, implementing a provision of Public Act 96-927. The rule-making specifies that regulations in this Part concerning provision of high-speed data-transmission services do not apply to incumbent local exchange telecommunications carriers (ILECs) that chose market regulation for their competitive retail telecommunications services. (The statute requires ILECs to offer or provide "advanced telecommunications services" to not less than 80% of their customers by 1/1/05.)

Questions/requests for copies of the 2 ICC rulemakings above: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/785-3927.

## **GENETIC COUNSELORS**

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION (DFPR) adopted amendments to "Genetic Counselor Licensing Act" (68 Ill Adm Code 1251; 35 Ill Reg 18986), effective 3/9/12, that allow licensure applicants to provide an official transcript and letter of completion from an approved graduate program in lieu of providing an actual diploma. An applicant who does not receive a diploma will have his or her license terminated. The first renewal date for licensure is changed to 1/31/11 (formerly 1/31/09). The rulemaking increases the licensure restoration fee from \$20 to \$50 plus payment of all lapsed renewal fees and adds the National Society of Genetic Counselors (NSGC) and other DFPR-DPR approved entities to the list of approved continuing education sponsors/programs. Genetic counselors and their employers are affected by this rulemaking.

Questions/requests for copies: Craig

Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Fl., Springfield IL 62767-0001, 217/785-0813.

## **HUNTING & FISHING LICENSES**

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Illinois Resident Armed Forces Fee Exemptions" (17 Ill Adm Code 2510; 35 Ill Reg 19055), effective 2/24/12, reducing fishing, hunting, and sportsmen's (combined fishing and hunting) license fees to half of the usual fee for Illinois residents who are former members of the U.S. armed forces. Eligible veterans must apply in person at a DNR regional office and must present a Form DD-214 and photo identification. After obtaining initial half-price licenses, eligible veterans may renew them through the DNR website or over the counter from any agent that sells licenses. Small businesses that sell hunting and fishing licenses may be affected by this rulemaking.

Questions/requests for copies: George Sisk, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

## **AIDS DRUG ASSISTANCE**

The DEPARTMENT OF PUBLIC HEALTH adopted amendments for "AIDS Drug Assistance Program" (ADAP) (77 Ill Adm Code 692; 35 Ill Reg 15976), effective 2/22/12. A companion emergency rulemaking was published in the *Illinois Register* at 35 Ill Reg 16105, effective 9/26/11. The amendments reflect federally required changes in DPH's grant program under the federal Ryan White HIV/AIDS Treatment Extension Act. (The program provides medications by mail order for low-income Illinois citizens who are infected with HIV-AIDS.) In conformance with federal requirements, the rulemaking provides that persons enrolled in the program must recertify every 6 months rather than annually. Also, applicants with no active prescription insurance coverage at the time of enrollment must be

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at or below 300% of the federal poverty level guidelines, and applicants with active prescription insurance coverage must be at or below 500%. Additional assistance programs, including Medicare Part D, Medigap, Extra Help, and Illinois Cares Rx, are referenced and application requirements for ADAP participants are added. Changes since 1<sup>st</sup> Notice include changing "medical requirements" to "eligibility requirements" and requiring applicants to be currently receiving HIV care (in addition to having been diagnosed with HIV or AIDS). ADAP participants in the 300%-500% FPL income bracket who were enrolled in the program as of 7/1/11 may remain enrolled as long as their recertifications are complete and timely submitted; if they lose coverage due to failure to recertify on time, they will be subject to the 300% FPL income eligibility limit. Participants who qualify for Medicare Part D, Medigap, Extra Help or Illinois Cares Rx must provide information on their coverage (instead of providing copies of their enrollment cards for these programs). To avoid interruption in coverage, DPH will make "reasonable attempts" to notify recipients when an incomplete recertification application has been received. DPH will send written notice to persons suspended from the program and will lift the suspension when the situation prompting it has been rectified. Persons who submit fraudulent information on their applications will be permanently terminated from the program (instead of being suspended) and given written notice of termination. DPH will provide 90 days notice to participants, applicants, and providers of any cost control measures. DPH also clarifies that terminations, suspensions, and denials of recertification may be appealed (in addition to denial of an initial application). Finally, a new section explaining DPH's non-discrimination policy has been added as well as an appendix with the 2012 federal poverty income guidelines.

Questions/requests for copies: Susan Meister, DPH, 535 W. Jefferson, 5<sup>th</sup> Fl., Springfield IL 62761-0001, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## DRIVER'S LICENSES

The SECRETARY OF STATE adopted an amendment to "Issuance of Licenses" (92 Ill Reg 1030; 35 Ill Reg 18575), effective 2/27/12, implementing Public Act 97-263 which removes the Secretary's authority to issue a driver's license without the applicant providing a social security number. The rulemaking repeals the process allowing the issuance of a driver's license without presentation of a social security number by an applicant whose religious beliefs do not permit them to obtain a social security number.

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

## BUSINESS DOCUMENT SEARCHES

The SECRETARY OF STATE adopted an amendment to rules titled "Uniform Commercial Code" (14 Ill Adm Code 180; 35 Ill Reg 18582), effective 2/27/12. The amendment provides that the word "and" will be converted to an ampersand (&) in all search requests (e.g., for business names) so that searches on either the word or the symbol will yield the same results.

Questions/requests for copies: Dennis L. Hawkins, SOS Business Services, Howlett Bldg #350 West, 501 S. Second St., Springfield IL 62756, 217/785-2238.

## UNIVERSITY RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM adopted amendments to "Universities Retirement" (80 Ill. Adm Code 1600; 35 Ill. Reg. 18589), effective 2/22/12, to conform to a 2008 federal tax law change allowing

university employees who die while on leave for military service the same death benefits for which their survivors would have qualified if they had died while serving as a university employee. The rulemaking also changes from 5 to 6 the number of trustees required to constitute a quorum of the SURS Board of Trustees to reflect a statutory change in the number of Board members.

Questions/requests for copies: Michael Weinstein, SURS, 1901 Fox Dr., Champaign IL 61820, 217/378-8825.

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to "Pay Plan" (80 Ill Adm Code 310; 36 Ill Reg 3957), effective 2/24/12, updating the pay rate for boiler safety specialists in the Central Region as of 1/1/12 in accordance with an existing collective bargaining agreement between DCMS and the International Brotherhood of Boiler Makers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers. The amendment was prompted by a change in the prevailing rate reported to DCMS by the Illinois Department of Labor on 1/27/12.

Questions/requests for copies: Jason Doggett at the DCMS address and telephone number on page 6.

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ministrative closure, or initiate proceedings to revoke the conditional license. When a licensee does not submit a timely and sufficient application, or if a new application is denied, DCFS cannot accept a new application from the licensee for at least one year from the expiration of the conditional license. This rulemaking will affect child care facilities.

Questions/requests for copies through 4/23/12: 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: [cfppolicy@idcfs.state.il.us](mailto:cfppolicy@idcfs.state.il.us).

## TEACHING CERTIFICATION

The STATE BOARD OF EDUCATION proposed new rules titled "Contested Cases and Other Formal Hearings" (23 Ill. Adm. Code 475; 36 Ill. Reg. 3803), proposed repeal of an existing Part with the same title and Part number (36 Ill. Reg. 3782), and also proposed repeal of another Part titled "Appeal Proceedings before the State Teacher Certification Board" (23 Ill. Adm. Code 385; 36 Ill. Reg. 3831). These rulemakings implement Public Act 96-431 and provisions from PA 97-607. PA 96-431 removed the regional superintendent's authority to initiate and hear certificate suspensions of up to one year and the State Superintendent's authority to hear certificate suspensions of up to 5 years so SBE is repealing the Part that was based on the previous statute. The Board is also repealing its old hearing rules and incorporating changes from both the Public Acts. The new Part 475 separates hearing procedures specific to certification suspension and revocation appeals heard by the State Educator Preparation Licensure Board (SEPLB) (formerly the State Teacher Certification Board) in Subpart A from other hearings of contested cases heard by the State Superintendent or the Illinois State Board of Education (outlined in Subpart B). The new SEPLB hearing rules include progression of an appeal from a notice of opportunity for hearing through final

SEPLB orders and reporting of the decision and sanction to the National Association of State Directors of Teacher Education and Certification Clearinghouse. Changes to Subpart B set out rules for all other hearings before the State Superintendent or SBE and streamline some procedures (e.g., limiting parties to one hour for presentation of their cases, unless the hearing officer deems otherwise).

Questions/requests for copies/comments on the 3 SBE rulemakings through 4/23/12: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777, 217/782-5270, e-mail: [rules@isbe.net](mailto:rules@isbe.net).

## FINANCIAL REGULATION

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION (DFPR) proposed amendments to "Currency Exchange Act" (38 Ill. Adm Code 120; 36 Ill. Reg. 3591). The amendments implement statutory changes from Public Act 97-315. Definitions of ambulatory (serving only employees of a particular business) and community currency exchanges are added, and exchanges are required to keep daily cash sheets on premises for 90 days. Stored value cards must be maintained, as well as any transmittal document made for the benefit of a third party. Payment for all third party bills (e.g., utility or phone bills) must be remitted to the third party by the end of the next business day. Exchanges that maintain electronic copies of all checks, drafts, and money orders are exempt from certain requirements regarding maintenance of printed documents such as check registers. Logs must be kept of all returned checks, drafts, or money orders. The log must include the name of the person writing the check; the check number, date of instrument, reason for return and date of return; and any efforts to collect or fees charged by the exchange. Exchange licensees shall comply with all applicable federal regulations regarding distribution of Supplemental Nutrition Assistance Program benefits and any successor program. Possible

enforcement actions, such as license suspension or revocation, or issuance of a cease and desist order, are stated in the rulemaking, along with administrative hearing procedures. This rulemaking will affect currency exchanges.

DFPR proposed amendments to "Payday Loan Reform Act" (38 Ill Adm Code 210; 36 Ill Reg 3605) implementing federal law concerning payday loans to members of the military and their dependents. A lender may not impose an annual percentage rate of interest greater than 36%, and must provide to the member or dependent orally and in writing a statement of the annual interest rate applicable to the loan, any disclosure required under the federal Truth in Lending Act and a clear description of the payment obligations of the member or dependent. A lender may not require the covered member or dependent to submit to arbitration or impose onerous legal notice provisions in the case of a dispute, or demand unreasonable notice from a covered member or dependent. A lender may not use a check or other method of access to a deposit, savings or other financial account maintained by the covered member or dependent, or the title of a vehicle as security for the loan obligation. Lenders may not prohibit prepayment of a loan or charge a penalty for prepaying all or part of a loan. This rulemaking will affect payday lenders.

DFPR also proposed an amendment to "Corporate Fiduciary Receivership Account" (38 Ill Adm Code 398; 36 Ill. Reg. 3612). The rulemaking implements Public Act 97-492, which increased from \$1 million to \$2 million the amount DFPR may require a trust company to pledge to cover costs in the event of a receivership.

Questions/requests for copies/comments concerning the 3 DFPR rulemakings above through 4/23/12: Craig Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Fl., Springfield IL 62786, 217/785-0813 Fax: 217/557-4451.

# Proposed Regulations

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## UNIVERSITY PROCUREMENT

The CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION proposed amendments to "Chief Procurement Officer for Public Institutions of Higher Education--Standard Procurement" (44 Ill Adm Code 4; 36 Ill. Reg. 3373) to implement statutory changes made by Public Act 96-795 in 2010. Numerous policy changes include replacing the former Chief Procurement Officer for Higher Education (CPO-HE), a representative appointed by the Governor, with a new CPO-HE appointed by the Executive Ethics Commission. Many definitions are added, including for terms such as concession, consulting services, grant, natural resource services, site technician services, subcontract and subcontractor. The respective roles and duties of university staff in relation to the CPO-HE are detailed, as well as the role of Procurement Compliance Monitors (PCMs). Universities, rather than the CPO, may keep a list of vendors that have expressed interest in contracting with the university, while the CPO-HE maintains files on actual procurements. Contract performance records must be kept by the vendors and universities for 3 years after final payment, and information from the Procurement Bulletin must be kept for 13 years. Vendor prequalification and responsibility requirements are largely left to the discretion of the university's State Purchasing Officer (SPO). Parties who assist in formulating documents of need or other procurement documents are barred from participating in the ultimate procurement. The Procurement Policy Board must review all leases of \$100,000 or more, or of more than 10,000 square feet of space. Lease renewals are not to exceed 10 years, and holdover or month-to-month tenancies are limited to 6 months. Other topics addressed include information required in the Procurement Bulletin and at the time of contract or bid, procurement preferences (e.g. for bio-based or environmentally friendly products), ethics requirements (including revolving door

and political contribution restrictions), lobbying restrictions, vendor registration, disclosure of business in Iran, reverse auction procedures, evaluation of competitive sealed bids or proposals, scoring systems for evaluating proposals, and hearings on emergency and sole source procurements. This rulemaking will affect small businesses seeking contracts with Illinois public universities.

Questions/requests for copies/comments concerning this proposed rulemaking through 4/23/12: Shirley Webb, Chief Procurement Office for Higher Education, 522 Stratton Building, Springfield IL 62706, 217/558-2247, e-mail: [shirley.j.webb@illinois.gov](mailto:shirley.j.webb@illinois.gov). Public hearings will be held on Monday, March 26<sup>th</sup>, from 9:30-11:30 a.m., Rm. N-505, Michael Bilandic Bldg., 160 N. LaSalle, Chicago and on Thursday, March 29<sup>th</sup>, 9:30-11:30 a.m., Illinois State Museum Auditorium, 502 S. Spring St. Springfield.

## UNIVERSITY PERSONNEL

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM proposed amendments to "State Universities Civil Service System" (80 Ill Adm Code 250; 36 Ill. Reg. 3840) concerning titles exempt from coverage under the State Universities Civil Service Act. The Executive Director shall publish guidelines, as approved by the Merit Board, for exemptions identified in Section 36e of the Act. (This Section states that presidents and vice-presidents of universities, other principal administrative employees as determined by the Merit Board, teaching and research faculty, and student workers are exempt from the Act.) Each position proposed to be exempt shall be reviewed and approved by the Merit Board, or as designated by the Board to the Executive Director. Such exemption authority lies solely with the Merit Board or as designated by the Board to the Executive Director. A position determined to be exempt shall remain exempt until the Board determines otherwise.

Questions/requests for copies/comments through 4/23/12: Abby Daniels, SUCSS, 1717 Philo Rd., Ste. 24, Urbana IL 61802, 217/278-3150, ext. 226.

## STATE PERSONNEL

The SECRETARY OF STATE proposed amendments to "Department of Personnel" (80 Ill Adm Code 420; 36 Ill. Reg. 3625). The amendments expand the definition of "immediate family" to include a party to a civil union. Employee absences from work during a trainee period may, if necessary, extend the length of the trainee period, but no longer than the term of the trainee period for the job classification. Layoffs shall be within organizational units justified by operations and approved prior to the layoff by the Director of Personnel. Within selected designations and organizational units, employees will be laid off in order of length of service with the Secretary of State. A new category of leave, national service leave, is created for SOS employees accepted for service in the Peace Corps, Job Corps, AmeriCorps VISTA, or other equivalent national service. Military leave may last up to 4 years. Other provisions address blood, organ, or tissue donation leave, school visitation, leave under the Family and Medical Leave Act, and Victims Economic Security and Safety Leave (for victims of domestic violence).

Questions/requests for copies/comments through 4/23/12: Stephen Roth, SOS Personnel Dept., Rm. 197, Howlett Bdg., Springfield IL 62756, 217/782-1750.

## DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to "Cancellation, Revocation or Suspension of Licenses or Permits" (92 Ill. Adm. Code 1040; 36 Ill. Reg. 3661) to implement provisions from several public acts. The definition of statutory summary revocation from PA 96-1344 has been added to the Part as well as a statutorily designated new offense. SOS is

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also adding several other statutorily designated new offenses for which SOS can take sanctions against a driver's license and is removing the "serious" designation from multiple offenses that are considered a serious traffic violation if committed in a commercial vehicle.

Questions/requests for copies through 4/23/12: Jennifer Egizii, SOS, Driver Services Department, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

must be a unit of local government or a not-for-profit entity. Each grant is limited to payment for 480 hours, 8 hours per day for 60 days during June, July and August, for every eligible youth hired by the local sponsors. Youth hired for this program will be paid the current minimum wage of the State of Illinois. Those affected by this rulemaking include units of local government and not-for-profits.

Questions/requests for copies/comments through 4/23/12: Robert Mool, DNR, One Natural Resources Way, Spfld., IL 62702-1271, 217/782-1809.

Option 4 positions at the Departments of Public Health, Human Services, Commerce and Economic Opportunity, and the Environmental Protection Agency have been reassigned to Senior Public Service Administrator (SPSA) and granted certification for representation by the American Federation of State, County, and Municipal Employees (AFSCME). The rulemaking also removes the PSA Option 8I title from the Department of Natural Resources and adds Special License- Social Worker/Clinical Social Worker to a list of Option 8S positions at the Departments of Veterans' Affairs and Human Services. The latter two positions are also assigned to an AFSCME bargaining unit. Corrections to the new hire pay rates for highway maintainers apply to those hired between 11/1/09 and 6/30/10.

Questions/requests for copies/comments through 4/23/12: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov).

## ☞ YOUTH RECREATION GRANTS

The DEPARTMENT OF NATURAL RESOURCES proposed a new Part titled "Illinois Youth Recreation Corps Grant Program" (17 Ill Adm Code 3075; 36 Ill Reg 3618). The rulemaking disperses grant funds to provide wages to youth operating and instructing local recreational programs. To be eligible for a grant, the local sponsors must have the ability to provide suitable facilities, materials and staff for summer recreational activities and

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Pay Plan" (80 Ill Adm Code 310; 36 Ill Reg 3312) assigning several positions to bargaining units, correcting pay rates for some recently hired highway maintainers, and updating pay rates for boiler safety specialists in the Northern Region. Certain Public Service Administrator (PSA)

# Second Notice

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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 April 17, 2012 meeting.

## ENVIRONMENTAL PROTECTION AGENCY

"Environmental Laboratory Certification Fee Rules" (35 Ill Adm Code 185) proposed 12/30/11 (35 Ill Reg 20983)

"Procedures for Review of Petitions for Mercury Product Exemptions" (35 Ill Adm Code 182) proposed 9/30/11 (35 Ill Reg 15507)

# JCAR Meeting Action

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At its 3/6/12 meeting, the Joint Committee on Administrative Rules objected to and prohibited filing of one proposed rulemaking and issued recommendations concerning two others. The Committee and the Department of Healthcare and Family Services also agreed to extend the Second Notice periods for the rulemakings titled "Medical Payment" (89 III Adm Code 140; 35 III Reg 12202) and "Reimbursement for Nursing Costs for Geriatric Facilities" (89 III Adm Code 147; 35 III Reg 19015) an additional 45 days.

## **DEPARTMENT OF PUBLIC HEALTH**

JCAR objects to, and prohibits the filing of, the Department of Public Health rulemaking titled "Skilled Nursing and Intermediate Care Facilities Code" (77 III Adm Code 300; 35 III Reg 9927) because, at this time, the rulemaking requires clarification to communicate DPH's requirements to the regulated community and affected Illinois residents. Without this clarification, the rulemaking creates a serious threat to the public welfare. The rulemaking implements new staffing requirements for nursing homes, including a requirement that registered nurses comprise at least 20% of nursing home staff.

## **SECRETARY OF STATE**

With regard to the rulemaking titled "Illinois Safety Responsibility Law" (92 III Adm Code 1070; 35 III Reg 20125) JCAR recommends that SOS be more timely in proposing rules that implement statutory directives. Section 7-316.1 of the Illinois Vehicle Code became effective on 1/1/06, almost 6 years before this rulemaking was proposed.

## **DEPARTMENT OF NATURAL RESOURCES**

Concerning the rulemaking titled "Hound Running Areas" (17 III Adm Code 970; 35 III Reg 6742), JCAR recommends that DNR be more timely in proposing rules implementing statute. This rulemaking was proposed more than 3 years after Public Act 95-196 authorized this program.