

*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

### CIVIL UNIONS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to the following 10 Parts: "Reports of Child Abuse and Neglect" (89 Ill Adm Code 300; 35 Ill Reg 8005), "Placement and Visitation Services" (89 Ill Adm Code 301; 35 Ill Reg 8018), "Services Delivered by the Department of Children and Family Services" (89 Ill Adm Code 302; 35 Ill Reg 8027), "Access to and Eligibility for Child Welfare Services" (89 Ill Adm Code 304; 35 Ill Reg 8037), "Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible" (89 Ill Adm Code 309; 35 Ill Reg 8047), "Permanency Planning" (89 Ill Adm Code 315; 35 Ill Reg 8051), "Administrative Case Reviews and Court Hearings" (89 Ill Adm Code 316; 35 Ill Reg 8060), "Licensing Standards for Foster Family Homes" (89 Ill Adm Code 402; 35 Ill Reg 8064), "Licensing Standards for Day Care Homes" (89 Ill Adm Code 406; 35 Ill Reg 8082), and "Licensing Standards for Group Day Care Homes" (89 Ill Adm Code 408; 35 Ill Reg 8093) all effective 3/5/12. The rulemakings implement Public Act 96-1513, which gives persons entering a civil union the same obligations, re-

sponsibilities, protections, and benefits as those given to spouses in a marriage. The rulemakings amend the definition of "family" to include individuals related by civil union and amend the definition of "relative" to include the partner (or adult child of a partner) who is in a civil union with the child's mother or father. In addition, the various Parts' definitions are brought into conformity by adding "marriage" to definitions that explain family composition and relatedness. Also, a Part 402 amendment specifies that cancellation of a foster child's arranged visit with his or her family cannot be used as a form of discipline. A further change clarifies that the DCFS director may waive non-safety-related licensing standards that may impede or prevent a child's relative's foster home licensure. Those affected by these rulemakings include entities that contract with DCFS to provide services for children who are wards of the State.

Questions/requests for copies of the 10 DCFS rulemakings above: Jeff Osowski, DCFS, 406 E. Monroe, Station 65, Springfield IL 62701-1498, 217/524-1983, TDD: 217/524-3715, e-mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

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### WATER SUPPLIES

The POLLUTION CONTROL BOARD proposed amendments to "Maximum Setback Zones" (35 Ill Adm Code 618; 36 Ill Reg 4015) concerning land use near wells that serve as public water supply sources. The rulemaking establishes a maximum setback zone for six wells operated by Fayette Water Company (FWC) in Fayette County in accordance with Section 14.3 of the Environmental Protection Act. Potential primary sources of groundwater contamination are prohibited from locating wholly or partially within this maximum setback zone. The rulemaking also provides that the same prohibition will apply to other maximum setback zones that may be created under this Part in order to protect particularly vulnerable groundwater supplies. (Currently, this Part establishes a maximum setback zone only for the Village of Marquette Heights in Tazewell County.) A map showing the boundaries of the FWC existing minimum and proposed maximum setback zones is included in a new appendix. This rulemaking affects land owners and users within the maximum setback zone.

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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

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## ☞ MEDICARE SUPPLEMENTS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to "Rights and Responsibilities" (89 Ill Adm Code 102; 35 Ill Reg 11094), "Application Process" (89 Ill Adm Code 110; 35 Ill Reg 11101), and "Medical Assistance Programs" (89 Ill Adm Code 120; 35 Ill Reg 11108), effective 3/1/12, concerning Medicare cost sharing programs for recipients of medical assistance. The amendments implement the federal Medicare Improvements for Patients and Providers Act of 2008 (MIPPA), which simplifies the application process and expands eligibility for the Medicare Savings Program (MSP) and under which Medicaid pays for all or a portion of a recipient's Medicare Part B premiums, deductibles, and co-payments. The Part 102 amendment exempts Medicare cost-sharing expenses submitted to DHFS on or after 1/1/10 from estate recovery after the death of the recipient. Payments made for expenses prior to 1/1/10 remain subject to estate recovery. Amendments to Part 110 allow the Social Security Administration to submit MSP applications to DHFS electronically on an applicant's behalf (formerly, applications had to be submitted by the applicant or an authorized personal representative). Amendments to Part 120 expand MSP eligibility to persons whose countable monthly income is between 120% and 135% of the federal poverty level, whose as-

sets do not exceed annual limits set in federal law, who are not otherwise eligible for medical assistance, and who are designated as "qualifying individuals" under MIPPA.

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

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted preemptory amendments to "Pay Plan" (80 Ill Adm Code 310; 36 Ill Reg 4158) effective 3/5/12, updating pay rates for boiler safety specialists in the Southern Region of Illinois as of 1/1/12 and assigning certain job titles to a bargaining unit. The amendment implements an existing agreement between DCMS and the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers. The amendments were prompted by the Illinois Department of Labor notifying DCMS on 2/6/12 of a change in the prevailing wage rate. Also, DCMS is assigning certain Public Service Administrator (PSA) Option 8S titles at the Departments of Human Services and Veterans' Affairs to a bargaining unit in accordance with a memorandum of understanding between DCMS and the American Federation of State, County and Municipal Employees (AFSCME).

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov.

## ☞ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted emergency amendments to "Video Gaming (General)" (11 Ill Adm Code 1800; 36 Ill Reg 4150), effective 2/29/12 for a maximum of 150 days, concerning fingerprinting of license applicants and registration of video gaming terminals. An identical proposed amendment appears in this week's *Illinois Register* at 36 Ill Reg 4012. The amendments provide that inkless fingerprinting must be performed by a livescan vendor contracted and approved by the Department of Public Health. Also, video gaming terminals are required to have registration tags affixed and any terminal not tagged may be seized. In case of seizure, the affected terminal operator must be notified of the seizure and of his or her right to an appeal hearing. Those affected by this rulemaking include owners and operators of video gaming terminals.

Questions/requests for copies/comments concerning the proposed rulemaking through 4/30/12: Lynn J. Carter, IGB, 160 N. La Salle St., Chicago IL 60601, 312/814-7137.

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Questions/requests for copies/comments through 4/30/12: John Thierriault, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620, www.ipcb.state.il.us. Please reference docket R11-25.

## ☞ WATER SUPPLY OPERATORS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed amendments to "Water Supply Operator

Certification" (35 Ill Adm Code 680; 36 Ill Reg 4001) establishing procedures for approving contracts between community water supplies and individuals hired as certified operators in accordance with the Environmental Protection Act. The Act requires every community water supply to employ, either directly or by a contract approved by IEPA, at least one individual certified as a competent water supply operator. The rulemaking specifies the pro-

visions that must be contained in a contract and the duties the contracted operator must perform or assign to others (e.g., daily equipment checks, collection of testing samples, maintaining and submitting required records and reports). It also provides for IEPA to withdraw approval of a contract that does not meet its specifications and requires water supply owners or operators to notify IEPA at least 15 days in advance if a contract

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with an operator is terminated prior to its expiration date. Any contract extension or modification must be submitted to IEPA for approval. This rulemaking will affect small municipalities and other entities that hire certified water supply operators.

Questions/requests for copies/comments through 4/30/12: Joanne M. Olson, IEPA, 1021 N. Grand Ave. East, P.O. Box 19726, Springfield IL 62794-

9276, 217/782-5544, e-mail: [joanne.olson@illinois.gov](mailto:joanne.olson@illinois.gov).

## **VETERANS' HIRING PREFERENCE**

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment to "Merit and Fitness" (80 Ill Adm Code 302; 36 Ill Reg 3990) that shifts responsibility for verifying a State employment applicant's entitlement to veteran's preference from the head

of the employing agency to DCMS in accordance with statute. The amendment also extends to civil union partners of veterans who suffered a service connected death or disability the hiring preference currently granted to spouses of such veterans.

Questions/requests for copies/comments through 4/30/12: Mary Matheny, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/557-5404.

# 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.

## **STATE BOARD OF EDUCATION**

"Evaluation of Certified Employees Under Articles 24A and 34 of the School Code" (23 Ill Adm Code 50) proposed 12/2/11 (35 Ill Reg 19467)

## **DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES**

"Practice in Administrative Hearings" (89 Ill Adm Code 104) proposed 12/2/11 (35 Ill Reg 19322)

"Medical Payment" (89 Ill Adm Code 140) proposed 12/2/11 (35 Ill Reg 19368)

## **ELEVATOR SAFETY REVIEW BOARD**

"Illinois Elevator Safety Rules" (41 Ill Adm Code 1000) proposed 10/7/11 (35 Ill Reg 15819)

## **TEACHERS' RETIREMENT SYSTEM**

"The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650) proposed 12/30/11 (35 Ill Reg 21013)