

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

DCFS CHILDREN'S SERVICES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Service Appeal Process" (89 Ill Adm Code 337; 35 Ill Reg 7811), effective 3/7/12, that add the definition of "clinical placement review", explain which child placement changes are and are not subject to such review, and specify the steps involved. Several other definitions, including "relative" and "service appeal process", are revised. DCFS also clarifies that disagreement between the Department and a child's relative caregiver regarding implementation of the Child and Youth Investment Team (CAYIT) action plan is subject to review through the service appeal process and includes a fair hearing but does not include an emergency review and mediation. The rulemaking additionally explains under what circumstances foster parents and relative caregivers may appeal the removal of a child from a foster family or relative home placement, Issues related to a service that a child does not currently need, but may need in the future, are not subject to appeal. Further amendments revise what informa-

tion must be contained in written notices and how notices will be served. In addition, notice must be given to a child's caregiver when the child's placement in DCFS custody or guardianship is at issue. Since 1st Notice, definitions of "Child and Youth Investment Team" (CAYIT) and "CAYIT Action Plan" have been added. Also added are provisions granting the clinical reviewer authority to create an action plan to alleviate issues that prompt removal of a child, and to postpone the removal date if needed to obtain more information. DCFS must provide written notice of clinical placement review decisions. Written notice is also required to notify parents, children and guardians ad litem of their right to appeal any reduction or elimination of services in an action plan. Foster parents or relative caregivers must be notified of their right to appeal any service decision in an action plan.

Questions/requests for copies: 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.

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Proposed Regulations

SPECIAL EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to "Special Education" (23 Ill. Adm. Code 226; 36 Ill. Reg. 4363) to implement several Public Act provisions. SBE is cross referencing the PA 97-123 definition of a medical condition that will cause a child with an Individualized Education Plan (IEP) to qualify for home or hospital instruction (medical condition causing the child to be absent from school at least 2 days at a time multiple times during the school year, totaling at least 10 days or more of absences). Home or hospital instruction must commence not later than 5 days after the school receives a physician's written statement affirming the student's condition, ability to participate in instruction and projected duration of the absence. SBE is also including the PA 97-284 definition of general education classroom (at least 70% of students without IEPs) in its class size requirements for students with IEPs. These requirements do not apply to students with IEPs who are receiving only speech services outside the general classroom. SBE is updating its references in this Part

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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

STATE POLICE MERIT BOARD

The DEPARTMENT OF STATE POLICE MERIT BOARD adopted amendments to "Public Information, Rulemaking and Organization" (2 Ill Adm Code 2050; 35 Ill Reg 19263) and "Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150; 35 Ill Reg 19268), effective 3/12/12. The Part 2050 rulemaking updates the address of the Board and removes an obsolete provision allowing an individual to petition the Board for changes to the rules. The Part 150 rulemaking allows recertification of sworn officers who have resigned in good standing provided the Board receives a written request within one year after the date of separation and eliminates the no longer used rank of Major. Since 1st Notice, SPMB has decided not to repeal the probationary period provisions in this rule until the Department of State Police has added probationary period guidelines to its own rules. SPMB also clarifies that an officer seeking recertification must complete the application process, pass a fitness test and undergo a background check, and states that an occupational analysis for each existing rank will be kept on file at the Merit Board office.

Questions/requests for copies of the 2 SPMB rulemakings above: Ronald P. Cooley, DSP Merit Board, 531 Sangamon Ave, Springfield IL 62702, 217/786-6240.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to "Pay Plan" (80 Ill Adm Code 310; 36 Ill Reg 4437), effective 3/9/12, assigning the Public Service Administrator (PSA) title, Option 8K (Special License-Licensed Psychologist) at the Department of Human Services to a bargaining unit. The rulemaking implements a memorandum of understanding signed on 2/9/12 between CMS and the Illinois State Employees Association, Laborers' International Union of North America.

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.

BOW HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted emergency

amendments to "Crossbow and Standing Vehicle Hunting Authorizations" (17 Ill Adm Code 760; 36 Ill Reg 4428), effective 3/7/12, for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 36 Ill Reg 4335. Part 760 creates a two tiered system of crossbow permits using the existing category of a permanent disability (Class A) and creating a new category for temporary disabilities (Class B). Class B permits are valid for one year and recipients must reapply after expiration. The criteria for applying for a Class B permit include temporary and substantial loss of function in one or both hands, arms or shoulders and failing to meet the minimum standard tests administered by a physician. The minimum standard tests consist of the upper extremity pinch, grip and nine-hole peg. Class B standing vehicle authorizations will also be valid for 1 year after issuance.

Questions/requests for copies/comments concerning the proposed rulemaking through 5/7/12: George Sisk, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

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from "mental retardation" to "intellectual disability" in compliance with PA 97-227. Finally, SBE is removing obsolete qualifications for school district directors and assistant directors of special education, as they must now meet the requirements set out in another Part (23 Ill. Adm. Code 29.140).

Questions/requests for copies/comments through 5/7/12: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777, 217/782-5270, e-mail: rules@isbe.net.

SECURITY PROFESSIONALS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to rules titled "Private Detective, Private Alarm, Private Security, Fingerprint Vendor and Locksmith Act of 2004" (68 Ill. Adm. Code 1240; 36 Ill. Reg. 4215) that implement provisions of Public Acts 95-613 and 96-1445. PA 95-613 requires persons that handle canines in the act of protecting persons or property or conducting investigations to hold a Department-issued canine handler or canine trainer authorization

card. The rulemaking adds a new Subpart dedicated to the licensure of canine handlers, which includes training course standards, handler authorization card issuance requirements, authorized training programs, trainer authorization card issuance requirements and unprofessional conduct standards under which DFPR may deny issuance of or suspend an existing canine handler or canine trainer authorization card. PA 96-1445 requires implementation of consumer safeguards regarding locksmiths. The rulemaking requires locksmith agencies conducting business in Illinois to

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have an office within the State or an out-of-state office no further than 50 miles from the Illinois border. DFPR also adds more specific procedures for issuance of licenses for private detective agencies, private alarm agencies, private security contractor agencies and locksmith agencies. (Current rule contains provisions for licensing individual applicants, not agencies.) The rulemaking also includes provisions for issuance of branch office licenses and new requirements for agency licensee-in-charge licensing; defines armed employees; revises requirements for approving firearm instructors associated with armed proprietary security forces; establishes certification and renewal fees for firearm instructors; establishes initial issuance and licensure renewal fees for canine handler and trainer authorization cards; and increases initial issuance and renewal fees firearm control cards and armed proprietary security force registrations. Initial licensure of canine handlers, trainers, or training programs is \$75 to \$100 (renewals are \$45) and the renewal fee for armed proprietary security forces is increased from \$20 to \$200. The rulemaking also sets standards and fees for approving canine handler, canine instructor and firearm instructor training programs. This rulemaking will affect police and guard dog trainers, private security guards, locksmiths, and their employers.

Questions/requests for copies/comments through 5/7/12: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Spfld., IL 62767-0001, 217/785-0813.

🔑 EMERGENCY MEDICAL SERVICES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515; 36 Ill Reg 4347) implementing two public acts. PA 96-1469 authorizes DPH to use licensing, testing and certification fees within the Emergency Medical Services (EMS) Assistance Fund for administration, oversight, and enforcement of activities authorized

by the EMS Systems Act. PA 97-209 requires that money collected in a particular EMS region for the DPH Trauma Center Fund must be distributed back to that region. The rulemaking outlines various factors, including the number and outcome of trauma cases, used to determine the amount of money to be collected from and distributed to each region. If the designated trauma center for an EMS region is located outside of Illinois, DPH will distribute that region's Trauma Center Fund money to Illinois hospitals in the region to support emergency services related to care of injured patients. Hospitals must document their use of Trauma Center Fund money and must report head and spinal injuries to a DPH registry in order to qualify for funding. The rulemaking also clarifies that disbursements to EMS systems from the EMS Assistance Fund are grants subject to auditing and to the Illinois Grant Funds Recovery Act. Grants must be spent during the fiscal year in which they are awarded and unspent grant funds must be returned to the State. This rulemaking will affect EMS providers and hospitals.

Questions/requests for copies/comments through 5/7/12: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

🔑 DEER HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "White Tailed Deer Hunting By Use of Firearms" (17 Ill Adm Code 650; 36 Ill Reg 4283), "White Tailed Deer Hunting By Use of Muzzleloading Rifles" (17 Ill Adm Code 660; 36 Ill Reg 4300), and "White Tailed Deer Hunting By Use of Bow and Arrow" (17 Ill Adm Code 670; 36 Ill Reg 4314). Amendments to Parts 650 and 660 move the daily random drawing period for firearm deer hunting permits to the 2nd Tuesday in August through the 2nd Monday in September (currently, 2nd Tuesday in September through 1st Monday in October). Also, the appli-

cation deadline for a second lottery drawing for permits in counties and special hunt areas with unfilled quotas after the first drawing is moved to June 30 (currently, the 2nd Monday in August). The amendments also include 7-site specific changes to Part 650 and 4 site-specific changes to Part 660. Amendments to Part 670 make 40 site-specific changes regarding archery deer hunting. Those affected by these rule-makings include deer hunters and outfitters.

🔑 TRAIL LAND GRANTS

DNR also proposed amendments to "Off-Highway Vehicle Recreation Trails Grant Program" (17 Ill Adm Code 3045; 36 Ill Reg 4337) concerning sale or exchange of land set aside for trails under this program. The rulemaking states that property acquired under this program cannot be converted to a use that prevents public, off-highway vehicle use except with prior approval of DNR. Approval to convert trail land to private use will be given only if the replacement property is of equal market value and comparable in off-highway usefulness, quality and location. This rulemaking may affect small businesses, small municipalities, and non-profit organizations that wish to purchase or sell off-highway vehicle trail land.

Questions/requests for copies/comments concerning the 4 DNR proposed rulemakings above through 5/7/12: George Sisk, at the DNR address and telephone number above.

RULE WITHDRAWAL

The OFFICE OF THE COMPTROLLER withdrew proposed amendments to "Office of the Comptroller Standard Procurement" (44 Ill Adm Code 1120; 35 Ill Reg 8287) that were published in the 6/3/11 *Illinois Register*. The agency states that it is withdrawing this rulemaking in order to submit a new, revised rulemaking. The withdrawn rulemaking concerned purchasing and contracting procedures for the Office of the Comptroller.

Second Notice

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.

COMPTROLLER

"Accounting Principles and Procedures" (74 Ill Adm Code 245) proposed 12/16/11 (35 Ill Reg 19755)

"Contract Filing Requirements" (74 Ill Adm Code 255) proposed 12/16/11 (35 Ill Reg 19759)

"State Comptroller Minority Contractor Opportunity Initiative" (74 Ill Adm Code 240) proposed 12/16/11 (35 Ill Reg 19736)

SECRETARY OF STATE

"Public Use of the Capitol Complex and Springfield Facilities" (71 Ill Adm Code 2005) proposed 1/20/12 (36 Ill Reg 814)

"Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010) proposed 1/20/12 (36 Ill Reg 826)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Bank Branches" (38 Ill Adm Code 305) proposed 10/7/11 (35 Ill Reg 15863)

DEPARTMENT OF TRANSPORTATION

"Tourism Attraction Signing Program" (92 Ill Adm Code 543) proposed 1/27/12 (36 Ill Reg 1049)

DEPARTMENT OF HUMAN SERVICES

"Closure of a Rehabilitation Case" (89 Ill Adm Code 595) proposed 11/14/11 (35 Ill Reg 18485)