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Illinois General Assembly

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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.

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CAMPUS EMERGENCY RESPONSE

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted a new Part titled "All Hazards Campus Emergency Plan and Campus Violence Prevention Plan" (29 Ill Adm Code 305; 33 Ill Reg 1905), effective 6/5/09, implementing Public Act 95-881. The Act requires all public and non-public institutions of higher education in Illinois to develop comprehensive plans for dealing with natural, man-made, and technological emergencies. The rulemaking requires higher education institutions to conduct all-hazards threat assessments and complete campus emergency operations plans (CEOPs) and campus violence prevention plans (CVPPs). It also provides guidelines for training and exercises to be performed in accordance with such plans. Among the provisions a CEOP should include are procedures for notifying students, faculty, the public, and other interested persons in the event of any emergency; a chain of command and command post for emergency operations; procedures for handling casualties and displaced persons; and a designated information officer to gather information for release to the public and news media. CVPPs must include the formation of campus violence preven-

tion committees and campus threat assessment teams. These plans should incorporate existing campus programs dealing with associated issues such as suicide prevention, sexual assault, and bullying and encourage a "zero tolerance" approach to violence prevention. Threat assessment teams may be responsible for addressing "aberrant, dangerous or threatening" behavior on campus; providing guidance on violence prevention; and providing supportive services for affected persons. The teams may include faculty, law enforcement, human resources, legal, and mental health professionals and may also include other persons and organizations. All areas of a campus community should cooperate with requests from a threat assessment team "relative to successfully monitoring any threatening behavior". CEOPs and CVPPs should be reviewed by, and coordinated with, the local Emergency Services and Disaster Agency and updated annually. Since 1st Notice, all provisions of the rulemaking other than statutory requirements for campuses to have emergency response and violence prevention plans and to create violence prevention committees and threat assessment teams have been made advisory rather than manda-

(cont'd next page)

PRESCRIBED BURNS

THE DEPARTMENT OF NATURAL RESOURCES proposed a new Part titled "Illinois Prescribed Burning Act" (17 Ill Adm Code 1565; 33 Ill Reg 8054) to implement Public Act 95-108 by recommending that units of government and also private persons employ a "certified prescribed burn manager" when conducting a burn. (According to DNR, private entities may choose to comply with the rulemaking in order to benefit from liability limits set by statute.) To become a certified prescribed burn manager, an individual must complete 3 specified national wildfire courses and an Illinois prescribed burn manager course; participate in 5 total prescribed burns, with at least 2 of them as an apprentice burn manager; and submit the documentation, application, and \$50 fee to DNR. To become an apprentice, an individual must apply to DNR and be accepted by a certified prescribed burn manager who will agree to supervise the apprentice's training. Individuals wishing to be grandfathered have until 12/31/10 to submit an application and affidavits attesting to their participation in at least 7 burns, with 5 of the burns as the burn manager, and all the burns must have taken place prior to 7/1/09. Individuals certified by other states whose training and requirements exceed Illinois or who have achieved federal "RXB1" or "RXB2" certification may receive an Illinois certificate by sub-

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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

tory. All provisions regarding the composition or content of emergency response and violence prevention programs or teams are presented as guidelines rather than mandates. This rulemaking may affect small municipalities in which institutions of higher education are located.

Questions/requests for copies: Louise Michels, IEMA, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9876.

☞ CHILD CARE SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to "Child Care" (89 Ill Adm Code 50; 32 Ill Reg 9565), effective 6/8/09, that increases the maximum monthly income that a parent may make and still qualify for child care services. (The maximum varies based upon family size.) The rulemaking also adds parent co-pays (weekly or monthly) for the added maximum monthly income levels based upon family size. (Family size includes the applicant, his or her spouse, and the biological or adoptive children or stepchildren of the applicant or his or her spouse who are under age 21 living in the same household, including the child for whom care is requested.) For example, for a family of 3, the maximum allowable monthly income increases from \$2,533 to \$2,934 and the corresponding co-pays vary with family size. This rulemaking may affect child care providers.

☞ EARLY CHILDHOOD SERVICES

DHS also adopted amendments to "Early Intervention Program" (89 Ill Adm Code 500; 32 Ill Reg 17001), effective 6/8/09, that implement Public Act 95-617, which requires sign language interpreters for the deaf to be licensed in Illinois by 1/1/09 in compliance with the Interpreter for the Deaf Licensure Act of 2007 [225 ILCS 443]. The rulemaking also provides basic proficiency testing and training approval standards for bilingual early intervention (EI) interpreters. Bilingual

EI interpreters must provide documented proof of completion of DHS-approved training and oral or written language proficiency as demonstrated through DHS testing procedures or else document completion of a comparable nationally recognized testing and certification program. The rulemaking also states that regional intake entities that enroll children in EI programs will distribute materials to families as part of a process to measure "family outcomes". Small businesses that employ individuals who serve as bilingual EI interpreters or interpreters for the deaf may be affected by this rulemaking.

Questions/requests for copies of the 2 DHS rulemakings above: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted a new Part titled "Standards and Limitations for Organic Material Emissions for Area Sources" (35 Ill Adm Code 223; 32 Ill Reg 17301), effective 6/8/09, to assist Illinois in attaining the revised U.S. Environmental Protection Agency ozone national ambient air quality standards by 2010 and to protect the health of Illinois citizens. The rule is expected to reduce volatile organic material (VOM) emissions from consumer products and architectural and industrial maintenance (AIM) products by prohibiting, after 7/1/09, the sale or manufacture of consumer products or the sale, manufacture, or application of architectural and industrial maintenance coatings if those products contain VOM in excess of specified limits. Covered topics include, for both consumer and AIM products, VOM limits, labeling requirements, test methods to determine compliance with the Part, and reporting requirements. A change since 1st Notice extends regulatory compliance dates from 1/1/09 to 7/1/09. An additional change affects which American Society for Testing and Materials test method must be used

to determine the fire-resistance rating of fire-resistive coatings on building construction materials. Also, 2 conflicting dates for the same South Coast Air Quality Management District certification protocol are clarified. Covered topics for consumer products include requirements of products by category, exemptions, use of alternate control plans and/or innovative product exemptions, product dating, reporting, and recordkeeping requirements. These provisions are too detailed to describe in their entirety. For further information, please contact the agency individual noted below.

Questions/requests for copies: Tim Fox, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6085, e-mail: foxt@ipcb.state.il.us. Please reference docket R08-17.

☞ SURGICAL NURSES

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to "Hospital Licensing Requirements" (77 Ill Adm Code 250; 32 Ill Reg 19883), effective 6/2/09, implementing Public Act 94-915, which requires hospitals and outpatient surgery centers to have a registered nurse, licensed under the Nursing and Advanced Practice Nursing Act and qualified by training and experience, present in the operating room and functioning as the "circulating nurse" during all invasive or operative procedures. A circulating nurse is responsible for coordinating all nursing care, patient safety needs, and the needs of the surgical team in the operating room. Hospitals and outpatient surgery centers are among those affected by this rulemaking.

☞ EMERGENCY CENTERS

DPH adopted amendments to "Free-standing Emergency Center Code" (77 Ill Adm Code 518; 32 Ill Reg 18149), effective 6/4/09, that implement Public Act 95-584, which converts oversight of freestanding emergency centers (FECs) from a demonstration program to a permanent pro-

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gram. (FECs are hospital satellite facilities that provide 24-hour emergency medical services in smaller communities that do not have full-service hospitals.) The amendments also change the name of the Part to remove reference to a demonstration program and require FECs to obtain certificates of need from the Health Facilities Planning Board prior to DPH licensing. The rulemaking allows DPH to issue FEC licenses through 6/30/09 (the current Health Facilities Planning Act is scheduled to expire on 7/1/09). Other subjects covered in the rulemaking include requirements for licensing, staffing, and inspection; physical plant, life-safety, and architectural requirements; infection control; supplies processing; procedures for investigating and hearing complaints; penalties for code violations; and plans for treating sexual assault survivors. Freestanding emergency centers will be affected by this rulemaking.

☞ STUDENT EYE EXAMS

DPH also adopted amendments to "Child Health Examination Code" (77 Ill Adm Code 665; 32 Ill Reg 14465), effective 6/8/09, implementing a provision of Public Act 95-671 that requires eye examinations for children entering kindergarten or entering a public, private, or parochial school system for the first time. (A similar emergency rulemaking was adopted, effective 6/6/08, at 32 Ill Reg 9055.) The rulemaking defines key terms; specifies exam procedures; repeats a statutory exemption from immunizations or exams based on objections on religious grounds; creates forms to document the eye exam, dental exam, and waivers of both; and establishes a waiver process for children who lack access to a physician or optometrist for eye exams or whose families demonstrate that the requirement creates an "undue burden" for them due to low income, lack of medical insurance, or lack of accessibility to a physician or optometrist who performs eye examinations. The exam must be completed

within one year prior to October 15th of the school year in which the child enters kindergarten or enters the school system for the first time. Changes since 1st Notice modify the form for documenting the eye exam. Those affected by this rulemaking include schools, local health departments, optometrists, dentists, and physicians.

☞ INTERPRETER SERVICES

DPH adopted an amendment to "Language Assistance Services Code" (77 Ill Adm Code 940; 32 Ill Reg 14702), effective 6/2/09, that adds references to the Interpreter for the Deaf Licensure Act of 2007, which requires professional sign language interpreters for the deaf to be licensed. Hospitals and long-term care facilities with hearing-impaired residents will be affected by this rulemaking.

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

DRIVER'S LICENSES

The SECRETARY OF STATE adopted an amendment to "Issuance of Licenses" (92 Ill Adm Code 1030; 33 Ill Reg 3965), effective 6/5/09, removing obsolete notification provisions concerning driver vision retesting. Under the previous process, when SOS received a follow-up vision medical report indicating that a driver's license change may be required (e.g., restrictions added based upon negative vision test results), the individual was sent a maximum of two written requests from SOS asking the driver to report to the applicable SOS facility to obtain a corrected license. If the individual appeared, he or she may have been issued a corrected license, but if the individual did not appear, he or she was cited. If the individual failed an administered vision test or failed to appear after a citation was issued, the individual's driver's license was can-

celled. Under the adopted amendment, SOS will provide only two written notifications to the driver at the last known address indicated on the person's SOS driving record, and the 2nd notice will state that failure to comply will result in the cancellation of the driver's license. Therefore, "citations" will no longer be issued following the two notices as a middle step prior to license cancellation.

Questions/requests for copies: Arlene Pulley, SOS, 2701 South Dirksen Pkwy, Springfield IL 62723, 217/557-4462.

☞ SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to "Providers of Supplemental Education Services" (SES) (23 Ill Adm Code 675; 33 Ill Reg 3138), effective 6/1/09. The Part applies to supplemental educational service (SES) providers with whom school districts contract under the federal No Child Left Behind (NCLB) Act to provide students with additional tutoring in math, reading, and other subjects. Adopted additions to the Code of Ethics apply all requirements to subcontractors and other entities acting on behalf of the provider, prohibit providers from marketing their programs directly to students, clarify that a provider serving a particular district may hire that district's employees for instructional purposes, and require districts to treat all providers equitably. In line with changes announced by the U.S. Department of Education (USDE), the rulemaking (1) replaces specific references to reading and math tutoring with general provisions for tutoring in any subject because USDE now allows providers to offer science tutoring and may include other subjects in the future and (2) reclassifies the expense of transporting students to and from SES activities as a reimbursable cost. A May 1st deadline is set for submission of updates and revisions for a provider's approved application. Rather than evaluate providers on a district-specific basis, SBE will evalu-

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ate providers on a Statewide basis to avoid parental confusion regarding providers with different standards for determining provider effectiveness in each subject tutored. A school district must post specific SES information on its website, is allowed a 10-day extension to deliver a contract to a provider when the delay is due to circumstances beyond the school district's control, and may implement tutoring when parents are unresponsive in developing a student's SES plan (an NCLB requirement) after a district attempts to contact the parent. The rulemaking also changes SBE's parental satisfaction evaluation structure from focusing on positive responses to focusing on negative parental responses so that providers are not penalized for a low response rate. (For example, a provider will be deemed to meet standards if no more than 10% to 25% of parents register dissatisfaction with the provider, instead of 75 to 90% registering satisfaction with the provider.) Evaluation of provider attendance calculations is changed from student attendance rates to average attendance (total hours the provider served divided by the total number of students served). Finally, SBE proposes other amendments that provide clarity and expressly state current practices. SES providers who are small businesses will be affected by this rulemaking.

Questions/requests for copies: Gina Hopper, SBE, 100 N. First St., Springfield IL 62777-0001, 217/524-4832, e-mail: rules@isbe.net

STATE POLICE

The DEPARTMENT OF STATE POLICE adopted amendments to "Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds" (20 Ill Adm Code 1286; 33 Ill Reg 3240), effective 6/4/09, concerning the testing procedures referenced in the Part's title, the equipment used, and the personnel authorized to use it. DSP removes service records from the internal memory of

evidentiary instruments (e.g., alcohol breath tester), adds quick test and calibration data to such instruments, and states that the logbook of subjects' tests does not contain automatic accuracy checks or accuracy checks performed remotely. Further amendments increase from 60 to 62 days the time frame before and after arrest in which subpoena requests for accuracy checks, subject tests, quick tests, calibrations, and maintenance/repair records must be submitted and lower the minimum training time from 28 to 24 hours for breath analysis operators (BAO). The requirement that a person must pass a practical examination for BAO license renewal is eliminated. Certification for laboratories and laboratory technicians working under pathologists, toxicologists, or similar specialties increases from 2 to 3 years. The rulemaking also eliminates "verification" of an instrument's performance as a rebuttable presumption of accuracy, adds the "Intoxilyzer EC-IR II" as an approved evidentiary instrument, increases from 1% to 10% the accepted accuracy deviation of an instrument, and requires that the accuracy check be recorded in the instrument's logbook only when performed by a blood alcohol technician at the instrument's location rather than remotely. A change since 1st Notice concerning the 10% accuracy deviation of instruments specifies the percentage may be adjusted for environmental factors.

Questions/requests for copies/comments: John M. Hosteny, DSP, 801 S. 7th St., Ste. 1000-S, Springfield IL 62794-9461, 217/782-7658.

WATER SUPPLIES

The ENVIRONMENTAL PROTECTION AGENCY adopted 2 new Parts by emergency rulemaking titled "Procedures for Providing Financial Assistance From the Water Pollution Control Program Under the American Recovery and Reinvestment Act of 2009" (35 Ill Adm Code 369; 33 Ill Reg 8589) and "Procedures for Providing Finan-

cial Assistance From the Public Water Supply Loan Control Program Under the American Recovery and Reinvestment Act of 2009" (35 Ill Adm Code; 33 Ill Reg 8722), effective 6/2/09, for a maximum of 150 days. Each has an identical proposed rulemaking in this week's *Illinois Register* at 33 Ill Reg 7960 and 7967, respectively. The rules reflect the federal economic stimulus plan (ARRA) requirements of a streamlined review process; green infrastructure, water or energy efficiency improvements or other environmentally innovative activities; increased use of "disadvantaged" business enterprises (formerly, minority/women business enterprises); and specifies that all iron, steel and manufactured goods used in the project must be produced in the U.S. ARRA funding terms include zero interest 20-year loans and principal forgiveness of 50% of the ARRA funds disbursed.

EPA also adopted emergency amendments to "Procedures For Issuing Loans From the Water Pollution Control Program" (35 Ill Adm 365; 33 Ill Reg 8546) and "Procedures For Issuing Loans From the Public Water Supply Loan Program" (35 Ill Adm Code 662; 33 Ill Reg 8674), effective 6/2/09, for a maximum of 150 days. Each has an identical proposed rulemaking in this week's *Illinois Register* at 33 Ill Reg 7957 and 7964 respectively. The rulemakings are companions to the new Parts adopted above, making loans available at zero interest for local governments that can't get ARRA funds. They also change references from minority/women business enterprise programs to the current term, disadvantaged enterprise program. Small municipalities seeking ARRA funds or loans for projects may be affected.

Questions/requests for copies/comments concerning the 4 proposed rulemakings through 8/3/09: Stefanie Diers, EPA, 1021 N. Grand Avenue East, PO box 19276, Springfield, IL 62794-9276, 217/782-5544.

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mitting an application, documentation, and a \$50 fee. The rulemaking outlines the information to be included in a burn prescription and procedures for notifying adjoining landowners and occupants, as well as the local fire, police, and 911 systems. When conducting a burn, burn managers must be on the scene; obtain guidance from the National Weather Service; review the plan with the crew; and have all the necessary local, State, and federal permits. After each burn, a burn report containing specific information must be completed. In the case of an escaped fire, the burn manager will serve as the incident commander until command is transferred to another qualified person. If there are any injuries requiring professional medical attention, damage to property in excess of \$500, or an escaped fire, a copy of the prescribed burn report must be supplied to the landowner, responding emergency agencies, and DNR within 45 days. The rulemaking describes certificate denial processes, appeal procedures, and recordkeeping requirements. The Illinois Prescribed Burn Manager Certification Board will meet annually to review burn reports and recommend any needed changes to coursework and training programs. The application to become a burn manager is also contained in the rulemaking. This rulemaking may affect non-profits and units of local government owning areas in need of prescribed burning. Small business engaged in performing this type of work may also be affected.

Questions/requests for copies/comments through 8/3/09: Stanley Yonkausk, Jr., DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

Reg 7971) to implement elements of the federal Real Estate Settlement Procedures Act (RESPA). The only substantive provision in the rulemaking states that a borrower for the purchase or refinancing of residential real property has the right to cancel or alter an order for a mortgage title insurance commitment or policy at any time prior to the closing of the transaction without cost or penalty to the borrower. This provision must not be construed or applied in any way that alters the rights or obligations of any party to the contract for the sale or purchase of real estate property. The Department states that this policy is authorized by RESPA. The rulemaking also makes numerous changes to the Part to reflect agency reorganization (Division of Financial Institutions) and statutory citation revision. This rulemaking may affect small businesses (e.g., title insurance companies).

PROFESSIONAL ENGINEERS

DFPR also proposed amendments to rules titled The "Professional Engineering Practice Act of 1989" (68 Ill Adm Code 1380; 33 Ill Reg 8008). The rulemaking clarifies which accredited engineering programs associated with the Accreditation Board for Engineering and Technology (ABET) will be accepted as an approved program subject to Department review. DFPR provides an internet website from which foreign engineer intern applicants may obtain forms for requesting an education evaluation. DFPR will accept education evaluations only from the Center for Professional Engineering Education Services and Engineering Credentials Evaluation International. Foreign students applying for licensure may meet their Test of English as a Foreign Language (TOEFL) requirement online by taking TOEFL-iBT (internet-based test). Also, DFPR no longer requires licensure applicants to supply a complete work history. The rulemaking adds a definition for "technical submissions" prepared in

the course of a design professional's practice and makes nonsubstantive changes, such as updating the Department's name to reflect the consolidation of several divisions and renaming the Division of Professional Regulation. Those providing engineering services may be affected by this rulemaking.

Questions/requests for copies/comments concerning the 2 DFPR rulemakings through 8/3/09: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax 217/557-4451.

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM (TRS) proposed amending "The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650; 33 Ill Reg 8160) to conform to federal Internal Revenue Code requirements. When TRS is required to make a mandatory distribution and the member is eligible to receive either a single-sum benefit or a refund, but has failed to make the required election choice, the member will be deemed to have chosen a refund. Contributions to, and distributions from, a nonqualified deferred compensation arrangement will be classified as non-creditable compensation not recognized as "salary" provided that the employer furnishes to TRS an Internal Revenue Service (IRS) determination letter confirming that the arrangement is qualified. An eligible retirement plan for purposes of a rollover distribution of a refund of member contributions, lump-sum benefits, or other nonperiodic distribution from TRS means a specified plan described in the Internal Revenue Code, which includes: an IRA, an individual retirement annuity, a qualified trust, an annuity plan, an eligible deferred compensation plan, an annuity contract, a Roth IRA, or any other plan designated as eligible by federal law (all these eligible recipients are further defined in the rule by reference

TITLE INSURANCE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to "Title Insurance Act" (50 Ill Adm Code 8100; 33 Ill

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to governing Internal Revenue Code citations). Eligible recipients of a distribution include the member's surviving spouse or non-spouse beneficiary (again, as further cited in the rulemaking).

Questions/requests for copies/comments through 8/3/09: Tom Gray, TRS, 2815 W. Washington, Springfield IL 62794-9253, 217/753-0375.

nursing) services; (2) home health aide services are provided under the direction of a registered professional nurse or advanced practice nurse; and (3) a home nursing agency does not "require" licensure as a home health agency. (Current text states that a home nursing agency does not "qualify for" such licensure.) Also, the rulemaking removes physicians from the list of persons who may supervise home health agencies. Those affected by this rulemaking include home health, home services, and home nursing agencies.

Questions/requests for copies/comments through 8/3/09: Susan Meister, at the DPH address and telephone number above.

HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to "Medication" (11 Ill Adm Code 603; 33 Ill Reg 8135) to mirror the Association of Racing Commissioners International (ARCI) furosemide (lasix) and total carbon dioxide (TCO₂) rules. In addition, penalties for exceeding TCO₂ thresholds

are generally decreased, and a \$5,000 fine is added for owners for a 3rd subsequent report of excessive TCO₂. The amendments also ban individuals under 16 years of age from entering detention barns; require persons requesting additional Board lab tests to bear the cost; and require suspended trainers of harness racers to give the Board a current stable list. Owners of horses on the stable list must secure the services of a Steward-approved trainer and stable the horses with an organization licensee for the full term of the penalized trainer's suspension, with certain specified exceptions. IRB also proposed amendments to "Jockeys, Apprentices, Jockey Agents, and Valets" (11 Ill Adm Code 1411; 33 Ill Reg 8153) that reflect ARCI rules specifying more detailed riding crop specifications and appropriate use of crops by jockeys.

Questions/requests for copies/comments concerning the 2 rulemakings above through 8/3/09: Mickey Ezzo, IRB, 100 W. Randolph, Ste 7-701, Chicago IL 60601, 312/814-5017.

HOME HEALTHCARE

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Home Health, Home Services, and Home Nursing Agency Code" (77 Ill Adm Code 245; 33 Ill Reg 8072). ("Home health services" are those provided to a person in his or her residence according to a physician's or podiatrist's treatment plan (e.g., nursing, physical therapy, speech therapy). "Home services" entail assistance with activities of daily living, such as housekeeping and laundry.) The rulemaking, in part, implements Public Act 95-951, specifying that (1) a home nursing agency may provide home health aide (currently, skilled

Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at JCAR's July 14, 2009 meeting.

SECRETARY OF STATE

"Regulations Under the Illinois Securities Law of 1953" (14 Ill Adm Code 130) proposed 1/23/09 (33 Ill Reg 1451)

"Regulations Under the Business Opportunity Sales Law of 1995" (14 Ill Adm Code 135) proposed 1/23/09 (33 Ill Reg 1468)

"Regulations Under the Illinois Business Brokers Act of 1995" (14 Ill Adm Code 140) proposed 1/23/09 (33 Ill Reg 1473)

"Regulations Under the Illinois Loan Brokers Act of 1995" proposed 1/23/09 (33 Ill Reg 1479)

ILLINOIS RACING BOARD

"Security Areas" (11 Ill Adm Code 436) proposed 4/24/09 (33 Ill Reg 6021)

"Horseman's Bookkeeping System Licensees" (11 Ill Adm Code 450) proposed 4/24/09 (33 Ill Reg 6025)

"Claiming Races" (11 Ill Adm Code 510) proposed 4/24/09 (33 Ill Reg 6031)

"General Licensee Rules" (11 Ill Adm Code 1313) proposed 4/24/09 (33 Ill Reg 6035)

"Racing Rules" (11 Ill Adm Code 1318) proposed 4/24/09 (33 Ill Reg 6040)

JCAR Meeting Action

At its June 16th meeting, the Joint Committee on Administrative Rules objected to and suspended one emergency rulemaking and objected to and prohibited filing of one proposed rulemaking. The Committee also agreed to extend Second Notice periods for the Department of Natural Resources' rulemaking titled "Dam Safety Requirements" (17 Ill Adm Code 3703; 32 Ill Reg 14445) and the Department of Healthcare and Family Services' rulemaking titled "Specialized Health Care Delivery Systems" (89 Ill Adm Code 146; 33 Ill Reg 3822) for an additional 45 days.

DEPARTMENT OF HUMAN SERVICES

JCAR objects to and suspends the emergency rulemaking titled "Provider Requirements, Type Services, and Rates of Payment" (89 Ill Adm Code 686; 33 Ill Reg 7017). The Department offered no satisfactory rationale for its use of emergency rulemaking, and JCAR finds that this unnecessary use of emergency rulemaking represents a threat to the public interest. The suspended emergency rule authorized DHS to reimburse Home Services Program care providers at an enhanced rate if they provide health insurance coverage for their employees.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JCAR objects to and prohibits filing of the DHFS rulemaking titled "Medical Payment" (89 Ill Adm Code 140; 32 Ill Reg 13761). The Committee finds that DHFS, in its effort to prevent medical assistance abuse, is restricting physician reimbursement for group psychotherapy to psychiatrists and regulating clinical practices, which commentators maintain is an indirect and likely ineffectual way to address abuse. Adoption of this rulemaking would constitute a serious threat to the public interest.

The Flinn Report

Illinois General Assembly

Illinois Regulation

Joint Committee on Administrative Rules
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