

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

☞ CAMPAIGN FINANCING

The STATE BOARD OF ELECTIONS adopted amendments to "Campaign Financing" (26 Ill Adm Code 100; 35 Ill Reg 7297), effective 7/19/11, to provide a mechanism for businesses to go to inactive status on the Board's registry of business firms that no longer meet the \$50,000 monetary statutory threshold in potential or actual State contracts that triggers registration with the Board. Businesses will still have a continuing duty to update their registration status when required to do so, and inactive status does not relieve a business from the prohibition of making contributions to the officeholder who is awarding a contract. Inactive status will be determined by the business entity. The Board provides a form in an electronic format on its website for a business to use when indicating its inactive status that requires the firm's name, address, the contract or obligation that created the obligation to register with the Board, and the agency that awarded the contract. Alternatively, if the firm was not required to register with the Board, there must be a designation that registration was not required and the beginning date on which the obli-

gation to update the firm's registration relative to each contract or bid no longer existed. Circumstances that may lead to inactive status are prescribed: the firm was not awarded a contract that exceeded the \$50,000 statutory threshold for registration, the two-year term following expiration of a contract has lapsed, or the term of the officeholder responsible for awarding the contract has concluded. If a firm on inactive status submits a bid for a State contract that exceeds \$50,000, the firm must rescind its inactive status prior to submitting a bid, update its registration so that information required by the Election Code is current, and abide by the Code's contribution prohibitions. The form for rescinding a firm's inactive status is on the Board's website. Also, complaints may be filed with the Board concerning violation of the registration provisions. A change since 1st Notice clarifies the meaning of the term "inactive status". This rulemaking may affect small businesses and other businesses that previously registered with the Board based on then-existing State contracts or bids and proposals on State contracts valued in excess of \$50,000.

(cont'd next page)

☞ LIQUEFIED GAS STORAGE

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments for "Storage, Transportation, Sale, and Use of Liquefied Petroleum Gas" (41 Ill Adm Code 200; 35 Ill Reg 12867) to repeal text concerning conversion of anhydrous ammonia storage tanks to liquefied petroleum gas service. OSFM states that this regulation is contained in a 2011 National Fire Protection Association (NFPA) publication that is incorporated by reference in this Part. The rulemaking also adds 2008, 2009, and 2011 dates for 3 additional NFPA publications that are incorporated by reference and a 2001 date for an American Petroleum Institute incorporation by reference. A further amendment retains an NFPA standard requiring that the pressure relief valve discharge on each aboveground container larger than 2000 gallons be piped vertically upward at least 7 ft. above the container and be unobstructed. Those affected by this rulemaking include gas appliance and gas piping installers.

Questions/requests for copies/comments through 9/19/11: Kenneth Wood, OSFM, 100 W. Randolph, Ste. 4-600, Chicago IL 60601, 312/814-2962.

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

Questions/requests for copies: Steven S. Sandvoss, SBEL, 1020 S. Spring St., Springfield IL 62708, 217/782-0608.

☞ COLLECTION AGENCIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to rules titled "Collection Agency Act" (68 Ill Adm Code 1210; 34 Ill Reg 10609), effective 7/20/11. The rulemaking separates registration application requirements for collection agencies from those for collection agency branch offices and clarifies the ownership asset, stock, or equity threshold that will require a new collection agency application to be sent to DFPR when shares are sold or transferred. The rulemaking also adds a license restoration fee of \$50 plus all lapsed renewal fees, and the Department makes nonsubstantive text changes for consistency and removes redundant provisions. A change since 1st Notice deleted proposed text that would have added standards for professional and ethical conduct. Also deleted were proposed fines up to \$10,000 as disciplinary action for licensure violations and a proposed 29% cap on certain collection fees. Owners and operators of collection agencies may be impacted by this rulemaking.

☞ MASSAGE LICENSURE

DFPR also adopted amendments to "Massage Licensing Act" (68 Ill Adm Code 1284; 35 Ill Reg 6038), effective 7/20/11. The rulemaking requires licensed massage therapists to display their original license in their primary place of business and a copy of that license in all of their other relevant places of business. DFPR also provides an additional examination option for initial licensure and licensure by endorsement. The fee for restoration of a license is increased to \$50 (previously \$20) plus payment of all lapsed renewal fees, not to exceed \$470. The rulemaking clarifies continuing education (CE) requirements applicable to licensure restoration applicants whose licenses have either

expired or been inactive for less than 5 years and also those whose licenses have been inactive 5 years or more. The American Massage Therapy Association is added as a DFPR-approved CE sponsor. The rulemaking also removes all obsolete grandfathering provisions and makes numerous non-substantive corrections. Those who provide massage therapy services will be affected by this rulemaking.

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

CHILD SUPPORT ORDERS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to "Practice in Administrative Hearings" (89 Ill Adm Code 104; 35 Ill Reg 2545), effective 7/25/11, concerning changes to administrative child support orders issued by the DHFS Division of Child Support Enforcement. The amendment implements Public Act 96-1072, which states that an existing administrative order to pay child support or maintenance cannot be stayed or suspended while a post-judgment motion seeking to terminate or modify that order is pending.

☞ MEDICAID SERVICES

DHFS also adopted an amendment to "Medical Payment" (89 Ill Adm Code 140; 34 Ill Reg 10967), effective 7/25/11, concerning medical assistance coverage of diagnostic tests performed by independent diagnostic testing facilities (IDTFs) that operate outside of hospitals (e.g., mammography screening centers, portable X-ray facilities). The rulemaking specifically allows IDTFs that are Medicare-certified to receive direct reimbursement from DHFS for professional services (analysis and interpretation of the test results by a physician) and for technical services (performing the test and processing the results). Covered services include, but are not limited to,

diagnostic sonograms, EKGs and other forms of cardiac testing and monitoring, radiologic imaging, and sleep studies. Businesses licensed and operating as independent diagnostic testing facilities may be affected by this rulemaking.

Questions/requests for copies of the 2 DHFS rulemakings above: Jeanette Badrov, DHFS, 201 S. Grand Ave. E., 3rd Fl., Springfield IL 62763, 217/782-1233.

☞ WAGE COLLECTION

The DEPARTMENT OF LABOR adopted amendments to "Payment and Collection of Wages or Final Compensation" (56 Ill Adm Code 300; 35 Ill Reg 3663), effective 7/20/11. A companion emergency rulemaking became effective 2/22/11. These amendments implement Public Act 96-1407, which permits DOL, subject to appropriation, to establish an administrative procedure to adjudicate claims filed with DOL for \$3,000 or less per individual and to issue final and binding decisions that are subject to administrative review by a circuit court. Any officers of a corporation or agents of an employer who knowingly permit the employer to violate the Illinois Wage Payment and Collection Act will be deemed to be employers and personally liable for a claimant's wages or final compensation. An employer's failure to make and maintain records will not preclude a finding based on information available that wages or final compensation are due. The amendments also alter DOL's investigative hearing process to create distinct sections of the rule governing the filing of a wage claim with DOL and a new informal investigative hearing process. An extensive new subpart of the rule governing formal default hearings is also created. The default hearing process is limited by the rule to cases in which an employer does not respond to a written notice of claim issued by DOL and the claim is for \$3000 or less. The default hearing process is detailed, including procedures governing telephone default hearings, use of subpoenas, policies

New Regulations

governing ex parte communications, grounds for disqualification of a hearing officer, consequences of failure of a party to appear, and notice and appeal of a DOL default order. A new subpart outlining DOL's policies on civil, criminal, and administrative fees is added, also. A change since 1st Notice removed 2 unnecessary proposed sections that stated when the regulations would become effective. These rulemakings will affect small businesses.

Questions/requests for copies: Sara Meek, DOL, 900 S. Spring St., Springfield IL 62704, 217/558-1270.

34 Ill Reg 12647), effective 8/1/11. This program provides up to \$1 million dollars (subject to availability) in low-interest loans per qualifying educational institution toward the cost of planning, purchasing, installing, upgrading, altering, or repairing dormitory fire sprinkler systems. (Eligible institutions are Illinois public or private colleges or universities offering degrees above the high school level.) Institutions that do not provide housing to students or use correspondence courses as their primary mode of student instruction are not eligible for the program. A loan application review committee will make recommendations to the State Fire Marshal concerning which institutions should receive a loan. Those institutions that have already received a loan will not receive another until all other applicants have been considered. The institutions will be ranked in order based

upon system needs, financial need, and how recently the applicant received a previous loan. The maturity date of the loan must not exceed 20 years, repayment will be based on a schedule determined by OSFM and the Illinois Finance Authority, and the rate of interest will be lower than current market rates. Additional regulations pertain to application procedures and content, application review criteria, appeal processes, repayment procedures, and loan terms and conditions. This rulemaking may affect some small businesses or not-for-profit corporations engaged in operating a post-secondary education institution and businesses that install and service fire prevention systems.

Questions/requests for copies: William Barnes (312/814-6322) at the OSFM address listed above.

DORM FIRE SPRINKLERS

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to "Fire Sprinkler Dormitory Revolving Loan Program" (41 Ill Adm Code 293;

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period, and will be considered at JCAR's August 16th meeting.

STATE TREASURER

"Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois" (74 Ill Adm Code 740) proposed 6/10/11 (35 Ill Reg 8795)

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 6/3/11 (35 Ill Reg 8382)

"Income Tax" (86 Ill Adm Code 100) proposed 6/10/11 (35 Ill Reg 8777)

**The Flinn
Report**

**Illinois
Regulation**

Illinois General Assembly

Joint Committee on Administrative Rules
700 Stratton Building Springfield IL 62706

PRSRT STD
U.S. Postage
PAID
Springfield IL
Permit NO. 870

RETURN SERVICE REQUESTED

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Gregory Harris

Senator Maggie Crotty

Representative Louis Lang

Senator Don Harmon

Representative Don Moffitt

Senator John O. Jones

Representative Rosemary Mulligan

Senator Dale A. Righter

Representative Angelo "Skip" Saviano

Senator Ira Silverstein

Representative Andre Thapedi

**Vicki Thomas
Executive Director**