

Claire B. Eberle, Editor  
Elaine Spencer, Assoc. Editor

**Joint Committee on Administrative Rules**  
Illinois General Assembly

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Issue 33

*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

### SPECIALIZED HEALTH CARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to "Specialized Health Care Delivery Systems" (89 Ill Adm Code 146; 33 Ill Reg 3822), effective 8/1/09, adding new regulations detailing the reporting of suspected abuse, neglect, and financial exploitation; facility management of residents' funds; and the operation of dementia care units within supportive living facilities. Numerous changes are also made to current provisions governing supportive living facilities in order to provide more specificity concerning DHFS expectations and to comply with quality improvement provisions. These changes cover rules governing health and safety, emergency preparedness, medication, resident contracts, and involuntary or emergency discharges. Changes since 1<sup>st</sup> Notice include removing proposed amendments referencing the "add-on cost" for ventilation-dependent residents and Alzheimer residents from the current text that provides a 60% reimbursement rate for Medicaid residents. An additional change specifies that ancillary activities will be regularly scheduled and based on the residents' interests, choices, and needs

rather than requiring group shopping trips once per week. Also, bedroom doors will not be required in single-occupancy apartments. Further amendments add a method whereby a facility may refute noncompliance claims not involving immediate jeopardy to a resident, clarify that emergency responses to false alarms need not be reported to DHFS, and specify that non-dementia roommates in dementia units are not included in the required 10:1 resident-to-staff ratio. Also, only certified nurse assistants (CNAs) or licensed nurses may provide medication management, and CNAs on duty at night in dementia units must remain awake. Concerning Medicaid residents in dementia care units, reimbursement will be based on 72% (rather than the proposed 60%) of the weighted average of nursing facility rates paid for Medicaid-eligible nursing facility residents in Department of Public Health certified Alzheimer's special care units. Supportive living facility providers will be affected by this rulemaking.

Questions/requests for copies: Tamara Tanzillo Hoffman, DHFS, 201 S. Grand Ave. E., 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/557-7157.

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## Proposed Regulations

### STATE OFFICE BUILDINGS

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Acquisition, Management and Disposal of Real Property" (44 Ill Adm Code 5000; 33 Ill Reg 11741) updating office space standards for State facilities. The rulemaking replaces existing office space standards linked to employee job titles or duties (e.g., 50 to 75 sq. ft. for a receptionist, 250 to 300 sq. ft. for an executive) with standards designed to promote economy and energy efficiency. The proposed standards include a maximum of 150 sq. ft. for enclosed interior private office space, which will be limited to jobs requiring a significant degree of security or confidentiality. Work stations will be open on at least one side where feasible, with a size of 64 sq. ft. or less. In the case of field personnel who perform much of their work outside the office, at least 2 field persons will be assigned to each work station. The rulemaking establishes or amends standards for the size and construction of conference rooms, storage areas, break areas, vending areas, and other spaces, subject to local building codes; sets standards for calculating a facility's rentable or useable space; and recommends a minimum of general lighting, to be supplemented with task lighting when necessary. DCMS will use federal Green Building Council operations and maintenance standards to the maxi-

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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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## HORSE RACING

The ILLINOIS RACING BOARD adopted an amendment to rules titled "Security Areas" (11 Ill Adm Code 436; 33 Ill Reg 6021), effective 8/1/09, that makes furosemide rules in this Part consistent with Part 603 by increasing the supervised surveillance time for horses on the furosemide list from 4 hours to 4 hours and 15 minutes, which is the maximum time interval before post time that the drug furosemide may be administered.

IRB also adopted a new Part titled "Horseman's Bookkeeping System Licensees" (11 Ill Adm Code 450; 33 Ill Reg 6025), effective 8/1/09, to establish regulatory oversight of horsemen's bookkeeping systems by making such systems apply for occupation licenses. Covered topics include eligibility criteria; license applications (\$25 yearly fee), including their filing time and applications from corporations; grounds for license denial; change in officers or directors; record audits, and non-transferability of licenses. Those affected by this rulemaking include horsemen's bookkeeping services.

IRB adopted an amendment to rules titled "General Licensee Rules" (11 Ill Adm Code 1313; 33 Ill Reg 6035), effective 8/1/09 to remove the prohibition against drivers, trainers, grooms, or caretakers involved in harness racing leaving the paddock (receiving

barn), other than to warm up horses, until the race for which he or she was admitted is contested. It also removes the prohibition against persons, other than an owner with another horse racing in a later race or an official, from returning to the paddock until all races on the program are completed.

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

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments titled "State of Illinois Medical Care Assistance Plan" (MEDCAP) (80 Ill Adm Code 2120; 33 Ill Reg 5988), effective 8/3/09. Companion emergency amendments became effective 4/13/09. The MEDCAP plan is an optional employee benefit by which State employees may pay for out-of-pocket medical expenses with pre-tax income. The amendments reflect the fact that the plan's vendor discontinued use of member EZ Reimburse MasterCards as of 7/1/09, instead using a stored-value card provided by the plan vendor. Also, the age of a qualifying dependent child eligible to be covered by the plan is raised from 22 to 23, consistent with the federal Internal Revenue Code. The minimum level of expenses eligible for monthly reimbursement is lowered from \$20 to \$5, and partici-

pants not using a stored-value card will be notified by the plan administrator of their account balance on a quarterly, rather than monthly, basis.

Questions/requests for copies: Janice Bonneville (217/785-8675) or Gina Wilson (217/785-1793), DCMS, 720 Stratton Bldg., Springfield IL 62706.

DCMS also adopted preemptory amendments to "Pay Plan" (80 Ill Adm Code 310; 33 Ill Reg 11895), effective 7/31/09. The amendments implement 9 memoranda of understanding between the Illinois State Employees' Association (ISEA) and the departments of Corrections, State Police, and Financial and Professional Regulation. The agreements assign to ISEA bargaining units the positions of training academy supervisor, operations center supervisor, and superintendent at DOC; computer evidence recovery specialist, criminal intelligence analyst supervisor, firearms specialist, sex offender registry supervisor, and strategic management policy administrator at ISP; and statewide enforcement officer at DFPR. The assignments are retroactive to 8/14/08, except for sex offender registry supervisors, whose assignment was effective 12/31/08.

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](mailto:CMS.PayPlan@Illinois.gov)

# Proposed Regulations

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...mum extent possible. However, use of existing space with minimum reconfiguration, if shown to be economically feasible, takes priority over strict conformity to performance standards so that new materials are not used unnecessarily for remodeling or construction projects. Exceptions to these standards may be made by DCMS upon written request and justification by an agency.

Questions/requests for copies/comments through 9/28/09: Gina Wilson at the DCMS address and telephone number above.

## RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD proposed an amendment to "Riverboat Gambling" (86 Ill Adm Code 3000; 33 Ill Reg 11759). Currently, an elec-

tronic gaming device must have an EPROM (erasable, programmable, read only memory) microprocessor component installed and, for use in tournaments, a tournament EPROM installed. This rulemaking allows the installation and use of another non-alterable storage medium in lieu of an EPROM. Also, for use in tournaments, either type of component is acceptable if it is set in tournament mode.

## Proposed Regulations

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Questions/requests for copies/comments through 9/28/09: Michael Fries, IGB, 160 N. LaSalle St., Chicago IL 60601, 312/814-4700, Fax 312/814-7253, e-mail: [mfries@revenue.state.il.us](mailto:mfries@revenue.state.il.us)

### FOOD STAMPS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to

"Food Stamps" (89 Ill Adm Code 121; 33 Ill Reg 11772) that implement provisions of the federal Food, Conservation and Energy Act of 2008, which changed the name of the Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP). In compliance with this federal law, the rulemaking changes all food stamp and food stamp coupon references to SNAP benefits or amounts.

Questions/requests for copies/comments through 9/28/09: Tracie Drew, DHS, 100 S. Grand Ave. E., 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## Second Notices

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The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The PCB and IRB rulemakings will be considered at JCAR's August 18, 2009 meeting, and the DNR and ICC rulemakings will be considered at the September 15, 2009 meeting.

### POLLUTION CONTROL BOARD

"Definitions and General Provisions" (35 Ill Adm Code 211) proposed 5/22/09 (33 Ill Reg 6896)

"Nitrogen Oxides Emissions" (35 Ill Adm Code 217) proposed 5/22/09 (33 Ill Reg 6921)

### ILLINOIS RACING BOARD

"Medication" (11 Ill Adm Code 603) proposed 6/19/09 (33 Ill Reg 8135)

### DEPARTMENT OF NATURAL RESOURCES

"Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting" (17 Ill Adm Code 530) proposed 6/12/09 (33 Ill Reg 7373)

"Duck, Goose and Coot Hunting" (17 Ill Adm Code 590) proposed 6/12/09 (33 Ill Reg 7402)

"Squirrel Hunting" (17 Ill Adm Code 690) proposed 6/12/09 (33 Ill Reg 7468)

"The Taking of Wild Turkeys - Fall Gun Season" (17 Ill Adm Code 715) proposed 6/12/09 (33 Ill Reg 7479)

"The Taking of Wild Turkeys - Fall Archery Season" (17 Ill Adm Code 720) proposed 6/12/09 (33 Ill Reg 7486)

### ILLINOIS COMMERCE COMMISSION

"Licensure of Retail Electric Agents, Brokers, and Consultants" (83 Ill Adm Code 454) proposed 10/10/08 (32 Ill Reg 16291)

# The Flinn Report

*Illinois General Assembly*

# Illinois Regulation

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