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Joint Committee on Administrative Rules  
Illinois General Assembly

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Issue 34

*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

### MEDICAL GRANTS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Family Practice Residency Code" (77 Ill Adm Code 590; 35 Ill Reg 6802), "Illinois Rural Health Code" (77 Ill Adm Code 596; 35 Ill Reg 6860), and "Community Health Center Expansion" (77 Ill Adm Code 975; 35 Ill Reg 6901), all effective 8/4/11, concerning various grant programs. The 3 rulemakings implement Public Act 96-1064, which requires entities that receive grants of \$250,000 or more for capital construction costs or professional services to certify compliance with the Illinois Human Rights Act and the Business Enterprise for Minorities, Females and Persons with Disabilities Act. The rulemakings also add requirements concerning documentation of grant fund use and conditions that trigger cancellation or return of grant funds to all 3 Parts in accordance with the Illinois Grant Recovery Act. Amendments to Part 590 add updated application, award, repayment, and reporting requirements for family practice residency grants, medical student scholarships, and physician educational loan repayment grants and

remove outdated examples of sample contracts. An advisory committee for family practice residency programs (required by statute) is added, and provisions encouraging physicians to practice in underserved areas are expanded. A requirement that DPH annually provide a printed list of the State's designated shortage areas is replaced with a requirement that the list be made available on the internet. Amendments to Part 596 update and consolidate application, award, and reporting requirements for grants to community-based primary care centers, hospitals located in medically underserved areas or federally designated Health Professional Shortage Areas, or community health center programs that want to expand. Also added to the Part are statutory provisions for distribution of monies in the Rural/Downstate Health Access Fund and clarification that DPH can fund projects for a certain time frame depending on whether clinical services are provided. Finally, amendments to Part 975 limit grantees to 3 years of initial funding and 3 years of sustainability funding and expand public notice requirements. A change since 1<sup>st</sup> Notice for Part 596 clarifies that

### EMERGENCY MEDICAL SERVICES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515; 35 Ill Reg 14071) that make certification of trauma nurse specialists consistent with current standards of care and health care practices through advanced trauma education. Required course elements are stricken and replaced with the requirement that the content comply with the trauma nurse specialist program prescribed in Section 515.760 of this Part. Covered topics include admission requirements, examinations, certification, recertification, and inactive status. Also, required continuing education for recertification is decreased from 80 hours to 64. Hospitals that participate in an emergency medical services (EMS) system in a specific geographic area will be affected by this rulemaking.

Questions/requests for copies/comments through 10/3/11: Susan Meister at the DPH address and telephone number on the following page.

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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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when the number of grant applications is sufficient to support a geographical separation of applicants, the Department will distribute grant awards equally among all geographical areas represented by the applicants. A change for Part 975 clarifies that DPH will allow the public at least 20 days to submit public comment following publication of a legal notice concerning a planned expansion of a grant applicant's project into a new community. Those affected by these rulemakings include physicians, medical students, and health facilities that receive or apply for grants.

"Manufacturing, Processing, Packing or Holding of Food Code" (77 Ill Adm Code 703; 35 Ill Reg 169), effective 8/2/11, incorporating 2007 standards outlined by the federal National Shellfish Sanitation Program in order to evaluate and certify all wholesale shellfish dealers in Illinois. The word "Code" is also added to the Part's title. Wholesalers engaged in the shipping, post-harvest processing, shucking, repackaging, or wet storage of shellfish will be affected by this rulemaking.

ing safe handling of milk and milk products, milkfat and nonfat solid content standards, and tolerances for residues or new animal drugs and pesticide chemicals in food. Official methods of chemical analysis used for examination of dairy products are updated to 2010 standards. A change since 1<sup>st</sup> Notice corrects the title of a federal publication concerning interstate milk shipments. Bulk milk hauler/samplers, milk tank-truck owners, dairy producers, and dairy processors may be affected by this rulemaking.

DPH adopted amendments to "Grade A Pasteurized Milk and Milk Products" (77 Ill Adm Code 775; 35 Ill Reg 175), effective 8/2/11, that update incorporations by reference of federal 2009 guidelines and regulations concern-

Questions/requests for copies of the 5 DPH rulemakings above: Susan Meister, DPH, 535 W. Jefferson, 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

## FOOD SAFETY

DPH also adopted amendments to

# Proposed Regulations

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## VOCATIONAL REHABILITATION

The DEPARTMENT OF HUMAN SERVICES proposed amendments to "Program Definitions" (89 Ill Adm Code 521; 35 Ill Reg 14002) that revise and add definitions for use throughout its vocational rehabilitation rules (e.g., auxiliary services, self-employment, unusual allowable expenses). DHS also removes the definition of "residency" and any references to residency requirements in compliance with a U.S. Department of Education Rehabilitation Services Administration (RSA) directive. RSA is mandating the removal of residency requirements because proof of State residency is not a requirement for the federal vocational rehabilitation program, which is available in all states.

DHS also proposed amendments to "Services" (89 Ill Adm Code 590; 35 Ill Reg 14015) reflecting current practice and Department policy. This rulemaking requires case records to document that a customer's vocational rehabilitation services will reduce his or her impediments to employment. DHS clarifies bidding procedures for cus-

tomized prosthetics, orthotics, wheelchairs, and hearing aids and states that the Department will not pay for services or equipment purchased by the customer prior to completion, approval, and signing of his or her independent living plan (IPE). The rulemaking revises titles of licensing statutes and expands the lists of individuals who are qualified to provide services under this Part. Hospitals providing services must be approved by the Joint Commission on Accrediting of Healthcare Organizations. DHS may pay for treatment of acute conditions, medications, treatment to cure or stabilize a condition, and other services if the customer meets established criteria. Additional amendments require a customer to obtain supporting documentation from his or her physician, in addition to meeting rule requirements, before DHS will provide heart surgeries, kidney transplants, chiropractic services, and prosthetic/orthotic devices and also revise the list of prohibited surgeries by removing intestinal bypass or stapling from the list. DHS may contribute up to \$25 per term for consumable supplies used in a

customer's training program and will provide certain services (i.e., transportation, support services, auxiliary services) to supplement the training. The rulemaking adds specific provisions for undergraduate and non-degree training; revises provisions for graduate school training for eligible customers; and clarifies school attendance, degree completion, and on-the-job training requirements. The Department states it will not provide financial assistance to a customer in default on child support payments or State or federal obligations until the customer provides proof of payment or a deferral agreement with the affected party. Self-employment program requirements, vehicle adaptations, support and auxiliary services, tools/equipment, transportation, and other allowable or disallowed goods and services are specified. DHS additionally defines increased costs and clarifies which expenses it will not cover unless the customer's need has increased, defines the scope of post-employment services, and revises transition service criteria. The rulemaking establishes new regulations for sup-

## Proposed Regulations

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ported employment in order to assist individuals who have the most significant disabilities and little or no work experience to become employed. Covered topics include types of ser-

vices provided, customer monitoring, and transition to extended services for ongoing support. This rulemaking may impact vocational rehabilitation service providers.

Questions/requests for copies/comments concerning the two DHS rulemakings above through 10/3/11: Tracie Drew, DHS, 100 S. Grand Ave. E., 3<sup>rd</sup> Fl., Spfld. IL 62762, 217/557-1544.

## 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, and will be considered at JCAR's September 13<sup>th</sup> meeting.

### **ILLINOIS HEALTH FACILITIES AND SERVICES REVIEW BOARD**

"Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110) proposed 5/13/11 (35 Ill Reg 7474)

"Narrative and Planning Policies" (77 Ill Adm Code 1100) proposed 5/13/11 (35 Ill Reg 7463)

### **DEPARTMENT OF PUBLIC HEALTH**

"Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515) proposed 5/6/11 (35 Ill Reg 7271)

### **ILLINOIS RACING BOARD**

"Starting" (11 Ill Adm Code 1415) proposed 6/24/11 (35 Ill Reg 9996)

### **DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**

"Community Association Manager Licensing and Disciplinary Act" (68 Ill Adm Code 1445) proposed 5/6/11 (35 Ill Reg 7258)

## JCAR Meeting Action

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At its August 16, 2011 meeting, the Joint Committee on Administrative Rules withdrew the Suspension of the emergency rulemaking noted below. The Committee also extended consideration of 2 rulemakings for 45 days and placed them on the September 13<sup>th</sup> JCAR meeting agenda. The extended rulemakings are the Department of Public Health rulemaking titled "Illinois Vital Records Code" (77 Ill Adm Code 500; 35 Ill Reg 750) and the Department of State Police rulemaking titled "Forensic Training" (20 Ill Adm Code 1299; 35 Ill Reg 8409).

### **STATE TREASURER**

JCAR withdrew the Suspension voted at the July JCAR meeting for emergency rules titled "Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois" (74 Ill Adm Code 740; 35 Ill Reg 8893). The withdrawal will become effective on the same date that the Treasurer adopts the companion proposed rulemaking that replaces the emergency rules. (The Treasurer's Office anticipates the effective date will be 8/17/11.)

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Regulation**

*Illinois General Assembly*

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