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Illinois General Assembly

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Issue 43

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

☞ LONG-TERM CARE FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD repealed sections of two Parts titled "Narrative and Planning Policies" (77 Ill Adm Code 1100; 35 Ill Reg 7463) and "Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110; 35 Ill Reg 7474), both effective 10/7/11. The repealed text set requirements for projects that established, expanded, or modernized general or specialized long-term care (LTC) facilities. In addition, HFSRB updates and consolidates those requirements in a new Part titled "Long-Term Care" (77 Ill Adm Code 1125; 35 Ill Reg 7504), also effective on 10/7/11. Further, many of the definitions found in Part 1130 (Health Facilities Planning Procedural Rules) are added to the new Part and tailored when needed to LTC facilities. The financial and economic review standards found in Part 1120 (Health Facilities and Services Financial and Economic Feasibility Review) are added, also. HFSRB is implementing a provision of Public Act 96-31 that requires it to establish a separate set of rules and guidelines for long-term care that recognizes that nursing homes are a different business line and service model from

other regulated facilities. Those affected by these rulemakings include long-term care facilities.

Questions/requests for copies of the 3 rulemakings above: Claire Burman, HFSRB, 122 S. Michigan Ave., 7th Fl., Chicago IL 60603, 312/814-8814, e-mail: Claire.Burman@illinois.gov.

PUBLIC ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to "Temporary Assistance for Needy Families" (TANF) (89 Ill Adm Code 112; 35 Ill Reg 1818), "Aid to the Aged, Blind or Disabled" (AABD) (89 Ill Adm Code 113; 35 Ill Reg 1832), "General Assistance" (GA) (89 Ill Adm Code 114; 35 Ill Reg 1844), and "Supplemental Nutrition Assistance Program (SNAP)" (89 Ill Adm Code 121; 35 Ill Reg 1856), all effective 10/5/11. The rulemakings implement federal regulations that allow trafficking victims (or the minor child, spouse, parent, or sibling of a victim) to be included in the category of "noncitizens" who may qualify for public aid cash, medical, and nutrition assistance. (Trafficking victims are individuals used in illegal trade for com-

(cont'd next page)

☞ SCHOOL BUS DRIVER PERMITS

The SECRETARY OF STATE proposed amendments to "School Bus Driver Permit" (92 Ill Adm Code 1035; 35 Ill Reg 16960) that implement a provision of Public Act 97-224 and make additional changes. The statutory change adds those under an order of court supervision to the list of drivers and applicants who may be denied a school bus driver permit. The rulemaking also amends the definition of "multifunction school activity bus" to reflect an increase in rider capacity and removes the word "restricted" from the commercial driving permit designation in compliance with federal audit findings requiring the removal of the type J48 restriction. A further amendment requires permit applicants to agree in writing to release drug and alcohol test results to SOS. Employers are required to notify SOS within 48 hours that a school bus driver permit holder has failed or refused a "reasonable suspicion" drug and alcohol test, and SOS is authorized to subsequently issue a 3-year permit suspension. This rulemaking may impact small businesses and units of local government that employ school bus drivers.

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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

mercial sexual exploitation or forced labor.) Trafficking victims gained potential eligibility for AABD, GA, SNAP, and TANF benefits and medical assistance after passage of the federal Trafficking Victims Protection Act of 2000 (Public Law 106-386), and the Trafficking Victims Protection Reau-

thorization Act of 2003 (Public Law 108-193) expanded potential eligibility to minor children, spouses, parents, and siblings of trafficking victims. These public laws do not automatically make these parties eligible for assistance; noncitizens meeting this basic criterion are required to

apply and qualify for assistance.

Questions/requests for copies of the 4 DHS rulemakings above: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/782-9772.

Proposed Regulations

Questions/requests for copies/comments through 12/5/11: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

Jr., EPA, 1021 N. Grand Ave. E., Springfield, IL 62794-9276, 217/782-5544; e-mail: kent.mohr@illinois.gov.

determining whether a bank must keep securities on deposit or maintain a specific asset ratio, which is on the same basis on which quarterly averages are calculated for call report purposes under Section 47 of the Illinois Banking Act.

FOREIGN BANKS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION (banking division) proposed a new Part titled "Foreign Banking Corporations" (38 Ill Adm Code 400; 35 Ill Reg 16933) to create a method for evaluating the soundness of foreign banks doing business in Illinois. The Foreign Banking Office Act permits DFPR to require a foreign bank to keep securities on deposit for the protection of depositors or an amount reflecting the costs of taking possession of the bank and also permits DFPR to prescribe an asset maintenance ratio necessary to maintain the bank's sound financial condition. In determining whether to take either of these actions, the Secretary of DFPR must utilize a number of factors, including the bank's "strength of support assessment" rating (a tool used by DFPR in overseeing foreign banks in the U.S.), the bank's "ROCA" rating (an assessment of the risk management, operational controls, compliance, and asset quality of the bank's activities in Illinois), and other factors as determined by the Secretary. The Secretary also may use a table in the rule in

Questions/requests for copies/comments through 12/5/11: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax 217/557-4451.

INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to "Income Tax" (86 Ill Adm Code 100; 35 Ill Reg 16939) eliminating subtraction and addition modifications to income on which tax liability is calculated for medical care savings accounts. Such accounts were used by taxpayers to secure pre-tax dollars to pay for medical care expenses. Statutory provisions concerning the accounts were repealed for taxable years beginning 1/1/10.

Questions/requests for copies/comments through 12/5/11: Brian Stocker, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

MOTOR VEHICLE EMISSIONS

The ENVIRONMENTAL PROTECTION AGENCY proposed amendments to rules titled "Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions" (35 Ill Adm Code 276; 35 Ill Reg 16918) that implement Public Act 97-106. Steady-state idle exhaust and evaporative system integrity inspection tests are repealed. Pre-2007 heavy-duty vehicles with a gross vehicle weight rating (GVWR) between 8,501 and 14,000 pounds and any heavy-duty vehicles with a GVWR greater than 14,000 pounds are exempted from testing requirements, and a visual inspection test is added as a substitute for the on-board diagnostic (OBD) test for vehicles that cannot be tested due to their design or with known OBD software or communication problems. This rulemaking will affect small businesses, municipalities, and non-profit corporations that own vehicles required to undergo vehicle emission inspection.

Questions/requests for copies/comments through 12/5/11: Kent E. Mohr,

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 November 8th meeting.

DEPARTMENT ON AGING

"Community Care Program" (89 Ill Adm Code 240) proposed 8/12/11 (35 Ill Reg 12993)

DEPARTMENT OF PUBLIC HEALTH

"Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515) proposed 7/29/11 (35 Ill Reg 12645)

DEPARTMENT OF NATURAL RESOURCES

"Special White-Tailed Deer Season for Disease Control" (17 Ill Adm Code 657) proposed 8/12/11 (35 Ill Reg 13049)

JCAR 2010 ANNUAL REPORT

The Joint Committee on Administrative Rules' 2010 annual report is now available. The report summarizes agency rulemaking, JCAR actions, and public act reviews in addition to legislative and judicial actions that affected rulemaking.

Copies of this annual report are available to the public. The volume may be ordered for \$2.63 (\$5.11 with postage included) by sending a check to JCAR at the address listed on the front of this newsletter. It is also available on the General Assembly website at www.ilga.gov/commission/jcar.

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