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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.*

## New Regulations

### DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to "Issuance of Licenses" (92 Ill Adm Code 1030; 35 Ill Reg 13054), effective 11/23/11, revising definitions and specific endorsements required for driving specific types of vehicles. The rulemaking adds a definition for "S endorsement", which designates that the commercial driver's license (CDL) holder may additionally operate a school bus to transport pre-primary, primary, or secondary students to and from home, school to home, and to and from school-sponsored events. SOS also strikes the definition of "school bus CDL" and the "J48 restriction", thus replacing the school bus CDL with the S endorsement. (The "J48 restriction" limits the driver to operating only a school bus and no other type of commercial motor vehicle.) The amendments further update all school bus endorsement references to reflect the new S endorsement designation, update obsolete effective dates for cited federal regulations, and remove obsolete J48 restrictions and related J48 fees. SOS also revises the list of identification documents an individual may

present when applying for a driver's license, permit, or identification card. Small businesses, small municipalities, and not-for-profit corporations that employ CDL holders may be affected by this rulemaking.

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

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to "Pay Plan" (80 Ill Adm Code 310; 35 Ill Reg 19707), effective 11/23/11. The amendment reflects an agreement between the American Federation of State, County and Municipal Employees and the State of Illinois assigning the public service administrator option 8L (law license required) job title at the Pollution Control Board to a collective bargaining unit. The assignment is retroactive to 8/29/11. Seven employees at the Board are affected by this change.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg.,

(cont'd next page)

## Proposed Regulations

### CHILD SUPPORT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to "Practice in Administrative Hearings" (89 Ill Adm Code 104; 35 Ill Reg 19627) concerning appeals of child support enforcement actions. The amendments establish a deadline of 15 days after DHFS mails a notice of determination or redetermination of past-due support for appealing the action. The 15-day appeal deadline is also applied to DHFS' determination of a share of jointly-owned funds that must be applied toward child support, and the right to appeal a determination that affects such funds is extended to joint owners. The rulemaking also establishes a 45-day period for contesting a notice of lien or levy against a jointly-owned bank account. DHFS states that the rulemaking coordinates the appeal periods specified in this Part and those specified in the existing text and proposed amendments to 89 Ill Adm Code 160.

### MEDICAL ASSISTANCE

DHFS also proposed an amendment

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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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Springfield IL 62706, 217/782-7964, Fax 217/524-4570, e-mail: [CMS.PayPlan@Illinois.gov](mailto:CMS.PayPlan@Illinois.gov).

## DHFS RULE CORRECTION

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES issued a

Notice of Correction to Notice Only for adopted amendments to "Medical Assistance Programs" (89 Ill Adm Code 120; 34 Ill Reg 11664). The adopted amendments were published in the 11/14/11 *Illinois Register* at 35 Ill Reg 18645. The correction to the Notice Page for the adopted rulemaking ac-

curately describes Section 120.385 as a new section rather than as an amended section.

Questions/requests for copies: Jeanette Badrov, DHFS, 201 S. Grand Ave. E., 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233.

# Proposed Regulations

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to "Medical Assistance Programs" (89 Ill Adm Code 120; 35 Ill Reg 19635) concerning medical assistance coverage for non-U.S. citizens. The rulemaking modifies the definition of emergency medical treatment to mean services needed "as a result" of an acute medical condition, instead of "after the sudden onset" of the condition. (With some exceptions, DHFS rules impose a 5-year waiting period before legally resident non-citizens may qualify for medical assistance. However, any non-citizen who meets financial eligibility criteria may receive assistance for emergency medical care.) According to DHFS, the rulemaking was prompted by an Illinois appellate court determination in *Arellano vs. Department of Human Services and Department of Healthcare and Family Services* that stated limiting coverage to instances of "sudden onset" of a medical condition was impermissible and not supported by federal law. Hospitals and other medical providers may be affected by this rulemaking.

Questions/requests for copies/comments concerning the 2 DHFS rulemakings above through 1/23/12: Jeanette Badrov at the DHFS address and telephone number above.

listing the total amount paid for liquor during the preceding calendar month electronically beginning 2/1/12. The amendment also allows the taxpayer to petition DOR for a waiver of the electronic filing requirement if the taxpayer does not have access to the Internet. (DOR states that it is curtailing the option to file the information by telephone.) Establishments that sell alcohol at retail will be affected by this rulemaking.

Questions/requests for copies/comment through 1/23/12: Jerilynn Troxell Gorden, DOR Legal Services Office, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

## ☞ SURVEYOR LICENSURE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to rules titled "Illinois Professional Land Surveyor Act of 1989" (68 Ill Adm Code 1270; 35 Ill Reg 19570), implementing Public Acts 96-626 and 97-543, that clarify minimum requirements allowing a candidate to sit for the Fundamentals of Surveying licensure examination. The rulemaking also clarifies the type of experience and degree required for licensure application, and applicants who receive their education in a foreign country are required to have their education evaluated on a course-by-course basis. The rulemaking also increases the licensure restoration fee from \$20 to \$50 and strikes attendance at land surveying education programs as a demonstration of competence when applying for license restoration. Further amendments up-

date the American Land Title Association's handbook to reflect 2011 standards. Small businesses employing licensed, professional land surveyors may be impacted by this rulemaking.

## ☞ ENGINEER LICENSURE

DFPR also proposed amendments to rules titled "The Structural Engineering Practice Act of 1989" (68 Ill Adm Code 1480; 35 Ill Reg 19596). Licensure applicants must be able to provide proof of passage of at least 18 semester hours of courses in analysis, behavior and design of structural elements and systems. The rulemaking adds Test of English as a Second Language (TOEFL) scores for the computer-based version of the test and updates the mailing address for NCEES, the national organization responsible for evaluating foreign applicants' educational credentials. DFPR also differentiates requirements for licensure examinations before and after April 2011. Licensure examinations given prior to April 2011 consisted of three 8-hour examinations (Fundamentals of Engineering, Structural I, and Structural II). After April 2011, licensure applicants are required to take a Fundamentals of Engineering exam (unspecified time limit) and a 16-hour Structural exam. The rulemaking clarifies that credit will not be given if a licensure applicant passes either Structural I or Structural II but not both prior to April 2011. (The text also specifies that after the October 2010 licensure examination, applicants who did not pass both of the Structural I and II exams were required to take and pass

## ☞ LIQUOR TAXES

The DEPARTMENT OF REVENUE proposed an amendment to "Retailers' Occupation Tax" (86 Ill Adm Code 130; 35 Ill Reg 19649) requiring liquor retailers who sell alcoholic liquor at retail through a liquor store, tavern, or restaurant to file a monthly statement

## Proposed Regulations (cont.)

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the 16-hour Structural exam.) The rulemaking also clarifies that one continuing education hour or credit must represent 50 minutes of instruction or participation in a class and increases the licensure restoration fee from \$20 to \$50. Further changes strike attendance at educational programs, graduate-level engineering courses, or professionally oriented continuing education classes or special seminars as a demonstration of continued competence

when applying for license restoration. This rulemaking may impact structural engineer licensure applicants.

Questions/requests for copies/comments concerning the 2 DFPR rulemakings above through 1/23/12: Craig Cellini, DFPR, 320 W. Washington, 3<sup>rd</sup> Fl., Springfield IL 62786, 217/785-0813, Fax 217/557-4451.

## 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. These rulemakings will be considered at JCAR's January 10, 2012 meeting.

### DEPARTMENT OF REVENUE

"Electronic Filing of Returns or other Documents" (86 Ill Adm Code 760) proposed 10/14/11 (35 Ill Reg 16437)

### OFFICE OF TRANSPORTATION

"Roadside Memorials" (92 Ill Adm Code 549) proposed 10/14/11 (35 Ill Reg 16512)

## 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](http://www.ilga.gov/commission/jcar).

**The Flinn  
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**Illinois  
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*Illinois General Assembly*

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