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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

Proposed Regulations

FOOD ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to "Supplemental Nutrition Assistance Program (SNAP)" (89 Ill Adm Code 121; 35 Ill Reg 8754), effective 12/5/11, implementing Public Act 96-1088, which authorizes DHS to establish the Farmer's Market Technology Improvement Program. Under this program, LINK card holders (cards issued by DHS granting the user electronic access to SNAP food assistance benefits) will be able to purchase fruits, vegetables, and other locally-grown farm products from local farmer's markets in cooperation with the Illinois Department of Agriculture. The rulemaking provides grants to aid farmer's markets licensed by the U.S. Department of Agriculture's Food and Nutrition Service in their acceptance of LINK card payments for their products. Grant funds may be used to (1) purchase or rent wireless equipment used to access SNAP benefits contained on LINK cards, (2) pay monthly or transaction fees associated with LINK cards, or (3) conduct outreach promotions to LINK card users. However, grant funds cannot be used to

pay credit or debit transaction fees. This program is dependent upon fund availability. Fund availability and application due dates will be published on the DHS (www.dhs.state.il.us) or the DOA (www.agr.state.il.us) websites. This rulemaking may impact local farmer's markets seeking grants to facilitate sales to SNAP program participants.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

AG TESTING FEES

The DEPARTMENT OF AGRICULTURE adopted amendments to rules titled "Animal Disease Laboratories Act" (8 Ill Adm Code 110; 35 Ill Reg 8905), effective 1/1/12, concerning fees charged for certain tests required by State or federal animal disease control programs. The amendments establish new fees of \$20 for salmonella enteritidis testing of poultry and \$83.30 for microbiology testing of ready-to-eat food products. Fees for various other food safety microbiology tests (e.g., tests for staphylococcus enterotoxins and E. coli) range from

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to "Medical Assistance Programs" (89 Ill Adm Code 120; 35 Ill Reg 19737) concerning the Department's Recipient Restriction Program (RRP), which limits medical assistance recipients to a single primary care provider (PCP) or primary care pharmacy if DHFS determines the recipient has received services that were not medically necessary. The rulemaking lists 5 primary provider types that may participate: PCPs, pharmacies, dentists, podiatrists, and durable medical equipment providers. An ongoing (currently quarterly) utilization review will be conducted to identify medical assistance recipients whose usage of medical services exceeds the norm for their demographic or category of assistance. When a recipient is identified, his or her medical usage for preceding months (current rule specifies 9 months) will be reviewed, and licensed individual practitioners or pharmacists (currently, physicians or pharmacologists) will be among those consulted to determine whether the recipient should be

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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

\$25.20 to \$60 per sample (previously, \$12 or \$12.50 per sample). Finally, fees for two tests used to diagnose equine infectious anemia are reduced from the previous \$15 and \$20 to \$8 and \$10, respectively. Those affected by this rulemaking include livestock and poultry producers, veterinarians, and food safety personnel who utilize DOA's laboratory testing services.

Questions/requests for copies: Linda Rhodes, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, Fax 217/785-4505.

emits relatively low quantities of such hazardous air pollutants as carbon monoxide, lead, mercury, and nitrogen oxides and meets other specified criteria.) Owners and operators of such qualifying sources will no longer apply for construction or operating permits, await review of permit applications and permit issuance, pay construction and operating permit fees, and submit an annual emissions report. Instead, they will pay an annual fee, submit initial and annual certifications stating that the source continues to meet program criteria, and keep records supporting the certification. Covered topics include how to determine whether emissions meet statutory criteria, initial and renewal registration, recordkeeping, source changes that require notification or a permit, and re-entry into the program. Changes since 1st Notice make annual small source registration mandatory rather than permissive and clarify that these sources remain subject to all applicable environmental statutes and regu-

lations. Also, sources subject to local siting are ineligible for the small source registration outlined in this rulemaking. Emissions will be calculated based on the calendar year rather than 12 consecutive months, and sources are allowed to "verify" that they meet eligibility criteria rather than calculating and summing all actual emissions. Owners or operators not holding a permit must register no later than 7/1/12, and new source owners or operators must register at least 10 days (previously 90 days) before commencing construction or operation and may commence construction or operation 10 days after that. A 5-year record retention requirement is limited to only fee payment records. Several thousand small source entities may be affected by this rulemaking.

Questions/requests for copies: Tim Fox, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6085, e-mail: foxt@ipcb.state.il.us. Please reference docket R12-10.

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted an amendment to "Permits and General Provisions" (35 Ill Adm Code 201; 35 Ill Reg 14616), effective 12/5/11, that requires qualifying "smaller sources" of air pollution to register with the Environmental Protection Agency as an alternative to applying for a permit. (A small source

Proposed Regulations

restricted. A recipient restricted by the program must obtain all non-emergency medical or dental services, prescription medications, or medical equipment only through his or her designated provider unless that provider authorizes use of a different provider or is unable to supply the needed service or item. If the recipient enrolls in a full-risk managed care organization (MCO) approved by DHFS, he or she will be released from the program. (Current rule does not allow RRP participants to enroll or remain enrolled in an MCO.) Physicians, other medical providers, pharmacies, dentists, podiatrists, and medical equipment providers that accept medical assistance recipients may be affected by this rulemaking.

Questions/requests for copies/comments through 1/30/12: Jeanette Badrov, DHFS, 201 S. Grand Ave. East,

3rd Fl., Springfield IL 62763-0002, 217/782-1233.

DHFS NOTICE CORRECTION

DHFS also published Notices of Correction to Notice Only for proposed rulemakings titled "Electronic Health Information Technology" (89 Ill Adm Code 150; 35 Ill Reg 19392) and "Medical Payment" (89 Ill Adm Code 140; 35 Ill Reg 19368), both of which were published in the 12/2/11 *Illinois Register*. The original notice pages incorrectly stated that these rulemakings would replace emergency rulemakings currently in effect. The Notices of Correction clarify that they will not replace any emergency rules.

Questions/requests for copies: Jeanette Badrov at the Department of Healthcare and Family Services address and telephone number above.

STATE COMPTROLLER

The COMPTROLLER proposed two amendatory rulemakings titled "Accounting Principles and Procedures" (74 Ill Adm Code 245; 35 Ill Reg 19755) and "Contract Filing Requirements" (74 Ill Adm Code 255; 35 Ill Reg 19759) and a new Part titled "State Comptroller Minority Contractor Opportunity Initiative" (74 Ill Adm Code 340; 35 Ill Reg 19763). Part 245 updates statutory citations and references the current Statewide Accounting Management System (SAMS) instead of the outdated Uniform Statewide Accounting System (CUSAS). Part 255 also updates statutory references and requires compliance with the SAMS system. When certain documents are filed with the Comptroller, new Section 20-80 of the Illinois Procurement Code is also applicable.

Proposed Regulations (cont.)

The proposed new Part 340 implements the minority/female/disabled and small business contracting provisions required by Section 23.9 of the State Comptroller Act, including the payment of a \$15 administrative fee from State contracts of \$1,000 or more, as well as sole source procurements and emergency purchases. The fees

will apply to funding and administering a contractor outreach program with outreach, education, notification programs, and maintenance of an online database concerning minority, female, disabled, and small business contractors. Unless a specified exemption applies, payment will be from the first warrant issued to the vendor.

All of these rulemakings may affect small businesses.

Questions/requests for copies/comments concerning the 3 rulemakings above through 1/30/12: Alissa J. Camp, Comptroller's Office, 201 Statehouse, Springfield IL 62706, 217/782-0905, e-mail: CampAJ@mail.ioc.state.il.us.

Second Notices

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.

SECRETARY OF STATE

"Regulations Under Illinois Securities Law of 1953" (14 Ill Adm Code 130) proposed 10/7/11
(35 Ill Reg 15979)

"School Bus Driver Permit" (92 Ill Adm Code 1035) proposed 10/21/11 (35 Ill Reg 16960)

DEPARTMENT OF PUBLIC HEALTH

"Spinal Cord Injury Paralysis Cure Research Code" (77 Ill Adm Code 570) proposed 10/7/11
(35 Ill Reg 15959)

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 10/21/11 (35 Ill Reg 16939)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Child Support Services" (89 Ill Adm Code 160) proposed 7/15/11 (35 Ill Reg 11153)

"Illinois Cares Rx Program" (89 Ill Adm Code 119) proposed 7/22/11 (35 Ill Reg 12187)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Service Appeal Process" (89 Ill Adm Code 337) proposed 5/20/11 (35 Ill Reg 7811)

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