

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, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

HOSPITALS

The HEALTH FACILITIES AND SERVICES REVIEW BOARD adopted amendments to Processing, Classification Policies and Review Criteria (77 IAC 1110; 42 Ill Reg 16119) effective 12/12/18, eliminating a requirement that hospitals that do not have open heart surgery as an established category of service report each instance in which emergency open heart surgery is performed following complications of cardiac catheterization. Other changes apply recent changes to the definition of travel radius to the Open Heart Surgery and Freestanding Emergency Center categories of service and require freestanding emergency centers to be located in municipalities with 50,000 (formerly, 75,000) or fewer residents and within 50 (formerly, 20) miles of their parent

hospitals and affiliated resource hospitals.

Questions/requests for copies: Ann Guild, HFSRB, 69 W. Washington St., Suite 3501, Chicago IL 60602, 312/814-6226, Ann.Guild@illinois.gov

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD adopted amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 42 Ill Reg 7990), effective 12/17/18, implementing several Public Acts. The rulemaking codifies ICCB policies regarding the collection, use, security, confidentiality, and sharing of data, including student-level data, under shared data agreements and establishes data processing fees (\$1,900 to

Proposed Rulemakings

PLUMBING CODE

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Illinois Plumbing Code (77 IAC 890; 42 Ill Reg 24640) that address concerns regarding waterborne pathogens (e.g., Legionella) and hazardous substances, including lead, in public and private water systems. All plumbing materials shall be lead free and all current provisions for the use of lead in pipes, joints and other features are being removed. Caulking is no longer listed as an allowable means of connecting pipes and galvanized steel pipes are removed from the list of approved building drainage or vent pipes. Construction, installation or maintenance of dead ends in plumbing systems is prohibited. Services intended for seasonal or infrequent use,

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates 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: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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\$15,000 depending on the number of records requested) under PA 100-417. It also implements PA 98-306 and PA 99-309, under which students utilizing Post 9/11 GI Bill or All-Volunteer Force Educational Assistance program benefits must be charged in-district tuition, and PA 99-845, which applies in-district tuition rates to current or recently emancipated DCFS wards. Community colleges must submit credit for prior learning policies to ICCB for review annually by 3/31. These policies must address credit for military training or experience. At least 25% of required credits for a certificate, or 15 credit hours toward a degree, must be completed at the college before credit for prior learning can be awarded. Eligibility for the Senior Citizen Tuition Waiver is clarified and enrollment under this waiver is made contingent upon available classroom space and enrollment of a minimum number of tuition paying students. Administrative rules for the Lincoln's Challenge Scholarship Grant are updated. Community colleges are authorized to award a General Education Core Curriculum credential (37-41 credit hours transferable to any Illinois public university to satisfy general education requirements). Finally, the rulemaking provides an exemption to current rules on course credit hours and midterm class certifications for students with intensified or accelerated schedules.

Questions/requests for copies: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 2 1 7 / 7 8 5 - 7 4 1 1 , matt.berry@illinois.gov

■ THERMOSTATS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to Collection of Out-of-Service Mercury Thermostats (35 IAC 190; 42 Ill Reg 14342) effective 12/11/18, concerning IEPA's collection program for obsolete and unused thermostats with mercury temperature sensing switches. The rulemaking reduces IEPA's Statewide collection goal for 2018 to 7,000 (formerly 32,500) thermostats; for 2019, 6,000 (formerly 37,500); and for 2020, 5,000 (formerly 40,000). Added goals include maintaining at least 600 collection sites Statewide or 20% more locations than the previous calendar year, whichever is less; engaging in in-person, telephone or electronic outreach to all collection locations; and engaging in outreach to thermostat wholesalers, contractors, retailers and homeowners. Businesses that sell or install thermostats may be affected.

■ IEPA REPEALER

IEPA also repealed the Part titled Guidelines for Determination of Construct Only Status Pursuant to 35 Ill. Adm. Code 309.202 (35 IAC 393; 42 Ill Reg 4617) effective 12/11/18. IEPA now presumes permits for new sanitary sewer

projects to be "construct only" unless otherwise specified, so rules for assigning "construct only" status to a project are no longer necessary.

Questions/requests for copies of the 2 IEPA rulemakings: Gabriel H. Neibergall, IEPA, 1021 N. Grand Ave. East, PO Box 19276, Springfield IL 62794-9276, 217/ 7 8 2 - 5 5 4 4 , gabriel.neibergall@illinois.gov

■ WASTE DISPOSAL

The POLLUTION CONTROL BOARD adopted amendments to Land Disposal Restrictions (35 IAC 728; 42 Ill Reg 11225), Standards for Universal Waste Management (35 IAC 733; 42 Ill Reg 12649), and Hazardous Waste Injection Restrictions (35 IAC 738; 42 Ill Reg 12694), all effective 11/19/18. These rulemakings are part of a consolidated PCB docket updating waste handling, storage, transport and disposal rules to align with federal EPA regulations approved during 2016 and 2017. Small businesses and small municipalities may be affected.

Requests for copies: Michael J. McCambridge, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6924, michael.mccambridge@illinois.gov. Please reference consolidated docket R17-14/R17-15/R18-11/R18-31. Copies of the Board's opinion and order may be downloaded at <http://www.ipcb.state.il.us>.

Proposed Rulemakings

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such as lawn irrigation or fire sprinkler systems, must be installed in a manner that prevents water from stagnating. Decorative or aesthetic water fixtures such as fountains must be regularly disinfected and maintained and cannot be installed in hospitals, nursing homes, or other residential or ambulatory health facilities. All plumbing fixtures must be certified for their intended use by a recognized national organization. The rulemaking also adds definitions distinguishing among blackwater (waste water that contains sewage, bodily fluids or biological waste), graywater (waste water that does not contain biological waste), rainwater, and other forms of water. New “harvested water” specifications are added for systems that recycle waste water for use in lawn irrigation, car washes, etc. Other provisions establish procedures to be followed when a water outage or boil order affects a food establishment, school, daycare facility, health care facility or nursing home; require hot water in non-residential buildings to be heated to at least 160 degrees Fahrenheit and tempered with cooler water only within 12 inches of the fixture or appliance from which it is dispensed; prohibit use of automatic or master water mixing devices for multiple showers (water mixing must be individually regulated at

each shower unit); and add new provisions for handling discharge from kidney dialysis machines. Those affected by this rulemaking include food service, healthcare and child care facilities and businesses that install or maintain plumbing fixtures or water systems.

Questions/requests for copies/comments through 2/11/18: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ MEDICAL TRANSPORT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 42 Ill Reg 24574) implementing Public Act 100-646 by instituting updated requirements for medi-car, service car and non-emergency ambulance transportation effective 2/1/19. A physician’s certification statement (currently, discharge order) documenting that the patient’s condition meets HFS criteria for medi-car, service car or ambulance transportation is required whenever a patient is being transported (currently, discharged) from a hospital, nursing home or other facility. If the patient is being transported from a long-term care facility, the medical director or another medical professional (physician assistant, nurse practitioner, clinical nurse specialist, registered professional nurse, or discharge planner) responsible for the patient’s diagnosis and

treatment must complete the certification statement. The certification statement should be completed prior to transport, but must be submitted to the transportation provider no later than 10 days after the transportation provider requests it. Medical transportation providers, hospitals and long-term care facilities are affected by this rulemaking.

■ MENTAL HEALTH

HFS also proposed amendments to Specialized Health Care Delivery Systems (89 IAC 146; 42 Ill Reg 24603) establishing Better Care Illinois, a 5-year pilot program for mental illness and substance abuse treatment that will be funded through a federal Medicaid demonstration waiver. The program includes home-based visiting services up to 60 days postpartum for women whose infants are born with symptoms of substance use withdrawal; services for affected children may continue up to age 5. Other services include mental health crisis intervention; community integration services for persons at risk of becoming homeless due to recurrent physical or mental health conditions; supported employment services for persons with mental illness or substance use disorder; intensive in-home services for youth age 3 to 21 with a history of crisis episodes or psychiatric hospital admissions; and respite services for family

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Proposed Rulemakings

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caregivers of emotionally disturbed or mentally ill youth ages 3 to 21. Enrollment and duration of services will be limited and some services will not become available until the second or third year of the pilot program. Mental health and substance abuse treatment providers may be affected by this rulemaking.

Questions/requests for copies/comments on the 2 HFS rulemakings through 2/11/19: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

■ LICENSE PLATES

The SECRETARY OF STATE proposed amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 42 Ill Reg 24826) establishing procedures under which authorized organizations may produce decals to be affixed to universal special license plates issued by SOS. Organizations must submit their decal designs to SOS for approval, contract with a manufacturer to produce the decal, and may charge a one-time fee of no more than \$25 per decal to recoup the costs of manufacturing and administration. Decals must be no more than 1 ½" by 2" for standard size plates and 1" by 1 ½" for motorcycle plates, must be self-adhesive, and must be designed to last at least 5 years

under normal conditions. Non-profit organizations that are authorized to produce special plate decals are affected by this rulemaking.

Questions/requests for copies/comments through 2/11/19: Gina Harrison, SOS, 100 W. Randolph St., #5-400, Chicago IL 60601, 3 1 2 / 8 1 4 - 7 2 4 6 , Gharrison2@ilsos.net

■ LICENSE/TITLE SERVICES

SOS proposed amendments to the Part titled Remittance Agents (92 IAC 1019; 42 Ill Reg 24846) requiring the offices of remittance agents (individuals or businesses who process vehicle title transfers, payments for license plate stickers, etc.) to be on fixed foundations (not trailers with axles attached) and include working printer and fax capabilities, and requiring remittance agents to authorize background checks on employees. Records to be kept by remittance agents include a color copy of an applicant's driver's license or identification card and a copy of the applicant's bill of sale. Businesses that provide license and title services are affected.

■ CAPITOL COMPLEX

SOS proposed amendments to Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 42 Ill Reg 24819) requiring all persons entering non-public areas of the Capitol Building or Complex to

wear a government photo identification card outside their clothing at all times when accessing these areas. All visitors not possessing a government photo ID issued by SOS or the Department of Central Management Services (to State employees) must undergo security screening prior to entry. No person or group may sleep or shelter on the grounds of the Capitol Complex and no masks that cover a person's face may be worn on the grounds.

■ THEFT PREVENTION GRANTS

SOS also proposed amendments to Trust Fund Collection Rules (20 IAC 1800; 42 Ill Reg 24743) establishing provisions for collecting and awarding grant funds through the Illinois Motor Vehicle Theft Prevention and Insurance Verification Council. The rulemaking sets forth grant agreement criteria and procedures for eligible non-profit organizations, who may obtain grants for programs designed to reduce motor vehicle theft, improve administration of vehicle theft laws, or inform vehicle owners of means to prevent theft of vehicles or of recyclable metals. Rules for allowable costs, record keeping and reporting, property management, performance monitoring, suspension or termination of grants, and appeals are also included. Non-profit organizations seeking grants under this Part are affected.

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Proposed Rulemakings

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PROCUREMENT

Finally, SOS proposed amendments to Secretary of State Standard Procurement (44 IAC 2000; 42 Ill Reg 24773) allowing SOS procurement notices to be published in any procurement bulletin produced by a State agency or institution, instead of only the Illinois Procurement Bulletin published by the Department of Central Management Services.

Questions/requests for copies/comments on the 4 SOS rulemakings above through 2/11/19: Amy Williams, SOS, 298 Howlett Bldg., Springfield IL 62756, 217 / 785 - 3094, Awilliams3@ilsos.net

■ INDUSTRIAL HEMP

The DEPARTMENT OF AGRICULTURE proposed a new Part titled Industrial Hemp Act (8 IAC 1200; 42 Ill Reg 24360) implementing licensing, reporting, inspection, and other procedures for individuals or businesses producing industrial hemp. "Industrial hemp" is defined as a *Cannabis sativa* plant or any part that contains no more than 0.3% THC. All cultivators, processors and handlers of industrial hemp must obtain a non-transferable license from DOA and must not knowingly grow or process any cannabis plants with a THC concentration of more than 0.3%. Cultivation licenses apply to

contiguous land areas of at least ¼ acre for outdoor cultivation or 500 square feet for indoor cultivation; any noncontiguous land areas require separate applications, application fees and licenses. Application fees are \$100 and licensing fees, upon approval of an application, are \$1,000. Licenses are valid for 3 years. Other provisions address information to be provided on license applications, including criminal background checks; information to be submitted on pre-planting and harvest reports for each crop; inspection and sampling by DOA, for which the licensee at least 5 business days' notice. Violations of the Act or this Part may incur fines of up to \$10,000 per violation. Businesses seeking licenses to cultivate or process industrial hemp are affected.

■ EGG PRODUCTS

DOA also proposed amendments to the Part titled Egg and Egg Products Act (8 IAC 65; 42 Ill Reg 24323) implementing changes to the Act. Expiration dates on consumer-size containers must be no later than 45 days (currently, 30) from the candling date (when eggs are examined to determine their grade and size) for Grade A eggs and no later than 30 (currently 15) days from the candling date for Grade AA eggs. A full producer-dealer license is required for anyone who sells eggs from other than his or her own flock, and a limited

license is required for producers-dealers who sell only eggs of their own production. (Currently, a full license is required for producers with 3,000 or more birds and a limited license is required for persons who sell only their own eggs from a flock of fewer than 3,000 birds.) Retailers who consolidate egg lots must notify DOA of the locations where they will perform this action, keep records of who performs each consolidation and the date, must use only clean cartons, and allow only trained personnel to perform consolidation. A second inspection fee will not be charged for eggs that are consolidated. A packer is no longer required to notify DOA in writing if he or she elects to use a State egg license number or USDA plant number in place of the packer's name and address. Egg producers and retail outlets that sell or package eggs are affected.

■ LIVESTOCK

DOA proposed amendments to Bovine Brucellosis (8 IAC 75; 42 Ill Reg 24335) and Diseased Animals (8 IAC 85; 42 Ill Reg 24340) updating livestock ear tag requirements to reflect current practices and federal regulations. DOA also proposed repeal of the Part titled Animal Disease Laboratories Act (8 IAC 110; 42 Ill Reg 24348), which contains rules for the now-closed Galesburg Animal Disease

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Proposed Rulemakings

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Laboratory. Livestock producers may be affected.

Questions/requests for copies/comments on the 5 DOA rulemakings through 2/11/19: Pamela Harmon, DOA, State Fairgrounds, P.O. Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

ENVIRONMENTAL LABS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed an amendment to Accreditation of Environmental Laboratories (35 IAC 186; 42 Ill Reg 24373) updating minimum standards for the operation of environmental laboratories. The rulemaking updates existing incorporations by reference of federal regulations and various testing standards and also adds new incorporations.

■ WATER/SEWER PROJECTS

IEPA proposed amendments to the Part titled Procedures for Issuing Loans From the Water Pollution Control Loan Program (35 IAC 365; 42 Ill Reg 24383) and proposed repeal of the Part title Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works (35 IAC 366; 42 Ill Reg 24449). The priority scoring system for evaluating loan-program-eligible projects that is now contained in Part 366 is being replaced by new provisions in Part 365. IEPA

also proposed amendments to Procedures for Issuing Loans From the Public Water Supply Loan Program (35 IAC 662; 42 Ill Reg 24484) and proposed repeal of the Part titled Priorities of Projects in the Public Water Supply Loan Program (35 IAC 663; 42 Ill Reg 24555), replacing the current loan priority ranking system in Part 663 with new provisions in Part 662. Those affected by these rulemakings include small municipalities that might seek loans for water or sewer projects under these programs.

Questions/requests for copies/comments on the 5 IEPA rulemakings through 2/11/19: Part 186, Rex L. Gradeless (Rex.Gradeless@illinois.gov); Parts 365, 366, 662 and 663, Joanne M. Olson (joanne.olson@illinois.gov); IEPA, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield IL 62794-9276, 217/782-5544.

■ AUDITS

The AUDITOR GENERAL proposed amendments to Code of Regulations (74 IAC 420; 42 Ill Reg 24629) updating references to U.S. Government Auditing Standards and other professional standards. The rulemaking also shortens the time frame for agencies to respond to audit findings from 21 to 14 days and clarifies that the AG's rules for audits and attestations apply to other agencies only to the extent that they do not conflict with any

other applicable law, rule or regulation.

Questions/requests for copies/comments through 2/11/19: Katie Antonacci, AG, 740 E. Ash St., Springfield IL 62703, 217/782-6046, TTY 888-261-2887.

PTAB RULE WITHDRAWAL

The PROPERTY TAX APPEALS BOARD, in response to an Objection and Filing Prohibition by the Joint Committee on Administrative Rules, has withdrawn proposed amendments to Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 42 Ill Reg 3862) that appeared in the 3/2/18 *Illinois Register*. The amendments would have implemented an Executive Order forbidding State legislators from professionally representing any person, client or principal on any matter before PTAB, or from participating in a PTAB representation case if the legislator received direct or indirect compensation from a business entity that handled property tax cases.

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 the Committee's January 15, 2019 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 42 Ill Reg 9052) proposed 6/8/18

Long Term Care Reimbursement Changes (89 IAC 153; 42 Ill Reg 16462) proposed 9/7/18

IL STUDENT ASSISTANCE COMMISSION

AIM HIGH Grant Pilot Program (23 IAC 2766; 42 Ill Reg 17233) proposed 9/28/18

Joint Committee on Administrative Rules

Senator Don Harmon

Representative Peter Breen

Senator Tony Muñoz

Representative Barbara Flynn Currie

Senator Sue Rezin

Representative Tom Demmer

Senator Paul Schimpf

Representative Greg Harris

Senator Ira Silverstein

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**Vicki Thomas
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