

*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

### UNIVERSITIES EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted amendments to State Universities Civil Service System (80 IAC 250; 40 Ill Reg 345), effective 8/4/16, to clarify terms and practices employed by the System. The amendments clarify that the System performs day to day administrative actions, rather than the Merit Board (which sets policy for the agency). Specifications for each class title of jobs shall include the length of probation and class code number, with notification of new classes to be made on the SUCSS website. Sixteen specific occupational areas are categorized within each job classification (e.g., professional, agricultural, domestic or food services, skilled trades, medical services, etc.) along with 30 work areas within each class (e.g., admissions and records,

building and grounds, custodial, instructional, housing, laundry, legal, office, safety and security services). When a new position is established, the employer shall allocate that position to an appropriate classification. Each classification shall have a designated examination with multiple components; these may, depending upon the job title, include a cognitive or knowledge test, typing test, credentials test (a review of an applicant's licensing or academic record), oral board test, physical fitness test, or other similar examinations as authorized by the Director of the System. A candidate obtaining a passing score will be placed on an original entry register or a promotional register. Security measures for the examination and hiring process are also specified; the Inspector General's Office and the

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## Proposed Rulemakings

### HOME SERVICES OVERTIME

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Program Description (89 IAC 676; 40 Ill Reg 11079), Customer Rights and Responsibilities (89 IAC 677; 40 Ill Reg 11087), Service Planning and Provision (89 IAC 684; 40 Ill Reg 11093) and Provider Requirements, Type Services, and Rates of Payment (89 IAC 686; 40 Ill Reg 11101) concerning overtime pay for providers in the Home Services Program (HSP) for persons with disabilities. Amendments to Parts 676, 677 and 684 update definitions, customer responsibilities, the process of procuring a service provider, criteria for service plans, and rules for enrollment of family members/relatives as service providers to reflect the changes in overtime

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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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applicable county State's Attorney will be notified of any breaches in this process. Each examination will have its own rating form, specifying how points will be scored on each area of the exam, developed by the System at the time an examination is developed or revised. A passing score on any exam is 70 or higher (currently, the SUCSS Director determines passing scores).

Questions/requests for copies: David DeThorne, SUCSS, 1717

Philo Rd., Sute. 24, Urbana IL 61802, 217/278-3150, [jeffb@succss.illinois.gov](mailto:jeffb@succss.illinois.gov)

### DISABLED PERSONS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Assistance Programs (89 IAC 120; 39 Ill Reg 10667), effective 8/2/16, that returns personal needs allowances (PNAs) for residents of Community Integrated Living Arrangements (CILAs) and Intermediate Care

Facilities for Individuals with Developmental Disabilities (ICF/DDs) to their fiscal year 2014 levels of \$50 per month for CILA residents and \$30 per month for ICF/DD residents. The PNA for both categories of residents had been \$60 per month for fiscal year 2015.

Questions/requests for copies: Mollie Zito, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)

## Proposed Rulemakings

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policy and the criteria that the provider and customer must meet. The amendments to Part 686 stipulate that an individual HSP provider (e.g., aide or personal assistant) cannot work more than 40 hours per work week, either for a single customer or multiple customers. The 40-hour limit includes both work time and travel time to the customer's home. Customers receiving more than 35 hours of care per week in their weekly service plans must hire more than one provider to cover these hours, and must also hire backup providers to cover times when a regularly scheduled provider is unable to work. Exceptions to the 40-hour limit are permitted only with DHS approval for customers in need of intensive medical or personal care, or in other extraordinary circumstances. Customers and

individual providers are responsible for monitoring the provider's work hours. For each work week in which a provider works overtime, the customer must complete an HSP overtime justification form (available online or through HSP local offices) and submit it on or before the due date for the applicable pay period. Customers and providers will be notified if overtime use is deemed unjustified. Providers will receive written warnings for the first two instances of unjustified overtime use; a third instance of unjustified overtime will result in termination of funding for that provider's services. Customers who lose individual providers due to unjustified overtime may request replacement providers, or switch to agency providers. Those affected by this rulemaking include HSP customers and their families, individual service

providers, and agencies that provide HSP services.

Questions/requests for copies/comments on the 4 DHS rulemakings through 10/3/16: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

### ■ BAID PROVIDERS

The SECRETARY OF STATE proposed amendments to Procedures and Standards (92 IAC 1001; 40 Ill Reg 11136) concerning certification of Breath Alcohol Ignition Interlock Device (BAIID) providers. (BAIIDs may be installed in vehicles belonging to certain DUI offenders as a condition of receiving a restricted driving permit.) The amendments add to

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# Proposed Rulemakings

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the application for certification or recertification as a provider proof that the applicant is in good standing with SOS-Business Services; require images taken by the BAID to be available to SOS via online account access; and limit field tests to 3 per model for certification. BAID models failing 3 tests are ineligible for certification and the applicant or provider must provide another certified model. For BAIDs installed on behalf of indigent clients, providers must submit invoices that include the names, driver's license numbers and brief description of services provided, to SOS by the 15<sup>th</sup> of the month following the end of each quarter. Failure to submit an invoice will result in nonpayment. Subsequent invoices filed to remedy underreporting of indigent clients will not be honored. Finally, the amendments delete a reference to an out of date opt out form. BAID providers are affected by this rulemaking.

Questions/requests for copies/comments through 10/3/16: Brenda Glahn, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, email: [bglahn@ilsos.net](mailto:bglahn@ilsos.net)

## POISON CONTROL CENTERS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Regional Poison Control Center Code (77 IAC 215; 40 Ill Reg 11115) adding an incorporated and referenced

materials Section, updating the number of poison centers that can be designated by the Director, removing the requirement that a poison control center must coordinate with EMS Systems to assure that all Advanced Life Support vehicles are equipped with poison antidotes and have 2-way communication with EMS vehicles, and changing the composition of the advisory committee composition. Poison control centers must create and maintain all business, patient contact and financial records for a period of no less than 4 years. The rulemaking also repeals specific regional poison control center certification criteria.

## ■ CPR INSTRUCTION

DPH also proposed amendments to Automated External Defibrillator Code (77 IAC 525; 40 Ill Reg 11131) that update the incorporated and referenced materials Section and clarify the requirements for submitting a complaint against a CPR course. The complaint must include the course instructor's contact information or contact information for the business where the course was held. Businesses and non-profits that sponsor CPR classes are affected.

Questions/requests for copies/comments through 10/3/16: Elizabeth Paton, DPH, 535 W. Jefferson St., 5<sup>th</sup> Flr., Springfield IL, 62761, 217/782-2043, e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).

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## Peremptory Rule

### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 40 Ill Reg 11207) effective 8/5/16. The amendment implements a memorandum of understanding between the State and an AFSCME bargaining unit that sets pay rates for two Department of Juvenile Justice job titles (juvenile justice school counselor and special education resources coordinator) recently established by the Civil Service Commission.

Questions/requests for copies: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov)

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## JCAR MEMBERSHIP CHANGE

The Joint Committee on Administrative Rules has received a notice of resignation from Sen. Matt Murphy, R-Palatine, who is resigning from the General Assembly effective Sept. 15. His resignation from JCAR is effective immediately. JCAR thanks Sen. Murphy for his service on the Committee.

## 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 the Committee's September 6, 2016 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.

### **ILLINOIS COMMUNITY COLLEGE BOARD**

Administration of the Illinois Public Community College Act  
(23 IAC 1501; 40 Ill Reg 6923) proposed 5/6/16

### **DEPT OF REVENUE**

Income Tax (86 IAC 100; 40 Ill Reg 7522) proposed 5/20/16

## **Joint Committee on Administrative Rules**

**Senator Bill Brady**

**Representative Tom Demmer**

**Senator Karen McConnaughay**

**Representative Greg Harris**

**Senator Don Harmon**

**Representative Lou Lang**

**Senator Tony Muñoz**

**Representative André Thapedi**

**Senator Ira Silverstein**

**Representative Michael Tryon**

**Representative Keith Wheeler**

**Vicki Thomas**  
**Executive Director**