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Joint Committee on Administrative Rules
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, 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

■ TOBACCO PRODUCTS

The OFFICE OF THE ATTORNEY GENERAL adopted amendments to Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 (14 IAC 250; 40 Ill Reg 14817), effective 2/2/17, adding methods by which tobacco product distributors may receive notice when products or brands are added to or removed from directories maintained by the AG for purposes of tracking monies due to the State's tobacco settlement fund. (Distributors are required to report, on a quarterly basis, their sales of non-participating manufacturer brands to the AG.) Notices may be received by electronic mail, fax or via publication on the AG's website. Distributors who have e-mail accounts must provide their e-mail addresses to the AG. Tobacco product distributors are affected by this rulemaking.

Questions/requests for copies: Marilyn Kueper, OAG, 500 S. Second St., Springfield IL 62706, 217/785-8541.

HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD adopted amendments to Health Facilities and Services Review Operational Rules (77 IAC 1130; 40 Ill Reg 13795) effective 2/2/17. The rulemaking provides that the Board's Inventory of Health Care Facilities and Need Determination will be updated to reflect discontinuation of a health facility or category of service once the permit for discontinuation has been issued. It also clarifies that discontinuation of a facility or category of services is considered

Peremptory Rule, Page 2

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Proposed Rulemakings

■ INCOME TAX PREPARATION

The DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 41 Ill Reg 2025) implementing the State Tax Preparer Oversight Act. The amendment defines an income tax return preparer as any person who prepares, or employs one or more persons to prepare, an income tax return or refund claim required by the Illinois Income Tax Act. Tax preparers do not include persons who merely provide typing, copying or mechanical assistance; who prepare returns or refund claims for their own employers; who prepare returns or refund claims as a fiduciary; or who prepare refund claims in response to an audit or notice of deficiency. Effective 1/1/17, income tax preparers must include their

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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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to be a substantial change to a facility's scope or functional operation (which requires a permit). Finally, the Board is reinstating a permit exemption that was repealed in 2015 for projects involving neonatal intensive care beds. Healthcare facilities are affected by this rulemaking.

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

Proposed Rulemakings

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federally assigned Preparer Tax Identification Number (PTIN) on any Illinois income tax return they prepare, and must also sign the return as the preparer if they would also be required to do so for a federal return. A preparer who holds an active PTIN and willfully fails to include it on an Illinois tax return is subject to a fine of \$50 per offense, up to \$25,000 per calendar year. DOR will use the PTIN information to identify preparers of fraudulent or erroneous returns for purposes of enforcement, and will exchange such information with the federal Internal Revenue Service and with other states. The rulemaking also includes provisions for misconduct investigations and appeal hearings for tax preparers who are accused of misconduct. Individuals and businesses that

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 41 Ill Reg 2078), effective 2/2/17, implementing recent agreements between CMS and the Illinois Federation of Public Employees (IFPE) reflecting the merger of two IFPE bargaining units. The peremptory rule repeals the salary table for the bargaining unit that formerly represented Department of Agriculture meat and poultry inspectors and inspector

trainees, and moves these titles into the salary table of their new bargaining unit (which represents paraprofessional investigatory and law enforcement employees of DOA and other State agencies). It also updates references elsewhere in rule to the bargaining unit representing meat and poultry inspector trainees.

Questions/requests for copies: Jason Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/524-1055, fax 217/558-4497, e-mail: CMS.PayPlan@illinois.gov

supply income tax preparation services will be affected.

Questions/requests for copies/comments through 4/3/17: Brian Stocker, DOR, 101 W. Jefferson St., Springfield IL 62796, 217/782-2844.

FOSTER CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to the following 12 Parts: Reports of Child Abuse and Neglect (89 IAC 300; 41 Ill Reg 1836), Placement and Visitation Services (89 IAC 301; 41 Ill Reg 1853), Services Delivered by the Department of Children and Family Services (89 IAC 302; 41 Ill Reg 1863), Access to and Eligibility for Child Welfare Services (89 IAC 304; 41 Ill Reg 1874), Adoption Services for

Children for Whom the Department of Children and Family Services is Legally Responsible (89 IAC 309; 41 Ill Reg 1886), Permanency Planning (89 IAC 315; 41 Ill Reg 1896), Administrative Case Reviews and Court Hearings (89 IAC 316; 41 Ill Reg 1906), Interstate Placement of Children (89 IAC 328; 41 Ill Reg 1913), Service Appeal Process (89 IAC 337; 41 Ill Reg 1918), Appeal of Foster Family Home License Denials by Relative Caregivers (89 IAC 338; 41 Ill Reg 1928), Authorized Child Care Payments (89 IAC 359; 41 Ill Reg 1934), and Licensing Standards for Foster Family Homes (89 IAC 402; 41 Ill Reg 1940). The rulemakings implement Public Act 99-836, which expands the definition of "fictive kin" (an individual not

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Proposed Rulemakings

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related to a child by birth or marriage, with whom the child has a close relationship) to include the current foster parent of a child if the child has been in the foster home for at least one year, has developed a significant and family-like relationship to the child, and the foster parent has been identified by DCFS as a viable candidate to become the child's adoptive parent or legal guardian. Additionally, the Part 337 rulemaking corrects a definition of "family" that was inadvertently amended in an earlier rulemaking. Foster parents and DCFS wards will be affected by these rulemakings.

Questions/requests for copies/comments on the 12 DCFS rulemakings through 4/3/17: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, fax 217/557-0692, TDD: 217/524-3715, e-mail: CFPolicy@idcfs.state.il.us

HORSE RACING

The ILLINOIS RACING BOARD proposed the repeal of 5 Parts: Supertrifecta Exchange (11 IAC 310; 41 Ill Reg 1986), Hi/Low (11 IAC 313; 41 Ill Reg 1994), Show Quinella (11 IAC 316; 41 Ill Reg 1999), Countdown (11 IAC 317; 41 Ill Reg 2004), and WPS Pick (N) (11 IAC 323; 41 Ill Reg 2012). These Parts contain rules for obsolete pari-mutuel wagers. IRB

also proposed an amendment to General Licensee Rules (11 IAC 1313; 41 Ill Reg 2021) removing a requirement that harness horses in stakes races be in the paddock by noon on race day. Finally, IRB proposed repeal of Access to Public Records of the Part titled Illinois Racing Board (2 IAC 2251; 41 Ill Reg 1958), and proposed amendments to Rulemaking (2 IAC 2250; 41 Ill Reg 1952) that incorporate related provisions of Part 2251.

Questions/requests for copies/comments on the 8 IRB rulemakings through 4/3/17: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 5-700, Chicago IL 60601, 312/814-5017, Mickey.ezzo@illinois.gov

JCAR Meeting Action

At its 2/15/17 meeting, the Joint Committee on Administrative Rules postponed consideration of the following rulemakings, which are currently on extended Second Notice, to the 3/14/17 meeting:

Department of Human Services, 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).

Second Notices

JCAR received no Second Notice filings this week.

JCAR Membership Changes

The Joint Committee on Administrative Rules welcomes Rep. Peter Breen, R-Lombard, as a new member and Rep. Keith Wheeler, R-Oswego, as its new co-chairman, succeeding former Rep. Mike Tryon.