

*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.*

## Proposed Rulemakings

### ■ PRESCRIPTION DRUGS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Electronic Prescription Monitoring Program (77 IAC 2080; 41 Ill Reg 2322) establishing the composition of the Prescription Monitoring Program Advisory Committee (PMPAC) of physicians, pharmacists, and other medical practitioners. A PMPAC peer review subcommittee (PRS) is also created to review the performance of prescribers and dispensers and identify those who may be prescribing outside of currently accepted medical standards. When a prescriber or dispenser is so identified, the PRS will request information regarding that person's prescribing/dispensing practices. If the prescriber/dispenser fails to respond to three successive requests or if the PRS determines the response to

be unsatisfactory, the PRS may refer that prescriber/dispenser to the Department of Financial and Professional Regulation for further action. All communications and deliberations of the PMPAC and the PRS are confidential, although data collected by PMP may be publically disseminated. The PRS must also file an annual

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report that includes the number of prescribers/dispensers reviewed and the number who were referred to DFPR. The rulemaking also implements procedures through which healthcare facilities, prescribers, dispensers and their designees may gain electronic access to the PMP's Prescription Information Library (PIL). Specific web-based services and protocols (added to

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## New Rules

### ■ PUBLIC INFORMATION

The JOINT COMMITTEE ON ADMINISTRATIVE RULES repealed the Part titled Access to Information (2 IAC 76; 41 Ill Reg 2673) and adopted a new Part titled Access to Records of the Joint Committee on Administrative Rules (2 IAC 76; 41 Ill Reg 2675) both effective 2/7/17. These rulemakings replace outdated Freedom of Information Act (FOIA) procedures with new rules reflecting recent amendments to FOIA. Updated procedures for requesting records, lists of records that are subject to disclosure and records that are confidential, and timelines for responding to FOIA requests are included.

Questions/requests for copies: Edward Stasiewicz, JCAR, 700 Stratton Bldg., Springfield IL 62706, 217/785-2254, e-mail: [JCAR@ilga.gov](mailto:JCAR@ilga.gov)

**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.

# Proposed Rulemakings

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the definitions section) must be used for this purpose. A prescriber or dispenser may allow up to three designees to access the PIL. Designees must be registered nurses, licensed practical nurses, pharmacy technicians, student pharmacists, or certified medical assistants. Designees must register with the PMP and must have their own individual accounts linked to that of the prescriber or dispenser; if they cease to be employed by the prescriber/dispenser their PIL account will be closed. Other provisions add dispensing of Naloxone for opioid overdose prevention to the list of drugs and drug-related actions that must be reported to and tracked by the PMP. Those affected by this rulemaking include physicians and other medical practitioners, pharmacists and their employees, hospitals and other health care facilities.

## ABUSE INVESTIGATION

DHS proposed amendments to Office of the Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 41 Ill Reg 2305) that reflect the discontinuation of the OIG's Community Agency Investigative Protocol program. DHS states that the program is being abolished for budgetary reasons since only 20% of agencies eligible for the program took advantage of it. Other provisions of this

## VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an emergency amendment to Video Gaming (General) (11 IAC 1800; 41 Ill Reg 2696) effective 2/7/17 for a maximum of 150 days. An identical proposed amendment appears in this week's Illinois Register at 41 Ill Reg 2669. These rulemakings implement a recent Illinois Supreme Court decision (*J&J Ventures Gaming, LLC v. Wild, Inc.*) giving IGB exclusive authority over use agreements between terminal operators and licensed video gaming locations. IGB shall decide any petition brought by a terminal operator or licensed video gaming location alleging that all or part of a use agreement is invalid. Issues which the IGB Administrator has authority to decide include, but are not limited to: whether a use agreement complies with the Video Gaming Act and its implementing rules; which

rulemaking reflect updated practices regarding notification of victims or their guardians and elimination of the report submission timeframe.

## AABD BENEFITS

DHS also proposed amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; 41 Ill Reg 2343) implementing an annual adjustment in the Supplemental Security Income allowance and in the AABD rates

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agreement takes precedence when two or more use agreements have overlapping effective dates; whether renewal provisions in a use agreement unduly prevent or discourage a licensed video gaming operator from choosing not to renew the agreement; and whether a terminal operator has used coercion, deception or improper inducement to persuade a licensed video gaming operator to enter into or renew a use agreement. The rule also sets forth the procedures and timeline for submitting petitions to IGB. Licensed video gaming locations and terminal operators are affected by this emergency rule.

Questions/requests for copies/comments on the proposed rulemaking through 4/10/17: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 312/814-7253, e-mail: [Agostino.lorenzini@igb.illinois.gov](mailto:Agostino.lorenzini@igb.illinois.gov)

for sheltered, personal and nursing care. All rates are being increased \$2 per month, reflecting the January 2017 increase in SSI.

Questions/requests for copies/comments on the 3 DHS rulemakings through 4/10/17: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

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# Proposed Rulemakings

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## ■ HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to 16 Parts: General Hunting and Trapping on Department-Owned or -Managed Sites (17 IAC 510; 41 Ill Reg 2354); Landowner Permits (17 IAC 528; 41 Ill Reg 2362); Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 41 Ill Reg 2374); Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 IAC 550; 41 Ill Reg 2392); Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver and Woodchuck (Groundhog) Trapping (17 IAC 570; 41 Ill Reg 2408); Duck, Goose and Coot Hunting (17 IAC 590; 41 Ill Reg 2425); White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 41 Ill Reg 2490); White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 41 Ill Reg 2516); White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 41 Ill Reg 2532); Youth Hunting Seasons (17 IAC 685; 41 Ill Reg 2561); Squirrel Hunting (17 IAC 690; 41 Ill Reg 2568); The Taking of Wild Turkeys - Spring Season (17 IAC 710; 41 Ill Reg 2581); The Taking of Wild Turkeys - Fall Gun Season (17 IAC 715; 41 Ill Reg 2609); The Taking of Wild Turkeys - Fall Archery Season (17 IAC 720; 41 Ill Reg 2617); Dove Hunting (17 IAC 730; 41 Ill Reg 2634); and Crow,

Woodcock, Snipe, Rail and Teal Hunting (17 IAC 740; 41 Ill Reg 2654). With the exception of Parts 510, 528 and 715, all these rulemakings make site-specific changes for the 2017 hunting seasons. Additionally, amendments to Parts 550 and 570 change hunting season dates and zones, while the Part 650, 670, 710, 715 and 720 rulemakings remove landowner/tenant permit regulations now contained in Part 528. Amendments to Part 510 remove requirements for orange hunting clothing during upland game season. The Part 528 rulemaking isolates a landowner/tenant permit system in one Part, which other Parts will now cross-reference. Amendments to Part 530 change the types of shot permitted on state land and set up a Reservation Inquiry System for obtaining permits to hunt on certain State lands. The permit must be in the hunter's possession while hunting. Changes to Part 550 prohibit use of shotgun slugs to hunt raccoons except when also deer hunting, and remove an exception for game breeding or licensed hunting preserved areas. The Part 590 rulemaking makes adjustments in statewide hunting rules for DNR property during flood conditions. Amendments to Parts 650 and 660 revise the lottery system; amendments to Part 690 allow use of .25 caliber or smaller air guns; and the Part 670, 710, 715 and 720 rulemakings lower the required minimum pull of bows to 30 pounds.

Questions/requests for copies for the 16 DNR rulemakings through 4/10/17: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

## ■ WATER SUPPLY LOANS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed repeal of the Part titled Procedures for Issuing Loans from the Public Water Supply Loan Program (35 IAC 662; 41 Ill Reg 2145) and proposed a new Part with the same title (35 IAC 662; 41 Ill Reg 2239). The new Part updates program procedures, adds more details regarding loan restructuring for disadvantaged / small communities and provides for a longer (30 year) term for loans to disadvantaged communities. Small municipalities that qualify for the loan program will be affected by these rulemakings.

Questions/requests for copies/comments on the 2 IEPA rulemakings through 4/10/17: Rex L. Gradeless, IEPA, 1021 N. Grand Ave. E., PO Box 19276, Springfield IL 62794-9276; 217/782-5544; [Rex.Gradeless@illinois.gov](mailto:Rex.Gradeless@illinois.gov).

## Second Notices

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The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the Committee's March 14, 2017 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

### ILLINOIS GAMING BOARD

Video Gaming (General) (11 IAC 1800; 40 Ill Reg 16454) proposed 12/30/16

## Joint Committee on Administrative Rules

**Senator Bill Brady**

**Representative Peter Breen**

**Senator Karen McConnaughay**

**Representative Tom Demmer**

**Senator Don Harmon**

**Representative Greg Harris**

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Executive Director**