

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

■ CLINICAL PSYCHOLOGISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION repealed the Part titled Clinical Psychologist Licensing Act (68 IAC 1400; 40 Ill Reg 14490) and adopted a new Part with the same title (68 IAC 1400; 40 Ill Reg 14519), both effective 10/6/17. The new Part implements provisions of Public Act 98-668, which created a new license for prescribing psychologists, specified educational requirements for licensure as a prescribing psychologist, and addressed the delegation of prescriptive authority by a physician through collaborative agreements. The rulemaking adds a new definitions Section; implements licensure requirements for initial licensure, licensure renewals and licensure restoration; and sets fees for prescribing psychologist

licensure applications, renewals, and restoration. The new Part also establishes continuing education requirements necessary prior to licensure renewals, prescribing psychologist licensure qualifications, and a licensure by examination application process. It includes clinical rotation training requirements for prescribing psychologists, a DFPR approval process for

Emergency Rule, Page 3

clinical rotation programs, and statutory collaborative agreement and endorsement requirements for prescribing psychologists. An example of a collaborative agreement for prescribing psychologists and collaborating physicians is also included in an appendix. Since 1st Notice, DFPR has revised the sample written collaborative agreement to clarify

(cont. page 2)

Proposed Rulemakings

■ GRANT PROCEDURES

The GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET proposed a new Part titled Grant Accountability and Transparency Act (44 IAC 7000; 41 Ill Reg 12265) and proposed repeal of the existing Part with the same title (44 IAC 7000; 41 Ill Reg 12219). The new Part implements further steps in GOMB's implementation of uniform rules (UR) for federal grants at 2 CFR 200, as well as State grant rules under the Grant Accountability and Transparency Act (GATA). New provisions include program-specific exceptions to UR and GATA; more detailed enumeration of GOMB and State agency responsibilities; pre-award requirements for State grants and federal pass-through grants; and post-award requirements,

(cont. page 3)

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

(cont. from page 1)

that the agreement may be terminated by either party, without notice, for “just cause”, defined as acts or omissions by the other practitioner that would be grounds for disciplinary action against a person licensed under the Medical Practice Act or Clinical Psychology Licensing Act. DFPR also has restricted endorsements for prescribing psychologists trained in the U.S. armed forces to those who completed the Department of Defense Psychopharmacology Demonstration Project (originally, similar programs sponsored by other military branches were included). Clinical psychologists, collaborating physicians, and their employers are affected by these rulemakings.

■ REAL ESTATE & AUCTIONS

DFPR adopted amendments to the Parts titled Home Inspector License Act (68 IAC 1410; 41 Ill Reg 5845), Auction License Act (68 IAC 1440; 41 Ill Reg 5855), Real Estate License Act of 2000 (68 IAC 1450; 41 Ill Reg 5866), and Real Estate Appraiser Licensing (68 IAC 1455; 41 Ill Reg 5888), all effective 10/6/17. All four rulemakings abolish fees for issuance of duplicate or decorative licenses. Amendments to Part 1410 clarify that franchise fees paid by a home inspector licensee to a franchisor under a franchise agreement do not constitute compensation if the franchisor does not perform home

inspections. The Part 1440 rulemaking clarifies that individuals or entities that accept compensation for listing personal items for sale on a third party internet auction service on behalf of another are not auctioneers for the purposes of this Part. Amendments to Part 1450 clarify that, for the purposes of the Act, an electronic signature may be used for any application, affidavit, or other document that must be signed. Real estate licenses may also be surrendered, sent, obtained or issued electronically, and the requirement to make licenses readily available to the public may be fulfilled by using a copy of the license instead of the original. The rulemaking removes the requirement that an owner seeking an exemption set forth in Section 5-20(1) of the Act be the sole owner of the property. The Part 1455 rulemaking allows the Department to assess an administrative fee upon appraiser licensees of \$100 per credit hour for CE courses completed after the deadline, up to a maximum of \$2,000. Those affected by this rulemaking include real estate agents and appraisers, auctioneers, and their employers.

■ SEX OFFENDER TREATMENT

DFPR adopted amendments to the Part titled Sex Offender Evaluation and Treatment Provider Act (68 IAC 1280; 41 Ill Reg 6829) effective 10/6/17 concerning requirements for licensure as an associate sex offender treatment provider. The

amendments clarify educational requirements for the associate treatment provider license and recognize licensure as a physician, advanced practice nurse with a psychiatric specialty, clinical psychologist, licensed clinical social worker, licensed clinical professional counselor or licensed marriage and family therapist as evidence of having fulfilled the educational requirements for the associate treatment provider license. Providers of sex offender evaluation and treatment are affected by this rulemaking.

■ FINANCIAL INSTITUTIONS

DFPR also adopted amendments to the Parts titled Consumer Installment Loan Act (38 IAC 110; 41 Ill Reg 6780), Currency Exchange Act (38 IAC 120; 41 Ill Reg 6787), Financial Institutions Code (38 IAC 200; 41 Ill Reg 6793), Payday Loan Reform Act (38 IAC 210; 41 Ill Reg 6800), Savings Bank Act (38 IAC 1075; 41 Ill Reg 6805), and Title Insurance Act (50 IAC 8100; 41 Ill Reg 6822), all effective 10/6/17. Amendments to Parts 110, 120 and 210 allow consumer installment lenders, currency exchanges and payday lenders to keep required records in any medium or format that accurately reproduces the original documents. The Part 110 rulemaking also abolishes a \$300 name change fee for installment lenders. The Part 200 rulemaking updates cross

(cont. page 3)

Proposed Rulemakings

(cont. from page 1)

including performance measures, records retention and closeout procedures. Entities that receive federal or State-funded grants through State agencies will be affected by these rulemakings.

Questions/requests for copies/comments on the 2 GOMB rulemakings through 11/20/17: Carol Kraus (217/782-6464) or Jennifer Butler (217/785-5516), GOMB, 601 Stratton Bldg., Springfield IL 62706, fax 217/524-4876.

New Rules

(cont. from page 2)

references to the Freedom of Information Act and to the Illinois Code of Professional Responsibility for attorneys. A change since 1st Notice allows attorneys licensed in other states to participate in legal proceedings in accordance with Illinois Supreme Court Rule 707. An amendment to Part 1075 replaces a schedule of supervisory fees with a reference to statutory fee provisions in the Savings Bank Act. The 50 IAC 8100 amendment allows electronic filing of documents. Currency exchanges, payday or installment lenders, and title insurance companies are affected by these rulemakings.

Emergency Rule

■ ID/DD FACILITIES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an emergency amendment to the Part titled Long Term Care Reimbursement Changes (89 IAC 153; 41 Ill Reg 12632) effective 9/25/17 for a maximum of 150 days. A companion (not identical) proposed amendment also appears in this week's *Illinois Register* at 41 Ill Reg 12370. The emergency and proposed rules implement Public Act 100-23 (Fiscal Year 2018 Budget Implementation) by increasing reimbursement to licensed facilities for the

intellectually or developmentally disabled (ID/DD), for services beginning 8/1/17, by an amount sufficient to provide a 75 cents per hour wage increase for non-executive staff. The proposed rule additionally extends the increased reimbursements to facilities licensed as Medically Complex for the Developmentally Disabled (MC/DD) facilities.

Questions/requests for copies/comments on the proposed rulemaking through 11/20/17: Mollie Zito, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

■ MORTGAGE LENDERS

DFPR adopted amendments to Residential Mortgage License Act of 1987 (38 IAC 1050; 41 Ill Reg 5061) effective 10/6/17, repealing Sections that conflict with current statutes; implementing federal regulations regarding consumer/borrower notices, disclosures, loan estimates and payoff statements; allowing for electronic means of recordkeeping and issuing surety bonds; and repealing obsolete provisions for registration of mortgage loan originators (who are now required to be licensed). Since 1st Notice, specific references to new federal rules regarding consumer notification have been added. Mortgage lenders and

applicants may be affected by this rulemaking.

Questions/requests for copies of the 14 DFPR rulemakings: Craig Cellini, DFPR, 320 West Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

MISSING PERSONS

The DEPARTMENT OF STATE POLICE repealed the Part titled Intergovernmental Missing Child Recovery Act (20 IAC 1260; 41 Ill Reg 7493) and adopted amendments to the Part titled Missing Person Notification (20 IAC 1291; 41 Ill Reg 7523), both effective 9/21/17. These

(cont. page 4)

New Rules

(cont. from page 3)

rulemakings implement Public Act 97-938, effective 1/1/13, which eliminated the I-SEARCH program that had been regulated under Part 1260 and replaced it with the State Missing Persons Clearinghouse. The amendment to Part 1291 consists of one paragraph informing the public how it can enter information into the State's missing persons tracking system. Units of local government and their police departments may be affected by these rulemakings.

Questions/requests for copies: Matthew R. Rentschler, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

■ INCOME TAX

The DEPARTMENT OF REVENUE adopted an amendment to Income Tax (86 IAC 100; 41 Ill Reg 7790) effective 9/21/17 changing the date on which an employer must file previous year State W2 copies

with DOR from 2/15 to 1/31, unless the IRS has granted an extension for filing federal W2 forms due to a natural disaster.

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

■ TURKEY HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to The Taking of Wild Turkeys –Spring Season (17 IAC 710; 41 Ill Reg 6427) effective 9/20/17 that replace the 4th lottery drawing for seasonal hunting permits with an over the counter (OTC) sales system after the 3rd lottery. Any applications or fees received by DNR after 2/8 (the cutoff date for the 3rd lottery) will be rejected and returned. The rulemaking also removes the DNR toll-free number for permit sales and directs sales to the DNR online site. OTC permit procedures and policies are also outlined, and individuals are limited to 3 turkey permits including landowner/tenant permits.

Questions/requests for copies: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/ 782-1809.

DNR REPEALERS

The DEPARTMENT OF NATURAL RESOURCES repealed 2 Parts titled Implementation of the Illinois Freedom of Information Act (2 IAC 876; 41 Ill Reg 12595) and Access to Records of the Historic Preservation Agency (2 IAC 1580; 41 Ill Reg 12597), both effective 9/20/17. These rulemakings repeal the FOIA rules of the former Department of Energy and Natural Resources (Part 876), which merged with the Department of Conservation in 1995 to form DNR, and the former Historic Preservation Agency (Part 1580), which was merged into DNR effective 7/1/ 17.

Questions/requests for copies of the 2 DNR rulemakings: Ronda Brown, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

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 October 17, 2017 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 HUMAN SERVICES

Maternal and Child Health Services Code (77 IAC 630; 41 Ill Reg 8212) proposed 7/14/17

DEPT OF PUBLIC HEALTH

Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 41 Ill Reg 10292) proposed 7/28/17

Hospital Licensing Requirements (77 IAC 250; 41 Ill Reg 10257) proposed 7/28/17

DEPT OF REVENUE

Income Tax (86 IAC 100; 41 Ill Reg 6436) proposed 6/9/17

Taxpayer Rights (86 IAC 205; 41 Ill Reg 10328) proposed 8/4/17

DEPT OF STATE POLICE

Criminal History Background Investigations (Repealer) (20 IAC 1270; 41 Ill Reg 9921) proposed 7/21/17

Expungement Procedures (20 IAC 1205; 41 Ill Reg 9916) proposed 7/21/17

PROPERTY TAX APPEAL BOARD

Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 41 Ill Reg 8214) proposed 7/14/17

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Peter Breen

Senator Karen McConnaughay

Representative Tom Demmer

Senator Don Harmon

Representative Greg Harris

Senator Tony Muñoz

Representative Lou Lang

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**