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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

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Hospital Licensing Requirements (77 IAC 250; 41 Ill Reg 10257) and Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 41 Ill Reg 10292), both effective 11/27/17, implementing Public Act 99-454, which prohibits hospitals and other healthcare providers from billing sexual assault survivors for emergency treatment or forensic services. Both rulemakings require hospitals to provide written notice to sexual assault survivors that they should not be billed for any emergency or outpatient services and that they will receive a voucher to cover the cost of any needed follow-up care. The notice also must include phone numbers that the survivor may call if they are billed for emergency services, and the

hospital must keep a copy of the follow-up treatment voucher in the survivor's medical record. The Part 545 rulemaking also updates the definition of sexual assault to that of the Criminal Code of 2012. The Part 250 rulemaking also requires DPH to conduct an on-site inspection of any new construction, addition, or major alteration to a hospital within 15 business days after the project is completed and DPH has accepted all required certification for the project. Once the inspection is complete and the applicant has demonstrated substantial compliance, DPH has 5 business days to provide written approval for occupancy. If DPH fails to provide approval within this time frame, the project shall be deemed approved and may be occupied after any required health inspection is completed.

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Proposed Rulemakings

OPIOID PRESCRIPTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed an amendment to the Part titled Medical Practice Act of 1987 (68 IAC 1285; 41 Ill Reg 14870) that incorporates by reference, in DFPR's standards for determining whether a physician has engaged in unprofessional conduct, the Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain issued by the national Federation of State Medical Boards (April 2017). The rulemaking is in response to an Executive Order directing DFPR to establish opioid prescribing guidelines for physicians. Licensed physicians are affected by this rulemaking.

Questions/requests for copies/ comments through 1/22/18: Craig

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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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Questions/requests for copies of the 2 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ CPA EXAMINATIONS

The ILLINOIS BOARD OF EXAMINERS adopted amendments to Certificate of

Education and Examination Requirements (23 IAC 1400; 41 Ill Reg 7699) effective 11/21/17 to alter business education requirements for a Certified Public Accountant licensure. The 24 semester credit hours must include 2 semester hours in business communications and 3 in business ethics, which may or may not be encompassed within credit hours awarded for a substantive business course of

study. The time period for the Board to receive college transcripts from provisional candidates for CPA licensure is being extended from 120 to 150 days. CPA candidates and their employers are affected.

Questions/requests for copies: Russ Friedewald, Board of Examiners, 1120 E. Diehl Rd., Suite 107, Naperville IL 60563, 815/753-8900.

Proposed Rulemakings

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Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Child Care (89 IAC 50; 41 Ill Reg 14884) implementing Public Act 99-699, which exempts certain programs for school-age youth (e.g., after-school programs, summer camps) from licensure as day care centers. The rulemaking allows programs that serve only school-age children (ages 5-13, or up to age 18 in cases of special need) outside of school hours, and are not directly funded by the State or federal government, to receive Child Care Assistance Program (CCAP) subsidies without day care licensure if they meet staff education and training requirements outlined in the rulemaking. Staff, volunteers and

subcontractors serving programs for school-age youth must also complete appropriate background checks, including clearance from the DCFS Child Abuse and Neglect Tracking System (CANTS). Those affected by this rulemaking include municipal and non-profit agencies that operate before/after-school and summer youth programs.

■ SNAP ELIGIBILITY

DHS also proposed amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 41 Ill Reg 14898) implementing provisions of the federal Farm Bill of 2014 that expand student eligibility for SNAP to persons ages 18-49 who are enrolled at least half-time in an employment or training program offered by a community college, or are enrolled in remedial, basic adult education, literacy, or English as a Second Language courses intended to lead to employment.

■ ALCOHOL/DRUG TREATMENT

DHS also proposed an amendment to Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 IAC 2060; 41 Ill Reg 14878) implementing a provision of Public Act 100-23, the FY18 Budget Implementation Act, that increases payment rates for licensed substance abuse treatment providers. The rulemaking states that DHS will establish payment methodologies specific to each Medicaid reimbursable service, except for those services for which provider specific rates are established such as certain residential or withdrawal management levels of care. Rate increases will be based on appropriated funds and on the need for services. Rates and rate modifications will take effect only upon approval by DHS and, for Medicaid reimbursed services, by the Department of Healthcare

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Proposed Rulemakings

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and Family Services. Affected providers and the public will be informed of changes in rate methodology in accordance with federal law. Licensed alcohol and drug treatment providers will be affected by this rulemaking.

Questions/requests for copies/ comments on the 3 DHS rulemakings through 1/22/18: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Floor, Springfield IL 62762, 217/785-9772.

■ MILK PRODUCTION

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to Grade A Pasteurized Milk and Milk Products (77 IAC 775; 41 Ill Reg 14917) updating various federal guidelines and rules and professional standards that have been incorporated by reference. All incorporated federal regulations refer to the 2015 Code of Federal Regulations unless otherwise specified. Milk producers are affected by this rulemaking.

■ NURSES' AIDE TRAINING

DPH also proposed an amendment to Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 41 Ill Reg 14912) that increases the maximum allowable student-to-instructor ratio for laboratory instruction from 15:1 to 16:1. Certified Nurses Aide training

programs are affected by this rulemaking.

Questions/requests for copies of the 2 DPH rulemakings through 1/22/18: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION proposed amendments to Hours-of-Service of Drivers (92 IAC 395; 41 Ill Reg 14923) updating incorporated federal regulations, authorizing Illinois State Police officers who are certified to conduct vehicle inspections to declare drivers out of service, reflecting the abolition of the former Division of Traffic Safety, and clarifying which drivers are exempt from the Part (e.g., drivers of covered farm vehicles). Commercial drivers and their employers are affected.

Questions/requests for copies/ comments through 1/22/18: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Springfield IL 62764.

IEPA HEARINGS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed amendments to Procedures of Informational and Quasi-Legislative Hearings (35 IAC 164; 41 Ill Reg 14851), Procedures for Permit and Closure Plan Hearings (35 IAC 166; 41 Ill Reg 14856) and Public Participation in the Air Pollution Control Permit Program (35 IAC

252; 41 Ill Reg 14862) that permit notice of hearings under each of these Parts (including hearings concerning closure of hazardous waste facilities or issuance of permits under the federal Clean Air Act) to be posted on the IEPA website. Electronic notices must remain posted for the duration of the public comment period. Notice will also be published in a newspaper of general circulation in the affected area, or in the *Illinois Register*, if required by law or if the IEPA Director or designee determines that additional notice would serve the interests of the public or of the Agency. IEPA will conduct a public hearing on these rulemakings on **Thursday, Jan. 11, at 1:30 p.m.** at the IEPA headquarters, 1021 N. Grand Ave. East, Springfield.

Questions/requests for copies/ comments on the 3 IEPA rulemakings through 1/22/18: Dean Studer, IEPA, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield IL 62794-9276, 217/558-8280, TDD: 217/782-9143.

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 December 12, 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 LABOR

Rules and Regulations Relating to the Operation of Private Employment Agencies
(68 IAC 680; 40 Ill Reg 16176) proposed 12/27/16

DEPT OF HEALTHCARE AND FAMILY SERVICES

Hospital Services (89 IAC 148; 41 Ill Reg 11508) proposed 9/15/17

Joint Committee on Administrative Rules

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Representative Peter Breen

Senator Karen McConnaughay

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**Vicki Thomas
Executive Director**