

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

DRIVERS' LICENSES

The SECRETARY OF STATE proposed an amendment to Issuance of Licenses (92 IAC 1030; 48 Ill Reg 14087) implementing Public Act 103-933. The PA and this rulemaking authorize SOS to place a Gold Star Family designation on the driver's licenses or ID cards of qualifying individuals who request the designation. A surviving widow/widower, parent, child (biological or adopted), stepchild, brother, sister, half-brother or half-sister of a person who lost their life while serving in the U.S. Armed Forces in peacetime or war may request this designation. The request form must include the deceased service member's name, date of birth, date of death, and branch of service. The applicant must sign the form under penalty of perjury stating that they are eligible for the Gold Star designation. No fee will be charged for this designation, but other fees such as the

regular license/ID renewal fee will apply.

Questions/requests for copies/comments through 11/12/24: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

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DOC MAIL

The DEPARTMENT OF CORRECTIONS proposed an amendment to the Part titled Rights and Privileges (20 IAC 525; 48 Ill Reg 14067) allowing appeals of decisions by corrections facility officials to prohibit a committed person from receiving certain items or portions of incoming mail. The sender must be notified of the proposed decision, the reasons for this decision, and of their right to appeal. Sender

appeals must be submitted within 21 days after receiving notification. The Chief Administrative Officer of the facility or their designee must make a final decision and notify the sender of the decision within 60 days after receiving an appeal from a sender. Committed persons who wish to appeal a decision to withhold mail may use the grievance procedures outlined in 20 IAC 504.

Questions/requests for copies/comments through 11/12/24: Glen Austin, DOC, 1301 Concordia Court, PO Box 19277, Springfield IL 62794, 217-786-6904, DOC.ProposedRulemaking@illinois.gov

▪ RADIATION EQUIPMENT

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY proposed

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.

PROPOSED RULEMAKINGS: Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.

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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

(cont. from page 1)

amendments to the Part titled Registration and Operator Requirements for Radiation Installations (32 IAC 320; 48 Ill Reg 14073) that: include a Purpose and Scope section to clarify that all locations or facilities with machines producing ionizing radiation are regulated under this Part; add relevant definitions; add provisions for radiation machines brought to Illinois temporarily (no more than 180 days per year) from out of State; and align technology of radiation machines and their associated radiation hazards with the annual registration fees (which are unchanged). Radiation installations must ensure their registration is updated prior to the annual billing of fees. The Agency is

also exempting from registration requirements any machines that are provided only for temporary use or that have been claimed by a financial institution in a bankruptcy, foreclosure or other legal process. Businesses that operate regulated radiation machines are affected.

Questions/requests for copies/comments through 11/12/24: Traci Burton, IEMA-OHS, 1035 Outer Park Drive, Springfield IL 62704, 217-785-9860, Traci.Burton@illinois.gov

UNIVERSITY EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM proposed amendments to the Part titled State Universities Civil Service System (80 IAC 250; 48 Ill Reg 14096) that add definitions of "Audit Charter" (document adopted by the SUCSS Merit Board on 8/17/16, and any later amendments, that establishes SUCSS'

authority to conduct audits) and "Notice of Convening of Hearing" (notice to parties of record in matters of discharge or demotion of the date, time and place of the hearing) and amend the definition of "Employer" to include places of employment approved by the Merit Board. Other provisions require that the Executive Director be notified within 3 working days of any notice of layoff or suspension of an employee; clarify other discharge procedures; and clarify how a Designated Employer Representative (DER) is appointed or replaced, or grants or withdraws signature authorization to a designee.

Questions/requests for copies/comments through 11/12/24: Nicholas Nedeau, SUCSS, 1717 Philo Road, Suite 24, Urbana IL 61802, 217-305-6606, rulemaking@sucss.illinois.gov

Adopted Rules

▪ UNCLAIMED PROPERTY

The OFFICE OF THE TREASURER adopted amendments to the Part titled Revised Uniform Unclaimed Property Act (74 IAC 760; proposed at 48 Ill Reg 8047) effective 9/10/24 at 48 Ill Reg 14162, implementing PA 103-148, which requires enhanced outreach efforts by the State Treasurer for unclaimed property where the apparent owner is a State agency or a unit of local government. Claim forms for property worth more than \$5,000 (previously, \$2,000) must be either notarized or completed electronically at the Treasurer's website under penalty of perjury. (Formerly, only notarized claim forms were accepted.) The Treasurer may, however, require a notarized signature for claims submitted via the website if needed to establish ownership of the property. The PA and the rulemaking also include as unclaimed property reportable to the State Treasurer missing heir funds and property tax overpayments currently reported to county treasurers. Other provisions address virtual currency that cannot be liquidated, owner interest, reporting, filing of claims, securities, and examinations. Small businesses and small municipalities with unclaimed property are affected.

Questions/requests for copies: Sara Meek, Office of the Treasurer, 219 State House, Springfield IL 62706, 217-836-0030, fax 217-782-2777, SMeek@illinoistreasurer.gov

▪ DENTISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Illinois Dental Practice Act (68 IAC 1220; proposed at 47 Ill Reg 17316), effective 9/10/24 at 48 Ill Reg 14138, that add provisions for a specialty in dental anesthesiology (in addition to existing specialties such as pediatric dentistry, periodontics, and orthodontics) and requirements for licensure in that specialty. The rulemaking also updates references to standardized licensure examinations and accepts advanced clinical training in pediatric dentistry, periodontics, endodontics, orthodontics, and oral/maxillofacial surgery (formerly, only prosthodontics) toward licensure of graduates from dental schools outside of the U.S. or Canada. Since 1st Notice, DFPR has removed all proposed amendments to Sec. 1220.510 concerning moderate (conscious) sedation permits and has clarified how previous residency requirements (in effect prior to 7/1/93

and 7/1/18) apply to dental anesthesiologists. Dentists and dental students are affected by this rulemaking.

▪ ELECTROLOGISTS

DFPR also adopted amendments to the Part titled Electrologist Licensing Act (68 IAC 1246; proposed at 48 Ill Reg 6718) effective 9/10/24 at 48 Ill Reg 14154, that allow continuing education courses to be offered by any electrology school approved by the Board of Higher Education, which recently added two new schools to its list. Other provisions remove the fee for a wall certificate showing licensure and update incorporations by reference for sterilization/sanitation standards and standards of professional conduct. Electrologists (persons who perform hair removal by electrolysis) and their employers are affected.

Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 West Washington, 2nd Floor, Springfield, IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

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 October 1, 2024 meeting in Chicago. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Medical Practice Act of 1987 (68 IAC 1285; 47 Ill Reg 18265) proposed 12/15/23

IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 47 Ill Reg 19279) proposed 12/29/23

DEPT OF PUBLIC HEALTH

Underserved Health Care Provider Workforce Code (77 IAC 590; 48 Ill Reg 10791) proposed 7/26/24

Next JCAR Meeting: Tuesday, Oct. 1, 11 a.m.

Room C-600, Bilandic Building, 160 N. LaSalle St., Chicago

Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair

Senator Cristina Castro

Senator Donald DeWitte

Senator Dale Fowler

Senator Napoleon Harris, III

Senator Sue Rezin

Representative Ryan Spain, Co-Chair

Representative Eva-Dina Delgado

Representative Jackie Haas

Representative Steven Reick

Representative Curtis Tarver, II

Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

700 Stratton Office Building, Springfield IL 62706

217-785-2254 ■ jcar@ilga.gov