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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

## ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2019

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 26, 2018	January 4, 2019
2	December 31, 2018	January 11, 2019
3	January 7, 2019	January 18, 2019
4	January 14, 2019	January 25, 2019
5	January 22, 2019	February 1, 2019
6	January 28, 2019	February 8, 2019
7	February 4, 2019	February 15, 2019
8	February 11, 2019	February 22, 2019
9	February 19, 2019	March 1, 2019
10	February 25, 2019	March 8, 2019
11	March 4, 2019	March 15, 2019
12	March 11, 2019	March 22, 2019
13	March 18, 2019	March 29, 2019
14	March 25, 2019	April 5, 2019
15	April 1, 2019	April 12, 2019
16	April 8, 2019	April 19, 2019
17	April 15, 2019	April 26, 2019
18	April 22, 2019	May 3, 2019
19	April 29, 2019	May 10, 2019
20	May 6, 2019	May 17, 2019
21	May 13, 2019	May 24, 2019

22	May 20, 2019	May 31, 2019
23	May 28, 2019	June 7, 2019
24	June 3, 2019	June 14, 2019
25	June 10, 2019	June 21, 2019
26	June 17, 2019	June 28, 2019
27	June 24, 2019	July 5, 2019
28	July 1, 2019	July 12, 2019
29	July 8, 2019	July 19, 2019
30	July 15, 2019	July 26, 2019
31	July 22, 2019	August 2, 2019
32	July 29, 2019	August 9, 2019
33	August 5, 2019	August 16, 2019
34	August 12, 2019	August 23, 2019
35	August 19, 2019	August 30, 2019
36	August 26, 2019	September 6, 2019
37	September 3, 2019	September 13, 2019
38	September 9, 2019	September 20, 2019
39	September 16, 2019	September 27, 2019
40	September 23, 2019	October 4, 2019
41	September 30, 2019	October 11, 2019
42	October 7, 2019	October 18, 2019
43	October 15, 2019	October 25, 2019
44	October 21, 2019	November 1, 2019
45	October 28, 2019	November 8, 2019
46	November 4, 2019	November 15, 2019
47	November 12, 2019	November 22, 2019
48	November 18, 2019	December 2, 2019
49	November 25, 2019	December 6, 2019
50	December 2, 2019	December 13, 2019
51	December 9, 2019	December 20, 2019
52	December 16, 2019	December 27, 2019

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Competition Reporting
- 2) Code Citation: 83 Ill. Adm. Code 793
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
793.10	Repealed
793.20	Repealed
793.30	Repealed
793.40	Repealed
793.60	Repealed
793.70	Repealed
793.80	Repealed
- 4) Statutory Authority: Implementing Section 13-407 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-407 and 10-101].
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking would repeal the entire Part, which requires entities to make annual reports to the agency about telecommunications services; the agency compiles that information for use in an annual report on State telecommunications markets. These reporting obligations, both by the entities subject to Part 793 and also by the Commission, are found in Section 13-407 of the Public Utilities Act. That section has now been repealed, however, by PA 100-840, effective August 13, 2018. With the repeal of the statute that underlies the Part, it is now appropriate to repeal the associated rules.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 19-0696 with:

Elizabeth Rolando, Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: Small businesses will be positively affected by the repeal of this Part.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

The full text of the Proposed Repealer begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIESPART 793  
COMPETITION REPORTING (REPEALED)

## Section

793.10	Annual Competition Reports
793.20	Definitions
793.30	Annual Competition Report Forms
793.40	Information to be Reported by Local Exchange Service Providers
793.60	Information to be Reported by Registered Interconnected VoIP Service Providers
793.70	Confidentiality
793.80	Waiver from 83 Ill. Adm. Code 725.400(f)

AUTHORITY: Implementing Section 13-407 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-407 and 10-101].

SOURCE: Adopted at 36 Ill. Reg. 15100, effective October 1, 2012; repealed at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 793.10 Annual Competition Reports**

Pursuant to Section 13-407 of the Public Utilities Act [220 ILCS 5/13-407], all telecommunications carriers, as defined in Section 13-202 of the Act, certified to provide local exchange service by the Illinois Commerce Commission (Commission) under Sections 13-401, 13-404 and/or 13-405 of the Act and all interconnected voice over Internet protocol providers, as defined in Section 13-235 of the Act, registered by the Commission under Section 13-401.1 of the Act shall report telecommunications and interconnected voice over Internet protocol (VoIP) service information to the Commission. The information shall be reported on a calendar year basis, with each calendar year beginning on January 1 and ending on December 31 of that year. Reports shall be submitted for each calendar year by April 1 of the following year.

**Section 793.20 Definitions**

As used in this Part, the following terms shall have these definitions:

"Access line" means the connecting facility between a customer's premises

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## NOTICE OF PROPOSED REPEALER

network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange telecommunications service. This includes the network interface or equivalent, the outside plant facilities, the office frame and frame wiring and the office line termination.

"Act" means the Public Utilities Act [220 ILCS 5].

"Business end user" means

an end user engaged primarily or substantially in a paid commercial, professional or institutional activity;

an end user provided telecommunications service or interconnected VoIP service in a commercial, professional or institutional location, or other location serving primarily or substantially as a site of an activity for pay;

an end user whose telecommunications or VoIP service is listed as the principal or only number for a business in any yellow pages directory; or

an end user whose telecommunications or interconnected VoIP service is used to conduct promotions, solicitations or market research for which compensation or reimbursement is paid or provided; however, use of telecommunications service or interconnected VoIP service, without compensation or reimbursement, for a charitable or civic purpose shall not constitute business use of a telecommunications or interconnected VoIP service.

"End user" means any person, corporation, partnership, firm, municipality, cooperative, organization, governmental agency, building owner, or other entity provided with a telecommunications or interconnected VoIP service for its own consumption and not for resale. Notwithstanding the above, end users should include agents of telecommunications or interconnected VoIP providers that provide service under traditional marketing arrangements. For example, include as end users shared tenant service providers.

"Exchange" has the same meaning as exchange as defined in Section 13-206 of the Act.

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"Fixed or non-nomadic interconnected VoIP service" means an interconnected voice over Internet protocol service intended to be used at a fixed service location via a fixed broadband connection.

"Incumbent local exchange carrier" has the same meaning as incumbent local exchange carrier as defined in Section 13-202.5 of the Act.

"Interconnected voice over Internet protocol service" or "interconnected VoIP service" has the same meaning as Interconnected voice over Internet protocol service as defined in Section 13-234 of the Act.

"Local exchange service" has the same meaning as local exchange telecommunications service as defined in Section 13-204 of the Act.

"Local Access and Transport Area" or "LATA" has the same meaning that term is assigned in Section 13-207 of the Act.

"Residential end user" means an end user other than a business end user.

"Retail telecommunications service" means a telecommunications service sold to an end user. Retail telecommunications service does not include a telecommunications service provided by a telecommunications carrier to a telecommunications carrier, including to itself, as a component of, or for the provision of, telecommunications service. A business retail telecommunications service is a retail telecommunications service provided to a business end user. A residential retail telecommunications service is a retail telecommunications service provided to a residential end user.

"Voice grade equivalent lines" means a count of the maximum number of local exchange calls that the end user may simultaneously have active, under the terms of the service agreements with the end user. Counted as one voice grade equivalent line shall be: traditional analog POTS lines Centrex-CO extensions and Centrex-CU trunks. Lines shall be counted based on how they are charged, rather than how they are physically provisioned. That is, when a customer is charged for channelized service, the number of activated, charged-for channels shall be reported, rather than the theoretical capacity of the line.

EXAMPLES: Count Basic Rate Integrated (BRI) Services Digital Network (ISDN) lines as 2 voice grade equivalent lines. Count fully

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channelized Primary Rate Interface (PRI) circuits (including PRIs that are used exclusively to provide local connectivity to "dial up" ISPs) as 23 voice grade equivalent lines. Report, for example, 8 voice grade equivalent lines if a customer is charged for 8 trunks that happen to be provisioned over a DS1 circuit. If a customer is charged for a fully-channelized DS1 circuit, however, report 24 voice grade equivalent lines.

"Voice grade equivalent subscriptions" means a count of the maximum number of interconnected VoIP calls that the end user may have active at the same time. If the retail customer purchases services that allow more than one interconnected VoIP call to be made from the customer's physical location at the same time, the maximum number of interconnected VoIP calls that the customer may have active at the same time shall be counted. In the case of a business retail customer that purchases services under a service agreement or agreements, the maximum number of interconnected VoIP calls that the customer may have active at the same time under the terms of the service agreement shall be counted.

**Section 793.30 Annual Competition Report Forms**

The Commission shall notify entities certified to provide local exchange service by the Commission under Sections 13-401, 13-404, and/or 13-405 of the Act and interconnected VoIP providers registered under Section 13-401.1 of the Act by United States mail in December of each calendar year that the annual report specified in this Part shall be submitted to the Commission along with instructions on how to submit the report. Reports shall be submitted electronically at the Commission website identified in the notice and completed in accordance with the instructions located at the website, unless a provider requests an alternative method of filing and/or completing the submission and is given express written consent from the Director of the Policy Division of the Commission to use an alternative methodology. Reporting entities shall provide separate reports for incumbent local exchange carrier, non-incumbent local exchange carrier, and interconnected VoIP provider operations.

**Section 793.40 Information to be Reported by Local Exchange Service Providers**

Reports for entities certified to provide local exchange service by the Commission under Sections 13-401, 13-404 and/or 13-405 of the Act shall:

- a) Identify the name, including any assumed name (doing business as or d/b/a), of the reporting entity. The name and d/b/as reported must match the name and d/b/as reflected in the entity's local exchange service certification.

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- b) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for ongoing communications regarding the reported information.
- c) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for general ongoing communications with Commission Staff.
- d) Identify the type of entity filing, specifying in particular:
  - 1) that the entity filing is certified to provide local exchange service by the Commission under Sections 13-401, 13-404 and/or 13-405 of the Act; and
  - 2) whether the entity filing the report is an incumbent local exchange carrier or a competitive local exchange carrier.
- e) Identify whether the entity filing is affiliated with any other entity or entities required to file information pursuant to this Part and include the name of each entity as reflected in the affiliated entity's local exchange service certification and/or interconnected VoIP service provider registration.
- f) Identify the website address at which its tariffs are, pursuant to Section 13-503 of the Act, electronically available to the public.
- g) Identify every exchange within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period.
- h) Identify every exchange within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period.
- i) Identify the number of retail, residential, local exchange service, and voice grade equivalent lines provided to end users using access lines owned by the providing entity as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the

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number of such lines within the incumbent local exchange carrier's incumbent service area and the number of such lines outside the incumbent local exchange carrier's incumbent service area separately.

- j) Identify the number of retail, residential, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines leased from an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- k) Identify the number of retail, residential, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained as part of a service resale agreement with an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- l) Identify the number of retail, residential, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained from a non-incumbent local exchange carrier through any means (e.g., lease, resale) as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to residential end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- m) Identify the number of retail, business, local exchange service voice grade equivalent lines provided to end users using access lines owned by the providing

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entity as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.

- n) Identify the number of retail, business, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines leased from an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- o) Identify the number of retail, business, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained as part of a service resale agreement from an incumbent local exchange carrier as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.
- p) Identify the number of retail, business, local exchange service and voice grade equivalent lines provided to end users by the providing entity using access lines obtained from a non-incumbent local exchange carrier through any means (e.g., lease, resale) as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered retail local exchange service to business end users on December 31 of the reporting period. Non-incumbent local exchange carriers with affiliates that are incumbent local exchange carriers shall report the number of lines within the incumbent local exchange carrier's incumbent service

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area and the number of lines outside the incumbent local exchange carrier's incumbent service area separately.

- q) For providers of 9-1-1 database systems include the number of residential 9-1-1 listings in Illinois, excluding mobile wireless 9-1-1 listings, by Numbering Plan Area-Central Office Code (NPA-NXX) and by telecommunications provider, for all NPA-NXXs and telecommunications providers contained in the database on December 31 of the reporting period.

**Section 793.60 Information to be Reported by Registered Interconnected VoIP Service Providers**

Reports for fixed or non-nomadic interconnected VoIP providers registered under Section 13-401.1 of the Act shall:

- a) Identify the name, including any assumed name (doing business as or d/b/a), of the reporting entity. The name and d/b/as reported must match the name and d/b/as reflected in the entity's interconnected VoIP service provider registration.
- b) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for ongoing communications regarding the reported information.
- c) Include contact information, including telephone numbers, mailing addresses and, when available, e-mail addresses, for persons responsible for general ongoing communications with Commission Staff.
- d) Identify the type of entity filing, specifying in particular that the entity filing is an interconnected VoIP provider registered under Section 13-401.1 of the Act [220 ILCS 5/13-401.1].
- e) Identify whether the entity filing is affiliated with any other entity or entities required to file information pursuant to this Part and include the name of each entity as reflected in the affiliated entity's local exchange service certification and/or interconnected VoIP service provider registration.
- f) Identify every exchange within Illinois where the reporting entity offered fixed or non-nomadic interconnected VoIP service to residential end users. If the entity does not maintain this information by exchange, the entity may, after providing

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advance notice to the Director of the Policy Division of the Commission, provide the information by wire center or zip code.

- g) Identify every exchange within Illinois where the reporting entity offered fixed or non-nomadic interconnected VoIP service to business end users. If the entity does not maintain this information by exchange, the entity may, after providing advance notice to the Director of the Policy Division of the Commission, provide the information by wire center or zip code.
- h) Identify the number of residential, fixed or non-nomadic interconnected VoIP service voice grade equivalent subscriptions as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered interconnected voice VoIP service on December 31 of the reporting period. If the entity does not maintain such information by LATA, the entity may, after providing notice to the Director of the Policy Division of the Commission, provide the information by exchange, wire center or zip code. Interconnected voice VoIP providers with affiliates that are incumbent local exchange carriers shall report the number of subscriptions within the incumbent local exchange carrier's incumbent service area and the number of subscriptions outside the incumbent local exchange carrier's incumbent service area separately.
- i) Identify the number of voice grade equivalent, business, fixed or non-nomadic interconnected VoIP service voice grade equivalent subscriptions as of December 31 of the reporting period for every LATA within Illinois where the reporting entity offered interconnected VoIP service on December 31 of the reporting period. If the entity does not maintain this information by LATA, the entity may, after providing notice to the Director of the Policy Division of the Commission, provide the information by exchange, wire center or zip code. Interconnected VoIP providers with affiliates that are incumbent local exchange carriers shall report the number of subscriptions within the incumbent local exchange carrier's incumbent service area and the number of subscriptions outside the incumbent local exchange carrier's incumbent service area separately.

**Section 793.70 Confidentiality**

- a) A reporting entity may designate information submitted pursuant to this Part as confidential or proprietary provided that the entity clearly identifies the information for which confidential or proprietary designation is sought and provides the reasons that designation is necessary. The Commission shall provide

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adequate protection to this information pursuant to Section 4-404 of the Act. If the Commission or other party seeks public disclosure of information designated as confidential or proprietary, the Commission shall consider this designation in a docketed proceeding under the Commission's Rules of Practice (83 Ill. Adm. Code 200), and the burden of proof to demonstrate that the designated information is confidential shall be upon the provider. Designated information shall remain confidential pending the Commission's determination of whether the information is entitled to confidential treatment. Information designated as confidential shall be provided to the Attorney General pursuant to Section 6.5 of the Attorney General Act [15 ILCS 205/6.5]. Information designated as confidential under this Section or determined to be confidential upon Commission review shall only be disclosed pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act [5 ILCS 140].

- b) Subscribership and 9-1-1 listing information at the reporting entity level, reported pursuant to Section 793.50(i) through (q) and Section 793.60(h) and (i) shall be considered confidential and shall only be disclosed pursuant to a valid and enforceable subpoena or court order or as required by the Freedom of Information Act. Subscribership information reported pursuant to this Part may, however, be aggregated (e.g., according to carrier class and/or technology) and reported publicly, provided that subscribership information specific to each reporting entity is not disclosed or discernible from the information reported to the public.

**Section 793.80 Waiver from 83 Ill. Adm. Code 725.400(f)**

For providers of 9-1-1 database services that are required to provide information from 9-1-1 databases pursuant to this Part, the Commission waives compliance with 83 Ill. Adm. Code 725.400(f) for the limited purpose of allowing providers of 9-1-1 database services to comply with the reporting requirements of this Part.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: General Grantmaking (IEMA)
- 2) Code Citation: 44 Ill. Adm. Code 7030
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
7030.10	New Section
7030.20	New Section
7030.30	New Section
7030.40	New Section
7030.50	New Section
- 4) Statutory Authority: Implementing and authorized by Section 50(a) of the Grant Accountability and Transparency Act [30 ILCS 708/50(a)].
- 5) A Complete Description of the Subjects and Issues Involved: As required by Section 50(a) of the Grant Accountability and Transparency Act (GATA) and pursuant to 44 Illinois Administrative Code 7000.200(b), IEMA is proposing this rulemaking to adopt 2 CFR 200 subparts B through F.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: No
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The Agency is proposing this Part to meet the requirement of the Grant Accountability and Transparency Act that State agencies making State awards to non-federal entities must adopt by rule the language in 2 CFR 200.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may also be submitted in writing for a period of 45 days following publication of this Notice. The Agency will consider

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fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton  
Paralegal Assistant  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield IL 62704

217/785-9860

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect all small municipalities and not-for-profit corporations that receive grant funding from IEMA. Small businesses will not be affected as they do not receive grant funding from IEMA.
  - B) Reporting, bookkeeping or other procedures required for compliance: Grant recipients will be required to comply with 2 CFR 200 requirements regarding reporting, invoicing and audits.
  - C) Types of professional skills necessary for compliance: The services of an accounting firm may be required to meet audit standards under 2 CFR 200.
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

The full text of the Proposed Rules begins on the next page:

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED RULES

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING,  
PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE F: GRANTMAKING  
CHAPTER IV: ILLINOIS EMERGENCY MANAGEMENT AGENCYPART 7030  
GENERAL GRANTMAKING (IEMA)

Section	
7030.10	Scope
7030.20	Definitions
7030.30	Incorporations by Reference
7030.40	Grant Requirements
7030.50	Exceptions

AUTHORITY: Implementing and authorized by Section 50 of the Grant Accountability and Transparency Act [30 ILCS 708].

SOURCE: Adopted at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 7030.10 Scope**

This Part applies to all nonfederal entities that receive State and federal pass-through grant awards from the Agency. These requirements do not apply to private grant awards.

**Section 7030.20 Definitions**

"Agency" means the Illinois Emergency Management Agency.

"CFR" means Code of Federal Regulations.

"GATA" means the Grant Accountability and Transparency Act [30 ILCS 708/1 et seq.]

"GATU" means the Grant Accountability and Transparency Unit within the Illinois Governor's Office of Management and Budget.

**Section 7030.30 Incorporations by Reference**

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Copies of the rules that have been incorporated by reference in this Part are available on the Agency's website at <https://www2.illinois.gov/iema/laws/Pages/regs-GenAdmin.aspx> or from the Chief Accountability Officer at the Illinois Emergency Management Agency, 2200 South Dirksen Parkway, Springfield, Illinois 62703.

**Section 7030.40 Grant Requirements**

- a) Unless different provisions are required by law or an exception is granted by GATU in accordance with 44 Ill. Adm. Code 7000.60 or indicated in Section 7030.50, the following sections of 2 CFR 200 are applicable to all State and federal pass-through grants awarded by the Agency:
  - 1) Subpart B – General Provisions
  - 2) Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards
  - 3) Subpart D – Post-Federal Award Requirements
  - 4) Subpart E – Cost Principles
  - 5) Subpart F – Audit Requirements
  - 6) Appendices (applicable sections)
    - A) Appendix I Notice of Funding Opportunity (Except section E)
    - B) Appendix II Contract Provisions for Non-Federal Entity Contracts Under Federal Awards
    - C) Appendix III Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)
    - D) Appendix IV Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED RULES

- |    |               |   |
|----|---------------|---|
| E) | Appendix V    | State/Local Government-wide Central Service Cost Allocation Plans             |
| F) | Appendix VI   | Public Assistance Cost Allocation Plans                                       |
| G) | Appendix VII  | States and Local Government and Indian Tribe Indirect Cost Proposals          |
| H) | Appendix VIII | Nonprofit Organizations Exempted From Subpart E – Cost Principles of Part 200 |
| I) | Appendix IX   | Hospital Cost Principles  |
| J) | Appendix X    | Data Collection Form (Form SF-SAC)  |
| K) | Appendix XI   | Compliance Supplement   |
| L) | Appendix XII  | Award Term and Condition for Recipient Integrity and Performance Matters      |
- b) When applying 2 CFR 200 subparts D through F to State funded grants, the terminology equivalencies listed in 44 Ill. Adm. Code 7000.200(b)(1) shall be used.

**Section 7030.50 Exceptions**

- a) The following exceptions to 2 CFR 200 and GATA have been granted to the Agency by GATU:
- 1) Notice of Funding Opportunity (NOFO)
  - 2) Application
  - 3) Merit Based Review
  - 4) Use of the Uniform Intergovernmental Agreement in lieu of the complete Uniform Grant Agreement

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED RULES

- b) The exceptions identified in subsection (a) apply to the following Agency programs:
- 1) Public Assistance-Federal Disaster Assistance
  - 2) Flood Mitigation Assistance
  - 3) Hazard Mitigation Grant Program
  - 4) Pre-disaster Mitigation
  - 5) State Indoor Radon Grants
  - 6) State and Local Implementation Grant Program
  - 7) Interagency Hazardous Materials Public Sector Training & Planning Grants
  - 8) Nonprofit Security Grant Program
  - 9) Emergency Management Performance Grant
  - 10) Homeland Security Grant Program
  - 11) Radiological Emergency Preparedness
- c) The following Agency programs have been granted the exceptions identified in subsection (a) and also an exception to Indirect Cost Rates:
- 9/11 Fund Grants
- d) The following Agency programs are exempt from Uniform Guidance and GATA as granted by GATU:
- 1) Non-profit Security Grant Program
  - 2) Public Assistance Program

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED RULES

- 3) Individuals and Households Programs
- 4) Crisis Counseling Program
- e) All exceptions for Agency programs are recorded in the Catalog of State Financial Assistance (CFSA).
- f) The exceptions in this section have been granted by GATU for Agency grant programs. Requirements under State and federal law for those programs will be applicable in lieu of the excepted provisions.

## DEPARTMENT OF INSURANCE

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF THE  
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Workers' Compensation Electronic and Standardized Paper Billing
- 2) Code Citation: 50 Ill. Adm. Code 2908
- 3) Section Number: 2908.100                      Proposed Action:  
New Section
- 4) Date Notice of Proposed published in the *Illinois Register*: Amendments to this Part were published at 43 Ill. Reg. 960 (January 11, 2019); however, this Section was not published in the *Illinois Register*.
- 5) Date JCAR Statement of Objection published in the *Illinois Register*: 43 Ill. Reg. 7304; June 28, 2019
- 6) Summary of Action Taken by the Agency: The Department is modifying its rule to elaborate on the standards under which it will determine the amounts of fines assessed when an insurer, employer, or their agent does not comply with the regulatory requirements for the electronic claims acceptance and response process. The modifications establish an escalating system of flat fines that apply to all types of violations: \$300 for the first violation of any applicable requirement; \$700 for the second, identical violation; and \$1,000 for each additional, identical violation. The modified Section 2908.100 also clarifies how each violation is counted per medical bill and when two violations are "identical." Finally, the modified rule provides that a fine for a late payment violation will only be assessed once the payer has accrued one month of the interest penalty. The Department is not modifying Sections 2908.60 and 2908.70 because they do not contain provisions for administrative fines, which was the sole substantive concern in JCAR's Statement of Objection to Proposed Rulemaking. Communications with JCAR indicated that the inclusion of these Sections in the objection was likely due to clerical error.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Nurse Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1300
- 3) Section Number: 1300.430
- 4) Date Proposal published in *Illinois Register*: 42 Ill. Reg. 18179; October 12, 2018
- 5) Date Adoption published in *Illinois Register*: 43 Ill. Reg. 6924; June 14, 2019
- 6) Summary and Purpose of Expedited Correction: Section 1300.430(e) had been completely deleted in the proposed version of the rulemaking. After review of public comments for the rulemaking, the Department decided to accept a suggestion that subsection (e) be restored in part. However, in its First Notice Changes, the Department inadvertently restored the first two sentences of subsection (e), which it had intended to leave stricken. The Department is requesting an Expedited Correction to now strike those first two sentences.
- 7) Information and questions regarding this request shall be directed to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield IL 62786

217/785-0813  
fax: 217/557-4451

The full text of the Changes begins on the following page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

REQUEST FOR EXPEDITED CORRECTION

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300

NURSE PRACTICE ACT

SUBPART A: GENERAL PROVISIONS

Section	
1300.10	Definitions
1300.20	Nursing Delegation
1300.30	Fees
1300.40	Renewals
1300.50	Restoration
1300.60	Granting Variances
1300.70	Fines
1300.80	Public Access to Records and Meetings
1300.90	Unethical or Unprofessional Conduct
1300.100	Refusal to Issue a License Based on Criminal History Record
1300.110	Mandatory Reporting of Impaired Licensees
1300.120	Impaired Licensee – Disciplinary and Non-Disciplinary
1300.130	Continuing Education

SUBPART B: LICENSED PRACTICAL NURSE

Section	
1300.200	Application for Examination or Licensure
1300.210	LPN Licensure Examination
1300.220	LPN Licensure by Endorsement
1300.230	Approval of Programs
1300.240	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.250	LPN Scope of Practice
1300.260	Standards for Professional Conduct for LPNs

SUBPART C: REGISTERED NURSE

Section

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## REQUEST FOR EXPEDITED CORRECTION

- 1300.300 Application for Examination or Licensure
- 1300.310 RN Licensure Examination
- 1300.320 RN Licensure by Endorsement
- 1300.330 Nurse Externship
- 1300.340 Approval of Programs
- 1300.350 Standards of Professional Conduct for Registered Professional Nurses
- 1300.360 RN Scope of Practice
- 1300.370 Provision of Conscious Sedation by Registered Nurses in Ambulatory Surgical Treatment Centers

## SUBPART D: ADVANCED PRACTICE REGISTERED NURSE

## Section

- 1300.400 Application for Licensure
- 1300.410 Written Collaborative Agreements
- 1300.420 Collaboration and Consultation (Repealed)
- 1300.430 Written Collaborative Agreement – Prescriptive Authority
- 1300.440 APRN Scope of Practice
- 1300.450 Delivery of Anesthesia Services by a Certified Registered Nurse Anesthetist Outside a Hospital or Ambulatory Surgical Treatment Center
- 1300.460 Advanced Practice Registered Nursing in Hospitals or Ambulatory Surgical Treatment Centers
- 1300.465 Full Practice Authority
- 1300.466 Full Practice Authority Dispensing
- 1300.470 Advertising
- 1300.480 Reports Relating to APRN Professional Conduct and Capacity

## SUBPART E: MEDICATION AIDE

- 1300.600 Pilot Program
- 1300.610 Application for Examination or Licensure as a Medication Aide
- 1300.620 Medication Aide Licensure Examination
- 1300.630 Qualified Employers and Facilities
- 1300.640 Standards for Termination
- 1300.650 Site Visits
- 1300.660 Approved Curriculum
- 1300.670 Medication Aide Scope of Practice
- 1300.680 Required Reports of Qualified Facilities

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## REQUEST FOR EXPEDITED CORRECTION

- 1300.APPENDIX A Additional Certifications Accepted for Licensure as an Advanced Practice Nurse (Repealed)
- 1300.EXHIBIT A Sample Written Collaborative Agreement

**AUTHORITY:** Implementing the Nurse Practice Act [225 ILCS 65] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

**SOURCE:** Adopted at 34 Ill. Reg. 14012, effective September 17, 2010; amended at 37 Ill. Reg. 9467, effective July 5, 2013; amended at 38 Ill. Reg. 15988, effective August 1, 2014; amended at 39 Ill. Reg. 15764, effective November 24, 2015; Subpart D recodified at 42 Ill. Reg. 17955; amended at 43 Ill. Reg. 6924, effective June 14, 2019; expedited correction at 43 Ill. Reg. \_\_\_\_\_, effective June 14, 2019.

## SUBPART D: ADVANCED PRACTICE REGISTERED NURSE

**Section 1300.430 Written Collaborative Agreement – Prescriptive Authority**

- a) A collaborating physician or podiatric physician who delegates prescriptive authority to an advanced practice registered nurse shall include that delegation in the written collaborative agreement. This authority may include prescription of, selection of, orders for, administration of, storage of, acceptance of samples of, and dispensing over the counter medications, legend drugs, medical gases, and controlled substances categorized as any Schedule III through V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, and other preparations, including, but not limited to, botanical and herbal remedies. The collaborating physician or podiatric physician must have a valid current Illinois controlled substances license and federal registration to delegate authority to prescribe delegated controlled substances.
- b) Pursuant to Section 65-40(d) of the Act, a collaborating physician may, but is not required to, delegate authority to an advanced practice registered nurse to prescribe any Schedule II controlled substances by oral dosage or topical or transdermal application if all the following conditions apply:
  - 1) The delegated Schedule II controlled substance is specifically identified by either brand name or generic name. *For the purposes of this Section* generic substitution pursuant to Section 25 of the Pharmacy Practice Act [225 ILCS 85] shall be allowed under this Section when not prohibited by

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## REQUEST FOR EXPEDITED CORRECTION

a prescriber's indication on the prescription that the pharmacist "may not substitute".

- 2) The delegated Schedule II controlled substances are routinely prescribed by the collaborating physician or podiatric physician.
  - 3) Any Schedule II controlled substance prescription must be limited to no more than a 30-day supply, with any continuation authorized only after prior approval of the collaborating physician or podiatric physician.
  - 4) *The advanced practice registered nurse must discuss the condition of any patients for whom a Schedule II controlled substance is prescribed monthly with the delegating physician or podiatric physician.*
  - 5) The advanced practice registered nurse meets the education requirements of Section 303.05 of the Illinois Controlled Substances Act [720 ILCS 570].
- c) An APRN who has been given controlled substances prescriptive authority shall be required to obtain an Illinois mid-level practitioner controlled substances license in accordance with 77 Ill. Adm. Code 3100. The physician or podiatric physician shall file a notice of delegation of prescriptive authority with the Division and the Prescription Monitoring Program. The delegation of authority form shall be submitted to the Division and the Prescription Monitoring Program prior to the issuance of a mid-level controlled substances license.
  - d) The APRN may only prescribe and dispense Schedule II controlled substances that the collaborating physician or podiatric physician prescribes. Licensed dentists may not delegate prescriptive authority.
  - e) ~~All prescriptions written and signed by an advanced practice nurse shall indicate the name of the collaborating physician or podiatric physician. The collaborating physician's or podiatric physician's signature is not required.~~ The APRN nurse shall sign his/her own name when writing and signing prescriptions. The collaborating physician's or podiatric physician's signature is not required.
  - f) An APRN may receive and dispense samples per the collaborative agreement.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## REQUEST FOR EXPEDITED CORRECTION

- g) Medication orders shall be reviewed periodically by the collaborating physician or podiatric physician.
- h) Nothing in this Section shall be construed to apply to an APRN granted full practice authority pursuant to Section 65-43.
- i) Nothing in this Section shall apply to any prescribing authority, including Schedule II controlled substances, of an APRN providing care in a hospital, hospital affiliate, or ambulatory surgical treatment center (see Section 65-45 of the Act).

(Source: Amended at 43 Ill. Reg. 6924, effective June 14, 2019; expedited correction at 43 Ill. Reg. \_\_\_\_\_, effective June 14, 2019)

## CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

## NOTICE OF PUBLIC INFORMATION

AMENDED NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION  
OF PROCUREMENT CODE

This notice amends and supersedes the Notice of Campaign Contribution Violation of Procurement Code dated May 3, 2019, which was published in the *Illinois Register* at Volume 43, Issue 18, pages 5141 to 5142.

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with state contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed are to be published in the *Illinois Register*.
2. Name of Contributor: Mr. Daniel Levin, an affiliated person of The Habitat Company LLC; Ms. Frederique "Fay" Hartog-Levin, an affiliated person of The Habitat Company LLC.
3. Date of Violation: Mr. Daniel Levin - August 10, 2018; March 14, 2018; March 6, 2018; February 27, 2018; February 9, 2018; December 1, 2017.  
Ms. Frederique Hartog-Levin – December 1, 2017; September 30, 2014; June 28, 2013.
4. Description of Violation: On August 10, 2018 (original notice erroneously stated August 20, 2018) Mr. Daniel Levin, an affiliated person of the business entity The Habitat Company LLC, made a contribution of \$5000.00 to the JB for Governor campaign, a campaign committee established to support the election of JB Pritzker to public office. Mr. Daniel Levin also made contributions to the Kennedy for Illinois campaign on March 14, 2018 for \$10,000, on March 6, 2018 for \$20,000, on February 27, 2018 (original notice erroneously stated February 21, 2018) for \$50,000; on February 9, 2018 for \$50,000 and on December 1, 2017 for \$25,000. Ms. Frederique Hartog-Levin, an affiliated person of The Habitat Company LLC, made a contribution to the Kennedy for Illinois campaign on December 1, 2017 for \$25,000; to the Taxpayers for Quinn campaign on September 30, 2014 for \$5000; and also on June 28, 2013 (original notice erroneously stated September 30, 2014) to the Sheila Simon for Illinois Campaign for \$500.

## CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

## NOTICE OF PUBLIC INFORMATION

5. Summary of Action Taken by the Agency: The second sentence of Section 50-37(d) provides that State contracts with a business entity that violates the campaign contribution prohibition three or more times in a 36-month period shall be void and that the business entity shall not bid or respond to any invitation to bid or request for proposals from any State agency or otherwise enter into any contract with any State agency for three years from the date of the last violation. The Chief Procurement Officer for General Services notified The Habitat Company, LLC of the violations identified in paragraph 4 above and issued a decision prohibiting the company from responding to State solicitations or entering into contracts with State agencies for a period of 36 months. The Circuit Court of Cook County vacated this decision, holding that the second sentence of Section 50-37(d) applies only where it is the business entity itself that violated the Procurement Code three times, and not affiliated persons or affiliated entities. The Court found that because the business entity, The Habitat Company LLC, made no campaign contributions, it did not violate Section 50-37 of the Illinois Procurement Code. However, as required by Section 50-37(e) of the Procurement Code, the JB for Governor campaign, the Kennedy for Illinois campaign, Taxpayers for Quinn campaign, and Sheila Simon for Illinois campaign are required to pay to the State an amount equal to the value of the contributions made to each of the campaigns within 30 days of the publication of this notice.

The original notice erroneously mentioned a vendor, FDC and its affiliated person, Mr. Meeks, as having made a campaign contribution to Brady for Senate and called for the campaign to pay an amount equal to the contribution to the State.

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 43, Issue 30 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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**REQUEST FOR EXPEDITED  
CORRECTION**

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