

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. DON HARMON

CO-CHAIR:
REP. KEITH WHEELER

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SEN. TONY MUÑOZ
SEN. SUE REZIN
SEN. PAUL SCHIMPF
SEN. CHUCK WEAVER
REP. TOM DEMMER
REP. MIKE HALPIN
REP. FRANCES HURLEY
REP. STEVEN REICK
REP. ANDRÉ THAPEDI

MINUTES

October 8, 2019

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, October 8, 2019 at 11:00 a.m. in Room C600 of the Michael A. Bilandic Building, Chicago IL. Co-Chair Wheeler called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

X Senator Don Harmon	X Representative Tom Demmer
Senator Kimberly Lightford	X Representative Mike Halpin
X Senator Tony Muñoz	X Representative Frances Hurley
X Senator Sue Rezin	X Representative Steven Reick
X Senator Paul Schimpf	Representative André Thapedi
X Senator Chuck Weaver	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE SEPTEMBER 17, 2019 MEETING

Rep. Demmer moved, seconded by Sen. Muñoz, that the minutes of the September 17, 2019 meeting be approved. The motion passed unanimously (10-0-0).

REVIEW OF AGENCY RULEMAKINGS

Secretary of State – Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040; 43 Ill. Reg. 6246)

Sen. Rezin moved, seconded by Rep. Reick, that JCAR, with the concurrence of the Office of the Secretary of State, extend the 2nd Notice for this rulemaking for an additional 45 days. The motion passed unanimously (10-0-0).

AGENCY RESPONSE

Illinois Commerce Commission – Certification of Alternative Retail Electric Suppliers (83 Ill. Adm. Code 451; 42 Ill. Reg. 21556)

Due to the appropriateness of the agency's response, no further action was taken.

CONSIDERATION OF OTHER RULEMAKINGS/ISSUES

Department of Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 43 Ill. Reg. 5143)

Sen. Schimpf moved, seconded by Sen. Weaver, that JCAR object to and prohibit filing of this rulemaking because HFS did not cite specific statutory authority for Medicaid/medical assistance coverage of gender-affirming surgery, hormone treatment and other related procedures. The General Assembly did not approve any statutory mandate or authorization for this coverage. Also, with regard to conditions other than gender dysphoria, HFS ordinarily does not pay for cosmetic medical or surgical procedures if the projected results do not relieve a physical or functional handicap (89 Ill. Adm. Code 140.412(l)). Finally, HFS' policy with regard to coverage of gender-affirming treatment for patients under age 21 is based on a subjective interpretation of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) provisions of federal Medicaid law. JCAR finds that this rulemaking constitutes a threat to the public interest.

PROHIBITION ROLL CALL

N	Senator Don Harmon	Y	Representative Tom Demmer
A	Senator Kimberly Lightford	N	Representative Mike Halpin
N	Senator Tony Muñoz	N	Representative Frances Hurley
Y	Senator Sue Rezin	Y	Representative Steven Reick
Y	Senator Paul Schimpf	A	Representative André Thapedi
Y	Senator Chuck Weaver	Y	Representative Keith Wheeler

The motion failed on a 6-4-0-2 vote (8 votes are required for a Prohibition). The rule was returned to the No Objection List.

Illinois Gaming Board – Video Gaming (General) (11 Ill. Adm. Code 1800; 43 Ill. Reg. 9788) (Emergency)

Co-Chair Harmon moved, seconded by Rep. Demmer, that JCAR recommend that the agency not continue to invoke Section 78 of the Video Gaming Act [230 ILCS 40] as its authority for adopting emergency amendments. Section 78 granted automatic emergency rulemaking authority for initial adoption of this Part, not later amendments. The agency should have validated this use of emergency rulemaking on this rulemaking's own merits. The motion passed unanimously (10-0-0).

CERTIFICATION OF NO OBJECTION

Sen. Rezin moved, seconded by Rep. Hurley, that the Committee inform the agencies to whose rulemakings the Committee has not voted an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (10-0-0).

ANNOUNCEMENT OF NOVEMBER MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting is scheduled for Tuesday, November 12, 2019, in Room C-1 of the Stratton Office Building, Springfield IL at 10:30 a.m.

ADJOURNMENT

Co-Chair Harmon moved, seconded by Rep. Reick, that the meeting stand adjourned. The motion passed unanimously (10-0-0).

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