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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.*

## Emergency Rules

### ■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 42 Ill Reg 13898), effective 7/1/18 for a maximum of 150 days, updating Child Care Assistance Program (CCAP) income eligibility criteria to align with the most recent Federal Poverty Level figures. A companion proposed amendment appears in the *Illinois Register* at 42 Ill Reg 13430. The statutory eligibility threshold of 185% of FPL is implemented based on family size, with gross monthly income limits ranging from \$2,538 for a family of 2 to \$7,866 for a family of 10. Required co-payments (ranging from \$2 to \$393 per month for a family of 4) are also revised based on the new income limits. Child care providers may be affected by this emergency rule.

Questions/requests for copies/ comments on the proposed rulemaking through 8/27/18: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

### HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted 5 emergency amendments, effective 7/2/18 for a maximum of 150 days, to the following Parts: Medical Payment (89 IAC 140; 42 Ill Reg 13688), Specialized Health Care Delivery Systems (89 IAC 146; 42 Ill Reg 13733), Hospital Services (89 IAC 148; 42 Ill Reg 13740), Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 IAC 149; 42 Ill Reg 13876) and Hospital Reimbursement Changes (89 IAC 152; 42 Ill Reg 13890). Identical

## New Rules

### ■ ETHICS

The EXECUTIVE ETHICS COMMISSION adopted amendments to Organization, Information, Rulemaking and Hearings (2 IAC 1620; 42 Ill Reg 4622), effective 6/26/18, concerning EEC review of sexual harassment allegations against lobbyists and State employees; exceptions to the procurement process; ex parte communications; and requests for information under the Freedom of Information Act. The rulemaking implements Public Act 100-554 by establishing requirements for executive branch State agencies to report on their sexual harassment training programs (the reports will be made available on the EEC's website) and by establishing procedures for review of sexual harassment

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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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cases against registered lobbyists that have been forwarded to EEC by the Secretary of State. It also implements PA 100-43 by allowing the Chief Procurement Officer for Higher Education to request, in writing, EEC approval to accept a bid or enter a contract with a business that assisted the higher ed institution in reviewing, drafting or preparing documents related to another bid or contract. The rulemaking also updates FOIA contact information for the EEC; implements statutory criteria for responding to recurrent or voluminous FOIA requests; clarifies various aspects of the administrative review process

(e.g., document filings) and the process of determining whether the revolving door prohibition applies to a former State employee; and clarifies certain exceptions to ex parte communication reporting rules. Those affected by this rulemaking include registered lobbyists and entities that are seeking State contracts.

Questions/requests for copies: Stephen J. Rotello, EEC, 410 S. Spring St., 513 Stratton Office Bldg., Springfield IL 62706, [EEC.LegalStaff@illinois.gov](mailto:EEC.LegalStaff@illinois.gov)

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 42 Ill Reg 5056) effective 7/1/18 updating various position titles and making the Part generally effective for State fiscal year 2019. The rulemaking adds new trainee titles created by the Civil Service Commission (economist associate, environmental health specialist, insurance performance examiner), removes other titles abolished by the CSC (educator trainee, construction supervisor I and II), assigns an in-hire rate to the conservation/historic preservation worker title at the Department of Natural Resources, and adds new options for the Public Service Administrator and Senior Public Service Administrator titles.

Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/

782-7976, fax 217/524-4570, e-mail: [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov)

## ■ PROCUREMENT

The OFFICE OF THE ATTORNEY GENERAL adopted amendments to Attorney General's Procurement (44 IAC 1300; 42 Ill Reg 4657), effective 6/29/18, implementing Public Acts 100-43 and 100-203. The rulemaking raises the small purchase threshold below which procurements do not require competitive bidding to \$100,000 for supplies and services (formerly \$25,000) as well as professional and artistic services (formerly \$20,000). The rulemaking also authorizes electronic procurements; permits extensions of time to allow vendors to comply with State Board of Elections registration requirements; authorizes additional certification opportunities for the AG's State Purchasing Officer; adds reporting requirements for contracts needed to prepare for anticipated litigation, permits clarifying communications related to a contract solicitation, and updates various definitions.

Questions/requests for copies: Melissa Mahoney, OAG, 100 W. Randolph St., 12<sup>th</sup> Fl., Chicago IL 60601, 312/814-3950.

## FINANCIAL ASSISTANCE

The AG also adopted an amendment to Hospital Financial

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# Proposed Rulemakings

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## ■ DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Administration of Medication in Community Settings (59 IAC 116; 42 Ill Reg 13422) implementing Public Act 100-50 by including persons enrolled in community day services for the developmentally disabled within the scope of the Part. (Currently, the Part applies to residential facilities for the developmentally disabled (ICF/ DDs and CILAs) that are licensed or certified by DHS or the Department of Public Health and house up to 16 persons.) The rulemaking also defines community day services as

services offered outside the participant's place of residence that are designed to promote self-help, socialization and adaptive skills. Residents and staff of community day services for persons with developmental disabilities may be affected by this rulemaking.

Questions/requests for copies/ comments through 8/27/18: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## BICYCLE SAFETY

The DEPARTMENT OF TRANSPORTATION proposed amendments to the Part titled

Bicycle Reflex Reflector Requirements (92 IAC 426; 42 Ill Reg 13446) that adopt federal regulations (16 CFR 1512) as DOT's performance and testing requirements for bicycle reflectors and similar materials required under the Illinois Vehicle Code. The rulemaking also repeals obsolete State-specific regulations.

Questions/requests for copies/ comments through 8/27/18: Greg Stucka, DOT, 2300 S. Dirksen Pkwy, Room 317, Springfield IL 62764.

# New Rules

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Assistance under the Fair Patient Billing Act (77 IAC 4500; 42 Ill Reg 4688), effective 6/29/18, updating the federal poverty guidelines upon which eligibility for financial assistance is based.

Questions/requests for copies: Lynn Patton, OAG, 500 S. Second St., Springfield IL 62706, 217/524-1504 or David F. Buysse, OAG, 100 W. Randolph St., 12<sup>th</sup> Fl., Chicago IL 60601, 312/814-7236.

## ■ SCHOLARSHIPS

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted a new Part titled Police Training Academy Job Training Scholarship Program (23 IAC 2744; 42 Ill Reg 2787), effective

7/1/18, implementing Public Act 100-331, which establishes scholarships for tuition and mandatory fees at Illinois public colleges and universities for persons who successfully complete police training academy job training programs. The rulemaking establishes qualifications for applicants, the procedure for applying for the initial scholarship and for renewing the scholarship for up to 4 years of full-time enrollment, and the procedures to be used by the institution the awardee attends for processing payments and including the scholarship in the student's financial aid package. ISAC also adopted amendments to Illinois Veteran Grant (IVG) Program (23 IAC 2733; 42 Ill Reg 2781) effective 7/1/18 clarifying its scheduling of

priority claim dates (when institutions report to ISAC the number of credit hours for which payment is being requested) for the fall, spring and summer terms. Finally, ISAC adopted amendments to Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; 42 Ill Reg 2794), Golden Apple Scholars of Illinois Program (23 IAC 2764; 42 Ill Reg 2802) and Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 IAC 2765; 42 Ill Reg 2810), effective 7/1/18, replacing references to teacher "certification" with "licensure" in accordance with current State Board of Education terminology. The Part 2763 rulemaking also clarifies grade point average

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# New Rules

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requirements for the MTI scholarship program. Applicants for the affected scholarship programs will be affected.

Questions/requests for copies of the 5 ISAC rulemakings: Lynn Hynes, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500, ext. 18032, [lynn.hynes@illinois.gov](mailto:lynn.hynes@illinois.gov)

## OSFM REPEALER

The OFFICE OF THE STATE FIRE MARSHAL repealed the Part titled Fire Drills in Schools (41 IAC 110; 42 Ill Reg 4692) effective 7/1/18 because the statute authorizing that Part was repealed in 2005. The current School Safety Drill Act is implemented by OSFM and the State Board of Education through joint rules at 29 IAC 1500.

## ■ AMBULANCE LOANS

62703, 217/785-5758 (OSFM), 217/785-4184 (BBPVR).

## HORSE RACING

The ILLINOIS RACING BOARD adopted an amendment to General Licensee Rules (11 IAC 1313; 42 Ill Reg 6597) effective 6/28/18 requiring harness horses who are not receiving furosemide (Lasix) to be in the paddock 3 hours (formerly 4 hours) prior to post time. The rulemaking also allows owners, trainers, drivers, grooms and other persons authorized by the stewards to enter the paddock (formerly, no more than 2 members of a registered stable, other than the driver, could enter).

Questions/requests for copies: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, [mickey.ezzo@illinois.gov](mailto:mickey.ezzo@illinois.gov)

## BOILERS

The BOARD OF BOILER AND PRESSURE VESSEL RULES adopted amendments to Boiler and Pressure Vessel Safety (41 IAC 2120; 42 Ill Reg 4610) effective 7/1/18 incorporating updated versions of national technical and safety codes in accordance with the Boiler and Pressure Vessel Safety Act.

Questions/requests for copies of the OSFM and BBPVR rulemakings: Tom Andryk, OSFM, 1035 Stevenson Dr., Springfield IL

## 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 August 14, 2018 meeting.

## DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Savings Bank Act (38 IAC 1075; 42 Ill Reg 8102) proposed 5/18/18

## DEPT OF HEALTHCARE AND FAMILY SERVICES

Specialized Health Care Delivery Systems (89 IAC 146; 41 Ill Reg 11868) proposed 9/29/17

## SECRETARY OF STATE

Illinois Safety Responsibility Law (92 IAC 1070; 42 Ill Reg 6601) proposed 4/13/18

## STATE BOARD OF INVESTMENT

Rules and Regulations of the Board (74 IAC 800; 42 Ill Reg 6630) proposed 4/13/18

State (of Illinois) Employees' Deferred Compensation Plan (80 IAC 2700; 42 Ill Reg 6647) proposed 4/13/18