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Joint Committee on Administrative Rules  
Illinois General Assembly

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VOL. 43

January 11, 2019

Issue 2

*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

### ■ MENTAL HEALTH

The DEPARTMENT OF HUMAN SERVICES repealed the Part titled Medicaid Community Mental Health Services Program (59 IAC 132; 42 Ill Reg 7322) and adopted a new Part with the same title (59 IAC 132; 42 Ill Reg 7408), both effective 1/1/19. The former Part included the certification process and requirements for Medicaid community mental health centers, along with definitions of covered services; the new Part addresses only the certification process and requirements to be met by community mental health centers. (The definitions of covered services are or will be included in Department of Healthcare and Family Services rules concerning Medical Payment in 89 IAC 140). Since 1<sup>st</sup> Notice, DHS has aligned its definitions of qualified mental health professional and licensed

clinician in the new Part with those of HFS; added a process through which a community mental health center (CMHC) may obtain a waiver of the requirement that it employ a licensed practitioner of the healing arts (e.g., physician, advanced practice registered nurse with psychiatric specialty, licensed clinical psychologist or

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counselor) as its full-time clinical director, if the CMHC is unable to meet that requirement; and clarified the distinction between the health care worker background check requirements for initial hire and those that apply annually after a worker is hired. Medicaid community mental health providers are affected by these rulemakings.

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## Proposed Rulemakings

### ADULT PROTECTIVE SERVICES

The DEPARTMENT ON AGING proposed amendments to Adult Protection and Advocacy Services (89 IAC 270; 43 Ill Reg 939) implementing Public Act 100-641. A companion emergency rule, effective 1/1/19 for a maximum of 150 days, appeared in last week's *Illinois Register* at 43 Ill Reg 787. The rulemaking expands the definition of an eligible adult (persons age 18-59 with disabilities, or any person age 60 and older, residing at home or in a non-institutional environment) on whose behalf DonA's Adult Protective Services program may investigate allegations of abuse, neglect or financial exploitation. Residents of long-term care facilities and other institutions are now eligible for APS if alleged abuse or neglect occurs outside

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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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Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## ■ MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 42 Ill Reg 16364), effective 12/31/18, implementing Public Act 100-587 by adding adult diagnostic and preventative services to dental coverage, including oral exams and prophylactic tooth cleaning once every 12 months for persons age 21 and older. The rulemaking also increases payment rates for ambulance services by 12% and increases the mileage rate from \$5.00 to

\$5.60 per mile. Dentists, dental clinics and ambulance services are affected.

Questions/requests for copies: Christopher Gange, HFS, 201 S. Grand Ave., Springfield IL 62763-0002, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)

## ■ LONG TERM CARE

The DEPARTMENT ON AGING adopted amendments to Adult Protection and Advocacy Services (89 IAC 270; 42 Ill Reg 14309), effective 1/1/19, updating its rules for the Office of the State Long-Term Care Ombudsman and its references to federal regulations. (The Long-Term Care Ombudsman Program trains persons to serve as advocates for recipients of facility-based, community-based or home-based long term care when the recipients have concerns or complaints.) The

rulemaking includes definitions, an explanation of the program's structure and goals, an outline of involved agencies' responsibilities (e.g., the Regional Ombudsman, the Area Agency on Aging, the provider agency), provisions for ombudsmen's access to resident and participant information and records, complaint investigation procedures, and procedures to address willful interference with the duties of the ombudsman. Those affected by this rulemaking include long term care facilities, community-based or home care providers, and local agencies providing senior services.

Questions/requests for copies: Tracey Trigillo, DonA, One Natural Resources Way, Springfield IL 62702-1271, 217/785-3346, [Tracey.Trigillo@illinois.gov](mailto:Tracey.Trigillo@illinois.gov)

# Proposed Rulemakings

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the facility and the alleged abuser is a family member, caregiver, or other person who has a continuing relationship with the adult, or if alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult and who is not an employee of the facility in which the adult resides.

Questions/requests for copies/ comments through 2/25/19:

Tracey Trigillo, DonA, One Natural Resources Way, Springfield IL 62702-1271, 217/785-3346, fax 217/785-4477, [Tracey.Trigillo@illinois.gov](mailto:Tracey.Trigillo@illinois.gov)

## WORKERS' COMPENSATION

The DEPARTMENT OF INSURANCE proposed an amendment to Workers' Compensation Electronic and Standardized Paper Billing (50 IAC 2908; 43 Ill Reg 960) implementing Public Act 100-1117. The amendment requires health care providers to supply

only those medical records pertaining to the provider's own claims that are minimally necessary under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Questions/requests for copies/ comments through 2/25/19: Susan Anders, DOI, 320 W. Washington St., 4<sup>th</sup> Fl., Springfield IL 62767, 217/558-0957, or Robert Planthold, DOI, 122 S. Michigan Ave., 19<sup>th</sup> Fl., Chicago IL 60603, 312/814-5445.

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# Proposed Rulemakings

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## Emergency Rulemaking

### ■ UNPAID TAXES

The DEPARTMENT OF REVENUE proposed an amendment to the Part titled Board of Appeals (86 IAC 210; 43 Ill Reg 973) reflecting changes in the procedures by which taxpayers voluntarily disclose and resolve returns that were not timely filed and tax liabilities that have not been paid. Applications for voluntary disclosure must be filed with DOR's Problems Resolutions Division, rather than with the Board of Appeals. The name of the Part is being changed to "Voluntary Disclosure; Board of Appeals". The rulemaking also updates statutory citations and organizational provisions. Those affected by this rulemaking may include small businesses that voluntarily disclose unfiled returns or unpaid tax liabilities.

Questions/requests for copies/ comments through 2/25/19: Jerilynn Troxell, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

### ■ SEXUAL ASSAULT

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 43 Ill Reg 1089) effective 1/1/19 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 43 Ill Reg 971. The emergency and proposed rules implement Public Act 100-775, which provides that pediatric (under age 13) sexual assault survivors may be treated at a hospital or an approved pediatric health care facility. Hospitals

may implement their own treatment plans for pediatric sexual assault survivors, or they may implement transfer plans under which these survivors will be transferred to an approved pediatric health care facility for treatment. Pediatric health care facilities, including physician's offices and clinics, may be affected by these rules.

Questions/requests for copies/ comments on the proposed rulemaking through 2/25/19: Erin Conley, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl. Springfield IL, 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

### JCAR MEMBERSHIP CHANGES

The Joint Committee on Administrative Rules thanks departing members Rep. Peter Breen (R-Lombard), Rep. Barbara Flynn Currie (D-Chicago)

and Sen. Ira Silverstein (D-Chicago) for their service. Their terms in the General Assembly ended on Jan. 8. JCAR also welcomes new member Steven Reick (R-Woodstock).

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### No Second Notices This Week

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