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Joint Committee on Administrative Rules  
Illinois General Assembly

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VOL. 43

February 15, 2019

Issue 7

*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

### AIM HIGH SCHOLARSHIPS

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted a new Part titled AIM HIGH Grant Pilot Program (23 IAC 2766; 42 Ill Reg 17233) effective 2/1/19, replacing an emergency rule that was effective 9/13/18. The rulemaking implements Public Act 100-587 by outlining the process for State universities and students to participate in the Aspirational Institutional Match Helping Illinois Grow Higher Education (AIM HIGH) grant program, which is designed to retain Illinois resident students by providing merit-based and means-tested scholarships to Illinois public universities. In order to qualify for AIM HIGH funds in an academic year, a university must provide at least the same amount of non-loan financial aid to Illinois resident undergraduate students that year as it did in fiscal year 2018.

Universities must also equally match AIM HIGH funds with their own funds to cover tuition, fees and other necessary costs for qualifying students. If a university fails to meet either of these criteria (known as maintenance of effort or MOE), ISAC may reduce or eliminate its AIM HIGH funds, but must also take into account circumstances that may have contributed to the failure (e.g., reductions in State appropriations to the campus, the number of scholarships that were offered but not accepted). To qualify for AIM HIGH scholarships, students must be Illinois residents, enrolled full-time at a participating public university, and have attended an Illinois high school; apply for federal student aid and have a household income no more than 6 times the Federal Poverty Level (e.g., \$150,600 for a family of 4); attain the minimum

### Proposed Rulemakings

#### INDEPENDENT LIVING

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Centers for Independent Living (89 IAC 886; 43 Ill Reg 2196) updating the Part (last amended in 1998) to align with current State and federal laws, rules and guidelines. References to the federal Americans With Disabilities Act, the Illinois Accessibility Code, the Illinois Human Rights Act, and the Grant Accountability and Transparency Act (GATA) have been added, and various definitions have been added or updated. A Center for Independent Living (CIL) is defined as a consumer-controlled, community-based, non-residential, private and non-profit agency for individuals with significant disabilities, regardless of age or income.

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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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required grade point average, ACT or SAT score required by the university; not be in default on any student loan or owe a repayment on a State or federal grant or scholarship; not be incarcerated; and meet any other reasonable criteria set by the university. Students who qualify for renewal awards must receive at least the same scholarship amount they received in their first year of attendance, unless they reduce their credit hours (while remaining full-time) or switch to a course of study with a lower tuition rate. Since 1<sup>st</sup> Notice, ISAC has updated its address for universities to submit applications to the program and specified that the enrollment data used to determine each university's AIM HIGH allocation will be collected annually in August. Those affected by this rulemaking include State universities and Illinois students who may qualify for scholarships.

Questions/requests for copies: Jackie Eckley, ISAC, 500 W. Monroe St., 3<sup>rd</sup> Fl., Springfield IL 62704, 217/782-5161, [jackie.eckley@illinois.gov](mailto:jackie.eckley@illinois.gov)

## ■ PHARMACIES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 42 Ill Reg 9052 and 17067), effective 2/4/19, that combine two separately proposed rulemakings. The

rulemaking implements a provision of PA 100-587 that establishes Critical Access Pharmacy (CAP) payments for certain pharmacy providers with a high proportion of Medicaid customers. To qualify for CAP payments, a pharmacy must be physically located in Illinois, with a location open to the public and staff available to fill prescriptions; the majority of its business must not be mail-order based; the owners must have ownership or controlling interest in fewer than 10 pharmacies; and it must be located in a county of fewer than 50,000 residents or in a county that has been designated by the federal government as a medically underserved area. CAP payments will be made quarterly and may not exceed the lesser of \$10 million or the amount specifically appropriated to HFS for CAP Payments to each eligible pharmacy will be based on CAP-eligible claims, defined as claims billed to a managed care organization contracted to HFS, paid by the MCO, and for which a paid claim record can be found in HFS' electronic data warehouse within 90 calendar days after the end of the quarter being billed. The pharmacy's number of CAP-eligible claims multiplied by the lesser of the individual payment amount (one-fourth of the total CAP appropriation for the year, divided by the total number of all CAP eligible claims) or the HFS dispensing fee in effect as of 4/1/18 will determine the quarterly CAP payment to the pharmacy.

## ■ LONG TERM CARE

Other provisions of the combined rulemaking require long term care facilities to inform HFS of the death or discharge of Medicaid residents within 15 calendar days. For new admissions on or after 1/1/18, changes in patient credit or third party liability, or requests for enhanced care rates, information must be submitted within 45 days. Data must be submitted via either of HFS' two electronic portals (Medical Electronic Data Interchange (MEDI) or the Electronic Data Interchange Service Vendor (EDI), formerly the Recipient Eligibility Verification (REV) System); supporting documentation that cannot be submitted through either system must be submitted to Department of Human Services caseworkers. For new admissions, the 45-day period for submitting admissions data begins on the date the LTC provider receives the resident's pre-admission screening results or on the admission date entered by the provider, whichever is later. The provider must retain the confirmation number of the admission transaction to verify that it was timely submitted. LTC providers also must train employees to comply with these deadlines and maintain records of this training. Those affected by this rulemaking include pharmacies, long term care providers and their employees.

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# New Rules

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## ■ ID/DD FACILITIES

HFS also adopted amendments to Long Term Care Reimbursement Changes (89 IAC 153; 42 Ill Reg 16462), effective 2/4/19, replacing emergency amendments that were effective 8/27/18 and expired on 1/23/19. The rulemaking implements PA 100-587 by increasing per diem rates effective 7/1/18 for residential facilities for the intellectually disabled/developmentally disabled in an amount sufficient to raise wages for front-line

personnel by 54 cents per hour in the City of Chicago and 50 cents an hour elsewhere. Additional provisions raise the per diem rate for ID/DD facilities with more than 16 beds located in the Department of Public Health's Planning Area 7-B (Evanston, Maine, New Trier, Niles and Northfield townships in Cook County; one facility currently meets these criteria) by \$21.15, and clarify that a 75 cents per hour wage increase implemented in 2017 for ID/DD and Medically Complex for the Developmentally Disabled (MC/DD) facility staff applies to per diem and developmental

training rates. ID/DD facilities are affected.

Questions/requests for copies of the 2 HFS rulemakings: Christopher Gange, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)

## ■ PROCUREMENT

The OFFICE OF THE STATE TREASURER adopted amendments to the Part titled Procurement (44 IAC 1400; 42 Ill Reg 18847), effective 1/31/19, implementing Public Act 100-43. The rulemaking raises the small purchase limit, below which competitive bidding or other methods of source selection are not required, to \$100,000 (formerly \$80,000) and also applies this limit to professional and artistic contracts (for which the former limit was \$20,000). The rulemaking also allows for multiple awards to 2 or more bidders or offerors for similar supplies and services, updates references to the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, and updates preferences that may be used based on that Act. Small businesses may be affected.

Questions/requests for copies/ comments through 4/1/19: Tracie Drew, DHS, 100 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62762, 217/785-9772.

## ■ HORSE RACING

The ILLINOIS RACING BOARD proposed an amendment to Medication (11 IAC 603; 43 Ill Reg 2217) that updates the Part's incorporation of the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances to the January 2019 edition (Version 14.0).

Questions/requests for copies/ comments through 4/1/19: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, [Mickey.ezzo@illinois.gov](mailto:Mickey.ezzo@illinois.gov)

Questions/requests for copies: Chris Flynn, Office of the Treasurer, 400 W. Monroe St., Suite 401, Springfield IL 62704, 217/558-0115, fax 217/785-2777, [CFlynn@illinoistreasurer.gov](mailto:CFlynn@illinoistreasurer.gov)

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# New Rules

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## ■ STATE INVESTMENTS

The TREASURER also repealed the Part titled Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (74 IAC 740; 42 Ill Reg 17103) and adopted a new Part with the same title (74 IAC 740; 42 Ill Reg 17109) both effective 1/31/19. The new Part updates the process by which State

agencies and local governments utilize the Illinois Public Treasurers' Investment Pool (IPTIP) to invest public funds. The new Part more clearly outlines the responsibilities of the Treasurer, IPTIP's investment policy, information required for enrollment in the pool, and the responsibilities of the custodian bank that handles accounting and recordkeeping. Units of local government that participate in IPTIP are affected.

Questions/requests for copies: Barbara Delano, Office of the Treasurer, 100 W. Randolph St., Suite 15-600, Chicago IL 60601, 312/814-2985.

## JCAR MEMBERSHIP CHANGE

JCAR welcomes new member Rep. Michael Halpin, D-Rock Island. He succeeds former Rep. Barbara Flynn Currie, D-Chicago.

## 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 will be considered at the March 12, 2019 JCAR meeting. Further comments concerning these rulemakings should be directed to JCAR using the contact information on page 1.

### IL RACING BOARD

Definitions (11 IAC 210; 42 Ill Reg 23656) proposed 12/21/18

Race Track Surfaces (Repealer) (11 IAC 411; 42 Ill Reg 23703) proposed 12/21/18

Prohibited Conduct (Repealer) (11 IAC 423; 42 Ill Reg 23707) proposed 12/21/18

Horseman's Bookkeeping System Licensees (Repealer) (11 IAC 450; 42 Ill Reg 23711) proposed 12/21/18

### DEPT OF HEALTHCARE & FAMILY SERVICES

Medical Payment (89 IAC 140; 42 Ill Reg 19557) proposed 11/9/18

### OFFICE OF THE COMPTROLLER

Claim Eligible to be Offset (74 IAC 285; 42 Ill Reg 19151) proposed 10/26/18

## Joint Committee on Administrative Rules

**Senator Don Harmon**

**Senator Kimberly Lightford**

**Senator Tony Muñoz**

**Senator Sue Rezin**

**Senator Paul Schimpf**

**Senator Chuck Weaver**

**Representative Tom Demmer**

**Representative Michael Halpin**

**Representative Greg Harris**

**Representative Steven Reick**

**Representative André Thapedi**

**Representative Keith Wheeler**

**Vicki Thomas**  
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