

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

■ ABUSE INVESTIGATIONS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 42 Ill Reg 23535), effective 3/15/19, to align the Part with recent statutory changes (Public Acts 100-943, 100-991 and 100-1098). The rulemaking requires all OIG investigators to receive ongoing training regarding the requirements of this Part, as well as the DHS rules for licensure of Community Integrated Living Arrangements (59 IAC 115), medication administration in community settings (59 IAC 116), and certification standards for developmental training programs (59 IAC 119). With regard to investigation reports, the victim or the victim's guardian in substantiated cases of abuse

or neglect shall also receive a redacted copy of the OIG report (in addition to the named perpetrator). Requests for reconsideration or clarification of OIG findings will be subject to a multi-layer review that must include at least one reviewer who was not involved in the original investigation or approval of the original report. If the OIG

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determines that further investigation is necessary, the investigation shall be reopened (formerly, an amended report was issued). Unredacted investigative reports and raw data may be shared, upon written request, with local law enforcement, state's attorney's offices and coroner's offices. Agencies providing care to the mentally ill or developmentally disabled,

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Proposed Rulemakings

■ PROCUREMENT

The SECRETARY OF STATE proposed an amendment to Secretary of State Standard Procurement (44 IAC 200; 43 Ill Reg 3868) implementing Public Act 100-801, which adjusts the aspirational goal of awarding at least 20% of the dollar value of State contracts to businesses owned by minorities, women or persons with disabilities. The rulemaking provides that of this 20% goal, 11% (currently, 5%) shall be awarded to other minority-owned businesses, in addition to the existing goals of 7% to women-owned businesses and 2% to businesses owned by persons with disabilities and not-for-profit agencies for the disabled. These goals may be partially or entirely satisfied by counting expenditures made by SOS

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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) and General Assembly (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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and units of local government, may be affected.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ LICENSE PLATES

The SECRETARY OF STATE adopted amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 42 Ill Reg 24826), effective 3/15/19, establishing procedures under which authorized organizations may produce decals to be affixed to universal special license plates issued by SOS. Organizations must submit their decal designs to SOS for approval, contract with a manufacturer to produce the decal, and may charge a one-time fee of no more than \$25 per decal to recoup the costs of manufacturing and administration. Decals must be no more than 1 ½" by 2" for standard size plates and 1" by 1 ½" for motorcycle plates, must be self-adhesive, and must be designed to last at least 5 years under normal conditions. Non-profit organizations that are authorized to produce special plate decals are affected by this rulemaking.

Questions/requests for copies: Gina Harrison, SOS, 100 W. Randolph St., #5-400, Chicago IL 60601, 312/814-7246, Gharrison2@ilsos.net

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Hospital Licensing Requirements (77 IAC 250; 42 Ill Reg 18384), effective 3/18/19, implementing Public Act 99-834, which requires hearing screening for newborn infants. The rulemaking also changes references to Advanced Practice Nurses to Advanced Practice Registered Nurses (APRNs).

Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION adopted an amendment to Qualification of Drivers (92 IAC 391; 42 Ill Reg 20939) effective 3/14/19, replacing an emergency amendment that was effective 11/19/18. The rulemaking implements a recent change to Federal Motor Carrier Safety Administration (FMCSA) rules (83 FR 47486, effective 11/19/18) that allows certified medical examiners to issue medical examiner certificates (MECs) to persons with diabetes whose condition is controlled with a stable insulin regimen, thereby allowing them to operate commercial motor vehicles in interstate commerce. (Formerly, MECs could not be issued to insulin-dependent diabetics.) The rulemaking applies this

change to intrastate drivers who would otherwise have been prohibited from operating commercial vehicles within Illinois. Additionally, the rulemaking incorporates other FMCSA amendments adopted since 10/1/14. Commercial drivers and their employers are affected.

Questions/requests for copies: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Springfield IL 62764.

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM adopted amendments to the Part titled The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 43 Ill Reg 159), effective 3/18/19, implementing provisions of Public Act 100-587 that create two accelerated pension benefit payment programs. The rulemaking replaces an emergency rule that was effective 11/13/18. One program allows Tier 1 System members (State employees hired before 1/1/11) who retire prior to 6/30/21 to forgo a 3% compounded automatic annual increase (AAI) in exchange for a 1.5%, non-compounded AAI that begins on Jan. 1 following their 1st anniversary of retirement, or on their 67th birthday, whichever is later. SERS members who choose this option will receive a lump sum payment equal to 70%

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Proposed Rulemakings

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vendors to subcontractors. The rulemaking also allows SOS to consider other forms of certification besides those performed by the Business Enterprise Council. Other means to achieve the contracting goals may include: focusing solicitation upon vendors certified by the Council or by other means; advertising in appropriate media; dividing job or project requirements into smaller tasks or quantities when feasible; eliminating extended experience or capitalization requirements if feasible; and identifying specific projects that are particularly appropriate for minority/women/disabled set-asides. If there are an insufficient number of minority, women or disabled-owned businesses to insure adequate competition for bids or proposals on a specific contract or expenditure, the CPO may exempt the contract or expenditure from the goal. This rulemaking will sunset on 6/30/20. Small businesses seeking contracts with SOS may be affected.

New Rules

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of the difference between the present value of the 3% compounded AAI and the 1.5% non-compounded AAI. Another program allows inactive members with sufficient service credit to vest into the retirement plan (e.g., former employees who worked for the State at least 8

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 43 Ill Reg 3999), effective 3/15/19, implementing two memoranda of understanding that establish AFSCME bargaining unit pay grades for the Corrections Assessment Specialist title at the Department

Questions/requests for copies/comments through 5/13/19: Amy Williams, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, Awilliams3@ilsos.net

DOI RULE WITHDRAWALS

The DEPARTMENT OF INSURANCE has withdrawn proposed amendments to Required Procedure for Filing and Securing Approval of Policy Forms (50 IAC 916; 42 Ill Reg 17342) and has also withdrawn a proposed repeal of the Part titled Premium Trust Fund

years) to forfeit all service credit and rights to future retirement benefits in exchange for a lump sum payment equal to 60% of the present value of their earned benefits. Applications for accelerated benefit payments must be submitted no later than 6/1/21, and only service credit earned under SERS may be used to determine eligibility.

Peremptory Rule

of Corrections and the 9-month Educator - Career and Technical title at the Illinois School for the Visually Impaired (Department of Human Services). This peremptory rule affects 33 State employees.

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

Account (50 IAC 3113; 42 Ill Reg 18372) in response to JCAR Objections. The 50 IAC 916 rulemaking appeared in the 10/5/18 *Illinois Register* and would have recognized the Interstate Insurance Product Regulation Commission (IIPRC) as an additional authority for approving policy forms. The 50 IAC 3113 repealer published in the 10/12/18 *Register* would have removed rules DOI believed were not necessary for enforcement of the underlying statute.

Persons who receive proportional annuities from a reciprocal State or local government retirement system before 12/1/18, and persons who would be in violation of the minimum distribution requirements of the Internal Revenue Code if they accepted

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New Rules

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an accelerated payment, are not eligible for these programs. Persons who owe overpayments to SERS are also ineligible for accelerated benefits until their debt is paid in full. The rule also contains provisions for including accelerated benefits in Qualified Illinois Domestic Relations Orders (QILDROs) that allow pension benefits to be divided between spouses in a divorce or

separation agreement, and for correcting overpayment or underpayment errors in an accelerated benefit. Since 1st Notice, SERS has clarified three provisions. If job-related felony charges are pending against a System member, accelerated benefits will not be vouchered until the adjudication process is completed, and will never be vouchered if the member is convicted and sentenced for those charges. Also, a member

who elects the accelerated total benefit payment option is not eligible for a refund of contributions toward the survivor's benefit, and the System may not accept QILDRO documents validated after the member's death.

Questions/requests for copies: Jeff Houch, SERS, 2101 S. Veterans Pkwy., PO Box 19255, Springfield IL 62794-9255, 217/524-8105, jeff.houch@srs.illinois.gov

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 April 9, 2019 JCAR meeting.

IL COMMERCE COMMISSION

Regulatory Accounting Treatment for Cloud Based Computing Solutions (83 IAC 289; 42 Ill Reg 12369) proposed 7/6/18

DEPT OF HEALTHCARE & FAMILY SERVICES

Medical Payment (89 IAC 140; 42 Ill Reg 14043) proposed 7/20/18

Hospital Reimbursement Changes (89 IAC 152; 42 Ill Reg 8711) proposed 6/1/18

DEPT OF NATURAL RESOURCES

Camping on Department of Natural Resources Properties (17 IAC 130; 43 Ill Reg 1351) proposed 1/25/19

DEPT OF PUBLIC HEALTH

Alzheimer's Disease and Related Dementias Services Code (77 IAC 973; 42 Ill Reg 19510) proposed 11/2/18

DEPT OF REVENUE

Board of Appeals (86 IAC 210; 43 Ill Reg 973) proposed 1/11/19

Hotel Operator's Occupation Tax Act (86 IAC 480; 42 Ill Reg 8804) proposed 6/1/18

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 Frances Ann Hurley
Representative Steven Reick
Representative André Thapedi
Representative Keith Wheeler

Vicki Thomas
Executive Director