

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

■ DAY CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted emergency amendments to Licensing Standards for Day Care Homes (89 IAC 406; 44 Ill Reg 10161), Licensing Standards for Day Care Centers (89 IAC 407; 44 Ill Reg 10170) and Licensing Standards for Group Day Care Homes (89 IAC 408; 44 Ill Reg 10184) all effective 5/29/20 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 44 Ill Reg 10052, 10055 and 10058. The emergency and proposed rules implement DCFS policies for day care homes and centers that are reopening during Phases III and IV of the Restore Illinois pandemic recovery plan. During this period, DCFS licensed day care homes and centers must adhere to additional measures based on Department of Public

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

Health and federal Centers for Disease Control and Prevention guidance, as well as existing DCFS health and safety rules. The additional measures include: daily temperature checks for all caregivers, assistants, children, parents/guardians and persons authorized to drop off or pick up children (anyone with a temperature of 100.4 F or higher,

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Adopted Rules

■ BOARDING KENNELS

The DEPARTMENT OF AGRICULTURE adopted amendments to the Part titled Animal Welfare Act (8 IAC 25; 44 Ill Reg 1745) effective 5/28/20 implementing Public Act 101-210. The PA and this rulemaking require kennel operators that board cats or dogs to have staff on site whenever cats or dogs are on the premises or to have an operational fire sprinkler or fire alarm system in every building in which cats or dogs are located. If a sprinkler system is used, it must notify local emergency responders when it is activated. If an alarm system is used, it must directly alert local emergency responders or be monitored by a third-party security service that will notify emergency responders. Local fire inspectors may subject boarding kennels to routine inspections and notify DOA

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ADOPTED 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.

Emergency Rules

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or other symptoms of illness, is excluded from the home or center); caregivers, staff and children age 2 and older who can tolerate face masks must wear masks except when eating, napping or playing outdoors; age groupings are limited to 10 children (8 in day care homes with only one caregiver); licensees must supply face masks or other personal protective equipment to employees and children; CDC handwashing guidelines and other precautions must be posted in visible locations and observed at all times; all equipment must be cleaned and disinfected daily and frequently touched items (e.g., door handles/knobs, phones, keyboards, toys) cleaned and disinfected hourly; no stuffed animals are permitted; and cribs or cots on which children nap must be at least 6 feet apart or separated by a barrier. Any known or suspected case of COVID-19 or other communicable disease among children, caregivers, staff or others in contact with the home or center must be reported to DCFS and DPH and parents informed. Each licensee must also submit to DCFS an action plan that outlines how these measures will be implemented. Day care homes and centers are affected by these emergency rules.

Questions/requests for copies/comments on the 3 proposed DCFS rulemakings through 7/27/20: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, DCFS.Policy@illinois.gov

■ NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 390; 44 Ill Reg 10217) effective 5/28/20 for a maximum of 150 days. The emergency rule requires long term care facilities to add testing for infectious diseases to their infection control policies and procedures, and to test all residents and staff when an outbreak occurs in the facility or when the risk of disease transmission is high and DPH directs them to conduct this testing. Facilities also must comply with infection control recommendations provided by DPH or their local health department. Long term care facilities are affected by this emergency rule.

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

■ YOUTH EMPLOYMENT

The DEPARTMENT OF LABOR adopted an emergency amendment to the Part titled Illinois Child Labor Law (56 IAC 250; 44 Ill Reg 10210) effective 5/29/20 for a maximum of 150 days. The emergency rule allows persons who issue employment certificates for minors to accept applications electronically or by U.S. Mail (normally, applications must be made in person) when in-person applications are not possible due

to the COVID-19 pandemic. It also allows interviews with minor applicants and their parents or guardians, which are normally conducted in person, to be conducted via telephone or video conference. Those affected by this emergency rule include minors seeking summer or after-school employment and their employers.

Questions/requests for copies: Jason Keller, DOL, 900 S. Spring St., Springfield IL 62704, 217/782-1706, jason.keller@illinois.gov

VIDEO GAMING

The ILLINOIS GAMING BOARD adopted emergency amendments to Video Gaming (General) (11 IAC 1800; 44 Ill Reg 10193) effective 5/27/20 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Register* at 44 Ill Reg 10061. The emergency and proposed rulemakings authorize IGB to serve documents, including notices of licensing actions and hearings, upon licensees by e-mail; require licensees and license applicants to accept service by e-mail; and require applicants and licensees to update their designated e-mail addresses at least annually.

Questions/requests for copies/comments on the proposed rulemaking through 7/27/20: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, IGB.RuleComments@igb.illinois.gov

Proposed Rulemaking

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Hospital Services (89 IAC 148; 44 Ill Reg 10065) addressing reimbursement to hospitals for treatment of patients who no longer require acute care, but require nursing facility care for which they cannot immediately obtain appropriate placement. For dates of service on or after 7/1/19, payment for hospital long term care days will be made for those days beyond the period of time when hospital care is needed (if the hospital is reimbursed on a per diem basis) or beyond the average length of stay for the specified diagnosis (if the hospital is reimbursed under the Diagnosis Related Grouping system). Prior approval is also required. The reimbursement rate for eligible hospital long term care days is \$289.48/day. Other provisions allow Medicaid Percentage Adjustment hospitals to cease providing obstetric services if there is another hospital within 15 miles that provides obstetric services, and terminate patient copayments for inpatient and non-emergency services effective 8/31/19.

Questions/requests for copies/ comments through 7/27/20: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 44 Ill Reg 10232) effective 5/28/20. The peremptory rule implements a collective bargaining agreement with Teamsters Local 700 that covers the 2019-2023 contract period. The agreement includes general pay increases of 1.5% to 3.95% for each year of the contract plus a stipend of up to

Adopted Rules

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if they determine that the facility lacks an alarm or sprinkler system. Kennel operators must certify in their initial license and license renewal applications that they are staffed at all times when cats or dogs are on site or that they have an operational fire alarm or fire sprinkler system. A picture of the alarm or sprinkler system, description of the make and model of the system, and an inspection report or copy of the security service contract must also be submitted. Operators of pet boarding kennels licensed by DOA will be affected by this rulemaking.

Questions/requests for copies: Albert A. Coll, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/782-5051, fax 217/785-4505.

\$2,500 for bargaining unit employees who were employed during the 2015-2019 contract period. It also retroactively restores a scheduled increase in the in-hire rate for new employees (of less than 5 years) that had been frozen during the 2015-2019 contract period.

Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, CMS.PayPlan@illinois.gov

■ CANNABIS BUSINESSES

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part titled Cannabis Social Equity Program (14 IAC 650; 44 Ill Reg 10) effective 5/27/20, replacing an emergency rule adopted effective 12/20/19. The new Part implements provisions of Public Act 101-27 (Cannabis Regulation and Tax Act) that create a Social Equity Applicant loan/line of credit program for adult use cannabis business establishments located in areas that have been disproportionately impacted by past enforcement of cannabis-related laws. To qualify as a Social Equity Applicant, a business must be majority owned by one or more individuals who meet at least one of the following criteria: have lived in a disproportionately impacted area for at least 5 of the previous 10 years; have been arrested for or convicted of a cannabis-related

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Adopted Rules

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offense that is now eligible for expungement; or are an immediate family member of a person who was arrested for or convicted of an expungable cannabis related offense. Criteria for determining disproportionately impacted areas are included in the rule. Loan applications will be accepted until allocated program funds are exhausted. Loan applications must include documentation of social equity eligibility and describe how the applicant was adversely impacted by enforcement of cannabis related laws (e.g., by presenting evidence that business or employment opportunities were denied due to criminal history). Criteria for evaluating loan applications include evidence of need for funding, project readiness, employment impact, and financial commitment from other investors. Subject to funding availability, loans and lines of credit will be provided on a low- or no-interest basis. DCEO may charge borrowers closing fees of up to \$5,000 and may also charge loan closeout fees of up to \$10,000 if the borrower ceases to meet the criteria for a Social Equity Applicant, or transfers its license to a person/entity that does not qualify as a Social Equity Applicant within 5 years after the license is granted. Those affected by this rule include cannabis cultivation centers, infusers or dispensaries that may qualify for the program.

Questions/requests for copies: Jolene Clarke, DCEO, 500 E.

Monroe St., Springfield IL 62701, 217/557-1820 or 217/524-3701, jolene.clarke@illinois.gov

INSURANCE

The DEPARTMENT OF INSURANCE proposed a new Part titled Corporate Governance Annual Disclosure (50 IAC 630; 44 Ill Reg 88) effective 5/29/20 implementing new accreditation standards adopted by the National Association of Insurance Commissioners (NAIC). The rulemaking requires all Illinois insurers or insurance groups to which they belong to file a Corporate Governance Annual Disclosure (CGAD) with DOI by June 1 annually. After an initial CGAD is filed, an amended version may be filed each year indicating where changes have been made, or stating that no changes have been made. The CGAD must describe the governing structure of the company, including the individuals, committees or boards responsible for oversight at various levels; the duties of its board, committees and officers; how board members or committees are chosen; its code of business conduct and ethics; how it identifies and mitigates risks; and its processes for performance evaluation.

DOI also adopted a new Part titled Pharmacy Benefit Managers (50 IAC 3145; 44 Ill Reg 2207) and adopted amendments to the Part titled Third Party Prescription Administrators (50 IAC 3150; 44 Ill Reg 2211) both effective 5/29/20. The new Part requires pharmacy benefit managers doing

business in Illinois to register with DOI through the National Insurance Producer Registry and pay a registration fee of \$500. Registration must be renewed every 2 years with a renewal fee of \$500. Amendments to Part 3150 change the annual registration renewal date for third party prescription administrators from April 1 to the anniversary of the license issuance date. Prescription drug benefit managers are affected.

Questions/requests for copies of the 3 DOI rulemakings: Part 630, Susan Berry (217/782-1759); Parts 3145 and 3150, David Murphy (217/782-5415); DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767.

ENDANGERED SPECIES

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to Illinois List of Endangered and Threatened Fauna (17 IAC 1010; 44 Ill Reg 3044) and Illinois List of Endangered and Threatened Flora (17 IAC 1050; 44 Ill Reg 3057) effective 5/28/20 updating the lists of endangered/threatened animal and plant species in accordance with recommendations of the Illinois Endangered Species Protection Board.

Questions/requests for copies of the 2 DNR rulemakings: Nicole Thomas, DNR, One Natural Resources Way, Springfield IL 62702, 217/524-2408.

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 June 16, 2020 JCAR meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

BOARD OF HIGHER EDUCATION

Grow Your Own Teacher Grants (23 IAC 1085; 44 Ill Reg 4120) proposed 3/20/20

Nurse Educator Fellowship Program (23 IAC 1105; 44 Ill Reg 5562) proposed 4/3/20

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Kimberly Lightford	Representative Frances Ann Hurley
Senator Tony Muñoz	Representative Steven Reick
Senator Sue Rezin	Representative André Thapedi
Senator Paul Schimpf	Representative Keith Wheeler, <i>co-chair</i>

**Vicki Thomas
Executive Director**