

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

■ DRIVER'S LICENSES

The SECRETARY OF STATE adopted emergency amendments to Issuance of Licenses (92 IAC 1030; 46 Ill Reg 5603) effective 3/21/22, amending previous emergency rules that were effective 12/17/22 for the remainder of their 150-day effective term. These emergency amendments extend the expiration dates of all driver's licenses, instruction permits and State identification cards that expired or will expire from 1/1/20 through 7/30/22, but have not yet been renewed, to 7/31/22. Licenses with expiration dates that are extended under this rule will not be considered lapsed until 7/31/23. Restricted driving permits that have expired or will expire from 12/1/21 through 7/30/22 are also extended through 7/31/22. The amendment also extends through 7/31/22 certain provisions exempting holders of commercial

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency 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*.

driver's licenses (CDLs) that expired or will expire from 1/1/20 through 12/31/22, and persons who apply for CDLs through 12/31/22, from specified tests unless they are age 75 or older or are seeking to upgrade their CDL classification. However, persons seeking renewal of CDLs that have been expired for more than 2 years must be tested. Finally, obsolete provisions that automatically extended all driver's licenses that

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Adopted Rules

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an amendment to Video Gaming (General) (11 IAC 1800; 45 Ill Reg 14277) effective 3/16/22, replacing an emergency rule that expired 12/22/21. The rulemaking allows video gaming terminal operators to request permission from the IGB Administrator to redeem gaming tickets and vouchers by mail during a coin shortage (defined as inability of a terminal operator to maintain enough currency in its gaming machines to meet the expected redemption demand for tickets and vouchers over a 7-day period). Factors that the Administrator will consider in deciding whether to grant permission include: the existence of a coin shortage in market areas served by the terminal operator; the number of redemption

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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.

Adopted Rules

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terminals and available coin suppliers; frequency of coin filling and redemptions; and whether or not a terminal operator's market is of sufficient size that a deficiency of coins in one area could be remedied from a surplus in another area. The terminal operator must also, before redeeming any tickets/vouchers by mail, program its devices to either return unredeemable tickets in their full amount or redeem as much of the value as possible and print a ticket/voucher for the remaining amount. If a patron cannot receive full payment for a ticket/voucher at a terminal, the patron may present the ticket to the licensed location (which will retain it until it can be provided to the terminal operator) or mail it directly to the terminal operator, in which case the terminal operator must issue payment within 15 days and reimburse the patron for the cost of mailing the ticket/voucher. Video gaming licensees and terminal operators are affected by this rulemaking.

Emergency Rules

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expired during 2020 for drivers age 75 and older are removed. Those affected by these emergency amendments include CDL holders and applicants and their employers.

Questions/requests for copies: Brenda Glahn, SOS, 298 Howlett

CASINOS

IGB also adopted amendments to Riverboat and Casino Gambling (86 IAC 3000; 45 Ill Reg 14290) effective 3/16/22, concerning relocation of casino licensees from temporary to permanent locations or from riverboat to land-based locations. When applying to IGB for permission to relocate, a licensee must include an address and description of the new site, along with clear, legible and drawn to scale diagrams of the interior; plans for the surveillance and security systems at the new site; and any other information the Board deems necessary. In determining whether to allow a licensee to relocate, the IGB Administrator must consider the locations enumerated in the Illinois Gambling Act; the potential impact on the security and integrity of gaming; the appearance and character of the facility; impact on the health and safety of patrons or employees; logistics of the gaming operation; and any other factors the Administrator or Board deems relevant. Before gaming may begin at a new location, the Administrator must conduct an

assessment of the location that includes a review of facility capacity, security operations, staffing, handicapped access, support facilities, use of gaming equipment, fulfillment of economic development plans, affirmative action hiring patterns, and any new information received concerning the requestor and key persons since the preliminary finding of suitability. If the assessment determines that the facility meets IGB standards, the Administrator may authorize a final practice session. Gaming may continue at the licensee's current site until the Administrator determines that the final practice session at the new site is successful, after which gaming may begin at the new location. Since 1st Notice, IGB has clarified the factors to be considered when evaluating a request to relocate or the readiness of a new location to begin operation.

Questions/requests for copies of the 2 IGB rulemakings: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, IGB.RuleComments@igb.illinois.gov

Building, Springfield IL 62756, 217-785-3094, bglahn@ilsos.gov

■ LONG TERM CARE

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 46 Ill Reg 5554), Sheltered Care Facilities Code (77 IAC 330; 46 Ill Reg

5573), and Illinois Veterans' Homes Code (77 IAC 340; 46 Ill Reg 5590), all effective 3/21/22 for a maximum of 150 days, replacing emergency rules that expired 3/20/22. These rules implement Public Act 102-640, which requires long term care facilities to implement policies to prevent social isolation

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Proposed Rulemakings

INJURY REPORTING

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Head and Spinal Cord Injury Code (77 IAC 550; 46 Ill Reg 5429) and Violent Injury Reporting Code (77 IAC 560; 46 Ill Reg 5445) reflecting current International Classification of Diseases (ICD) Injury Diagnosis Codes, removing outdated appendices, implementing patient data confidentiality protocols, and revising the availability of head and spinal cord injury data that DPH receives from hospitals. Both rulemakings allow “bona fide researchers” with prior experience in conducting published medical or

epidemiological studies to have access to certain injury data by written request to DPH. Bona fide researchers must, at a minimum, hold a master’s degree in a medical or scientific discipline from an accredited U.S. university; degrees in law, journalism or political science do not fulfill this requirement. (The Part 560 rulemaking additionally allows appropriate DPH staff access to data on violent injuries to children, for purposes of completing a required biennial report to the General Assembly.) Hospitals must report, on a quarterly basis, data on patients who are transferred to other hospitals for definitive treatment of head or spinal cord

injuries or other violent injuries, in addition to currently required data on injury patients who are admitted as inpatients or who die in the emergency department prior to inpatient admission. The quarterly reporting schedule will be based on the date of patient admission rather than on the date of discharge.

Questions/requests for copies of the 2 DPH rulemakings through 5/16/22: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

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Emergency Rules

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among residents. “Social isolation” is defined in the PA and in the emergency rule as occurring when a resident of a long-term care facility is unable to engage in social interactions or religious and recreational activities with other facility residents or with family members, friends, loved ones, caregivers and external support systems. Facilities shall adopt written policies that provide for the availability of assistive and supportive communication technology (e.g., computers, video or audio conferencing) to residents and that ensure appropriate staff are in place to prevent social isolation of residents. These policies shall generally encourage in-person contact, communication, religious

and recreational activity except when prohibited, restricted or limited by federal or State action (e.g., public health emergency orders). When such restrictions are in place, facilities shall encourage residents to use assistive and supportive technology to maintain contact with others; provide a means for residents to request access to assistive/supportive technology devices; and have procedures in place to insure that these devices are accessible to all residents and are properly maintained (including cleaning/disinfection). When in-person visitation is not feasible, virtual visitation schedules shall be established for residents upon admission or upon a request from the resident or the resident’s representative. Facility policies regarding virtual visitation shall be

in addition to, and shall not replace, in-person visitation policies. Facilities may also apply to DPH for grants to fund the purchase of assistive communication technology. A facility that fails to implement the policies prescribed in the PA and the emergency rule commits a Type C (low risk) violation that carries an administrative penalty (fine) of \$250 to \$500 per violation, but this penalty will not be imposed on any facility prior to 1/1/23. Nursing homes are affected by these emergency rules.

Questions/requests for copies of the 3 DPH emergency rules: Tracey Trigillo, DPH, Lincoln Plaza, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

Proposed Rulemakings

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CAMPAIGN FINANCING

The STATE BOARD OF ELECTIONS proposed amendments to the Parts titled Campaign Financing (26 IAC 100; 46 Ill Reg 5464) and Practice and Procedure (26 IAC 125; 46 Ill Reg 5499) implementing PA 102-668 and other recent Public Acts. The Part 100 amendments allow candidate political committees to be converted to limited activity committees under certain conditions. (A limited activity committee is a committee that has pledged to support as a candidate, or includes as an officer, a person who has been nominated to fill a position that requires confirmation by the Illinois Senate.) Additionally, the rulemaking clarifies what types of contributions a judicial candidate's committee may accept; requires newly appointed political committee treasurers to complete SBEL training on compliance with campaign finance

disclosure laws; and establishes procedures by which SBEL may administratively terminate a political committee that cannot be located or has not filed any reports for at least 12 months. The Part 125 rulemaking allows reports, statements and documents to be filed with SBEL electronically or by fax if allowed elsewhere in SBEL's rules. Documents related to any administrative proceeding (including complaints, motions and notices) must be filed with SBEL's Division of Campaign Disclosure, which will forward them to the Office of General Counsel within one business day. (Current rule requires these documents to be filed directly with the General Counsel's office.) Service by e-mail is permitted only with the consent of all parties involved in the proceeding. The calculation of civil penalties (fines) for a committee's failure to timely file campaign financial reports will be determined by whether the committee's total receipts, expenditures and remaining

balances were each \$10,000 or less (currently, \$5,000 or less) at the time the report was due. However, if the late filing is a quarterly report, SBEL may impose a fine even if the committee has no receipts or expenditures to disclose on that report. Fines for failure to report or late reporting of contributions or independent expenditures in excess of \$1,000 may not exceed the amount of the contribution or expenditure. A cap of \$1,000 on fines for a first-time violation involving a filing less than 10 days late is removed. Other provisions clarify the appeal process for committees disputing SBEL fines, list factors SBEL must consider in deciding whether to waive or reduce a fine, and provide for settlement of fines that a committee is unable to pay.

Questions/requests for copies of the 2 SBEL rulemakings through 5/16/22: Marni M. Malowitz, SBEL, 69 W. Washington St., Pedway LL08, Chicago IL 60602.

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 appear in next week's *Illinois Register* and be considered at the April 19, 2022, JCAR meeting. Other items not published in the *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.

IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 45 Ill Reg 6531) proposed 5/21/21

DEPT OF COMMERCE & ECONOMIC OPPORTUNITY

Apprenticeship Education Expense Credit Program (14 IAC 522; 45 Ill Reg 11651) proposed 9/24/21

DEPT OF PUBLIC HEALTH

Civil Money Penalty Reinvestment Program (77 IAC 425; 46 Ill Reg 1763) proposed 1/28/22

STATE BOARD OF EDUCATION

Standards for School Support Personnel Endorsements (23 IAC 23; 45 Ill Reg 15605) proposed 12/17/21

Standards for Endorsements in Specific Teaching Fields (23 IAC 27; 45 Ill Reg 15784) proposed 12/17/21

Evaluation of Educator Licensed Employees Under Articles 24A and 34 of the School Code (23 IAC 50; 45 Ill Reg 15877) proposed 12/17/21

STATE EMPLOYEES' RETIREMENT SYSTEM

The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 46 Ill Reg 2024) proposed 2/4/22

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*
Senator John F. Curran
Senator Donald DeWitte
Senator Kimberly Lightford
Senator Tony Muñoz
Senator Sue Rezin

Representative Tom Demmer
Representative Michael Halpin
Representative Frances Ann Hurley
Representative Steven Reick
Representative Curtis Tarver, II
Representative Keith Wheeler, *co-chair*

Kim Schultz
Executive Director