

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.

Proposed Rulemaking

PRIVATE SECURITY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 (68 IAC 2140; 46 Ill Reg 5616) implementing Public Act 102-52. The PA and the rulemaking expand training for licensees to include online internet-based training in addition to classroom training. Annual training requirements are 8 hours for private detectives and registered employees of private detective agencies and 4 hours for private security contractors. The required 20- and 40-hour firearm training courses for newly hired security personnel have been expanded to 28 and 48 hours, which includes 8 hours of range training; 8 hours of annual refresher firearm training is also

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*.

Emergency Rule, Page 3

required. The rulemaking also clarifies who may provide firearm training and establishes standards for restoring a license or registration following disciplinary actions. Proprietary security forces with one (formerly, 5) or more employees must be registered with DFPR and armed security employees must possess a firearm control card (a Firearm

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Adopted Rules

UTILITY ASSISTANCE

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part titled Low Income Household Water Assistance Program (47 IAC 105; 45 Ill Reg 13803), effective 3/22/22, replacing emergency rules that were effective 10/25/21. The rulemaking establishes eligibility, application and other requirements for the Low Income Household Water Assistance Program (LIHWAP) established under the federal Consolidated Appropriations Act (CAA) and American Rescue Plan Act (ARPA) to assist households in paying water service bills. Household eligibility criteria are the same as for the Low Income Home Energy Assistance Program (LIHEAP), including household income of no more than 150% of the Federal Poverty Level

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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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or 60% of State Median Income. Joint applications for both LIHWAP and LIHEAP may be filed at a Local Administrative Agency (LAA) serving the area in which the applicant's household is located. A list of LAAs and their locations may be obtained at DCEO's website or by calling or writing to any DCEO office. DCEO shall determine the amount of LIHWAP assistance available to each county based on its "index of need" (number of persons in poverty in the county divided by the Statewide number of persons in poverty). Applications must include copies of the household's water/sewer bills or a statement from a landlord that this amount is included in their rent, along with proof of income for all household members age 18 or older. Households that are behind on water/sewer payments by \$250 or more may receive assistance, which will be provided on an emergency basis if service has been or is about to be disconnected. The maximum household assistance amount will be established by DCEO but will not exceed \$1,500 per year. LAAs will make these payments on behalf of qualifying households in accordance with their grant agreements. Those affected by Payment of Benefits (56 IAC 2830; 46 Ill Reg 789), effective 3/24/22, replacing emergency amendments that were effective 12/27/21. The rulemakings re-establish provisions for issuing unemployment benefits by paper check when a claimant cannot receive benefits by direct deposit

and benefits cannot be issued by debit card. (DES adopted these amendments because the financial institution that formerly issued benefits via debit card on behalf of the State has ceased doing so.)

DES also adopted an amendment to the Part titled Recovery of Benefits (56 IAC 2835; 45 Ill Reg 13805) effective 3/24/22, replacing an emergency amendment that was effective 10/25/21. This rulemaking allows DES to waive collection of overpaid federal or State unemployment benefits or Short-Time Compensation (STC; a State program of partial unemployment benefits to persons whose work hours have been reduced) received on or after 3/8/20 until the end of the COVID-19 Gubernatorial Disaster Proclamations. An individual has 45 days after receiving a notice of overpayment from DES to request this waiver. DES will waive its right to recover these overpayments if it determines that the overpayment was not the fault of the recipient and that recovery would be "contrary to equity and good conscience". The latter condition will be deemed to have been met if recovery would cause financial hardship to the recipient; if the recipient relinquished a valuable right, or changed positions for the worse, based on those benefits or on a notice of those benefits; or if recovery could be unconscionable under the circumstances. A request to waive recovery of any form of unemployment received while Federal Pandemic

Unemployment Compensation (FPUC) supplemented that amount will also be treated as a waiver request for FPUC if it was included in the overpayment. Persons receiving unemployment or STC assistance are affected.

Questions/requests for copies of the 3 DES rulemakings: Kevin Lovellette, DES, 33 S. State St., 9th Floor, Chicago IL 60603, (312) 793-1224, Kevin.Lovellette@illinois.gov

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Special Eligibility Groups (89 IAC 118; 45 Ill Reg 16128) effective 3/25/22, implementing the Health Benefits for Immigrant Adults program that provides medical assistance for non-citizens ages 55 through 64 who, due to their immigration status, do not qualify for medical assistance that receives federal matching funds (Medicaid). Enrollees must meet age and immigration status requirements and must also be Illinois residents with an income at or below 138% of the Federal Poverty Level. Covered services are the same as in the Health Benefits for Immigrant Seniors program that covers non-citizens age 65 and older who do not qualify for Medicaid (i.e., all services normally covered for adult Medicaid recipients, except for long term care and funeral/burial expenses). The rulemaking also

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Proposed Rulemaking

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Concealed Carry License does not satisfy this requirement). Those affected by this rulemaking include private detectives, private security contractors, armed proprietary security forces, and their employees.

Questions/requests for copies/comments through 5/23/22: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217/785-0813, fax 217/557-4451.

Adopted Rules

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addresses the application process and provides an appeal process for persons whose coverage is denied or terminated. Coverage and enrollment are subject to appropriated funding levels and HFS may take any action necessary to insure that available funds are not exhausted, including limiting or halting enrollment or reducing or eliminating coverage of certain services.

HFS also adopted an amendment to Medical Assistance Programs (89 IAC 120; 46 Ill Reg 222) effective 3/25/22 that moves the due date for all premium payments for the Health Benefits for Persons with Disabilities program from the last day of the month to the 20th day of the month. The change aligns the due dates for ongoing payments with the due date for the initial payment.

Emergency Rule

■ OPTOMETRISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted emergency amendments to the Part titled Optometric Practice Act of 1987 (68 IAC 1320; 46 Ill Reg 5776) effective 3/25/22 for a maximum of 150 days. The emergency rule removes the current 4-hour limit on continuing education (CE) hours that can be

earned by correspondence or online, so that optometry licensees may earn all their required CE hours online during the current renewal period. Optometrists and their employers are affected.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217/785-0813, fax 217/557-4451.

MEDICAL PAYMENT

HFS adopted amendments to Medical Payment (89 IAC 140; 46 Ill Reg 242 and 792) effective 3/25/22, combining two separately proposed rulemakings and replacing an emergency amendment effective 12/16/21. The rulemaking increases HFS' Tier 1 provider assessment for Medicaid managed care organizations for State fiscal years 2022 through 2025 from \$61.70 to \$69.70 per member per month, based on enrollment in the base year of 2018. (The Tier 1 assessment applies to the first 4,195,000 member months recorded in the base year.) Tier 2 assessments (for Medicaid MCO enrollment beyond the first 4,195,000 member months in the base year) and Tier 3 assessments (for non-Medicaid MCOs) are unchanged. The rulemaking also changes

references to Advanced Practice Nurses to Advanced Practice Registered Nurses (APRNs), clarifies when collaborative agreements between APRNs and physicians or practitioners are necessary, and clarifies the disclosure and notification requirements when changes are made in a collaborative agreement. Other provisions give long term care providers 120 days (formerly, 45 days) to submit resident admissions or changes to HFS effective 1/1/22; remove obsolete language and provisions for defunct programs; and institute gender neutral language.

Questions/requests for copies of the 3 HFS rulemakings: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

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Adopted Rules

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ELECTRIC UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted amendments to the Part titled Electric Reliability (83 IAC 411; 45 Ill Reg 4193) effective 3/22/22 that allow electric utilities or alternative retail electric suppliers subject to ICC jurisdiction to conduct their required annual customer satisfaction surveys online, by e-

mail or by U.S. mail as well as by telephone. Customer surveys shall begin on or after September 1 and must be completed by the end of the calendar year. Residential and nonresidential customers selected to participate in the survey must be contacted in a format consistent with the contact information the utility has on file (e.g., a customer that does not provide an e-mail address must be surveyed by phone, online or U.S. Mail). Provisions regarding attempts to

contact a customer selected for a survey are clarified to state that they apply only to telephone surveys. Finally, surveys must include “decline to answer” as a response option and utilities must report the number of customers who decline to answer each question.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

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 included 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 COMMERCE COMMISSION

Electric Interconnection of Distributed Generation Facilities (83 IAC 466; 46 Ill Reg 1) proposed 1/3/22

Electric Interconnection of Large Distributed Generation Facilities (83 IAC 467; 46 Ill Reg 124) proposed 1/3/22

DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 46 Ill Reg 1326) proposed 1/14/22

Aid to the Aged, Blind or Disabled (89 IAC 113; 45 Ill Reg 15920) proposed 12/17/21

DEPT OF REVENUE

Water and Sewage Assistance Charge (86 IAC 515; 46 Ill Reg 2602) proposed 2/14/22

Joint Committee on Administrative Rules

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Senator Donald DeWitte
Senator Kimberly Lightford
Senator Tony Muñoz
Senator Sue Rezin

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