

Elaine Spencer, Editor  
jcar@ilga.gov

Joint Committee on Administrative Rules  
Illinois General Assembly

700 Stratton Bldg. Springfield IL 62706  
217/785-2254 ilga.gov/commission/jcar

VOL. 46

May 27, 2022

Issue 22

*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 Rulemakings

### CORRECTIONS

The DEPARTMENT OF CORRECTIONS proposed amendments to the Part titled Impact Incarceration Program (20 IAC 460; 46 Ill Reg 8461) updating the program (now called the Structured Impact Program) from a short-term, military-style "boot camp" to a longer-term holistic program emphasizing self-control and self-esteem through physical training, work activities, education, team building exercises, cognitive behavior and counseling. Program participants who were in custody sentence prior to 1/2/22 must serve 120 days in the program, with extensions possible to a maximum of 180 days; those sentenced after 1/1/22 will actively serve 12 months with possible extensions to a maximum of 18 months. Those who successfully complete the program will serve terms of mandatory supervised release. The rulemaking 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*.

changes the name of the Part to "Impact Program" and replaces the terms "offenders" and "committed persons" with "individuals in custody".

*Questions/requests for copies/ comments through 7/11/22: Kess Roberson, DOC, 1301 Concordia Court, P. O. Box 19277, Springfield IL 62794-9277, 217/558-2200, ext. 6506; [Kess.Roberson@illinois.gov](mailto:Kess.Roberson@illinois.gov)*

(cont. page 3)

## Adopted Rules

### HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Hospital Licensing Requirements (77 IAC 250; 45 Ill Reg 15183) effective 5/12/22, implementing Public Acts 101-91 and 101-445. The rulemaking prohibits hospitals from discharging or referring a patient to an unlicensed, unregistered or uncertified facility and requires hospitals to comply with information-posting requirements of the Medical Patient Rights Act. The rulemaking also requires hospitals to have proper instruments available for taking a pregnant woman's blood pressure and to require proof of identity with a government issued ID and a signature before discharging a newborn to anyone other than the biological mother. If a newborn is discharged

(cont. page 2)

**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](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.

# Adopted Rules

---

(cont. from page 1)

separately from the biological mother, the mother must also provide proof of identity before the newborn is discharged. Changes since 1<sup>st</sup> Notice clarify that Medical Patient Rights Act information may be posted electronically or physically and also clarify when a newborn may be discharged to a friend or relative of either parent.

*Questions/requests for copies:  
Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, (217)782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## ■ APPRENTICESHIP

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part titled Apprenticeship Education Expense Credit Program (14 IAC 522; 45 Ill Reg 11651) effective 5/11/22, implementing Public Act 101-207. The Part establishes the eligibility criteria, application process and other procedures for employers seeking to participate in DCEO's State income tax credit program for apprenticeship education expenses. Businesses that qualify for the program will receive a certificate entitling them to the tax credit, which DCEO may revoke if the business is not compliant with the conditions of the program. Apprentices must be Illinois residents who are at least 16 years old at the end of the school year for which the credit is claimed and are enrolled full time in an apprenticeship program

registered with the U.S. Department of Labor. Employers may receive total tax credits of up to \$5 million per year based on their apprentices' qualified educational expenses (tuition, book fees, and lab fees paid for by the employer and not by other private or public sources). The amount of qualified educational expenses that can be claimed toward the tax credit is \$3,500 per apprentice, or \$5,000 per apprentice in underserved areas with high poverty or unemployment. Businesses that DCEO determines to be in noncompliance are entitled to a hearing prior to revocation of the tax credit. Since 1<sup>st</sup> Notice, DCEO has added examples of expenses that do not qualify for the credit and clarified the procedure for revoking the tax credit in the event of noncompliance. Businesses that sponsor federally registered apprenticeship programs are affected by these rulemakings.

## ■ HUMAN SERVICES GRANTS

DCEO also adopted a new Part titled Human Services Capital Investment Grant Program (14 IAC 670; 46 Ill Reg 665), effective 5/11/22, implementing a program of capital improvement grants to physically improve or expand facilities owned or leased by human services providers. DCEO and the Department of Human Services will cooperate on program establishment and administration. DCEO will administer these grants to human services providers, either directly or indirectly through one or more

intermediaries. Eligible human services providers are defined as non-profit corporations in good standing, including faith-based organizations, that provide services directly to low-income or marginalized populations in mental health, rehabilitation services, substance use prevention and recovery, family and community services, developmental disabilities, early childhood education, or any other core program created by DHS. These include domestic violence shelters; rape crisis centers; comprehensive youth centers; Teen REACH providers; supportive housing providers; developmental disability community providers; behavioral health providers; and other community-based providers. Grants will be awarded via a competitive process and will be subject to the conditions of the Grant Accountability and Transparency Act. Grants must be used for physical improvements and cannot be used to purchase land or buildings, make improvements to a personal residence, pay debt or ongoing operational costs, or make improvements to those portions of a faith-based provider's facility that are used primarily for religious purposes. Non-profit organizations that provide human services may be affected by this rulemaking.

*Questions/requests for copies of the 2 DCEO rulemakings: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, [jolene.clarke@illinois.gov](mailto:jolene.clarke@illinois.gov)*

## Proposed Rulemakings

(cont. from page 1)

### PCB RULES UPDATE

The POLLUTION CONTROL BOARD proposed amendments to Pretreatment Programs (35 IAC 310; 46 Ill Reg 8482), Introduction (35 IAC 601; 46 Ill Reg 8604), Permits (35 IAC 602; 46 Ill Reg 8628), Ownership and Responsible Personnel (35 IAC 603; 46 Ill Reg 8669), Design, Operation and Maintenance Criteria (35 IAC 604; 46 Ill Reg 8676), Primary Drinking Water Standards (35 IAC 611; 46 Ill Reg 8724), Existing Activities in a Setback Zone or Regulated Recharge Area (35 IAC 615; 46 Ill Reg 8748), New Activities in a Setback Zone or Regulated Recharge Area (35 IAC 616; 46 Ill Reg 8794), Regulated Recharge Areas (35 IAC 617; 46 Ill Reg 8840) and Maximum Setback

Zones (35 IAC 618; 46 Ill Reg 8864), all implementing Executive Order 2016-13, which required agencies to identify and repeal or amend outdated, repetitive, confusing or unnecessary rules. The amendments to these Parts are intended to be non-substantive clarifications identified by PCB and the Illinois Environmental Protection Agency.

*Questions/requests for copies/ comments on the 10 PCB rulemakings through 7/11/22: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference Docket R18-23. Copies of the Board's opinion and order can be requested at 312/814-3620 or downloaded at pcb.illinois.gov.*

## Joint Committee on Administrative Rules

<b>Senator Bill Cunningham, co-chair</b>	<b>Representative Tom Demmer</b>
<b>Senator John F. Curran</b>	<b>Representative Michael Halpin</b>
<b>Senator Donald DeWitte</b>	<b>Representative Frances Ann Hurley</b>
<b>Senator Kimberly Lightford</b>	<b>Representative Steven Reick</b>
<b>Senator Tony Muñoz</b>	<b>Representative Curtis Tarver, II</b>
<b>Senator Sue Rezin</b>	<b>Representative Keith Wheeler, co-chair</b>

**Kim Schultz**  
**Executive Director**

## **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 June 14, 2022, JCAR meeting in Chicago. 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.

### **DEPT OF AGRICULTURE**

Illinois Pesticide Act (8 IAC 250; 46 Ill Reg 3633) proposed 3/11/22

### **DEPT OF CENTRAL MANAGEMENT SERVICES**

Pay Plan (80 IAC 310; 46 Ill Reg 4192) proposed 3/18/22

### **DEPT OF FINANCIAL AND PROFESSIONAL REGULATION**

Currency Exchange Act (38 IAC 120; 46 Ill Reg 5032) proposed 3/25/22

Debt Management Service Act (38 IAC 140; 46 Ill Reg 5039) proposed 3/15/22

Debt Settlement Consumer Protection Act (38 IAC 145; 46 Ill Reg 5046) proposed 3/25/22

Sales Finance Agency Act (38 IAC 160; 46 Ill Reg 5053) proposed 3/25/22

Illinois Credit Union Act (38 IAC 190; 46 Ill Reg 5061) proposed 3/25/22

Illinois Development Credit Corporation Act (38 IAC 195; 46 Ill Reg 5074) proposed 3/25/22

Financial Institutions Code (38 IAC 200; 46 Ill Reg 5078) proposed 3/25/22

Title Insurance Act (50 IAC 8100; 46 Ill Reg 5101) proposed 3/25/22

### **DEPT OF REVENUE**

Energy Assistance Charge (86 IAC 516; 46 Ill Reg 4834) proposed 3/18/22

### **IL LIQUOR CONTROL COMMISSION**

The Illinois Liquor Control Commission (11 IAC 100; 45 Ill Reg 16154) proposed 12/27/21