

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

■ ARCHITECTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Illinois Architecture Practice Act of 1989 (68 IAC 1150; 46 Ill Reg 11026). These amendments streamline pre-licensure education by allowing candidates to participate in the national Integrated Path to Licensure program, which allows education requirements and examinations to be completed at the same time, and by allowing DFPR to accept alternative and foreign architect programs approved by the National Council of Architectural Registration Boards (NCARB). Graduates of NCARB approved foreign programs no longer have to establish an NCARB record before requesting an evaluation of their education. Other provisions add sexual harassment prevention training and one hour of education

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*.

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regarding high winds and other natural disasters to continuing education requirements; allow an expedited restoration process for a license that has been inactive for less than 5 (currently, 3) years; clarify firm registration for limited liability companies; state that licensure applicants have 3 years to complete the application process before the application

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Adopted Rules

DCFS EMPLOYMENT

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to Equal Employment Opportunity Through the Department of Children and Family Services (89 IAC 429; 45 Ill Reg 7226), effective 6/16/22, updating the Department's nondiscrimination policy to conform to the Illinois Human Rights Act. The rulemaking adds age, disability, marital status, military status, national origin, order of protection status, pregnancy, religion, sexual orientation, and unfavorable military discharge to the list of protected classes.

Questions/requests for copies: Katarzyna Kowalska, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701, (217) 299-1588, TDD: (217) 524-3715, K a t a r z y n a . K o w a l s k a @ I l l i n o i s . g o v

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.

Proposed Rulemakings

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expires; and expand the historical summary of previous requirements for experience and examination.

■ SURVEYORS

DFPR proposed amendments to the Part titled Illinois Professional Land Surveyor Act of 1989 (68 IAC 1270; 46 Ill Reg 11074) reflecting statutory changes and other updates. The rulemaking defines approved programs and streamlines the application and examination approval process by allowing candidates to directly register for and pass required exams though a national exam entity before applying to DFPR for licensure. Other provisions clarify acceptable education courses; add options for accepted experience; align the standards for professional conduct to national standards; clarify provisions for limited liability company registration; and update the historical summary of previous requirements. Land surveyors and their employers are affected.

■ ENGINEERS

DFPR also proposed amendments to the Parts titled The Professional Engineering Practice Act of 1989 (68 IAC 1380; 46 Ill Reg 11151) and The Structural Engineering Practice Act of 1989 (68 IAC 1480; 46 Ill Reg 11220) that streamline the application and examination approval process by allowing candidates to directly register for and pass required

exams though a national exam entity before applying to DFPR for licensure. Other provisions in both rulemakings clarify acceptable education courses and experience; add sexual harassment prevention training and professional ethics training to continuing education (CE) requirements; align standards for professional conduct to national standards; clarify provisions for limited liability company registration; allow partial carryover of CE to the next renewal period; cap the number of professional development hours that can be earned in a 24-hour period; and update the historical summary of previous requirements. Amendments to Part 1380 also include all Engineering Accreditation Commission/Accreditation Board for Engineering and Technology - approved programs, whether completed in the U.S. or a foreign country, among DFPR's approved programs. The Part 1480 rulemaking additionally allows the required 18 hours of structural engineering coursework to be earned in a bachelor's, master's or doctoral degree program (currently, these hours must be earned in a bachelor's degree program); reflects changes to national exams; and repeals an obsolete Section on seismic design.

■ ENVIRONMENTAL HEALTH

Finally, DFPR also proposed amendments to the Part titled Environmental Health Practitioner Licensing Act (68 IAC 1247; 46 Ill

Reg 11067) that add provisions addressing dishonorable, unprofessional, and unethical conduct and remove obsolete provisions regarding variances and fees.

Questions/requests for copies/ comments on the 5 DFPR rulemakings through 8/15/22: Craig Cellini, DFPR, 320 W. Washington, 2nd Floor, Springfield IL 62786, 217/785-0810, Fax: 217/557-4451.

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250; 46 Ill Reg 11279) that establish a process for reinstating a hospital's operations after the hospital has been suspended due to violations of federal Medicare rules or termination from the Medicare program. The affected hospital must submit to DPH an updated license application and a plan of correction that explains how the outstanding violations will be corrected. If DPH confirms by an on-site survey that the hospital has corrected the violations and is in compliance with all licensing requirements, DPH will issue a provisional license. A second survey must be conducted within 4 months after the first; if this survey finds the hospital to be in full compliance, its regular license will be restored. If the hospital is not in compliance at the time of the

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second survey, DPH may extend the provisional license or begin the process for license suspension or revocation. The rulemaking also clarifies that when a hospital notifies DPH in advance of its permanent closure, the notification must include the physical location of all medical records and medical staff credentialing files, along with contact information for obtaining these records.

BIRTH CENTERS

DPH also proposed amendments to Birth Center Demonstration Program Code (77 IAC 265; 46 Ill Reg 11297) implementing Public Act 102-665, which requires birth center staff to be educated regarding severe maternal hypertension (pre-eclampsia), obstetric hemorrhage, and other causes of maternal mortality. The rulemaking also implements PA 101-116, which requires the closed captioning feature to be left on at all times on television sets in patient rooms and public waiting areas.

Questions/requests for copies/ comments on the 2 DPH rulemakings through 8/15/22: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, dph.rules@illinois.gov

BUSINESS GRANTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted emergency amendments to the Part titled Back to Business Grant Program (14 IAC 691; 46 Ill Reg 11317) effective 6/16/22 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 46 Ill Reg 11024. The emergency and proposed rulemakings add two new programs to DCEO's Back to Business grants: the Startup Grants Program for businesses that incorporated and began operations on or after 1/1/20, and the Reactivating Vacant and Mainstreet Places (REVAMP) Program for businesses currently occupying commercial space in high traffic areas that had been vacant for at least 3 months prior to 3/1/20. Maximum grant amounts are \$150,000 for both programs. Home based businesses may qualify for up to \$25,000 in grants from the Startup Grants Program only. Expenses that can be reimbursed via either grant program include: rent, mortgage, insurance or utility payments made, and wages paid to employees, during a period of closure due to COVID-19 public health directives; renovations or investments to encourage distancing and prevent the spread of COVID-19 (e.g., barriers, outdoor seating); investments to facilitate remote work or pick-up/delivery of goods sold; personal protective equipment; and

sanitation/deep cleaning. Businesses applying for the Startup Grants Program must not have earned more than \$20 million in gross operating revenue during 2021. For both programs, DCEO will prioritize businesses with less than \$5 million in annual gross receipts; those in hard-hit industries (e.g., hospitality, travel); those in disproportionately impacted areas; and those that have not previously received federally funded COVID-19 assistance. Procedures and information required for grant applicants are included. Small businesses may be affected.

DCEO REPEALER

DCEO also repealed emergency amendments to the Part titled Local Tourism and Convention Bureau Program (14 IAC 550; 46 Ill Reg 11312) effective 6/14/22. The emergency rule continued lower matching fund requirements for tourism grants through the 2023 fiscal year. DCEO is repealing the emergency rule because an identical permanent rulemaking was proposed in the 6/3/22 *Register* (46 IR 8951) and emergency action is not necessary.

Questions/requests for copies of the 2 DCEO emergency rules, and comments on the proposed rulemaking through 8/15/22: Jolene R. Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, jolene.clarke@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 appear in next week's *Illinois Register* and be considered at the July 12, 2022, 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

Animal Welfare Act (8 IAC 25; 45 Ill Reg 8586) proposed 7/16/21

DEPT OF FINANCIAL & PROFESSIONAL REGULATION

Cannabis Regulation and Tax Act (68 IAC 1291; 46 Ill Reg 5127) proposed 3/25/22

DEPT OF CENTRAL MGMT SERVICES

Acquisition, Management and Disposal of Real Property (44 IAC 5000; 46 Ill Reg 4990) proposed 3/25/22

Merit and Fitness (80 IAC 302; 46 Ill Reg 5000) proposed 3/25/22

DEPT OF PUBLIC HEALTH

Ambulatory Surgical Treatment Center Licensing Requirements (77 IAC 205; 46 Ill Reg 6213) proposed 4/22/22

Nursing Education Scholarships (77 IAC 597; 46 Ill Reg 6236) proposed 4/22/22

School-Based/Linked Health Centers (77 IAC 641; 46 Ill Reg 2789) proposed 4/22/22

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**Kim Schultz
Executive Director**