

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

■ LEAD ABATEMENT

The DEPARTMENT OF PUBLIC HEALTH proposed a new Part titled Illinois CLEAR-Win Program Code (77 IAC 843; 46 Ill Reg 16351) that implements the Comprehensive Lead Education, Reduction and Window Replacement (CLEAR-Win) Program Act [410 ILCS 43]. The Part establishes a program to assist property owners with the cost of removing or replacing lead hazards, including paint and plumbing, in single-family homes and multi-family residential buildings. Owner-occupied dwellings may qualify for the program if the property owner is low-income and the property is occupied by a child or pregnant woman or serves as a child care facility (day care home). Rental properties may qualify if at least 50% of renters are low-income or if the building has received a lead mitigation notice or order from

DPH. All abatement work must be performed and assessed by DPH-licensed lead inspectors, lead risk assessors, lead abatement contractors, or plumbers. Child care homes and facilities additionally must meet criteria established by the Department of Children and Family Services in 89 IAC 406, 407 or 408 for water supply lead testing. Violations of the Act or this Part by a contractor, inspector, plumber, or property owner may result in administrative penalties of fines of up to \$5,000 per violation. Those affected by this rulemaking include owners of properties with lead hazards, day care operators, plumbers, and lead abatement contractors.

Questions/requests for copies/ comments through 11/14/22: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield

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Emergency Rulemakings

■ VISA WAIVERS

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to the Part titled Visa Waiver Program for International Medical Graduates (77 IAC 591; 46 Ill Reg 16533) effective 9/19/22 for a maximum of 150 days. The emergency rule expands DPH's J-1 visa waiver program, through which DPH, on behalf of foreign medical school graduates enrolled in residencies in the U.S., applies to the U.S. State Department for a limited number of waivers allowing these graduates to remain in the U.S. after completing their residencies. (Normally, J-1 visa holders must return to their home countries after completing their residencies.) In return, these visa holders must agree to work in a federally designated Health Professional Shortage Area for at

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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

■ VEHICLE REGISTRATIONS

The SECRETARY OF STATE adopted amendments to Certificates of Title, Registration of Vehicles (92 IAC 1010; 46 Ill Reg 7682) effective 9/16/22, concerning semitrailer registrations and universal special plates. This rulemaking clarifies that semitrailer registrations may be issued for trailers that are used and towed by commercial vehicles as defined in the Illinois Vehicle Code, by vehicles used in farm to market agricultural transportation, or in combination with any vehicle defined in the Vehicle Code as an apportionable vehicle. The rulemaking also increases the size

of decals that may be placed on universal special plates. Businesses that use semitrailers or truck tractors are affected by this rulemaking.

DRIVER'S LICENSES

SOS also adopted amendments to Issuance of Licenses (92 IAC 1030; 46 Ill Reg 6905) effective 9/15/22, replacing emergency amendments that were effective 4/22/22. The rulemaking makes an exception to SOS eligibility criteria for Temporary Visitors' Driver's Licenses (TVDLs). Normally TVDLs are issued only to non-citizens who have been authorized to remain in the U.S. for 1 year or

more and have at least 6 months of legal residence remaining. The exception established by this rulemaking applies to persons who have been granted temporary protected status by the U.S. Department of Homeland Security due to war, natural disaster or other conditions in their home countries (e.g., Ukraine, Afghanistan), provided they did not arrive in the U.S. before temporary protected status was granted.

Questions/requests for copies of the 2 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Building, Springfield, IL 62756, 217/785-3094, pwright@ilsos.gov

Emergency Rules

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least 3 years after completing their residency. The emergency amendments expand the DPH waiver program to include forensic pathology graduates seeking residencies in medical examiner offices. Other medical facilities that accept J-1 visa waiver applicants must attest that they will accept all patients regardless of ability to pay, accept Medicare and Medicaid on assignment, and charge fees on a sliding income-based scale to uninsured low-income patients. (Previously, this attestation applied only to patients of the visa waiver applicant.) Medical examiner offices and healthcare providers that accept J-1 visa waiver applicants are affected by this emergency rulemaking.

■ LONG-TERM CARE

DPH also adopted emergency amendments to Assisted Living and Shared Housing Establishment Code (77 IAC 295; 46 Ill Reg 16414), Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 46 Ill Reg 16428), Sheltered Care Facilities Code (77 IAC 330; 46 Ill Reg 16447), Intermediate Care for Developmentally Disabled Facilities Code (77 IAC 350; 46 Ill Reg 16467), Community Living Facilities Code (77 IAC 370; 46 Ill Reg 16488), Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 46 Ill Reg 16504) and Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 46 Ill Reg 16517), all effective 9/19/22,

modifying previous emergency rules that were effective 7/15/22 (except for the 77 IAC 300 emergency rules, which were effective 7/14/22) for the remainder of their 150-day effective period. These emergency amendments correct a website address through which facilities may report COVID-19 testing and vaccination data on a weekly basis. Long-term care facilities are affected by these emergency amendments.

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

Proposed Rulemakings

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IL 62701, 217/782-1159,
dph.rules@illinois.gov

■ STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed an amendment to Illinois Veteran Grant (IVG) Program (23 IAC 2733; 46 Ill Reg 16370) implementing PA 102-800, which requires IVG recipients to have been honorably discharged from their most recent (currently, from each) period of active duty service.

ISAC also proposed new Parts titled School and Municipal Social Work Shortage Loan Repayment Program (23 IAC 2748; 46 Ill Reg 16378) and Human Services Professional Loan Repayment Program (23 IAC 2752; 46 Ill Reg 16384) implementing student loan repayment programs created by two Public Acts. Part 2748 allows Illinois residents who have been employed as social workers for at least 12 consecutive months in a public elementary or secondary school or by a municipality (outside of a police department) to apply for a one-time grant toward repaying eligible student loans obtained to complete their degree in social work. Part 2752 institutes a similar grant program for human services professionals who have been employed for at least 24 consecutive months in a community-based human services agency that has a contract with the State, and who will remain with that agency for at least 12 months after

receiving the grant. Recipients of the social work loan repayment grants may reapply on an annual basis but will receive only one grant of up to \$6,500. Recipients of the human services loan repayment grants may receive them for up to 4 years; maximum annual grant amounts are \$25,000 for loans obtained to finance a master's or doctoral degree, \$15,000 for bachelor's degrees, and \$3,000 for associate degrees. An additional \$5,000 per year may be awarded to applicants who are independently licensed as clinical social workers, clinical professional counselors, marriage and family therapists, or in other medical or mental health fields. Recipients in both programs must not be in default on any student loan or owe money to ISAC from another grant or scholarship program. The number of loan repayment grants awarded and the amount of assistance is contingent upon available funding. If available funds are not sufficient to assist all applicants, the social work grant program will prioritize new minority applicants while the human services grant program will prioritize renewal applicants. Those affected by this rulemaking include social workers and human services professionals employed by municipalities, human service agencies and public schools.

Questions/requests for copies/ comments on the 3 ISAC rulemakings through 11/14/22: Jackie Eckley, ISAC, 500 W. Monroe, 3rd Floor, Springfield IL 62704, 217/782-5161, jackie.eckley@illinois.gov

MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 46 Ill Reg 16307) implementing Public Act 102-43. The rulemaking removes a provision limiting coverage of specified chiropractic services to patients under age 21, so that these services can be authorized for medical assistance recipients of any age. The rulemaking also corrects a cross-reference to the Public Aid Code.

HOSPITALS

HFS proposed an amendment to Hospital Services (89 IAC 148; 46 Ill Reg 16331) also implementing PA 102-43, authorizing payment for long-acting injectable medications administered to treat mental health or substance use disorders in the hospital inpatient setting. HFS also proposed an amendment to Hospital Reimbursement Changes (89 IAC 152; 46 Ill Reg 16346) that removes obsolete provisions related to the SMART Act of 2012 (which generally reduced hospital reimbursement rates by 3.5%) and restores pre-SMART Act reimbursement rates effective 7/1/21.

Questions/requests for copies/ comments on the 3 HFS rulemakings through 11/14/22: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@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 October 18, 2022, meeting in Chicago. 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.

DEPT OF AGRICULTURE

Fairs Operating Under the Agricultural Fair Act (8 IAC 260; 46 Ill. Reg. 11574) proposed 7/15/22

DEPT OF HUMAN SERVICES

Temporary Assistance for Needy Families (89 IAC 112; 46 Ill Reg 13620) proposed 8/5/22

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 46 Ill Reg 14049) proposed 8/5/22

Joint Committee on Administrative Rules

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

Kim Schultz
Executive Director