

The Flinn Report Illinois Regulation

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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

■ FILM & TV PRODUCTION

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to the Part titled Illinois Film Production Service Tax Credit Program (14 IAC 528; 46 Ill Reg 16650). The proposed amendments implement Public Act 102-700, which, effective 7/1/22, allows up to \$500,000 (previously, \$100,000) in wages paid to a single employee to count toward the credit and also allows the credit to apply to wages paid to a limited number of non-Illinois resident workers, including directors, writers, producers, designers, and actors. The PA and the rulemaking also impose a transfer fee, to be deposited into the Illinois Production Workforce Development Fund, when tax credits are transferred from one production to another. The rulemaking clarifies when a production is deemed to have

commenced principal filming or taping and states that a production must commence no later than one year after DCEO issues the accredited production certificate. Other provisions define an area of high unemployment (for purposes of determining certain labor expenditures that qualify for the credit), add or clarify definitions, and remove obsolete provisions. Those affected by this rulemaking include persons producing, working on, or performing in film and television productions in Illinois.

■ BROADBAND SERVICE

DCEO also proposed a new Part titled Broadband Grant Programs (14 IAC 548; 46 Ill Reg 16666) implementing PA 102-699, which requires DCEO to adopt rules for a broadband internet access initiative funded in part by the

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Adopted Rules

■ MENTAL HEALTH

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 46 Ill Reg 7977) effective 9/20/22, replacing emergency amendments that were effective 5/2/22. This rulemaking implements a provision of PA 102-16 by establishing Violence Prevention Community Support Teams (VP-CSTs) as one of the team-based mental health services for which HFS provides Medicaid reimbursement. VP-CSTs provide trauma recovery mental health services to children and adults who have experienced chronic exposure to firearm violence. VP-CST members include qualified mental health professionals (QMHPs) (e.g., clinical psychologists, licensed clinical professional counselors, social

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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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workers), mental health professionals, and rehabilitative services associates as defined in existing rule, plus a new category of peer support workers (PSWs). A PSW must be at least 21 years old; have personal experience with behavioral health needs, or experience as a parent of a child with behavioral health needs; demonstrate ability to work with the team; and complete a Department-approved training/certification process. VP-CST services must be available 24 hours a day, 7 days a week; be delivered by a Community Mental Health Center or Behavioral Health Clinic; and the team must be under the supervision of a full-time QMHP. Services available to VP-CST participants must include individual, group and family therapy/counseling using trauma-informed methods; individual and group community support services; and proactive engagement by a PSW. Providers must also be able to accept referrals from local emergency departments and from the Department of Human Services' Office of Firearm Violence Prevention. Those affected by this rulemaking include mental health centers and clinics.

MEDICAL ASSISTANCE

HFS also adopted amendments to Special Eligibility Groups (89 IAC 118; 46 Ill Reg 11643), effective 9/21/22, replacing emergency amendments that were effective 6/30/22. This rulemaking implements Public Act 102-1037,

which expands eligibility for the Health Benefits for Immigrant Adults (HBIA) program to adult non-citizens age 42-54 (previously, age 55-64) who do not qualify for federally matched medical assistance.

Questions/requests for copies of the 2 HFS rulemakings: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

LANDSCAPE ARCHITECTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part now titled Landscape Architecture Registration Act (68 Ill. Adm. Code 1275; 46 Ill Reg 4477) effective 9/26/22 that reflect the expiration of the former Act and adoption of a new Act. The rulemaking changes the name of the Part (formerly Illinois Landscape Architecture Act of 1989) and replaces all references to "licensure" with "registration". Landscape architects who held active licenses at the time the previous Act expired on 1/1/20 will have their licenses converted to registrations. Continuing education requirements are removed (since licensure is no longer required) and procedures for evaluating the credentials of foreign-educated applicants are clarified. Since 1st Notice, DFPR has expanded the allowable options for accredited educational programs, clarified the requirements for registration applicants lacking an acceptable

degree, and clarified conditions for approving supervised experience and granting waivers of examination requirements. Landscape architects and their employers are affected.

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

LONG TERM CARE

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 46 Ill Reg 9478) and Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 46 Ill Reg 9520), both effective 9/26/22, reflecting federal court orders concerning the rights of Illinois nursing home and mental health facility residents. Amendments to Part 300 reflect the *Colbert vs. Pritzker* federal consent decree, which requires that Medicaid-eligible nursing home residents in Cook County (Colbert Class Members) be advised of their right to seek placement and services at home or in the community if feasible. Each fiscal year, one of the Colbert Consent Decree Defendant Agencies (the Departments of Human Services, Public Health, Healthcare and Family Services, and the Department on Aging) is designated to be the Lead Agency for implementation of the consent decree. Each month, Cook County

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Proposed Rulemakings

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federal American Rescue Plan Act (ARPA). The program provides grants to eligible entities for capital improvements that provide broadband access to homes, businesses, and community anchor institutions in underserved areas; that enable broadband innovations for economic development and related activities; or that expand urban broadband access/innovation in qualified cities of 75,000 or more residents. Eligible entities include incorporated businesses or partnerships; political subdivisions (e.g., municipalities, townships, counties); nonprofit organizations; cooperative associations; or limited liability corporations organized for the purpose of expanding broadband access. Public school districts are eligible to apply but may be encouraged to leverage other available federal or education-specific funding prior to receiving an award. Eligible entities must register and be prequalified under the Grant Accountability and Transparency Act (GATA) and grant recipients must report their expenditures as required by GATA. Grant awards are contingent upon available funding and opportunities to apply for grants will be posted on the GATA Grantee Portal. The new Part includes information to be included in applications for grant funding and criteria for awarding grants. Priority will be given to projects that receive more than 50% of their funding from non-State sources (federal, local, or private funds). Those affected by

this rulemaking include businesses, municipalities and nonprofits involved in broadband projects.

Questions/requests for copies/comments on the 2 DCEO rulemakings through 11/21/22: Bridget Schutt, DCEO, 555 W. Monroe, Suite 1200, Chicago IL 60661, 312/579-6757, Bridget.Schutt2@illinois.gov

■ WORKERS' COMPENSATION

The WORKERS' COMPENSATION COMMISSION proposed amendments to the Parts titled Electronic Filing (50 IAC 9015; 46 Ill Reg 16679), Pre-Arbitration (50 IAC 9020; 46 Ill Reg 16684), Arbitration (50 IAC 9030; 46 Ill Reg 16694), Insurance Regulations (50 IAC 9100; 46 Ill Reg 16701), Miscellaneous (50 IAC 9110; 46 Ill Reg 16721) and Alcohol and Drug Sample Collection and Testing (50 IAC 9140; 46 Ill Reg 16731). Amendments to Part 9015 replace references to the repealed Electronic Commerce Security Act [5 ILCS 175] with references to its replacement, the Uniform Electronic Transactions Act [815 ILCS 333] and clarify a provision regarding submission of records. The Part 9020 rulemaking clarifies certain procedures and timelines involved in the pre-arbitration process. Amendments to Part 9030 establish procedures for submitting certain types of evidence, including video and audio recordings, into WCC's electronic filing system, and also allow a simple majority (currently, 7 of 9 members) of Worker's

Compensation Advisory Board members to approve a list of certified arbitrators. Part 9100 is being updated to reflect the transfer of WCC's insurance compliance functions to the Department of Insurance; implement PA 101-40 by establishing procedures for emergency stop-work orders; clarify the process for work stop orders and notices; allow insurance compliance fines and penalties to be paid electronically; and provide that interest earned on securities deposited by self-insured entities will be deposited in the Self-Insurers Security Fund. Finally, amendments to Parts 9110 and 9140 update the Commission's Chicago office address; the Part 9110 rulemaking also clarifies that timelines are counted in calendar (rather than business) days. Businesses with proceedings before the WCC are affected by these rulemakings.

Questions/requests for copies/comments on the 6 WCC rulemakings through 11/21/22: Cole D. Garrett, WCC, 69 W. Washington St., Suite 900, Chicago IL 60602, 312/814-6620, IWCC.Rules@illinois.gov

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 46 Ill Reg 16587) updating various titles, salary ranges and bargaining unit assignments. New

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Adopted Rules

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nursing facilities with Colbert Class Members must submit to the Lead Agency an accurate count of their Medicaid-eligible residents and of their voluntary and involuntary discharges. They must also provide new residents and discharged residents with information about their rights under the Colbert Consent Decree and notify agencies providing transition services at least 48 hours prior to discharging a Colbert Class Member. Amendments to Part 380 reflect the *Williams vs. Pritzker* consent decree, which requires persons who are 18 or older, have a mental illness, are residing in a privately owned Institution for Mental Disease, and may be able to move to a community setting (Williams Class Members) to be advised of their right to seek community placement. Lead Agencies for the Williams Consent Decree are the DHS Division of Mental Health, DPH, HFS, and the Department of Children and

Family Services. Specialized Mental Health Rehabilitation Facilities (SMHRFs) regulated under this Part must submit monthly reports to the Lead Agency with an accurate count of Medicaid-eligible residents and all voluntary and involuntary discharges. Williams Class Members must be given information and educational materials regarding their rights under the Williams Consent Decree within 1 to 3 days after admission to a SMHRF and at the time of discharge, and agencies providing transition services must be notified at least 48 hours prior to a Williams Class Member's discharge from a SMHRF. Certain nursing homes and residential mental health facilities are affected.

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

■ UNCLAIMED PROPERTY

The OFFICE OF THE STATE TREASURER adopted amendments to the Part titled Revised Uniform Unclaimed Property Act (74 IAC 760; 46 Ill Reg 9609) effective 9/26/22 that update the Part to reflect statutory changes pursuant to Public Acts 102-288, 102-734, and 102-835. These changes include provisions related to data matching with the Secretary of State and the State Board of Elections, time deposits at financial organizations, expanded coverage of U.S. Savings Bonds, virtual currency, filing of negative reports, and payment of interest to owners. Businesses, municipalities and non-profit entities with unclaimed property may be affected.

Questions/requests for copies: Sara Meek, OST, 219 State House, Springfield IL 62706, 217/836-0030, fax: 217/785-2777, SMeek@illinoistreasurer.gov

Proposed Rulemakings

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trainee titles with corresponding merit compensation salary ranges include cannabis regulator trainee, information technology trainee, and portable scales operator trainee. Other new titles approved by the Civil Service Commission include portable scales operator, senior operator and coordinator; cannabis regulator and regulator supervisor; and veterans employment representative III. The

information services intern title is removed and the title of behavioral analyst associate is changed to behavior analyst associate. Titles being assigned to bargaining units and pay grades include boiler safety supervisor, chaplain I and II, child welfare administrative case reviewer, and museum theater systems technician. Finally, pay rates for boiler safety specialists and boiler safety audit specialists are updated to reflect prevailing wages in accordance with an

existing collective bargaining agreement.

Questions/requests for copies/comments through 11/21/22: Jason R. Doggett, CMS, 504 William G. Stratton Building, Springfield IL 62706, 217/782-4267, Fax: 217/524-4570, CMS.PayPlan@Illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. Except for the Department of Public Health rulemaking (which will be considered at the November 15, 2022 JCAR meeting), these rulemakings will be considered at the October 18, 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

Insect Pest and Plant Disease Act (8 IAC 240; 46 Ill Reg 12378) proposed 7/22/22

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Consumer Installment Loan Act (38 IAC 100; 46 Ill Reg 12675) proposed 7/29/22

Payday Loan Reform Act (38 IAC 210; 46 Ill Reg 12684) proposed 7/29/22

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 46 Ill Reg 13567) proposed 8/5/22

DEPT OF LABOR

Illinois Workers Adjustment and Retraining Notification Act (56 IAC 230; 46 Ill Reg 8009) proposed 5/20/22

Victims' Economic Security and Safety Act (56 IAC 280; 46 Ill Reg 8014) proposed 5/20/22

DEPT OF NATURAL RESOURCES

Open Space Lands Acquisition and Development Grant Program (17 IAC 3025; 46 Ill Reg 10206) proposed 6/17/22

General Hunting and Trapping on Department-Owned or Managed Sites (17 IAC 510; 46 Ill Reg 13633) proposed 8/5/22

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 46 Ill Reg 13641) proposed 8/5/22

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 46 Ill Reg 13657) proposed 8/5/22

Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 46 Ill Reg 13671) proposed 8/5/22

Duck, Goose and Coot Hunting (17 IAC 590; 46 Ill Reg 13687) proposed 8/5/22

White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; 46 Ill Reg 13754) proposed 8/5/22

White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; 46 Ill Reg 13778) proposed 8/5/22

White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 46 Ill Reg 13797) proposed 8/5/22

Special White-Tailed Deer Season for Disease Control (17 IAC 675; 46 Ill Reg 13823) proposed 8/5/22

Late-Winter Deer Hunting Season (17 IAC 680; 46 Ill Reg 13832) proposed 8/5/22

Youth Hunting Seasons (17 IAC 685; 46 Ill Reg 13843) proposed 8/5/22

The Taking of Wild Turkeys - Spring Season (17 IAC 710; 46 Ill Reg 14144) proposed 8/12/22

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Second Notices

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The Taking of Wild Turkeys - Fall Archery Season (17 IAC 720; 46 Ill Reg 13854) proposed 8/5/22

Dove Hunting (17 IAC 730; 46 Ill Reg 13867) proposed 8/5/22

Crossbow and Standing Vehicle Hunting Authorizations (17 IAC 760; 46 Ill Reg 13885) proposed 8/5/22

ILLINOIS GAMING BOARD

Video Gaming (General) (11 IAC 1800; 46 Ill Reg 3939) proposed 3/11/22

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 46 Ill Reg 9143) proposed 6/10/22

Culturally Responsive Teaching and Leading Standards for All Illinois Educators (23 IAC 24; 46 Ill Reg 9173) proposed 6/10/22

DEPT OF PUBLIC HEALTH

Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 IAC 515; 46 Ill Reg 8984) proposed 6/3/22

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Senator John F. Curran **Representative Michael Halpin**

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Kim Schultz
Executive Director