

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

DRIVER'S LICENSES & IDs

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 48 Ill Reg 3092) updating and clarifying conditions for remote renewal of driver's licenses and identification cards. A driver's license may be renewed online every other renewal period when a written test is not required and an ID card can be renewed online twice in succession. Online renewal of a driver's license or an ID card is not allowed when: the holder is under 21 or over 78 years old for a driver's license (currently, under 22 or over 74) or under 21/over 64 for an ID card; the license or card has been expired more than one year; the last renewal of a driver's license or last 2 renewals of an ID card were completed remotely; the holder is only authorized to be in the U.S. temporarily and must submit updated documentation to remain in the U.S.; the holder's Social Security Number, if any, cannot be verified; the holder

currently has a valid license or ID card from another state; or the holder's file does not contain a suitable image. Online renewal of a driver's license is also not allowed if the driver holds a school bus permit or a Commercial Driver's License with a hazardous materials endorsement; the driver is 74 or older and holds a license with a

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farm vehicle restriction; the driver is required to submit a medical report or has been involved in an accident that caused death, injury or property damage; or the driver is under age 26 and has not fulfilled an applicable Selective Service registration obligation. An ID card also cannot be renewed remotely when the cardholder has changed their legal name, gender or address since issuance or the most recent renewal, or if the holder also has a homeless person or person with a disability ID

card. Photos and signatures must be updated at least every 12 years on a driver's license and every 15 years on an ID card unless the holder has a military or civilian employee deferral. Exceptions to the photograph and signature requirement due to religious convictions, facial disfigurements, or temporary out of State residence apply only to driver's licenses; the religious head covering exception applies to both driver's licenses and ID cards.

Questions/requests for copies/comments through 4/15/24: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov

NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Skilled Nursing and Intermediate Care Facil-

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.

PROPOSED RULEMAKINGS: Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.

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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

(cont. from page 1)

ities Code (77 IAC 300; 48 Ill Reg 3008) and Sheltered Care Facilities Code (77 IAC 330; 48 Ill Reg 3042) implementing Public Act 103-320, which provides that the State Long Term Care Ombudsman shall be notified when a resident is involuntarily transferred or discharged from a facility. The rulemaking also adds the Department on Aging's Community Care Program rules (89 IAC 240) to the list of referenced administrative rules.

LEAD POISONING PREVENTION

DPH also proposed amendments to Lead Poisoning Prevention Code (77 IAC 845; 48 Ill Reg 3071) that redefine an elevated blood lead level (which must be reported to DPH) as 3.5 mic-

rograms per deciliter (currently, 5 mg/dl) in line with Centers for Disease Control and Prevention recommendations.

Questions/requests for copies/comments on the 2 DPH rulemakings through 4/15/24: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, dph.rules@illinois.gov

▪ TAX APPEALS

The DEPARTMENT OF REVENUE proposed amendments to the Part titled Informal Conference Board (86 IAC 215; 48 Ill Reg 3084) that make the following changes to the Board's procedures: extending from 60 to 180 days the minimum time that must remain on the statute of limitations for a particular tax return in order for the taxpayer to take advantage of the ICB, and expanding ICB jurisdiction to include audit adjustments that result

in reductions to net operating losses. (The Board allows taxpayers an opportunity to resolve disputes with DOR concerning a liability, deficiency or claim denial before resorting to a formal protest and administrative hearing.) The rulemaking also provides that ICB will not hold cases or make adjustments to issues related to pending litigation. Businesses and individual taxpayers who have disputes with DOR are affected.

Questions/requests for copies/comments through 4/15/24: Brian Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, REV.GCO@illinois.gov

Adopted Rules

▪ WITNESS PROTECTION

The ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY adopted a new Part titled Violent Crime Witness Protection Program (20 IAC 1590; proposed at 47 Ill Reg 7219) effective 2/16/24 at 48 Ill Reg 3110, implementing the Violent Crime Witness Protection Act [720 ILCS 173] by establishing a grant program designed to protect victims and witnesses who are actively aiding in the prosecution of violent criminals, as well as appropriate related persons (e.g., children, parents or guardians of a victim or witness) determined by the Authority to be at risk of a discernable threat of violent crime. Eligible persons include those who assist the Attorney General or a State's Attorney's office in the prosecution of a violent crime by providing a witness statement to law enforcement, providing testimony necessary for the issuance of a warrant, or testifying at a criminal trial. ICJIA will provide grants to local law enforcement agencies, State's Attorney's offices or to the Office of the Attorney General reimbursing them for the cost of providing assistance to eligible persons, which may include up to one year of emergency or temporary living costs; moving expenses; rent, utilities and security deposits; mental health treatment; lost wages assistance; and other appropriate relocation or transition expenses. Grants are subject to the conditions of the Grant Accountability and Transparency Act (GATA). Allowable covered expenditures must be incurred on or after 1/1/23 and before the cutoff date announced in the Notice of Funding Opportunity (NOFO) posted when funding becomes available. County governments that apply for grants must demonstrate ability to cover at least 25% of the payments made to victims and witnesses under

this program, or show good cause for their inability to cover these costs. Sheriff's departments must notify the county State's Attorney of their intent to seek reimbursement under this program. In accordance with the Rights of Crime Victims and Witnesses Act, records required to be kept for this program should not include the true names of crime victims; if access to this information is necessary, the grant recipient and ICJIA must take steps to ensure its confidentiality. Other provisions address program eligibility, documentation of allowable expenditures by the victim/witness and the agency or office applying for the grant, the grantee selection process, GATA compliance, and requirements for reimbursement requests. Since 1st Notice, ICJIA has clarified its definitions of victim, witness and appropriate related persons. Those affected by this rulemaking include county State's Attorney's and sheriff's offices and non-profit agencies providing assistance to violent crime victims.

Questions/requests for copies: Kristina Dion, ICJIA, 60 E Van Buren St., 6th Floor, Chicago, IL 60605, 312-793-8948.

▪ DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted amendments to the Part titled Criteria for the Evaluation of Programs of Services in Community Rehabilitation Agencies (89 IAC 530; proposed at 47 Ill Reg 2593) effective 2/16/24 at 48 Ill Reg 3129, that clarify standards for Community Rehabilitation Program (CRP) Agencies and the accreditation process. The rulemaking updates references to the Division of Rehabilitation Services (DRS; formerly Office of Rehabilitation Services) within DHS. It requires CRPs that

provide job placement, supported employment or customized employment services and receive \$100,000 or more annually in DHS employment services funding to be accredited by a recognized national organization or have interim approval from DHS-DRS. (A CRP that receives less than \$100,000 annually in employment services funding is not required to have national accreditation.) DHS may grant interim certification for up to 3 years to a CRP that has not previously held a placement contract and does not have national accreditation. Agencies under interim certification will be evaluated annually for compliance with DHS requirements for contract administration, non-discrimination, fiscal management, life-safety standards, and administrative requirements. After 3 years of interim certification, a CRP agency must be nationally accredited or it will not be eligible to enter into contracts with DHS. Other provisions clarify the contents of Individualized Plans for Employment (IPE), job coaching, and staffing meetings (at which the Rehabilitative Services customer, DHS staff and/or CRP staff review the customer's progress toward employment goals). Since 1st Notice, DHS has added cross references to other rules that apply to various aspects of the program instead of merely removing the text of duplicative provisions. It has also clarified that the review criteria used to evaluate a CRP for interim certification will continue to be used in subsequent reviews if those criteria are included in the agency's contract. Community Rehabilitation Program agencies and their customers are affected.

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Adopted Rules

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Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772.

HOME SERVICES

DHS also adopted an amendment to the Part titled Eligibility (89 IAC 682; proposed at 47 Ill Reg 14099) effective 2/16/24 at 48 Ill Reg 3165, that allows verification of Medicaid eligibility, for purposes of determining a prospective customer's eligibility for the Home Services Program, to be performed through HFS' Integrated Eligibility System or another system established by HFS. Prospective HSP customers will be asked to provide verification only if HSP staff cannot verify Medicaid status by other means.

Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772, DHS.AdministrativeRules@illinois.gov

NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; proposed at 47 Ill Reg 15090) effective 2/16/24 at 48 Ill Reg 3317, updating statutory language concerning the issuance of

probationary licenses to new facilities, licenses for facilities in receivership, and the timeline for DPH to complete inspections during a statewide public health emergency; repealing obsolete provisions for a congregate living arrangement demonstration program; updating incorporated and referenced regulations and statutes; updating statutory provisions for informed consent to psychotropic medication; allowing longer timelines for nurse aides to complete training during a public health emergency; and requiring nurses to be informed of employee assistance programs. Since 1st Notice, DPH has added updated statutory language concerning use of psychotropic medications.

• HEALTH CARE WORKERS

DPH also adopted amendments to Health Care Worker Background Check Code (77 IAC 955; proposed at 47 Ill Reg 17803) effective 2/20/24 at 48 Ill Reg 3367, implementing PA 103-303. The rulemaking adds financial management services entities that assist individuals with disabilities in hiring and recordkeeping for personal support workers to the list of health care employers who must conduct background checks for prospective or current employees. It also clarifies that disqualifying offenses include federal or other state offenses equivalent to those listed in the Illinois Criminal Code and that these offenses must be verified by court records, records of a state agency, or an FBI criminal history records check.

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

PCB RULES UPDATES

The POLLUTION CONTROL BOARD adopted amendments to General Provisions (35 IAC 501; proposed at 47 Ill Reg 3159), Permits (35 IAC 502; proposed at 47 Ill Reg 3186), Other Agricultural and Silvicultural Activities (35 IAC 503; proposed at 47 Ill Reg 3254) and Livestock Waste Regulations (35 IAC 506; proposed at 47 Ill Reg 3259), all effective 2/15/24 at 48 Ill Reg 3170, 3196, 3269 and 3274, implementing PCB and Illinois Environmental Protection Agency proposals for eliminating or updating obsolete, confusing, repetitive or unnecessary provisions from these Parts. These amendments are intended to be non-substantive.

Questions/requests for copies of the 4 PCB rulemakings: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference Docket R18-25. Copies of the Board's opinions and orders may also be downloaded from the PCB website or requested by calling 312/814-3620.

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 be considered at the March 12, 2024 meeting in Springfield. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT ON AGING

Community Care Program (89 IAC 240; 47 Ill Reg 15309) proposed 11/3/23

DEPT OF HUMAN SERVICES

The Consultative Examination Process (89 IAC 840; 47 Ill Reg 17671) proposed 12/1/23

Disability Case Development Process (89 IAC 843; 47 Ill Reg 17686) proposed 12/1/23

Sequential Evaluation Process for the Determination of Disability (89 IAC 845; 47 Ill Reg 17702) proposed 12/1/23

Qualifications of Medical Consultants (89 IAC 846; 47 Ill Reg 17712) proposed 12/1/23

Medical Improvement Review Standard for Continuing Disability (89 IAC 850; 47 Ill Reg 17717) proposed 12/1/23

Disability Hearings at the Reconsideration Level (89 IAC 853; 47 Ill Reg 17722) proposed 12/1/23

Claimant Notification (89 IAC 855; 47 Ill Reg 17738) proposed 12/1/23

Listing of Impairments (89 IAC 860; 47 Ill Reg 17745) proposed 12/1/23

The Disability Assistance Unit (89 IAC 870; 47 Ill Reg 17749) proposed 12/1/23

DEPT OF INSURANCE

Credit for Reinsurance Ceded (50 IAC 1104; 47 Ill Reg 12648) proposed 8/25/23

DEPT OF PUBLIC HEALTH

Food Code (77 IAC 750; 47 Ill Reg 17932) proposed 12/8/23

Next JCAR Meeting: Tuesday, March 12, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield
Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair
Senator Cristina Castro
Senator Donald DeWitte
Senator Dale Fowler
Senator Napoleon Harris, III
Senator Sue Rezin

Representative Ryan Spain, Co-Chair
Representative Eva-Dina Delgado
Representative Jackie Haas
Representative Steven Reick
Representative Curtis Tarver, II
Representative Dave Vella

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