

# JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:  
SEN. DON HARMON

CO-CHAIR:  
REP. TIM SCHMITZ

EXECUTIVE DIRECTOR:  
VICKI THOMAS



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SEN. PAMELA ALTHOFF  
SEN. TONY MUÑOZ  
SEN. SUE REZIN  
SEN. DALE A. RIGHTER  
SEN. IRA SILVERSTEIN  
REP. GREG HARRIS  
REP. LOU LANG  
REP. DAVID R. LEITCH  
REP. DONALD L. MOFFITT  
REP. ANDRE´ THAPEDI

## MINUTES

August 13, 2013

### MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on August 13, 2013 at 11:00 a.m. in Room 600C of the Michael A. Bilandic Building, Chicago, Illinois.

Co-Chair Harmon called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

### ATTENDANCE ROLL CALL

Senator Pamela Althoff	X	Representative Greg Harris
X Senator Don Harmon	X	Representative Lou Lang
X Senator Tony Muñoz		Representative David Leitch
Senator Sue Rezin	X	Representative Donald Moffitt
Senator Dale Righter	X	Representative Timothy Schmitz
X Senator Ira Silverstein	X	Representative Andre´ Thapedi

### APPROVAL OF THE MINUTES OF THE JULY 9, 2013 MEETING

Representative Lang moved, seconded by Representative Harris, to approve the minutes of the July 9, 2013 meeting. The motion passed unanimously.

### CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Harmon asked if any member desired consideration of any rulemaking. Representative Lang requested consideration of a CMS rulemaking (Tab 2).

***Department of Central Management Services – Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10; 37 Ill. Reg. 3460)***

Director Malcolm Weems represented CMS.

Representative Lang asked if CMS agreed to withdraw the rulemaking in response to a JCAR

Objection and seek legislative clarification. Director Weems confirmed that CMS would do so.

Representative Lang moved, seconded by Representative Moffitt, that JCAR object to this rulemaking because it fails to adhere to the policy established in Section 8b of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act that the Minority Business Enterprise Council, if it determines that there has been discrimination, shall establish a sheltered market. Instead, the rulemaking changes the Council's function to recommending establishment of a sheltered market, followed by a CMS report that shall determine whether the only remedy is sheltered market remedial action. JCAR also recommended that the Department pursue legislation revising the Act for consistency with the Procurement Code [30 ILCS 500] and more clearly delineating the roles of the Council, the Chief Procurement Officers and the Department. The motion passed unanimously.

Representative Thapedi commended Director Weems on his efforts regarding this rulemaking.

### **CERTIFICATION OF NO OBJECTION**

Senator Muñoz moved, seconded by Senator Silverstein, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

### **AGENCY RESPONSES**

*Department of Insurance – Health Maintenance Organization (50 Ill. Adm. Code 5421; 36 Ill. Reg. 12957)*

Representative Schmitz moved, seconded by Representative Thapedi, that JCAR withdraw the Filing Prohibition on this rulemaking contingent upon and effective with DOI's adoption of a modification of Section 5421.110(i)(3) that eliminates the 50% cap on copayments and deductibles. The modified rule will state: No combination of deductibles and copayments for the receipt of basic health care services may exceed the annual maximum out-of-pocket expenses of a high deductible health plan as defined in 26 USC 223. The motion passed on a rollcall vote of 8-0-0.

*Department of Children and Family Services – Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431; 36 Ill. Reg. 17289)*

Based on the appropriateness of the agency's response, no further action.

### **SEPTEMBER MEETING DATE**

Co-Chair Harmon announced that the next monthly meeting is scheduled for Tuesday, September 17, 2013 at 11:00 a.m., Room 16-503, James R. Thompson Center, Chicago IL.

## **ADJOURNMENT**

Representative Schmitz moved, seconded by Representative Harris, that the meeting stand adjourned. The motion passed unanimously.

*Min:0813August*