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Joint Committee on Administrative Rules
Illinois General Assembly

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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.

New Rules

■ AMUSEMENT TAX

The DEPARTMENT OF REVENUE adopted amendments to Coin-Operated Amusement Device and Redemption Machine Tax (86 IAC 460; 40 Ill Reg 15669), effective 3/10/17, implementing statutory changes in the definitions of a coin-operated amusement device or redemption machine subject to the tax regulated in this Part. Coin-operated amusement devices now include any device operated by insertion of coins, tokens, chips or similar objects, or operated by use of a debit card, prepaid card or mobile device. Redemption machines (games that award prizes or prize claim tokens/tickets based on a player's skill in aiming a ball or other object at a target) now include devices in which the moving objects are computer generated or appear on a display with lights, as well as

devices that use physical objects. The maximum value of redemption machine prizes, tickets or tokens paid out upon each play of the device must not exceed \$25; a change since 1st Notice clarifies that these items may be accumulated over multiple plays to redeem prizes of greater value. Those affected by this rulemaking include small businesses and non-profits that provide coin-operated amusement devices or redemption machines for patrons' use.

Questions/requests for copies: Richard S. Wolters, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

■ AED GRANT CODE

The DEPARTMENT OF PUBLIC HEALTH adopted amendments

Proposed Rulemakings

■ COMMUNITY CARE

The DEPARTMENT ON AGING proposed amendments to Community Care Program (89 IAC 240; 41 Ill Reg 3251) simplifying minimum equipment specifications for automated medication dispensing (AMD) services and eliminating a fixed reimbursement rate for emergency home response services and AMD services furnished by the same provider. DonA states that these amendments are intended to encourage qualified providers to offer AMD services since the CCP currently has no certified AMD providers.

Questions/requests for copies/ comments through 5/8/17: Karen Alice Kloppe, DonA, One Natural Resources Way #100, Springfield IL 62702-1271, 217/785-3346.

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NEW 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.

New Rules

(cont. from page 1)

to Heartsaver AED Grant Code (77 IAC 530; 40 Ill Reg 15124), effective 3/10/17, implementing Public Acts 99-246 and 99-501, which add sheriff's offices, municipal police departments and public libraries to the entities eligible to apply for a matching Heartsaver AED Fund grants. This rulemaking also updates the grant application process to provide for electronic submission of application forms.

■ HEALTH DEPARTMENTS

DPH also adopted amendments to Certified Local Health Department Code (77 IAC 600; 40 Ill Reg 7021) effective 3/9/17. Predominantly, the rulemaking makes numerous technical changes throughout for consistency, adds definitions for accreditation, sentinel event and SHIP, revises other definitions, and adds a referenced materials Section. Also, DPH removed obsolete certification expiration provisions, clarified the waiver request process, and revised community health needs assessment and IPLAN requirements. Local health departments are required to notify the Department in writing within 10 business days after the effective date of the termination, resignation or leave of absence of the public health administrator and other employees identified in the rulemaking. Since 1st Notice, in response to public comment, DPH has clarified certain definitions and procedures and has allowed local health

departments to request waivers from certain requirements if full funding for a required program is not available. Local health departments are affected.

PERINATAL CARE

Finally, DPH adopted amendments to Regionalized Perinatal Health Care Code (77 IAC 640; 40 Ill Reg 10728), effective 3/9/17, to clarify the resource, personnel and competence assessment requirements of the Code. The rulemaking provides for Perinatal Advisory Committee (PAC) members to participate remotely in hospital designation and redesignation site visits and clarifies the number of members required to participate in a hospital designation or redesignation site visit.

Questions/requests for copies of the 3 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

■ CHILD SUPPORT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Child Support Services (89 IAC 160; 40 Ill Reg 5256), effective 3/7/17, implementing 6 Public Acts. The rulemaking adds the term "supporting parent" (parent obligated to pay child support) to the definition of "responsible relative"; updates references to the Illinois Parentage Act from the

1984 Act to the 2015 Act; and in accordance with the Parentage Act, adds the term "presumed parent" and provisions for acknowledgement or denial of parentage (in addition to existing provisions for acknowledgement or denial of paternity). Allowable deductions from a supporting parent's income for purpose of calculating his or her child support obligation now include maintenance obligations (e.g., alimony) owed to the same party to whom child support is owed; student loan payments; and foster care payments from the Department of Children and Family Services. Other provisions impose administrative fines of up to \$1,000 per payroll period and liens against payors of income (i.e., employers) who willfully fail to comply with income withholding for child support, and provide for judicial registration of administrative paternity orders issued by HFS. For intergovernmental child support cases, the rulemaking adds provisions for registration, modification, and appeal contained in the Uniform Interstate Family Support Act and the international Hague Convention. Since 1st Notice, HFS has clarified when administrative fines for noncompliance with income withholding will be imposed, and delayed enforcement of these fines until 1/1/19. Persons involved in child support cases and their employers are affected by this rulemaking.

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New Rules

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MEDICAL ASSISTANCE

HFS adopted an amendment to Medical Assistance Programs (89 IAC 120; 40 Ill Reg 14982), effective 3/8/17, allowing persons who receive Medicaid coverage under a federal waiver for medically fragile technology dependent (MFTD) children to remain eligible past their 21st birthdays if they are waiver participants on the day before they turn 21.

HFS also adopted amendments to Medical Payment (89 IAC 140; 40 Ill Reg 14999 and 15271), effective 3/8/17, combining two separately proposed rulemakings. This rule expands Medicaid coverage of in-home shift nursing to include services to persons age 21 and older who are covered under the federal Home and Community-Based Services Waiver for MFTD children. In addition, this

rulemaking implements Public Act 99-516 expanding ACA Access Payments to hospitals for services to ACA Adults (persons ages 19-64 who became eligible for Medicaid under the federal Affordable Care Act) to include ACA Adults enrolled in Medicaid managed care organizations. (Previously, hospitals received these payments only for ACA Adults enrolled on a fee-for-service basis.) The rulemaking also increases the hospital assessment for State fiscal years 2016, 2017 and 2018 if ACA Access Payments exceed \$450 million annually. The increased assessment will fund the State's share of these payments. The amendment replaces an emergency rule (40 Ill Reg 13677) that expired on 2/12/17.

Questions/requests for copies of the 3 HFS rulemakings: Mollie K. Zito, HFS, 201 S. Grand Ave. E., 3rd Fl., Springfield IL 62763-0002, 2 1 7 / 7 8 2 - 1 2 3 3 , HFS.Rules@illinois.gov

DCFS REPEALER

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES repealed the Part titled Intercountry Adoption Services (89 IAC 333; 40 Ill Reg 9308), effective 3/8/17, in response to Public Act 99-49, which abolished the position of DCFS intercountry adoption coordinator and removed additional State requirements for intercountry adoption (e.g., issuance of an endorsement letter by DCFS) beyond those required by the federal Intercountry Adoption Universal Accreditation Act of 2012. Families and agencies involved in international adoptions are affected by this rulemaking.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe, Station #65-D, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715, fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us

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 Committee's April 4, 2017 meeting. 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 using the contact information on page 1.

IL LABOR RELATIONS BOARD

Impasse Resolution (80 IAC 1230; 40 Ill Reg 14574) proposed 10/28/16

DEPT OF NATURAL RESOURCES

Commercial Fishing and Musselling in Certain Waters of the State
(17 IAC 830; 41 Ill Reg 631) proposed 1/20/17