

*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

### ■ MENTAL HEALTH SERVICES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 42 Ill Reg 14043) concerning Medicaid mental health services. The rulemaking implements an Integrated Assessment and Treatment Planning (IATP) process, using a standardized assessment and service planning tool, for determining an individual's need for services. An IATP must be completed at least once every 180 days for an individual under a treatment plan; must utilize an HFS-approved planning tool; and must be reviewed, approved and signed by a licensed practitioner of the healing arts (LPHA, defined as a physician/psychiatrist, advanced practice nurse with psychiatric specialty, clinical psychologist, clinical

professional counselor, marriage and family therapist, or clinical social worker). With regard to crisis services provided on a short-term, time-limited basis, for services rendered on or after 8/1/18, the rulemaking authorizes payment for services provided on a face-to-face basis by an LPHA or another mental health professional meeting specified qualifications. Criteria for mobile crisis response services and crisis stabilization services are also included. Finally, the rulemaking adds and clarifies requirements for providers that offer crisis services (e.g., services must be available 24 hours a day, 365 days a year and must be provided face to face) and for community mental health centers that provide Assertive Community Treatment programs. Those affected by this rulemaking include Medicaid mental health and substance abuse treatment providers and

mental health professionals employed or contracted by these providers.

Questions/requests for copies/comments through 9/4/18: Christopher Gange, HFS, 201 S. Grand Ave., 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)

### HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to Approval of Racing Officials (11 IAC 422; 42 Ill Reg 14109) removing presiding and associate judges and breathalyzer operators from the list of officials requiring IRB approval prior to employment by a licensee or participation in a thoroughbred or harness race. Other racing officials must have appropriate occupational

(cont. page 2)

**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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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.

## Proposed Rulemakings

(cont. from page 1)

licenses, but provisions specifying the personal information to be included on an application for IRB approval (e.g., date of birth, Social Security number) are being removed. IRB

also proposed an amendment to Licensing (11 IAC 502; 42 Ill Reg 14115) allowing a jockey agent to represent one apprentice jockey in addition to the two jockeys the agent may represent under current rule.

Questions/requests for copies/comments through 9/4/18: Mickey Ezzo, IRB, 100 W. Randolph St., Suite 5-700, Chicago IL 60601, 312 / 814 - 5017, [mickey.ezzo@illinois.gov](mailto:mickey.ezzo@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 be considered at the Committee's August 14, 2018 meeting. Other items not listed 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.

### DEPT OF REVENUE

Income Tax (86 IAC 100; 42 Ill Reg 8387) proposed 5/25/18

### SECRETARY OF STATE

Procedures and Standards (92 IAC 1001; 42 Ill Reg 5785) proposed 3/30/18

## JCAR Meeting Action

At its 7/17/18 meeting, the Joint Committee on Administrative Rules took the following action:

### OBJECTION

JCAR objected to the Illinois Housing Development Authority's use of emergency rulemaking to adopt emergency amendments to

Public Information, Rulemaking and Organization (2 IAC 1975; 42 Ill Reg 12336) because IHDA has not adequately demonstrated the existence of a threat to the public interest, safety or welfare sufficient to justify adopting restrictions on public participation in IHDA meetings when these restrictions have not been subject to a public comment period.

## Joint Committee on Administrative Rules

**Senator Pamela Althoff**  
**Senator Karen McConnaughay**  
**Senator Don Harmon**  
**Senator Tony Muñoz**  
**Senator Ira Silverstein**  
**Senator Chuck Weaver**

**Representative Peter Breen**  
**Representative Barbara Flynn Currie**  
**Representative Tom Demmer**  
**Representative Greg Harris**  
**Representative André Thapedi**  
**Representative Keith Wheeler**

**Vicki Thomas**  
**Executive Director**