

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

PRISON SENTENCE CREDIT

The DEPARTMENT OF CORRECTIONS proposed amendments to Records of Offenders (20 IAC 107; 42 Ill Reg 16574) implementing Public Acts 99-928 and 100-3, which restructured the system through which DOC inmates earn credit for time served toward their sentences. Effective 1/1/18, DOC inmates may receive Earned Discretionary Sentence Credit (EDSC, which replaces Supplemental Sentence Credit) at the sole discretion of the DOC Director or designee, or Earned Program Sentence Credit (EPSC, which generally grants one-half day sentence credit for each day of participation in an eligible program) for successful participation in vocational or academic education programs; substance abuse programs; Correctional Industries assignments; behavior

modification programs; life skills courses; or re-entry planning. The maximum EDSC that may be awarded for good conduct is increased from 90 to 180 days. EDSC or EPSC may not be awarded when it reduces time served to less than 85% for offenders required to serve 85% of their sentence; less than 60% for offenders required to serve 75% of their sentence; or less than 75% for offenders convicted of gun running. These credits also cannot be awarded to offenders who are serving natural life terms or who have been convicted of first degree murder or terrorism. However, offenders returned to DOC for violations of parole or mandatory supervised release or after being terminated from an impact incarceration program are eligible for EDSC (these offenders were not eligible for Supplemental Sentence

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Emergency Rulemaking

ELECTION SECURITY

The STATE BOARD OF ELECTIONS adopted a new Part by emergency rulemaking titled Cyber Navigator Program (26 IAC 213; 42 Ill Reg 16769) effective 8/30/18 for a maximum of 150 days. This emergency rulemaking implements Public Act 100-587, which requires SBEL and the Department of Innovation and Technology (DoIT) to create a Cyber Navigator Program to protect the State's election infrastructure against security breaches and cyber attacks. Cyber Navigators are DoIT personnel recruited for the purpose of assessing election-related systems and networks, performing risk assessments for each election jurisdiction, and increasing the cybersecurity posture of all election jurisdictions. Election authorities

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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

DISABILITY SERVICES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Assistance Programs (89 IAC 120; 41 Ill Reg 11849), effective 8/28/18, implementing a \$60 per month personal needs allowance for residents of Medically Complex for the Developmentally Disabled (MC/DD) facilities and for residents of Specialized Mental Health Rehabilitation Facilities (SMHRFs) for dates of service on or after 7/1/17. The rulemaking also increases the existing personal needs allowance for residents of Community Integrated Living Arrangements (CILAs) and Intermediate Care Facilities for Individuals with Developmental Disabilities (ICF/DDs) from \$50 to \$60 per month effective 7/1/17. HFS also adopted an amendment to Specialized Health Care Delivery Systems (89 IAC 146; 41 Ill Reg 11868), effective 8/28/18, increasing payment rates for supportive living facilities and SMHRFs by 2.8% for services provided on or after 7/1/17. Both rulemakings implement measures in the FY18 State Budget Implementation Act (PA 100-23).

Questions/requests for copies of the 2 HFS rulemakings: Christopher Gange, HFS, 201 S. Grand Ave., 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

REHAB CENTERS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Community-Based Residential Rehabilitation Center Demonstration Program Code (77 IAC 220; 42 Ill Reg 7655), effective 8/30/18, updating various procedures for community-based residential rehabilitation centers serving persons who have suffered acquired brain injuries. The rulemaking defines and clarifies qualifications for life skills trainers, updates statutory references, clarifies that intravenous parenteral medication may only be administered by a registered nurse or physician, and clarifies information to be recorded when medications are administered. Supplies of staple and perishable foods kept on the premises of each residence must be adequate to prepare a minimum of three days' meals; each licensee must have a designated food distribution location from which life skills trainers will pick up food supplies every 3 or 4 days. Participants and employees of residential rehab centers are affected.

Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

RETIREMENT FUNDS

The ILLINOIS STATE BOARD OF INVESTMENT adopted amendments to State (of Illinois)

Employees' Deferred Compensation Plan (80 IAC 2700; 42 Ill Reg 6647), effective 8/30/18. The rulemaking provides that a target date fund (with investments tailored to a target date for retirement) will be used as a default option when a deferred compensation enrollee fails to designate an investment option. The rulemaking also adds timetables for distribution of remaining deferred compensation funds to designated beneficiaries after the death of the enrollee, and allows an appointed representative of the Board to hear appeals regarding hardship distributions.

Questions/requests for copies: Dipesh Mehta, ISBI, 180 N. La Salle St., Suite 2015, Chicago IL 60610, 312/793-1486, dmehta@isbinvestment.com

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 42 Ill Reg 8991), effective 9/4/18, adding 3 new job titles approved by the Civil Service Commission (amusement ride safety inspector, corrections assessment specialist, and Internal Auditor II) and making technical corrections to rate and title tables.

Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, CMS.PayPlan@illinois.gov

Proposed Rulemakings

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Credit). Before awarding EDSC, the Director or designee must receive a risk and needs assessment for the offender that has been administered with a validated assessment instrument. With regard to EPSC, the rulemaking increases sentence credit for completion of a high school equivalency program from 60 to 90 days and requires eligible offenders to be enrolled in at least 10 (currently 15) classroom hours per week for non-college educational programs. It also no longer excludes from EPSC persons who have previously served more than one felony sentence in an adult prison, or who were

convicted of a felony committed after receiving a previous sentence credit. In order to receive EPSC for behavior modification programs, life skills courses, and re-entry planning programs, an offender must complete the number of hours determined to be beneficial based on the offender's risk and needs assessment. (Current rule sets specific time frames for completing these programs.) DOC must prepare an annual report of the number of offenders awarded earned sentence credit, the offenses for which they are incarcerated, the average number of earned sentence credit days awarded, and the number of revocations of earned sentence credit. This report must

be submitted to the Governor and General Assembly no later than Feb. 1 and posted on the DOC website within 48 hours after its submission. Finally, the rulemaking provides for release of criminal history records and transcripts in accordance with rules adopted by the Illinois State Police. Those affected by this rulemaking include DOC inmates, prospective releasees, and persons conducting programs for which inmates may earn sentence credit.

Questions/requests for copies/comments through 10/29/18: Echo Beekman, DOC, 1301 Concordia Court, PO Box 19277, Springfield IL 62794-9277, 217/558-220, ext. 6507, echo.beekman@doc.illinois.gov

Emergency Rulemaking

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must participate in the Cyber Navigator Program in order to qualify for federal grant funds intended to enhance election security. Among the measures SBEL will take is connecting all local election jurisdictions through the Illinois Century Network (ICN) to the statewide voter registration database. When all election jurisdictions are connected via ICN, all system traffic between SBEL and these jurisdictions will be required to use private IP addressing. SBEL also will work with the Illinois State Police Statewide Terrorism and Intelligence Center to develop a cybersecurity outreach and awareness program for county election officials and

election boards. The program will include information regarding best practices and training regarding common areas of vulnerability (e.g., phishing). The emergency rule also outlines other security measures to be taken by SBEL, including installation of a firewall, protection against Distributed Denial of Service (DDoS) attacks, and 24/7 monitoring by the DoIT Security Operation Center. Local election authorities will be affected by this emergency rule.

Questions/requests for copies: Kenneth R. Menzel, SBEL, 2329 S. MacArthur Blvd., Springfield IL 62704, 217/782-4141, fax 217/782-5959, kmenzel@elections.il.gov

■ HEALTH DEPARTMENTS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Certified Local Health Department Code (77 IAC 600; 42 Ill Reg 16622) updating the process of certifying local health departments. Information that must be included on an application for initial certification or renewal of certification includes contact information for the administrator and other key personnel; accreditation status; the URL of the department website, and whether programs and services available to the local community are listed on the website; emerging health issues and health priorities; confirmation of recognition by a local

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Proposed Rulemakings

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governing body (e.g., county board, board of health); and, if the department seeking certification would overlap the jurisdiction of an existing health department, a letter of approval from an official of the existing department. Community needs assessments must be performed at least every 5 years, but the IPLAN process is no longer required for this purpose. Certifications will be valid for 2 (currently, 5) years and provisional certification is no longer offered. If DPH fails to send a renewal application within 60 days after certification expires, the renewal date will be extended 90 days and written notice will be given to all affected certified local health departments. If a health department fails to submit a renewal application within 15 days after its due date, DPH will notify the department of its intent to decertify. If the renewal application is not received within 10 business days after the date of the letter, the department will be decertified. Applicants will also be notified of incomplete

applications and will have 30 days to address incomplete portions of the application. Departments must submit a corrective action plan to DPH if, at any time, their executive officers do not meet DPH personnel requirements, and must notify DPH in writing within 10 business days if their administrators or other key personnel are terminated, resign or take a leave of absence of 12 weeks or more. Local health departments and local governments are affected by this rulemaking.

BIRTH CENTERS

DPH also proposed amendments to Birth Center Demonstration Program Code (77 IAC 265; 42 Ill Reg 16604) implementing Public Act 99-834, which requires bilateral hearing screening of newborns prior to discharge. The rulemaking also updates various incorporated and referenced materials.

Questions/requests for copies/comments on the 2 DPH rulemakings through 10/29/18:

Erin Conley, DPH, 535 W. Jefferson St., 5th Fl, Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

STATE EMPLOYEES

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed an amendment to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 42 Ill Reg 16646) clarifying that compensation for unused compensatory time will be applied to the pay period in which it was earned, rather than being applied at the time it is received. (Generally, if a State employee does not use all of his or her compensatory time before the end of the fiscal year in which it was earned, the employee receives a lump sum payment at the end of the fiscal year.)

Questions/requests for copies/comments through 10/29/18: Jeff Houch, SERS, 2101 S. Veterans Pkwy., PO Box 19255, Springfield IL 62794-9255, 217/524-8105, fax 217/557-3943, jeff.houch@srs.illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The GOMB rulemakings will be considered at the Committee's September 18, 2018 meeting, while the HFS and DCFS rulemakings will be considered at the October 16, 2018 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

Grant Accountability and Transparency Act (Repealer) (44 IAC 7000; 41 Ill Reg 12219) proposed 10/6/17

Grant Accountability and Transparency Act (New Part) (44 IAC 7000; 41 Ill Reg 12265) proposed 10/6/17

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 42 Ill Reg 27) proposed 1/5/18

DEPT OF CHILDREN AND FAMILY SERVICES

Licensing Standards for Foster Family Homes (89 IAC 402; 42 Ill Reg 1942) proposed 1/26/18

Licensing Standards for Group Homes (89 IAC 403; 42 Ill Reg 1957) proposed 1/26/18

Licensing Standards for Child Care Institutions and Maternity Centers (89 IAC 404; 42 Ill Reg 1970) proposed 1/26/18

Licensing Standards for Day Care Homes (89 IAC 406; 42 Ill Reg 8366) proposed 5/25/18

Licensing Standards for Day Care Centers (89 IAC 407; 42 Ill Reg 8369) proposed 5/25/18

Licensing Standards for Group Day Care Homes (89 IAC 408; 42 Ill Reg 8372) proposed 5/25/18

JCAR MEMBERSHIP CHANGE

JCAR welcomes returning member Sen. Sue Rezin, R-Peru. She replaces former Sen. Karen McConnaughay, R-St. Charles, who recently resigned from the Senate.

Joint Committee on Administrative Rules

**Senator Pamela Althoff
Senator Don Harmon
Senator Tony Muñoz
Senator Sue Rezin
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**