

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

■ MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 43 Ill Reg 5143) authorizing medical assistance coverage of “gender-affirming surgeries, services and procedures” for persons age 21 and older, subject to prior approval by HFS. Covered services include, but are not limited to, genital reconstruction and breast/chest surgery. Procedures that will not be covered include “purely cosmetic” treatments such as body and facial contouring; lipofilling, liposuction or collagen injections; hair removal or transplantation; trachea or thyroid cartilage reduction to minimize the Adam’s apple; and voice modification. Reversals of gender-affirming surgeries or procedures will also not be

covered. To receive prior approval, an individual must submit letters from 2 qualified medical practitioners who have each independently assessed the person’s suitability for treatment. One practitioner must be the person’s primary care physician or the physician managing the person’s gender-related health care; the other must be a Licensed Practitioner of the Healing Arts (psychiatrist or other physician, psychiatric advanced practice registered nurse, licensed clinical psychologist, licensed clinical professional counselor, licensed marriage and family therapist, or licensed clinical social worker). The letters must establish that the individual has a gender dysphoria diagnosis and has maintained a consistent gender identity for at least 12 consecutive months; has received hormone

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New Rules

DRIVER’S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; 43 Ill Reg 1491), effective 4/24/19, concerning the documentation used to obtain a veteran designation on a driver’s license or state ID card. Current rule requires applicants for veteran license designations to present to SOS a DD214 or other discharge document that has been verified and stamped by the Illinois Department of Veterans’ Affairs (DVA) and indicates that the veteran was honorably discharged. The rulemaking allows federal veterans’ ID cards verified and stamped by DVA to also be submitted for this purpose. Additionally, if a DD214 or other document proving honorable discharge status cannot be

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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

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stamped, DVA shall issue a certificate that the veteran may then present to SOS.

Questions/requests for copies: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

■ UNPAID TAXES

The DEPARTMENT OF REVENUE adopted an amendment to the Part now titled Board of Appeals; Voluntary Disclosure (86 IAC 210; 43 Ill Reg 973), effective 4/24/19, reflecting changes in the procedures by which taxpayers voluntarily disclose and resolve returns that were not timely filed and tax liabilities that have not been paid. Applications for voluntary disclosure must be filed with DOR's Problems Resolutions Division, rather than with the Board of Appeals, and "Voluntary Disclosure" was added to the name of the Part. The rulemaking also updates statutory citations and organizational provisions.

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

■ PROFESSIONAL LICENSES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Administrative Procedures for General Professional Regulation Under the

Administrative Code (68 IAC 1130; 42 Ill Reg 22314), effective 5/10/19, implementing two Public Acts. The rulemaking eliminates references to non-binding advisory opinions (abolished by PA 100-883) and codifies DFPR's practice of not renewing professional licenses until outstanding disciplinary fines are paid. A new license also will not be issued until the applicant has paid any outstanding fines for unlicensed practice. Other provisions require a one-hour sexual harassment prevention continuing education course for all licensed professions that have CE requirements and revise procedures for prospective license applicants who want to ask DFPR whether a past criminal conviction will bar them from entering a licensed profession. Persons applying for or renewing professional licenses are affected.

■ MORTGAGE LENDERS

DFPR also adopted amendments to the Part titled Residential Mortgage License Act of 1987 (38 IAC 1050; 43 Ill Reg 18), effective 5/10/19, implementing two Public Acts. PA 100-851 authorizes exempt entity registration for purposes of sponsoring independent loan processors as licensed mortgage loan originators; this rulemaking establishes the surety bond requirement for exempt independent loan processing entities. PA 100-795 and this rulemaking also revise advertising requirements to

reference the Nationwide Multistate Licensing System (NMLS) and remove state-specific provisions.

Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ WASTEWATER TREATMENT

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted amendments to Procedure for the Certification of Operators of Wastewater Treatment Works (35 IAC 380; 42 Ill Reg 8033), effective 7/1/19, aligning the Part with rules of the Public Water Supply Operator Program in 35 IAC 681. The rulemaking establishes 7 classes of wastewater operator Certificates of Technical Competency (Classes 1, 2, 3, 4, K, and R, and Collection System Certificate) based on the size and type of facility and establishes general examination admission and administration requirements and other eligibility criteria for each certificate. It also revises IEPA procedures for addressing citizen complaints and conducting sanction proceedings against wastewater operators to include review by a Board of Certification, which will issue a nonbinding recommendation to IEPA for its final decision. Other provisions address certificate renewal and restoration procedures, required

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Proposed Rulemakings

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therapy for at least 12 months, if seeking approval for surgery; has been assessed by an LPHA, counseled regarding treatment options, and received psychotherapy if indicated; has no other significant or uncontrolled medical or mental health condition that would contraindicate treatment; and has the capacity to make a fully informed decision and consent to treatment. The letters must also verify that the signing medical provider has communicated with the individual's other medical providers regarding the proposed surgery, service or procedure; establish medical necessity; and (if surgery is intended) include recommendations for post-operative care. Surgery must be performed by a board-certified urologist, gynecologist, plastic surgeon or general surgeon who has demonstrated specialized competence in gender-based genital reconstruction. Surgeries that result in sterilization must also meet HFS' existing criteria for elective sterilization procedures (performed no less than 30 days and no more than 180 days after the individual gives written, informed consent). The rulemaking also adds hormone therapy, either by itself or in preparation for surgery, to the list of covered pharmacy services, subject to the same prior approval requirements as other medications. Those affected by this rulemaking include physicians, counselors,

pharmacists and others involved in the treatment of gender dysphoria.

Questions/requests for copies/comments through 6/24/19: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

■ HOME LOAN PROGRAM

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY proposed an amendment to Homeownership Mortgage Loan Program (47 IAC 300; 43 Ill Reg 5178) updating certain requirements for eligible borrowers. The rulemaking amends the definition of "household income" to include only the income of persons living in the home who are liable or secondarily liable for payment of the mortgage. (Currently, any person age 18 and older who lives in the home is included in the income calculation.) Affordable housing developers and local governments may be affected by this rulemaking.

Questions/requests for copies/comments through 6/24/19: Karri E. Kartes, IHDA, 111 E. Wacker Dr., Suite 1000, Chicago IL 60601.

HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to the Part titled Illinois Racing Board (11 IAC 200; 43 Ill Reg 5189) implementing a provision of the Illinois Horse Racing Act under

which IRB shall appoint a State Director of Inter-Track and Simulcast Wagering. The duties of this position include: supervising and verifying all Illinois simulcast wagering pools for each wagering day; inspecting inter-track and simulcast wagering facilities for compliance with the Horse Racing Act and IRB rules; and reporting any irregularities to the State Director of Mutuels. The rulemaking authorizes the IRB Executive Director to make this appointment and to appoint the State Director of Mutuels to assume these duties. IRB also proposed amendments to the Parts titled Identification of Horses (11 IAC 1307; 43 Ill Reg 5193) and Drivers, Trainers and Agents (11 IAC 1317; 43 Ill Reg 5198) that repeal outdated provisions and update provisions in Part 1307 for horse identification to current industry standards that allow microchipping as an option (in addition to tattooing or freeze branding).

Questions/requests for copies/comments on the 3 IRB rulemakings through 6/24/19: Mickey Ezzo, IRB, 100 W. Randolph St., Suite 5-700, Chicago IL 60601, 312/814-5017, mickey.ezzo@illinois.gov

New Rules

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training, training criteria and waivers, and reciprocal certification for operators certified in another jurisdiction or by the U.S. Armed Forces. Since 1st Notice, IEPA has changed or clarified various requirements in order to maintain consistency

with other rules, including: allowing qualifying test scores to be valid for 5 years (originally 6 years), extending certificate expiration deadlines by one year, extending the Director's decision deadline to one year (originally 90 days), and removing the option of retaking an examination in lieu of continuing education.

Those affected by this rulemaking include small municipalities that employ wastewater treatment operators.

Questions/requests for copies: Rex L. Gradeless, IEPA, 1021 N. Grand Ave. East, Springfield IL 62794-9276, 217/782-5544.

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 June 11, 2019 JCAR 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.

DEPT OF AGRICULTURE

Standardbred, Thoroughbred and Quarter Horse Breeding and Racing Program, Illinois (8 IAC 270; 43 Ill Reg 3054) proposed 3/8/19

STATE UNIVERSITIES RETIREMENT SYSTEM

Universities Retirement (80 IAC 1600; 43 Ill Reg 3163) proposed 3/8/19

BOARD OF HIGHER EDUCATION

Nursing School Grant Program (23 IAC 1100; 43 Ill Reg 3106) proposed 3/8/19

Joint Committee on Administrative Rules

Senator Don Harmon, *co-chair*
Senator Kimberly Lightford
Senator Tony Muñoz
Senator Sue Rezin
Senator Paul Schimpf
Senator Chuck Weaver

Representative Tom Demmer
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