

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

AIM HIGH GRANTS

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments to AIM HIGH Grant Pilot Program (23 IAC 2766; 43 Ill Reg 6916) implementing Public Act 100-1183. The rulemaking eliminates the requirement that public universities participating in the Aspirational Institutional Match – Helping Illinois Grow Higher Education (AIM HIGH) Grant Pilot Program return any unexpended program funds at the end of each academic year. Unspent funds may now be retained for use in subsequent academic years.

Questions/requests for copies/comments through 7/29/19: Jackie Eckley, ISAC, 500 W. Monroe St., 3rd Fl., Springfield IL 62704, 217/782-5161, jackie.eckley@illinois.gov

WATER POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to the Part titled Standards and Requirements For Potable Water Supply Well Surveys and For Community Relations Activities Performed in Conjunction With Agency Notices of Threats from Contamination (35 IAC 1600; 43 Ill Reg 6881) implementing non-substantive clarifications and updates to its Right to Know rules (providing for public notice of actual or potential contamination of water supplies).

Questions/requests for copies/comments through 7/29/19: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference docket R18-30. Copies of the Board's opinion and order can be obtained by calling the Clerk's Office at 312/814-3620 or at www.pcb.illinois.gov

New Rules

■ NURSING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Nurse Practice Act (68 IAC 1300; 42 Ill Reg 18179) effective 6/14/19 implementing Public Act 100-513, which reauthorized the Nurse Practice Act. The PA and the rulemaking expand the scope of practice for Advanced Practice Registered Nurses (APRNs, formerly known as Advanced Practice Nurses or APNs) and allow APRNs who complete the required training and education to practice independently of a collaborative agreement with a physician. The rulemaking also expands continuing education requirements for APRNs. Persons seeking or holding licensure as APRNs, and their employers, are affected by this rulemaking.

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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)

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

AABD BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; 43 Ill Reg 1240) effective 5/31/19 increasing the monthly grant adjustment allowance by \$21, from \$571.90 to \$592.90, reflecting the 2019 cost of living increase in Supplemental Security Income. Sheltered care, personal care and nursing care monthly rates have also been increased by the same amount.

SNAP BENEFITS

DHS also adopted an amendment to General Administrative Provisions (89 IAC 10; 43 Ill Reg 1235), effective 5/31/19, clarifying the process of

appealing a denial, reduction or termination of Supplemental Nutrition Assistance Program (SNAP) benefits. Requests for review of SNAP benefit decisions may be made in writing or orally, and can be submitted via DHS' online ABE Appeals Portal, via fax transmission, or in person at the Bureau of Hearings or any Family Community Resource Center.

Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ TECH DEVELOPMENT

The OFFICE OF THE TREASURER adopted a new Part titled Technology Development Account (TDA) Program (74 IAC 719; 43 Ill Reg 3191), effective 5/28/19, allowing the Treasurer to use a portion of the State's investment portfolio to provide capital to technology businesses seeking to locate, expand or remain in Illinois. Technology businesses eligible for the

program include companies whose principal function is to provide computer, information transfer, communication, processing, administrative, experimental, developmental, or testing services; that engage in robotics, biological or pharmaceutical industrial activities; or that engage in emerging or technology oriented industrial activity. Venture capital funds participating in the program must have, on average, at least one investment in an Illinois company in each of its funds or at least two investments in Illinois companies if the firm has only one fund. The rule also outlines management responsibilities of the Treasurer and the investment advisors and establishes investment policy and objectives. Small businesses may be affected.

Questions/requests for copies: Laura Duque, Office of the Treasurer, 100 W. Randolph St., Suite 15-600, Chicago IL 60601, 312/814-3573.

JCAR Meeting Action

At its 6/11/19 meeting, the Joint Committee on Administrative Rules approved the following actions:

FILING PROHIBITION WITHDRAWAL

JCAR withdrew the Filing Prohibition against the Capital Development Board's rulemaking titled Illinois Energy Conservation Code (71 IAC 600; 42 Ill Reg 21491) contingent upon, and effective with, CDB's adoption of the rulemaking with attached modifications.

OBJECTIONS

JCAR objected to the Department of Financial and Professional Regulation rulemaking titled Illinois Dental Practice Act (68 IAC 1220; 42 Ill Reg 19144) because the provisions of the rulemaking will need to be updated to reflect recent policy approved by the General Assembly.

JCAR objected to the Illinois Commerce Commission rulemaking titled Regulatory Accounting Treatment for Cloud-Based Computing Solutions (83 IAC 289; 42 Ill Reg 12369) because JCAR has not yet received sufficient information regarding the economic impact of this rulemaking on affected ratepayers.

JCAR objected to the Department of Insurance rulemaking titled Workers' Compensation Electronic and Standardized Paper Billing (50 IAC 2908; 43 Ill Reg 960) because DOI is reiterating the statutory discretion it has to determine the amount of fines rather than establishing the standards it will use in exercising that discretion. Sec. 5-20 of the IAPA requires agencies to provide in rule the standards they will use in exercising statutory discretion. Without those standards, the rulemaking has no provisions providing equal protection under the law.

RECOMMENDATIONS

With respect to the Illinois Commerce Commission rulemaking titled Certification of Alternative Retail Electric Suppliers (83 IAC 451; 42 Ill Reg 21556), JCAR recommended that ICC take more care to reflect statutory changes in its rules in a timely manner. PA 97-222, which requires retail electric suppliers to give customers the website address of ICC's consumer education website, rather than provide paper copies at the customer's request, was effective 7/28/11. It has taken ICC over 8 years to reflect this statutory change in this Part.

With respect to the Illinois Community College Board rulemaking titled Administration of the Illinois Public Community College Act (23 IAC 1501; 42 Ill Reg 20592) JCAR recommended that the Board be more timely in implementing statutory requirements and avoid prior implementation of its policies. This rule change was required by PA 99-692, effective 1/1/17.

EXTENSION

JCAR and the Department of Revenue agreed to extend the Second Notice period for the rulemaking titled Income Tax (86 IAC 100; 42 Ill Reg 19605) an additional 45 days. This rulemaking will be considered again at the 7/16/19 meeting.

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 July 16, 2019 JCAR meeting. Other items not listed below or published in the *Illinois Register* may also be considered. Further comment on these rulemakings should be submitted to JCAR using the contact information on page 1.

IL RACING BOARD

Horse Health (11 IAC 605; 43 Ill Reg 4369) proposed 4/12/19

Time and Records (11 IAC 1324; 43 Ill Reg 4373) proposed 4/12/19

DEPT OF INSURANCE

Unclaimed Life Insurance Benefits (50 IAC 920; 42 Ill Reg 19362) proposed 11/2/18

POLLUTION CONTROL BOARD

Board Introduction (35 IAC 601; 42 Ill Reg 14474) proposed 8/10/18

Permits (35 IAC 602; 42 Ill Reg 14494) proposed 8/10/18

Design, Operation and Maintenance (35 IAC 604; 42 Ill Reg 14523) proposed 8/10/18

Operation and Record Keeping (Repealer) (35 IAC 607; 42 Ill Reg 16472) proposed 9/7/18

Primary Drinking Water Standards (35 IAC 611; 42 Ill Reg 14663) proposed 8/10/18

DEPT OF PUBLIC HEALTH

Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; 43 Ill Reg 3321) proposed 3/15/19

Joint Committee on Administrative Rules

Senator Don Harmon, *co-chair*

Representative Tom Demmer

Senator Kimberly Lightford

Representative Michael Halpin

Senator Tony Muñoz

Representative Frances Ann Hurley

Senator Sue Rezin

Representative Steven Reick

Senator Paul Schimpf

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler, *co-chair*

**Vicki Thomas
Executive Director**