

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

■ FOSTER HOMES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Licensing Standards for Foster Family Homes (89 IAC 402; 43 Ill Reg 7554) updating and clarifying its foster home rules to conform to best practices, existing laws and national standards. The rulemaking updates certain definitions; clarifies that all individuals age 18 and older in a foster family home must undergo a background check; and adds or clarifies various safety restrictions. Foster parents must sign specific assurances that they understand and will adhere to restrictions on smoking, substance use and corporal punishment; that they will adhere to "reasonable and prudent" parenting standards as defined in rule; and must ensure that they have safe, legal and reliable

transportation access. All children residing in the foster home must have up to date immunizations according to the American Academy of Pediatrics' recommended schedule, and all adult caregivers must have up to date immunizations for pertussis (whooping cough), Tdap (tetanus/diphtheria/pertussis) and influenza, unless

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contraindicated by their primary care physician. At least one applicant for foster home licensure must be able to read and write at the level necessary to meet the needs of youth in care. The name and address of at least one relative who can attest to the applicants' capability to care for a child or children must be provided upon application (along with the three unrelated

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New Rules

HOSPITAL ASSISTANCE

The OFFICE OF THE ATTORNEY GENERAL adopted an amendment to Hospital Financial Assistance under the Fair Patient Billing Act (77 IAC 4500; 43 Ill Reg 3068), effective 6/28/19, reflecting the 2019 Federal Poverty Level income guidelines used to determine eligibility for financial assistance.

Questions/requests for copies: David F. Buysse, OAG, 100 W. Randolph St., 12th Fl., Chicago IL 60601, 312/814-7236.

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.

Proposed Rulemakings

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character references currently required). Foster homes must, at a minimum, have a stove, oven, refrigerator and sink in the kitchen; a properly functioning toilet, sink, shower and tub in the bathroom; a first aid kit and supplies; a prominently posted list of emergency telephone numbers (including poison control); and an operable, accessible fire extinguisher. No person may smoke inside a foster family home or in any vehicle used to transport a youth in care. Alcoholic beverages and toxic materials must be stored where youth cannot access them. Swimming pools must be equipped with a government-approved life saving device (e.g., life preserver or life jacket) and must have a working pump and filtering system if the pool cannot be emptied after each use. Expanded capacity licenses (allowing a foster family to care for more than 6 children or to exceed limits on the number of children below age 2 or age 6) may be granted to allow a family to keep a child with an established “meaningful relationship” in the home, or to allow a family with special training or skills to care for a child with a severe disability. Finally, the rulemaking lists (in an appendix) which Sections of the Part contain non-safety related licensing rules that can be waived in order to permit a licensed foster home to care for a related youth. Foster families

and agencies that place foster children are affected by this rulemaking.

Questions/requests for copies/comments through 8/26/19: Jeff Oowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TTY 217/5 2 4 - 3 7 1 5 , CFPolicy@idcfs.state.il.us

■ MEDICAID ELIGIBILITY

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Assistance Programs (89 IAC 120; 43 Ill Reg 7599) that expands the types of providers who can presumptively enroll pregnant women in the Medicaid program. Medicaid Presumptive Eligibility (MPE) providers for this purpose will now include any provider of health care items or services that are covered by the Medicaid State Plan or the Public Aid Code. These providers no longer will be required to furnish services comparable to those of outpatient hospitals, rural health clinics or freestanding maternity clinics. The rulemaking also clarifies the definitions of entities already eligible to serve as MPE providers for pregnant women (e.g., Federally Qualified Health Centers, Community Based Health Clinics, local public health departments). Health care providers enrolled in the Medical Assistance Program are affected by this rulemaking.

Questions/requests for copies/comments through 8/26/19: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

TEACHERS’ RETIREMENT

The TEACHERS’ RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the Teachers’ Retirement System (80 IAC 1650; 43 Ill Reg 7615) that allow the System to require benefit payments to be made by electronic deposit when a recipient’s failure to cash paper checks has prompted suspension of benefits. Mandatory distributions required by federal tax law will be issued as single-sum benefits rather than as refunds. The rulemaking also simplifies the verification process for members who have served outside of the System by basing their salary and contributions on the first year of service in Illinois.

Questions/requests for copies/comments through 8/26/19: Cynthia Fain, TRS, 2815 W. Washington St., P.O. Box 19253, Springfield IL 62794-9243, 217/814-2041.

DNR RULE WITHDRAWAL

The DEPARTMENT OF NATURAL RESOURCES has withdrawn proposed amendments to Public Use of State Parks and Other

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Emergency Rules

■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 43 Ill Reg 7632), effective 7/1/19 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 43 Ill Reg 7594. The emergency and proposed rulemakings implement a tiered income eligibility scale for new and continuing enrollees in the Child Care Assistance Program (CCAP) along with annual updates to co-payment scales. The rulemaking establishes a gross income limit of 185% of the Federal Poverty Level (e.g., \$3,970/month for a family of 4) for new applicants and 200% FPL (e.g., \$4,292/mo. for a 4-person family) for existing clients whose eligibility is being redetermined. Families whose

income upon redetermination exceeds 200% FPL but does not exceed 85% of the State Median Income (SMI; currently, for a family of 4, the 85% level is \$6,333/mo.) may remain eligible for CCAP for no more than 90 days, after which they must reenroll as new applicants and meet the 200% FPL threshold to qualify. Families whose income exceeds 85% of SMI will be terminated from the program within 10 calendar days. Monthly co-payments are also updated to be no more than 9% of the corresponding family income. (Note: A proposed rulemaking that appeared in last week's *Register* implements higher income eligibility limits of 200% FPL for new applicants and 225% FPL for existing clients at redetermination. DHS indicates that it will adopt the higher income limits in that rulemaking if its budget permits.) Child care providers are affected by this emergency rule.

■ DISABILITY SERVICES

DHS also adopted an emergency amendment to the Part titled Developmental Disabilities Services (89 IAC 144; 43 Ill Reg 7649) effective 7/1/19 for a maximum of 150 days. An identical proposed amendment appears in this week's *Register* at 43 Ill Reg 7596. The emergency and proposed rules implement Public Act 101-10, which provides a 3.5% rate increase for developmental disability services providers. Providers may allocate all or a portion of this increase to wages of direct care personnel. Developmental disabilities service providers are affected by this emergency rule.

Questions/requests for copies/comments on the 2 proposed DHS rulemakings through 8/26/19: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Proposed Rulemakings

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Properties of the Department of Natural Resources (17 IAC 110; 43 Ill Reg 7079) that appeared in the 6/21/19 *Illinois Register*. The withdrawn amendments included a proposed \$25 permit fee for all activities conducted on DNR property, a 10% levy upon gross sales or revenue generated at events on DNR property, restrictions on scattering of cremated remains, and numerous other provisions regarding unlawful or restricted activities.

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the August 13, 2019 JCAR meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

OFFICE OF THE STATE FIRE MARSHAL

Permanently Moored Craft Fire Prevention and Safety (41 IAC 149; 43 Ill Reg 148) proposed 1/4/19