

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.

Emergency Rule

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted emergency amendments to Video Gaming (General) (11 IAC 1800; 43 Ill Reg 9261) effective 8/13/19 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 43 Ill Reg 9209. The emergency and proposed rules implement provisions of Public Act 101-31. It increases the licensing fee for terminal handlers from \$50 to \$100 and states that IGB shall apply the occupational licensing criteria in Section 9 of the Illinois Gaming Act (which prior to the PA applied only to riverboat casinos) to all occupational license applicants. Definitions and provisions are added for progressive jackpot video games in which the top prize increases with each play until the prize is won. A new licensing category is created for licensed large truck

stop establishments that sell at least 50,000 gallons of diesel or biodiesel fuel per month. Additional responsibilities of licensed terminal operators include: purchasing keys and locks for video gaming terminals; installing and maintaining digital surveillance cameras in all areas where gaming takes place and vouchers are redeemed; and creating a receipt form for winners of progressive jackpots to claim their prizes. Additional responsibilities of licensed technicians and terminal handlers include complying with all requests by IGB agents to access the logic box within a video gaming terminal; recording the details of any instance in which a terminal is accessed, possessed or controlled; and informing the central communications system before clearing meters on a video gaming terminal. Applicants for

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Proposed Rulemaking

ADA PROCEDURES

The DEPARTMENT OF JUVENILE JUSTICE proposed a new Part titled Americans with Disabilities Act Grievance Procedure (4 IAC 530; 43 Ill Reg 9215) implementing federal regulations. The new Part includes procedures for filing a grievance when it is alleged that the agency or its employees have discriminated against a person with a disability; procedures by which a designated agency ADA coordinator investigates these allegations; and appeal procedures for an employee who is dissatisfied with the decision of the designated coordinator.

Questions/requests for copies/comments through 10/15/19: Lindsay M. Bentivegna, DJJ, 2715 W. Monroe St., Springfield IL 62704, 217/557-1030, DJJ.Rules@illinois.gov

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

WORKER'S COMPENSATION

The DEPARTMENT OF INSURANCE adopted an amendment to Workers' Compensation Electronic and Standardized Paper Billing (50 IAC 2908; 43 Ill Reg 960), effective 8/19/19, implementing Public Act 100-1117. The amendment requires health care providers to supply only those medical records pertaining to the provider's own claims that are minimally necessary under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and establishes penalties for violations of the Act or the Part. Since 1st Notice, DOI has specified that fines will be \$300 for the first violation, \$700 for a second violation, and \$1,000 for each subsequent identical violation within a calendar year.

(Originally, the rule simply repeated DOI's statutory authority to charge fines of up to \$1,000 per violation and \$10,000 per calendar year.) DOI has also clarified what actions constitute separate or identical violations; when interest may be charged on electronically submitted bills that have not yet been paid; and that payers must provide a written explanation of benefits when rejecting or denying an electronic medical bill.

Standard of Practice (ASOP) promulgated by the Actuarial Standards Board to the most recent edition (December 2016).

Questions/requests for copies of the 3 DOI rulemakings: Parts 909 and 1406, Bruce Sartain (217/785-0903); Part 2908, Erica Weyhenmeyer (217/782-1790); DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767.

STATE RETIREMENT

LIFE INSURANCE

DOI also adopted amendments to Advertising and Sales Promotion of Life Insurance and Annuities (50 IAC 909; 43 Ill Reg 4862) and Individual and Group Life Insurance Policy Illustrations (50 IAC 1406; 43 Ill Reg 4868), effective 8/19/19, updating references to the Actuarial

The STATE EMPLOYEES' RETIREMENT SYSTEM adopted an amendment to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1504; 43 Ill Reg 6166), effective 8/16/19, to clarify the funding source for its recently instituted accelerated pension benefit payment programs. Since 1st Notice, SERS has changed the sunset date of the program to 6/30/24 in accordance with Public Act 101-10, and has clarified that the Deferred Compensation Plan, which accepts pre-tax contributions, cannot accept rollovers consisting of post-tax contributions.

Questions/requests for copies: Jeff Houch, State Retirement Systems, 2101 S. Veterans Pkwy., P.O. Box 19255, Springfield IL 62794, 217/524-8105, jeff.houch@srs.illinois.gov

Emergency Rule

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video gaming licenses must disclose all persons with significant influence or control over the applicant or licensee. The definition of "person with significant influence or control" is expanded to include each person directly owning an applicant or licensee as well as each person with an indirect ownership interest of 5% or more. Finally, the Administrator of IGB shall have authority to direct and oversee the installation, maintenance or improvement of any technology needed to implement the Act or this Part, and the applicant or licensee may be

required to reimburse the Board for the cost of testing, certification, training, and other tasks associated with such implementation. Those affected by this rulemaking include small businesses such as restaurants, taverns, and truck stops; fraternal and veterans organizations; and persons employed as terminal handlers and technicians.

Questions/requests for copies/comments on the proposed rulemaking through 10/15/19: Agostino Lorenzini, IGB, 160 N. La Salle St., Chicago IL 60601, fax 3 1 2 / 8 1 4 - 7 2 5 3 , Agostino.lorenzini@igb.illinois.gov

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 September 17, 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.

DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 43 Ill Reg 7361) proposed 7/5/19

Joint Committee on Administrative Rules

Senator Don Harmon, *co-chair*

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Senator Kimberly Lightford

Representative Michael Halpin

Senator Tony Muñoz

Representative Frances Ann Hurley

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**Vicki Thomas
Executive Director**