

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.

New Rules

■ ADOPTION

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 IAC 309; 42 Ill Reg 21529), effective 10/10/19, reflecting statutory changes to the Adoption Act from Public Acts 99-345 and 99-832. The rulemaking requires disclosure to prospective adoptive parents of requests for post-adoption contact by the birth parent or parents, and of who selected the adoptive parents and why. It adds and amends various definitions, including adoption dissolution (a child's removal from an adoptive placement after the adoption has been finalized), placement disruption (removal before an adoption is finalized), secondary placement (occurring after a placement disruption or

adoption dissolution), and birth grandparent and birth relative (for purposes of the Adoption Registry). The rulemaking also recognizes parties to a civil union as persons who may adopt and exempts adoptive parents of children previously adopted in foreign countries from the 6-month Illinois residency requirement for

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adoption. Current and prospective adoptive parents, adoptees and adoption agencies are affected.

Questions/requests for copies: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524/3715, fax 217/557-0692, e-mail: cfpolicy@idcfs.state.il.us.

Proposed Rulemakings

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Variable Contracts (50 IAC 1551; 43 Ill Reg 12054) updating references to the Financial Industry Regulatory Authority (FINRA) and the Annuity 2000 Mortality Table, and adopting rules currently in 50 IAC 3117 (Licensing and Suitability Requirements for the Solicitation of Variable Contracts), which is being proposed for repeal (43 Ill Reg 12070). DOI also proposed an amendment to Accident and Health Reserves (50 IAC 2004; 43 Ill Reg 12066) updating the incorporated NAIC Valuation Manual to the 2019 edition.

Questions/requests for copies/comments on the 3 DOI rulemakings through 12/9/19: Susan Anders, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767-0002, 217/558-0957.

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.

Emergency Rule

■ MANAGED CARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Medical Payment (89 IAC 140; 43 Ill Reg 12093) effective 10/15/19 for a maximum of 150 days. A companion proposed amendment with additional provisions appears in this week's *Illinois Register* at 43 Ill Reg 12000. The emergency and proposed rules both implement PA 101-9, which establishes a provider assessment program for managed care organizations (MCOs) for State fiscal years 2020 through 2025. Medicaid managed care organizations will be assessed \$61.70 per member per month for the first 4.195 million member months that all individuals in that MCO were enrolled during

the base year (2018) and \$1.20 per member/month for base year member months beyond that number. For non-Medicaid MCOs, the assessment is \$2.40 per member/month for all enrollments during the base year. Assessments are due and payable on the first State business day of each month beginning 11/1/19. A 5% penalty shall be levied for late payments unless the MCO shows good cause due to financial or other difficulties. Proceeds from this assessment shall be deposited into the Healthcare Provider Relief Fund, into which assessments intended to maximize federal Medicaid matching funds are deposited. The proposed rulemaking also implements PA 101-209 by abolishing copayments for all non-institutional medical assistance

services rendered on or after 9/1/19; establishes a process for HFS to resolve payment disputes between a provider and a Medicaid MCO; extends the FY20 hospital assessment rates through FY21; and changes the hospital assessment payment due date from the 14th to the 17th State business day of each month. Those affected by these rulemakings include managed care organizations and Medicaid/medical assistance service providers.

Questions/requests for copies/comments on the proposed rulemaking through 12/9/19: Christopher Gange, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763, HFS.Rules@illinois.gov

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 43 Ill Reg 12119) effective 10/8/19. The peremptory rule implements recent collective bargaining agreements with the Illinois State Employees' Association and Illinois Nurses Association, effective 7/1/15 through 6/30/23. (The contracts include provisions for the 2015-

2019 period during which employees worked under terms of expired contracts and did not receive contractual pay increases.) The peremptory rule includes general pay increases of 1.5% effective 1/1/20; 2.1% effective 7/1/20; 3.95% effective 7/1/21; and 3.95% effective 7/1/22; a one-time stipend of \$2,500, prorated by 25% for each year the employee worked between 7/1/15 and 6/30/19; an increase of \$25/month in pay rates for Steps 1a, 1b and 1c (for beginning

employees); paid parental leave of 10 weeks (formerly 4 weeks) upon the birth or adoption of a child; and bargaining unit-specific provisions concerning back pay; holiday, temporary assignment, overtime, call-back, and standby pay; and other issues.

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

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 November 12, 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.

IL STUDENT ASSISTANCE COMMISSION

AIM HIGH Grant Pilot Program (23 IAC 2766; 43 Ill Reg 6916) proposed 6/14/19

IL GAMING BOARD

Video Gaming (General) (11 IAc 1800; 43 Ill Reg 9209) proposed 8/30/19

DEPT OF INSURANCE

Credit for Reinsurance Ceded (50 IAC 1104; 43 Ill Reg 8627) proposed 8/16/19

DEPT OF JUVENILE JUSTICE

Americans with Disabilities Act Grievance Procedure (4 IAC 530; 43 Ill Reg 9215) proposed 8/30/19

School District #428 (20 IAC 2405; 43 Ill Reg 8964) proposed 8/23/19

Chaplaincy Services and Religious Practices (20 IAC 2425; 43 Ill Reg 8977) proposed 8/23/19

Volunteer Services (20 IAC 2435; 43 Ill Reg 8992) proposed 8/23/19

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**Vicki Thomas
Executive Director**