

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.

Adopted Rules

COLLEGE CREDIT

The BOARD OF HIGHER EDUCATION and the ILLINOIS COMMUNITY COLLEGE BOARD jointly adopted a new Part titled Joint Rules of the Board of Higher Education and Illinois Community College Board: Rules on Reverse Transfer of Credit (23 IAC 1065; 43 Ill Reg 7018 and 23 IAC 1502; 43 Ill Reg 7021), effective 12/11/19. The new Part implements Public Act 100-824, which allows students enrolled at Illinois public universities to “reverse transfer” course credit earned at the university to a previously attended community college and apply those credits toward an associate degree. Students requesting a reverse transfer must have earned at least 60 total transferrable college credit hours, with at least 15 of these hours having been earned at the community college to which they are requesting the credit transfer. A change since 1st

Notice clarifies that the 60 transferable hours may be completed at a previously attended institution or at the institution the student is currently attending. A reverse transfer request must be submitted to the university the student is currently attending and the student must authorize release of his or her transcript information to the community college. Universities must annually notify their students who meet reverse transfer eligibility criteria and provide information about reverse transfer in the university course catalog, on its website, and through the admissions and registrar’s offices. To facilitate reverse transfers, universities may waive transcript fees and community colleges may waive fees for degree audits and graduation applications. Within 30 business days after receiving a reverse transfer request and all

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Proposed Rulemakings

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to the Part titled Unfair Discrimination Based on Sex, Sexual Orientation, Gender Identity or Marital Status (50 IAC 2603; 43 Ill Reg 14987) extending rules against discrimination based on actual or perceived gender identity that currently apply to group health insurance plans to all companies that offer or provide group or individual health insurance coverage. Prohibited actions under these rules include: denying or charging higher rates for coverage of gender dysphoria treatment if other medical conditions are covered; limiting, canceling, or refusing to issue a policy to a transgendered person; designating actual/perceived gender identity or gender dysphoria as a preexisting

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ADOPTED 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.

Adopted Rules

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required transcripts, a community college must notify the applicant, and the university the applicant is currently attending, whether the applicant has met the requirements for an associate degree. If an associate degree is awarded, the community college shall send the university an updated transcript reflecting completion of the associate degree. Private colleges and universities may also voluntarily participate in reverse transfer of credit.

Questions/requests for copies: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333, Springfield IL 62701, 217/557-7358, helland@ibhe.org, or Matt Berry, ICCB, 401 E. Capitol, Springfield IL 62701, 217/785-7411, matt.berry@illinois.gov

STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted amendments to General Provisions (23 IAC 2700; 43 Ill Reg 7966), Monetary Award Program (MAP) (23 IAC 2735; 43 Ill Reg 7988), Optometric Education Scholarship Program (23 IAC 2741; 43 Ill Reg 7999) and Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; 43 Ill Reg 8006), all effective 1/1/20, implementing the Retention of Illinois Students and Equity (RISE) Act (PA 101-21). Amendments to Part 2700 expand the definition of an “eligible noncitizen” to include persons who

are not permanent residents of the U.S. and do not meet federal student assistance criteria, but meet all of the following criteria: the individual resided with a parent or guardian while attending an Illinois public or private high school; has graduated from an Illinois high school or received the equivalent of a high school diploma; has attended school in Illinois for at least 3 years following graduation or HS equivalency completion; has not established a residence outside Illinois; and provides the institution of higher learning with an affidavit stating that he or she will apply to become a permanent U.S. resident as soon as the individual is eligible to do so. Individuals who meet these criteria can apply for State student aid and benefits by filing a RISE Act Application in place of the Free Application for Federal Student Aid (FAFSA). Where appropriate, references to FAFSA elsewhere in ISAC’s rules will also include RISE applications. ISAC will continue to consult with “other appropriate State and federal agencies” when reviewing financial aid application data, but is removing references to the specific agencies that may be consulted (e.g., U.S. Citizenship and Immigration Services, Internal Revenue Service). Corresponding amendments to Parts 2735, 2741 and 2763 modify the definition of FAFSA and replace the term “permanent resident” of the U.S. with “eligible noncitizen”. The Part 2735 rulemaking also removes the 75 credit hour cap on the use of MAP benefits at the freshman or sophomore level, but advises

students that exceeding this cap may leave the student with insufficient remaining eligibility for the hours required to complete a baccalaureate degree. (Total MAP eligibility is limited to 135 credit hours.)

AIM HIGH GRANTS

ISAC also adopted amendments to AIM HIGH Grant Pilot Program (23 IAC 2766; 43 Ill Reg 6916), effective 1/1/20, 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 of the 5 ISAC rulemakings: Jackie Eckley, ISAC, 500 W. Monroe St., 3rd Fl., Springfield IL 62704, 217.782.5161, jackie.eckley@illinois.gov

Proposed Rulemakings

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condition for which coverage will be denied or limited; denying coverage or charging higher rates for surgical treatment of gender dysphoria; and denial/limitation of claims for services exclusively or ordinarily available only to individuals of one sex (e.g., screening/examination for breast cancer or prostate cancer) because the individual is enrolled as belonging to the other sex, or is undergoing gender transition. Additionally, all insurance companies are prohibited from using separate risk rating classifications or differentiating in rates on the basis of actual or perceived gender identity, unless the differentiation is based on expected claim costs and expenses derived by applying sound actuarial principles to relevant and reasonably current company/intercompany studies, claim costs, and expense experience. Effective 7/1/20, no insurance company shall charge a

differential by actual/perceived gender identity, or based on the transgender identity of an insured or prospective insured, that is larger than the differential indicated by the criteria stated in this rulemaking. However, an insurer is not prohibited from recognizing an individual's gender identity to the extent requested by that individual. Small insurance companies that offer accident and health insurance policies are affected by this rulemaking.

Questions/requests for copies/comments through 2/10/20: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/588-0957, or Robert Planthold, DOA, 122 S. Michigan Ave., 19th Fl., Chicago IL 60603, 312/814-5445.

SNAP ELIGIBILITY

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Supplemental Nutrition Assistance Program

(SNAP) (89 IAC 121; 43 Ill Reg 14972) implementing a provision of the federal Agriculture Act of 2014. The rulemaking classifies cash prizes of \$3,500 or more (before taxes or other withholdings) won in a single gambling game or lottery drawing as nonexempt liquid assets that will be counted in determining a household's financial eligibility. Any household that has won such a cash prize in a single game or drawing will not qualify as categorically eligible for SNAP even if that household otherwise meets categorical eligibility criteria (e.g., disability, TANF or SSI enrollment) that would ordinarily exempt the household from asset and net income eligibility limits.

Questions/requests for copies/comments through 2/10/20: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

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 January 14, 2020 JCAR meeting. Other items not listed 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 HUMAN SERVICES

Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 43 Ill Reg 11065) proposed 10/11/19

Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121;43 Ill Reg 11905) proposed 10/18/19

Temporary Assistance for Needy Families (89 IAC 112; 43 Ill Reg 11063) proposed 10/11/19

DEPT ON AGING

Community Care Program (89 IAC 240; 43 Ill Reg 12209) proposed 11/1/19

General Grantmaking (DHS) (44 IAC 7040; 43 Ill Reg 11812) proposed 10/18/19

DEPT OF AGRICULTURE

IL GAMING BOARD

Fairs Operating Under the Agriculture Fair Act (8 IAC 260; 43 Ill Reg 11800) proposed 10/18/19

Riverboat Gambling (86 IAC 3000; 43 Ill Reg 12784) proposed 11/1/19

DEPT OF CHILDREN & FAMILY SERVICES

IL STUDENT ASSISTANCE COMMISSION

Licensing Standards for Foster Family Homes (89 IAC 402; 43 Ill Reg 7544) proposed 7/12/19

Illinois Veteran Grant (IVG) Program (23 IAC 2733; 43 Ill Reg 10789) proposed 10/4/19

DEPT OF INSURANCE

Accident and Health Reserves (50 IAC 2004; 43 Ill Reg 12066) proposed 10/25/19

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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Representative Frances Ann Hurley
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