

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

■ LIBRARY POLICIES

The SECRETARY OF STATE proposed amendments to Illinois State Library Grant Programs (23 IAC 3035; 47 Ill Reg 13038) implementing Public Act 103-100. The PA and this rulemaking require public libraries, school district libraries, veterans' home libraries and library systems, as a condition of receiving State per capita, construction, equalization aid, technology, or Talking Book and Braille Service grants on and after 1/1/24, to adopt policies against removal or censorship of library materials based on disapproval from individuals or groups. In order to qualify for these grants, applicant entities must adopt either the American Library Association's Bill of Rights indicating that "material should not be proscribed or removed because of partisan or doctrinal disapproval", or a written policy adopted by the library board of

trustees indicating that the library will "protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material." For

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Next JCAR Meeting:
Tues. Sept. 12, 11 a.m.
Rm. 600, 160 N. La Salle St.
Chicago

Live streaming on JCAR website

all grants made on or after 1/1/24, applicant libraries and library systems must, upon request of the State Librarian, provide the Illinois State Library with a record of any final decision for reconsideration of library materials during the term of the grant award. A grant

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Adopted Rules

■ PHYSICAL THERAPISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Illinois Physical Therapy Act (68 IAC 1340; 46 Ill Reg 15922) effective 8/24/23, concerning intramuscular manual therapy (IMT), and initial and continuing education (CE) for physical therapists. The rulemaking allows physical therapy assistants to perform IMT if they meet the IMT training requirements established for physical therapists and complete the required 200 patient treatment sessions under direct line of sight supervision by a licensed physical therapist. DFPD may consider therapists who were licensed to perform "dry needling" in Illinois prior to 7/19/18, or in another jurisdiction at any time, as

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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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having met the requirements for performing IMT. Applicants for physical therapist licenses who graduate from a physical therapy program on or after 1/1/24 (changed since 1st Notice from 1/1/22) must have at least a doctoral degree; applicants who graduated from a physical therapy program from 1/1/02 through 12/31/23 must have at least a master's degree. Means of earning CE credit hours now include editing of professional books or journals or authoring/co-authoring grant proposals (5 hours) or serving on the Board of Directors of the Illinois or American Physical Therapy Associations or a professional physical therapist organization (1 hour per 3 months, maximum 8 hours). Other provisions allow physical therapists to provide services without a referral from a health care professional, provided that the patient's primary health care professional is notified within 5 business days (or, if the patient does not have a primary care provider, the patient is offered the opportunity to notify a provider of their choice); streamline licensure by endorsement for therapists who have been licensed in another jurisdiction for at least 10 consecutive years without discipline; clarify how endorsement applications from foreign educated applicants are evaluated; clarify remedial training requirements prior to retaking a

repeatedly failed licensing exam; and clarify what is and is not considered permissible advertising of physical therapy services. Since 1st Notice, DFPR, in response to public comment, removed a proposed Section regulating use of telehealth in physical therapy. Physical therapists, their assistants, and their employing healthcare providers are affected by this rulemaking.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217/785-0813, fax 217/557-4451.

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Hospital Services (89 IAC 148; 47 Ill Reg 5906) effective 8/25/23, implementing Public Act 102-43. The rulemaking removes restrictions on payment for repeat alcohol or drug detoxification admissions of patient age 21 or older within 60 days after the patient's discharge from a previous inpatient detox admission.

Questions/requests for copies: Steffanie Garrett, HFS, 201 S. Grand Ave., East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM adopted amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1504; 47 Ill Reg 6433) effective 8/22/23 codifying its policies regarding installment payment plans entered into by System members in order to purchase optional service credits. A member who enters into an installment payment plan for this purpose (which deduct payments from the member's pay on a pre-tax basis for up to 60 months) may complete the remaining payments by transferring funds from another financial account only if the member has separated from State service and SERS receives this payment within 30 days after the member's departure. A member who uses funds from another account for this purpose may not subsequently enroll in another installment plan.

Questions/requests for copies: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255, Springfield IL 62794-9255, 217/524-8105, fax 217/557-3943, jeff.houch@srs.illinois.gov

Proposed Rulemakings

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recipient that does not maintain and abide by either the ALA Bill of Rights or a written policy declaring its “inherent authority to include a prohibition on the practice of banning specific books or resources” shall have its grant award revoked. Public libraries, library systems, and school district libraries that apply for State grants are affected.

Questions/requests for copies/ comments through 10/23/23: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov

SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 47 Ill Reg 12978) establishing a resolution process for disputes involving a student’s claim of homeless status as determined under the State’s Education for Homeless Children Act [105 ILCS 45] and the federal McKinney-Vento Education for Homeless Children Act. Issues that may be resolved through this procedure include, but are not limited to, the effect of the student’s claimed homelessness on registration, enrollment, transportation, access to curricular or extracurricular programs, fee waivers, and program eligibility. The student must continue to be enrolled and receive services such as transportation while the dispute resolution process, including any

■ DAY & TEMP WORKERS

The DEPARTMENT OF LABOR will hold a public hearing on proposed amendments to the Part titled Day and Temporary Labor Services Act (56 IAC 260; 47 Ill Reg 12457) **Thurs. Sept. 28, at 1:30 p.m.** at the Department of Human Rights office, 524 S. Second St. (Lincoln Tower), 3rd Floor, Springfield. The hearing will also be accessible online via Webex. Virtual participants must register in advance at the following link: <https://illinois.webex.com/weblink/register/rc329bb5564520c970c41d52bc2ba4c7a>

The hearing concerns companion proposed amendments to an emergency rule that became effective 8/7/23 for a maximum of 150 days, implementing the Day and Temporary Labor Services Act (PA 103-437). These rules require day and temporary labor agencies

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to ensure that day and temp workers are provided adequate safety training on at least an annual basis for the third party worksites to which they are assigned; are informed of safety hazards or protocols at the worksites to which they are assigned; have the right to refuse assignment, without fear of retaliation, to a worksite involved in a labor dispute; and receive the same pay and benefits as permanent employees performing substantially similar work after being assigned to a third party employer for 90 days or more. Day and temporary labor agencies and businesses that contract with them are affected by these rulemakings.

Questions/comments regarding the hearing or the proposed rulemaking: Anna Koeppel, DOL, 524 S. Second St., 4th Fl., Springfield IL 62701, 217/558-1270, DOL.Rules@illinois.gov

appeal, is ongoing. Before beginning this process, the school district’s local homeless liaison must attempt to resolve the disagreement between the district and the student and/or the student’s parent or guardian. If the dispute remains unresolved, the district must notify the student, parent or guardian, along with the regional superintendent and the State Coordinator for education of homeless children and youth, of its intent to initiate the resolution process. The notification must include information regarding

sources of low cost or free legal assistance and advocacy services available in the community. Within 10 school days after this notification, the regional superintendent must appoint a fair and impartial ombudsperson who will oversee the resolution process and arrange a meeting among the student, parent/guardian, and other interested parties. After this meeting, the ombudsperson has 10 school days to issue a written decision as to whether the student

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Proposed Rulemakings

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is or is not homeless. This decision may be appealed to the State Coordinator for a final determination within 15 days after receiving the appeal. If the State Superintendent determines that a school district acted contrary to applicable law, the Superintendent may require the district to take remedial action and may place the district on probation if it does not comply.

Questions/requests for copies/ comments through 10/23/23: Azita Kakvand, SBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312/783-2757, rules@isbe.net

■ EDUCATIONAL LOANS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Underserved Health Care Provider Workforce Code (77 IAC 590; 47 Ill Reg 12990) implementing Public Acts 103-219 and 103-507. The PAs and this rulemaking extend educational loan repayment assistance under this Part to chiropractic physicians and anesthesiologists. The rulemaking also makes chiropractic students eligible for medical student scholarships. Chiropractors, anesthesiologists, and their employing healthcare providers are affected.

NEWBORN SCREENINGS

DPH also proposed amendments to Newborn and Infant Screening and Treatment Code (77 IAC 661;

47 Ill Reg 13013) that incorporate definitions from the Part titled Early Hearing Detection and Intervention Code (77 Ill. Adm. Code 662; 47 Ill Reg 13028), which is being proposed for repeal. The Part 661 rulemaking also clarifies the necessary qualifications for a medical specialist who is referred for follow-up on an infant that screens positive for spinal muscular atrophy.

Questions/requests for copies/ comments on the 3 DPH rulemakings through 10/23/23: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, dph.rules@illinois.gov

■ RETIREMENT SAVINGS

The OFFICE OF THE STATE TREASURER proposed amendments to the Part titled Secure Choice Savings Program (74 IAC 721; 47 Ill Reg 13071) reflecting PA 103-43. The amendment allows the Secure Choice Board to charge an administrative fee, consistent with industry standards, to employee participants to cover the administrative costs of the Program, which establishes a retirement savings program for employees of private employers that have not established a program of their own. The fee may not exceed 0.25% of total assets under management plus a dollar-based fee not to exceed \$4 per quarter. Participants may also be charged fees of \$1.25 per quarter for delivery of paper documents, \$5 for delivery of a withdrawal by

paper check, \$25 for each priority mail delivery, or \$20 for each payment rejected for insufficient funds. Employers and employees that participate in Secure Choice are affected.

Questions/requests for copies/ comments through 10/23/23: Erica Tremble, Office of the Treasurer, 555 W. Monroe St., 14th Floor, Chicago IL 60661, 217/557-4298, fax 312/814-5930, e-mail: ETremble@illinois.treasurer.gov

AUDITOR GENERAL

The OFFICE OF THE AUDITOR GENERAL proposed amendments to the Part titled Public Information, Rulemaking, Organization and Personnel (2 IAC 600; 47 Ill Reg 12959) aligning the Office's paid parental leave policies with those of other executive branch agencies by increasing total leave time from 10 weeks/50 working days to 12 weeks/60 working days. The rulemaking also expands eligibility for unpaid domestic violence leave to include any crime of violence, including dating violence, gender-related violence and stalking, in accordance with the Victim's Economic Security and Safety Act.

Questions/requests for copies/ comments through 10/23/23: Margaret Livingston, OAG, 740 E. Ash St., Springfield IL 62703, 217/782-6046, mlivingston@auditor.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 September 12, 2023, meeting in Chicago. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF CENTRAL MGMT SERVICES

Extensions of Jurisdiction (80 IAC 305; 47 Ill Reg 9551) proposed 7/14/23

DEPT OF HEALTHCARE & FAMILY SERVICES

Medical Assistance Programs (89 IAC 120; 47 Ill Reg 6237) proposed 5/5/23

ELEVATOR SAFETY REVIEW BOARD

Illinois Elevator Safety Rules (41 IAC 1000; 47 Ill Reg 6388) proposed 5/12/23

OFFICE OF THE STATE FIRE MARSHAL

Fire Sprinkler Contractor Licensing Rules (41 IAC 109; 47 Ill Reg 6614) proposed 5/19/23

DEPT OF PUBLIC HEALTH

Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 47 Ill Reg 3959) proposed 3/24/23

Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 47 Ill Reg 3981) proposed 3/24/23

STATE BOARD OF EDUCATION

Career and Technical Education (23 IAC 256; 47 Ill Reg 5310) proposed 4/14/23

Joint Committee on Administrative Rules

Senator Cristina Castro

Representative Eva-Dina Delgado

Senator Bill Cunningham, *co-chair*

Representative Jackie Haas

Senator Donald DeWitte

Representative Steven Reick

Senator Dale Fowler

Representative Ryan Spain, *co-chair*

Senator Kimberly Lightford

Representative Curtis Tarver, II

Senator Sue Rezin

Representative Dave Vella

**Kim Schultz
Executive Director**