

*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

### ■ COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION adopted an amendment to Hours of Service of Drivers (92 IAC 395; 44 Ill Reg 13067) effective 11/9/20, incorporating recently adopted federal regulations (85 FR 33396, effective 6/1/20). The incorporated federal regulations extend the short-haul exception from 100 to 150 air miles and increase the maximum duty period allowed under this exception from 12 to 14 hours; allow drivers to divide their required 10 hours off duty into two periods provided that one period consists of at least 7 consecutive hours in the sleeper berth and the other is at least 2 hours long; requires a 30-minute break only after 8 hours of driving without interruption; and extends the maximum driving window by up to 2 hours under adverse driving conditions. Commercial truck

### COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

### Emergency Rules, Page 3

drivers are affected by this rulemaking.

*Questions/requests for copies: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Room 317, Springfield IL 62764, 217/524-2638.*

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## Proposed Rulemakings

### ■ ROOFERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Illinois Roofing Industry Licensing Act (68 IAC 1460; 44 Ill Reg 18546) reflecting the sunset reauthorization of the Act (PA 99-469). The rulemaking provides that DFPR may issue citations to roofers for unlicensed practice or practice on a non-renewed license, allowing an unlicensed person to provide roofing contractor services, aiding or assisting another person in violating the Act or the Part, and for performing "substandard work" as defined in the Act. Civil penalties for unlicensed practice are \$200 for the 1<sup>st</sup> violation and \$400 for any subsequent violations within 12 months. Fines for aiding and

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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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## HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Hospital Services (89 IAC 148; 44 Ill Reg 10065) addressing reimbursement to hospitals for treatment of patients who no longer require acute care, but require nursing facility or other long-term care, care in a psychiatric or rehabilitation hospital, or home health care services that cannot be immediately obtained. For dates of service on or after 7/1/19, payment for hospital long term care days will be made only for those days beyond the period of time when hospital care is needed (if the hospital is reimbursed on a per diem basis) or beyond the average length of stay for the specified diagnosis (if the hospital is reimbursed under the Diagnosis Related Grouping system). Approval (changed since 1<sup>st</sup> Notice from “prior approval”) is also required. The reimbursement rate for eligible hospital long term care days is \$289.48/day. For dates of service on or after 7/1/19 but before 11/1/20, reimbursement is not limited to days after HFS or its contractor were notified of the need for post-placement discharge; effective 11/1/20, reimbursement will be made only for the days after HFS is notified of the need. Other provisions allow Medicaid Percentage Adjustment hospitals to cease providing obstetric services if there is another hospital within 15 miles that provides obstetric services, and terminate patient copayments

for inpatient and non-emergency services effective 8/31/19. Since 1<sup>st</sup> Notice HFS has clarified the definition of a hospital long term care day and has also clarified the post-discharge placement notification and approval process.

*Questions/requests for copies: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

## ■ WATER POLLUTION

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY repealed the Part titled Public Water Supply Capacity (35 IAC 652; 43 Ill Reg 13880) and adopted a replacement Part titled Community Water Supplies (35 IAC 652; 43 Ill Reg 13889), both effective 11/9/20. The new Part includes electronic reporting requirements for community water supplies; addresses environmental degradation that may result from corrosion prevention and mitigation procedures; and reaffirms rules contained in the former Part 652 regarding technical, financial and managerial capacity development for community water supplies. Protective coatings personnel must carry out all corrosion prevention and mitigation procedures on exposed water treatment tanks, exposed non-concrete water treatment structures, exposed water treatment pipe galleys, exposed pumps, and generators. Since 1<sup>st</sup> Notice, IEPA has clarified additional items to which Subpart B (Corrosion Prevention) is not

applicable. Community water supplies for small municipalities may be affected by these rulemakings.

*Questions/requests for copies: Sara G. Terranova, IEPA, 1021 N. Grand Ave. East, Springfield IL 62794-9276, 217/782-5544.*

## ■ MONEY TRANSMITTERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted an amendment to the Part titled Transmitters of Money Act (38 IAC 205; 44 Ill Reg 11364) effective 11/5/20, establishing in rule a fee schedule for businesses licensed under the Act (e.g., currency exchanges) to transmit funds electronically. Initial application fees are \$2,500. For licensees that report \$1 million or less in total Illinois transactions in the previous year, the annual license renewal fee is \$1,000. For licensees reporting transactions of more than \$1 million and up to \$10 million, the renewal fee is \$1,000 plus .0004 of the amount exceeding \$1 million. Licensees with more than \$10 million and up to \$100 million in transactions pay a renewal fee of \$4,600 plus .0002 of the amount exceeding \$10 million. Licensees with more than \$100 million in transactions pay a renewal fee of \$22,600 plus .0001 of the amount exceeding \$100 million, up to a maximum fee of \$50,000. A penalty of \$50 per day will be charged for each day that a renewal application or required

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# Proposed Rulemakings

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(cont. from page 1)

abetting unlicensed practice are \$100 for the 1<sup>st</sup> violation and \$200 for subsequent violations within 12 months. Fines for substandard work are \$100 per violation. Persons may appeal citations by requesting a hearing within 30 days. The rulemaking also requires roofing license applicants to certify their unemployment insurance account number and that they are not delinquent in payment of any amount due to the Department of Employment Security under the Unemployment Insurance Act. Other provisions exempt from licensing examinations persons who, prior to 7/1/2003, were designated as “qualifying parties” for a licensee that is seeking restoration of an expired or inactive license. Roofers, roofing contractors and their employees are affected by this rulemaking.

*Questions/requests for copies/comments through 1/4/21: Craig Cellini, DFPR, 320 W. Washington, 2<sup>nd</sup> Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.*

## ■ AGRICULTURAL FAIRS

The DEPARTMENT OF AGRICULTURE proposed amendments to the Part titled Fairs Operating Under the Agricultural Fair Act (8 IAC 260; 44 Ill Reg 18536) increasing the maximum age for junior exhibitors from 19 to 21 and setting a final due date of August 15 for fair associations or agricultural

## ■ BUSINESS ASSISTANCE

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted emergency amendments to the Part titled Business Interruption Grant Program (14 IAC 690; 44 Ill Reg 18607) effective 11/6/20, amending a Part adopted by emergency rulemaking effective 7/21/20 for the remainder of its 150-day term. The emergency amendments clarify that participants in the Business Interruption Grant (BIG) Program must provide a final expenditure report of all grant funds by the 15<sup>th</sup> day of the month following the termination of the grant (previously, by 12/15/20). The amendments also provide that child care business restoration grant funds still available after the second round of grants issued in September 2020 may be utilized in additional rounds. Selection for these grants will target areas disproportionately impacted by the COVID-19 pandemic along with other affected areas, with selection methods varying by location and population. Child care providers and other businesses seeking BIG funding will be affected.

societies to file rehabilitation project reports for that year in order to receive reimbursement from DOA. Organizations that sponsor agricultural fairs are affected.

# Emergency Rules

*Questions/requests for copies: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, [jolene.clarke@illinois.gov](mailto:jolene.clarke@illinois.gov)*

## ■ OPTOMETRISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted an emergency amendment to the Part titled Optometric Practice Act of 1987 (68 IAC 1320; 44 Ill Reg 18613) effective 11/4/20 for a maximum of 150 days. An identical proposed amendment appears in this week’s *Illinois Register* at 44 Ill Reg 18543. These amendments allow optometrists to prescribe topical ophthalmic treatments recently approved by the Food and Drug Administration and the Illinois Optometry Board for treatment of acquired blepharoptosis (droopy eyelids). Optometrists are affected by this emergency rule.

*Questions/requests for copies/comments on the proposed rulemaking through 1/4/21: Craig Cellini, DFPR, 320 W. Washington, 2<sup>nd</sup> Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.*

*Questions/requests for copies/comments through 1/4/21: Pamela Harmon, DOA, State Fairgrounds, 801 E. Sangamon Ave., Springfield IL 62702, 217/524-6905, fax 217/785-4505.*

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be listed in next week's *Illinois Register* and considered at the December 15, 2020 JCAR meeting. Other items not published in the *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 CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 44 Ill Reg 15842) proposed 9/25/20

### DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 44 Ill Reg 14837) proposed 9/18/20

### STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision  
(23 IAC 1; 44 Ill Reg 10322) proposed 6/19/20

Educator Licensure (23 IAC 25; 44 Ill Reg 12106) proposed 7/24/20

Early Childhood Block Grant (23 IAC 235; 44 Ill Reg 12141) proposed 7/24/20

## Adopted Rules

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annual financial statement is received after the December 1 deadline, unless DFPR has approved an extension of time. All fees are nonrefundable. Since 1<sup>st</sup> Notice DFPR has clarified that license renewal fees are based upon the licensee's volume of Illinois transactions. Small businesses that handle money transmissions are affected.

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

## JCAR Meeting Cancelled

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Due to a resurgence of COVID-19 cases in the Springfield area, the JCAR meeting scheduled for November 17 was cancelled. Agencies with proposed rulemakings on the November agenda will be free to adopt them after the Second Notice periods for those rulemakings have expired. The next JCAR meeting is scheduled for December 15 in Springfield.