

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

■ UNEMPLOYMENT CLAIMS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted an amendment to Payment of Unemployment Contributions, Interest and Penalties (56 IAC 2765; 44 Ill Reg 13218), effective 12/11/20, replacing an emergency amendment effective 7/28/20. The rulemaking states that unemployment claims filed from 3/15/20 through 1/2/21 are presumed to be directly or indirectly attributable to the COVID-19 pandemic unless otherwise specified. Employers who file applications for revision of a statement of benefit charges shall identify any benefit charges that are not related to COVID-19 and any non-COVID-19 related basis for seeking cancellation of benefit charges for weeks falling outside the pandemic period. Employers making payments in lieu of contributions shall also

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*.

identify, in their applications for revision of amounts due for benefits paid, any amounts due for reasons other than COVID-19 and any non-COVID-19 related basis for seeking cancellation of amounts due for weeks outside the pandemic period. Small businesses and non-profit entities may be affected by this rulemaking.

(cont. page 2)

Proposed Rulemakings

PUBLIC ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Temporary Assistance for Needy Families (89 IAC 112; 44 Ill Reg 19632), Aid to the Aged, Blind or Disabled (89 IAC 113; 44 Ill Reg 19649) and Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 44 Ill Reg 19663) implementing PA 101-415. For purposes of determining eligibility for TANF, AABD, or SNAP, these amendments exempt, for up to 60 months, income received in the form of wages, cash transfers, or gifts to persons enrolled in a research project that is not funded with General Revenue Funds and is intended to investigate the impact of public policies or programs designed to reduce poverty, promote social mobility, or increase financial stability for

(cont. page 3)

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

(cont. from page 1)

Questions/requests for copies: Kevin Lovellette, DES, 33 S. State St., Rm 930, Chicago IL 60603, 312/793-1224, fax 312/793-5645, Kevin.Lovellette@illinois.gov

■ DISEASE REPORTING

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to Control of Communicable Diseases Code (77 IAC 690; 44 Ill Reg 13298) effective 12/9/20, replacing an emergency rule effective 8/3/20. The rulemaking adds novel coronavirus diseases, including COVID-19, Severe Acute Respiratory Syndrome (SARS) and Middle Eastern Respiratory Syndrome (MERS) to the list of diseases and conditions that must be reported to a local health department immediately (within 3 hours) upon clinical suspicion of the disease, and which the local health department must immediately report to DPH. The rulemakings also establish the following procedures for the control of COVID-19, SARS and MERS: all confirmed or suspect cases should be isolated at home or an alternative setting; contact and droplet precautions, including eye protection, must be observed, with additional airborne infection precautions for confirmed or suspected cases in a health care facility; contacts of cases shall be placed under surveillance with close observation for fever or any COVID-like respiratory symptoms; laboratories or other facilities that provide tests or screening for

coronavirus diseases shall report all results (positive, negative, or indeterminate) to DPH via its electronic lab reporting system and to the Illinois National Electronic Disease Surveillance System, and instruct clients that patient demographic information must be submitted with any order or request for testing. Laboratories may only submit results for tests they have performed, not for referred specimens, and shall forward any clinical specimens to DPH for further testing if DPH or a local health authority deems it necessary. The rulemaking also repeals separate provisions for SARS cases. Those affected by this rulemaking include local health departments, health care facilities, medical laboratories and other testing facilities.

■ MEDICAL STUDENTS

DPH also adopted amendments to the Part now titled Underserved Physician Workforce Code (77 IAC 590; 44 Ill Reg 13227) effective 12/9/20, implementing PA 101-118, which amended the Underserved Physician Workforce Act (formerly the Family Practice Residency Act). The PA and this rulemaking (which changed the name of the Part from Family Practice Residency Code) allow primary care physicians, general surgeons, emergency medicine physicians, and obstetricians, or persons working toward a medical degree in one of these specialties, to receive scholarship funds or educational loan repayment assistance in exchange for agreeing to work in a medical

facility located in a Health Professional Shortage Area (HPSA) in Illinois. "Medical facilities" include hospitals; outpatient and rehabilitation facilities; long term care facilities; community health or mental health centers; migrant health centers; other public health centers; State mental health institutions; and State correctional institutions. Scholarship recipients must work in an HPSA one year for each year they receive scholarship funds. Recipients of student loan repayment assistance must work in an HPSA full time for 2 years or half time for 4 years, in return for up to \$50,000 in loan repayment assistance. All recipients must sign a written agreement with the State. Any breach of a scholarship or loan repayment agreement will require the recipient to repay their assistance, plus penalties, for each period of obligated service not completed. Service obligations may be waived or deferred for good cause (e.g., disability, family leave, military service). Additionally, DPH will provide grant funds to projects designed to improve health care access in underserved areas and that are overseen by Illinois-licensed and board certified physicians who serve, or are eligible to serve, as faculty of accredited schools of medicine or osteopathy. Procedures for applying for project grants and criteria for awarding grants are outlined. DPH will give priority to projects that demonstrate the greatest impact upon availability of health care in

(cont. page 3)

Proposed Rulemakings

(cont. from page 1)

Illinois residents. The project must have an explicit plan to collect data and evaluate its results in place before participants in the project are enrolled and a research team must have been identified to oversee the evaluation.

Questions/requests for copies/comments on the 3 DHS rulemakings through 2/10/21: Tracie Drew, DHS, 100 S. Grand

Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ RADIOACTIVE WASTE

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed an amendment to Standards for Protection Against Radiation (32 IAC 340; 44 Ill Reg 19617) updating U.S. Nuclear Regulatory Commission contact information for transporters of low-level radioactive waste who are

seeking copies of federally required manifest forms or guidance in completing the forms. Transporters of low-level radioactive waste are affected by this rulemaking.

Questions/requests for copies/comments through 2/10/21: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860.

Adopted Rules

(cont. from page 2)

an HPSA. Those affected by this rulemaking include medical students, certain physicians, and medical facilities in underserved areas.

■ CLINICAL LABORATORIES

DPH adopted amendments to Illinois Clinical Laboratories Code (77 IAC 450; 44 Ill 3073), effective 12/9/20, implementing federal regulations found in the Clinical Laboratory Improvement Amendments (CLIA) of 1988. The rulemaking institutes State surveillance of all CLIA-certified entities that analyze human specimens for health assessment or to diagnose or prevent disease. (Forensic laboratories are not included in these rules.) The current 5 categories of laboratory certification status are removed from the rule; instead, all laboratories will be subject to the CLIA regulations in 42 CFR 493. Federal Food and Drug

Administration requirements for blood banks are incorporated by reference, along with other statutes and regulations. Clinical laboratories and blood banks will be affected by this rulemaking.

Questions/requests for copies of the 3 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ AMUSEMENT RIDES

The DEPARTMENT OF LABOR adopted amendments to the Part now titled Amusement Ride and Attraction Safety Act (56 IAC 6000; 44 Ill Reg 13871), effective 12/8/20, updating the Part to reflect changes in statute. The name of the Part (formerly Carnival and Amusement Ride Safety Act) has been changed to match the name of the authorizing statute [430 ILCS 85] and a new Section with inspection and safety rules for aerial adventure courses (e.g., zip

lines) has been added. Other provisions allow amusement ride inspectors to substitute years of related work experience for years of college education (formerly, completion of a 4-year college degree plus experience in engineering, physics or physical sciences was required); provide for electronic payment of permit fees; increase inspection fees for inflatable amusement attractions to \$45 per unit for units of less than 1,500 square feet and \$120 per unit for units of 1,500 square feet or more (formerly, flat fee of \$45 for all inflatable attractions); increase penalties for amusement ride operators who fail to conduct criminal background checks on their employees; and update various incorporations of and references to safety standards. Since 1st Notice DOL has updated and clarified several incorporated safety standards. Operators of carnival and amusement rides,

(cont. page 4)

Adopted Rules

(cont. from page 3)

aerial adventure courses, and other amusements/attractions open to the public are affected by this rulemaking.

Questions/requests for copies: Anna Koepfel, DOL, 900 S. Spring St., Springfield IL 62704, 217/558-1270.

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to the Part titled Special Eligibility Groups (89 IAC 118; 44 Ill Reg 13858), effective 12/11/20, implementing the Health Benefits for Immigrant Seniors (HBIS) program established by PA 101-636. The program implemented in this rulemaking provides State-funded medical assistance to non-U.S. citizens age 65 or older whose income is at or below 100% of the Federal Poverty Level (either before or after deducting the costs of medical and remedial care), have not lawfully resided in the U.S. for 5 years or more, do not qualify for federally funded medical assistance (Medicaid or Medicare) and reside in Illinois. Services normally provided to adult medical assistance enrollees under the Public Aid Code are covered under this program, except for nursing home services, services in developmental disability or mental health facilities, and funeral or burial expenses. Applications may be submitted in person, by mail, or online in the same manner as other applications for medical

assistance. The rulemaking outlines information that must be provided upon application and provisions for appealing denial of an application or termination of coverage. Eligibility will be determined at least annually. The program is subject to available funding and enrollment may be limited or terminated at any time if necessary to maintain the cost of the program within its available funding. Since 1st Notice, HFS has clarified that eligibility for emergency medical treatment (for which HFS receives federal funding regardless of the patient's citizenship/immigration status) does not exclude an individual from eligibility for HBIS.

HOSPITALS

HFS also adopted amendments to the Parts titled Covering All Kids Health Insurance Program (89 IAC 123; 44 Ill Reg 12715), Children's Health Insurance Program (89 IAC 125; 44 Ill Reg 12717), Veteran's Health Insurance Program (89 IAC 128; 44 Ill Reg 12719), Medical Payment (89 IAC 140; 44 Ill Reg 12721), Specialized Healthcare Delivery Systems (89 IAC 146; 44 Ill Reg 12723) and Hospital Services (89 IAC 148; 44 Ill Reg 12725), all effective 12/11/20, replacing emergency amendments that were effective 7/17/20. These rulemakings implement PA 101-650, which establishes a new hospital assessment program and related payment methodologies for the period 7/1/20 through 12/31/22. Amendments to Parts 123, 125, 128 and 146 remove requirements that certain covered patient

services be included in the Ambulatory Procedure List, thereby enabling hospitals to bill for these services through the Enhanced Ambulatory Procedure Grouping system. The Part 140 amendments implement new inpatient and outpatient assessments and remove previously scheduled provisions for FY21-FY24 that have been superseded by the new assessment program. The rulemaking also allows HFS to establish a later due date for hospital assessment payments to accommodate delays in other payments being made to hospitals. Amendments to Part 148 implement new and updated supplemental payments to hospitals and remove obsolete assessment payments.

Questions/requests for copies of the 7 HFS rulemakings: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted amendments to General Provisions (23 IAC 2700; 44 Ill Reg 13035), effective 1/1/21, changing the name of the State financial aid application used by certain non-U.S. citizens as an alternative to the federal Free Application for Federal Student Aid (FAFSA) from "RISE Act Application" to "Alternative Application for Illinois Financial Aid". The rulemaking

(cont. page 5)

Adopted Rules

(cont. from page 4)

also requires high schools and institutions of higher learning to coordinate with ISAC to promote awareness of assistance programs available to students. ISAC also adopted amendments to AIM HIGH Grant Pilot Program (27 IAC 2766; 44 Ill Reg 13059) effective 1/1/21, implementing PA 101-643, which states that the household income of a grant applicant at the time of initial application will be deemed as the household income of the applicant for the duration of the grant program.

Questions/requests for copies of the 2 ISAC rulemakings: Jackie Eckley, ISAC, 500 W. Monroe St., 3rd Fl., Springfield IL 62704, 217/782-5161, jackie.eckley@illinois.gov

■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Child Care (89 IAC 50; 44 Ill Reg 13636) effective 12/14/20, replacing emergency amendments that were effective 8/7/20. The rulemaking updates income eligibility thresholds and monthly

co-payments for the Child Care Assistance Program to maintain income eligibility at 200% of the Federal Poverty Level and to maintain parent co-payments at no more than 7% of gross family income. Child care homes and facilities with CCAP client families are affected.

■ SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 44 Ill Reg 13638) effective 12/14/20, removing provisions that had allowed households that qualified for expedited application processing to receive SNAP benefits for up to 2 months even if DHS was unable to contact them for an interview. If an applicant fails to appear for or participate in the scheduled interview, the application will be processed on the regular schedule instead of the expedited schedule. DHS states that this amendment was prompted by the expiration of a federal waiver.

Questions/requests for copies of the 2 DHS rulemakings: Tracie

Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ DHR PROCEDURES

The DEPARTMENT OF HUMAN RIGHTS adopted amendments to the Part titled Procedures of the Department of Human Rights (56 IAC 2520; 44 Ill Reg 13847) effective 12/14/20 that replace emergency amendments effective 7/10/20. The rulemaking allows electronic service of documents both to and from the Department; allows verification (as well as notarization) of the complainant's signature on a charge of discrimination filed with the Department; and clarifies when DHR may conduct an administrative dismissal of charges (e.g., action has been filed in federal court). Persons who file discrimination complaints, or are the subject of discrimination complaints, with DHR are affected.

Questions/requests for copies: Mary M. (Betsey) Madden, DHR, 100 W. Randolph St., Suite 10-100, Chicago IL 60601, 312/814-3386, fax 312/814-1436, TTY 866/740-3953.

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 listed in next week's *Illinois Register* and considered at the January 12, 2021 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.

STATE UNIVERSITIES RETIREMENT SYSTEM

Universities Retirement (80 IAC 1600; 44 Ill Reg 15979) proposed 9/25/20

OFFICE OF THE STATE TREASURER

College Savings Pool (23 IAC 2500; 44 Ill Reg 17012) proposed 10/23/20

DEPT OF NATURAL RESOURCES

Sport Fishing Regulations For the Waters of Illinois (17 IAC 810; 44 Ill Reg 17038) proposed 10/30/20

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Kimberly Lightford	Representative Frances Ann Hurley
Senator Tony Muñoz	Representative Steven Reick
Senator Sue Rezin	Representative André Thapedi
Senator Paul Schimpf	Representative Keith Wheeler, <i>co-chair</i>

**Vicki Thomas
Executive Director**