

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
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CO-CHAIR:
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REP. MICHAEL HALPIN
REP. FRANCES ANN HURLEY
REP. STEVEN REICK
REP. CURTIS J. TARVER, II

MINUTES

June 14, 2022

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, June 14, 2022, at 11:00 a.m. in Room C600 of the Bilandic Building, Chicago. Co-Chair Wheeler called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

X Senator Bill Cunningham	Representative Tom Demmer
Senator John F. Curran	X Representative Michael Halpin
Senator Donald DeWitte	X Representative Frances Ann Hurley
Senator Kimberly A. Lightford	X Representative Steven Reick
X Senator Antonio Muñoz	X Representative Curtis J. Tarver, II
X Senator Sue Rezin	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE MAY 17, 2022 MEETING

Rep. Tarver moved, seconded by Sen. Rezin, that the minutes of the May 17, 2022 meeting be approved. The motion passed unanimously (8-0-0).

AGENCY RESPONSES

Department of Public Health – Control of Communicable Diseases Code (Emergency) (77 Ill. Adm. Code 690; 46 Ill. Reg. 3434)

Co-Chair Wheeler noted that this Agency Response would not be considered at this meeting.

Department of Healthcare and Family Services – Special Eligibility Groups (89 Ill. Adm. Code 118; 46 Ill. Reg. 4947)

No further action was taken.

Department of Public Health – Intermediate Care Facilities for the Developmentally Disabled Code (77 Ill. Adm. Code 350; 46 Ill. Reg. 2419)

Due to the appropriateness of the agency's response, no further action was taken.

REVIEW OF AGENCY RULEMAKINGS

Liquor Control Commission – The Illinois Liquor Control Commission (11 Ill. Adm. Code 100; 45 Ill. Reg. 16154)

Rep. Reick moved, seconded by Rep. Hurley, that JCAR, with the concurrence of the Liquor Control Commission, extend the Second Notice period for this rulemaking. The motion passed unanimously (8-0-0).

Department of Children and Family Services – Licensing Standards for Group Homes (89 Ill. Adm. Code 403; 46 Ill. Reg. 657) and Licensing Standards for Child Care Institutions and Maternity Centers (89 Ill. Adm. Code 404; 46 Ill. Reg. 661)

Richard Mann, Policy Counsel for the Office of Child and Family Policy, Katie Kowalska, Lead Policy Counsel for the Office of Child and Family Policy, and Charline Holmes, Manager of Licensing and Policy Development, represented DCFS.

Rep. Reick: I just have a couple of questions. The stakeholders who have seemed concerned about this rulemaking seem to be focusing on the issue of the fact that there are somewhat burdensome requirements being imposed upon them, specifically the educational attainment credential. I will tell you straight out that yes, we need more people and I am grateful for your efforts to try to expand the population of supervisory personnel, which are desperately needed. Can you tell me how short we are right now in supervisory personnel who would be filled by people applying under this rule?

Mr. Mann: Unfortunately, we spoke with Licensing about that issue, and we don't keep those numbers within our agency. That is something I can continue to investigate and attempt to know that. I only know the assertions made by representatives of the private agencies that they are in fact short.

Rep. Reick: Why wouldn't you have that information?

Mr. Mann: I don't believe it's kept within our agency licensing. Since they aren't licensed direct child welfare employees, our licensing staff doesn't keep track of that.

Rep. Reick: I find that to be a little bit of a problem. Again, I know that you're trying to expand the population of supervisory personnel. All to the good. And the fact that you're doing that in the way of looking at people maybe with broader experience in other areas but that would fold nicely into the need that we have. I have a problem with the fact that you're piling onto that requirements that may smack of more requirements of credentials rather than actual ability to do the job. When we have children who are being kept in offices and too long in psychiatric hospitals and all this other stuff, it seems to me that we're dealing with a situation of quantity vs. quality and right now with this situation as it is, with children being warehoused in a manner of speaking, that our focus should be on getting those kids out of those circumstances and into proper settings, and to require an immediate commitment to additional educational requirements

that may keep people from applying is somewhat like giving with one hand and taking away with the other. I think we ought to stop the bleeding before we fix the credentialing problem. Do you have any response to that?

Mr. Mann: There is one new added provision that allows for the hiring of child care supervisors with strictly a high school diploma or a GED, but it would ultimately create a time frame within which they would need to get the education standard.

Rep. Reick: Are we in a position where maybe we can set that back maybe a period of time until we come to a situation where we have children no longer being kept in offices and things like that? To have it as an *a priori* requirement seems to be a disincentive for people to apply when they may have all the other qualifications necessary to be supervisors.

Mr. Mann: Yes, and that's one of the reasons we've asked for an extension to this. The Illinois Association of Rehabilitation Facilities and Illinois Collaboration on Youth—representatives of group homes and child care institutions—have proposed a possible resolution to make these child care providers more in line with mental health professional standards—that is a bachelor's degree or 5 years' experience. So that is one that we want to look at and see what that does to their accreditation and if that that accreditation is defeated what that does to their licensing. That's something we need to look at as a possibility.

Rep. Reick: And I would urge you to continue doing that. What kind of experience are we talking about?

Mr. Mann: I believe – I'm trying to recall what the email said – I would imagine either a congregate care or child care institution setting.

Rep. Reick: I appreciate the answers to that, and all I would say is I would urge you to remember why it is we're doing what we're doing here and that's to keep kids safe and put them into positions where they can live a healthy and better life outside of the system itself. And as long as we're doing that, we're going in the right direction. But as long as we throw impediments in the way of getting that done, I think we are defeating the very purpose of what we are trying to do. So I thank you for your answers.

Mr. Mann confirmed that DCFS wanted an Extension on these rulemakings.

Sen. Muñoz moved, seconded by Rep. Reick, that JCAR, with the concurrence of DCFS, extend the Second Notice period for these rulemakings for another 45 days. The motion passed unanimously (8-0-0).

Department of Public Health – Control of Communicable Diseases Code (Emergency) (77 Ill. Adm. Code 690; 46 Ill. Reg. 3434)

Rep. Wheeler announced that JCAR received a letter on June 13 in response to the letter it sent to the Department of Public Health in May. Staff and members are reviewing the letter and the letter will be made available to those who are interested.

Department of Commerce and Economic Opportunity – Local Tourism and Convention Bureau Program (Emergency) (14 Ill. Adm. Code 550; 46 Ill. Reg. 9127)

Department of Public Health – Control of Communicable Diseases Code (Emergency Repeal of Emergency Rule) (77 Ill. Adm. Code 690; 46 Ill. Reg. 6968)

Co-Chair Wheeler announced that these rulemakings would not be considered at today's meeting.

CERTIFICATION OF NO OBJECTION

Rep. Hurley moved, seconded by Rep. Halpin, that the Committee inform the agencies to whose rulemakings the Committee has not voted an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (7-0-0).

ANNOUNCEMENT OF JULY MEETING

Co-Chair Wheeler announced that the next JCAR meeting will be Tuesday, July 12, 2022, at 11:00 in Room C600 of the Bilandic Building, Chicago, Illinois.

ADJOURNMENT

Co-Chair Cunningham moved, seconded by Rep. Tarver, that the meeting stand adjourned. The motion passed unanimously (7-0-0).

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