

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.

Emergency Rules

■ LONG TERM CARE

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 44 Ill Reg 12931), effective 7/14/20, amending a previous emergency rule adopted 5/28/20 at 44 Ill Reg 10217 for the remainder of its 150-day term. The new emergency amendments clarify DPH's infection control policies for long term care facilities in relation to the COVID-19 pandemic. Each facility must maintain its written infection control policies and procedures on site and make them available upon request to residents and their families or representatives (the previous emergency rule required that individual copies be provided to each resident and their families/representatives). The amendment also lists the specific Centers for Disease Control and Prevention

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*.

guidelines for COVID-19 testing and infection control that facilities must follow; previously, facilities were directed to comply with any infection control recommendations provided by DPH or a certified local health department. Nursing homes are affected by these emergency amendments.

(cont. page 2)

Proposed Rulemakings

■ DAY CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Licensing Standards for Day Care Centers (89 IAC 407; 44 Ill Reg 12694) establishing procedures for reopening licensed day care centers under the Restore Illinois pandemic recovery plan. This proposed rulemaking will replace emergency rules adopted at 44 Ill Reg 11079 effective 6/12/20 and 44 Ill Reg 11577 effective 6/24/20. On and after 5/29/20, day care centers may resume services subject to existing rules in this Part and guidance issued by DCFS on its website. This guidance includes, but is not limited to, information regarding program planning, health screenings, sanitation and personal hygiene

(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

EARLY INTERVENTION

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Early Intervention Program (89 IAC 500; 44 Ill Reg 3836) effective 7/20/20, implementing PA 101-10 by adding lead poisoning, as defined by the Department of Public Health in 77 IAC 845.20, to its list of conditions that automatically qualify children for the preschool Early Intervention Program.

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

WASTE DISPOSAL

The POLLUTION CONTROL BOARD adopted amendments to the Part titled Special Waste Hauling (35 IAC 809; 43 Ill Reg 13361) effective 7/20/20 that permit use of an IEPA-prescribed manifest form by haulers of non-hazardous special waste as an alternative to the USEPA Uniform Hazardous Waste Manifest (still required for hazardous special waste shipments). Transporters of special waste, including industrial process waste and empty devices or containers, are affected.

Questions/requests for copies: Daniel Pauley, PCB, 100 W. Randolph St., Suite 11-500,

Chicago IL 60601, 312/814-6931. Please reference docket R19-18.

RADIOACTIVE MATERIALS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted an amendment to Radioactive Materials Transportation (32 IAC 341; 44 Ill Reg 8116) effective 7/17/20, clarifying incorporations of federal Nuclear Regulatory Commission regulations.

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

Emergency Rules

(cont. from page 1)

Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to the Parts titled Covering All Kids Health Insurance Program (89 IAC 123; 44 Ill Reg 12762), Children's Health Insurance Program (89 IAC 125; 44 Ill Reg 12767), Veteran's Health Insurance Program (89 IAC 128; 44 Ill Reg 12774), Medical Payment (89 IAC 140; 44 Ill Reg 12778), Specialized Healthcare Delivery Systems (89 IAC 146; 44

Ill Reg 12825) and Hospital Services (89 IAC 148; 44 Ill Reg 12832), all effective 7/17/20 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 44 Ill Reg 12715, 12717, 12719, 12721, 12723, and 12725. These emergency and proposed rules implement Public Act 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. (HFS states that these amendments enable 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 assessment increases and other provisions for FY21 through FY24 (which have been superseded by the new PA). HFS may also 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/comments on the 6 HFS proposed rulemakings through 9/14/20: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

Proposed Rulemakings

(cont. from page 1)

that will be updated in accordance with Department of Public Health and Centers for Disease Control and Prevention recommendations. The rulemaking also establishes required staff to child ratios (ranging from 1:4 for infants to 1:15 for school age children) and maximum group sizes (8 for infants, 12 for toddlers and 2-year-olds, 15 for ages 3 and older). A qualified Early Childhood Assistant may staff a classroom for up to 3 hours per day as part of a written staffing plan. Staff who were qualified to work as Early Childhood Teachers under an Emergency Day Care license granted to an existing day care center from 3/20 through 5/29/20 may continue to work for the same day care center in that capacity through 7/31/20. Licensed day care centers are affected by this rulemaking.

Questions/requests for copies/comments through 9/14/20: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, DCFS.Policy@illinois.gov

■ CONTRACTORS

The DEPARTMENT OF LABOR proposed an amendment to the Part titled Employee Classification Act (56 IAC 240; 44 Ill Reg 12728) updating contractor reporting requirements to align with current statute. The rulemaking requires reports of payments made to an individual, sole proprietor or

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 44 Ill Reg 12957) effective 7/16/20. The amendment implements a memorandum of understanding with the Illinois State Employees' Association concerning the Corrections Treatment Senior Security

partnership performing construction service to be submitted to DOL electronically on or before April 30 (currently, January 31) following the taxable year in which payments were made. Construction services and their contractors are affected.

Questions/requests for copies/comments through 9/14/20: Jason Keller, DOL, 900 S. Spring St., Springfield IL 62704, 217/782-1706, jason.keller@illinois.gov

■ MORTGAGES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Credit Union Act (38 IAC 190; 44 Ill Reg 12703) aligning the Part more closely with federal regulations. The rulemaking increases to \$400,000 (currently \$250,000) the threshold for credit union mortgage loans that require appraisal of the property by a state certified or licensed appraiser.

Peremptory Rule

Supervisor title at the Department of Corrections. The peremptory rule clarifies that bargaining unit employees hired into this position on or after 4/1/13 are paid at the rates in effect for employees hired on or before 3/31/13.

Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, CMS.PayPlan@illinois.gov

Loans at or below this amount require a written estimate of market value performed by an individual who has no direct or indirect interest in the property and has experience in estimating comparable property values. For transactions that close on or before 12/31/20, appraisals or written estimates of market value may be deferred up to 120 days after the date of closing if other alternatives are not available and scheduling an appraisal/evaluation would delay the closing. This deferral applies to all residential and commercial real estate-secured transactions, except those for acquisition, development or construction of real estate. State-chartered credit unions and their customers are affected by this rulemaking.

Questions/requests for copies/comments through 9/14/20: Craig Cellini, DFPR, 320 W. Washington St., 2nd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

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 August 11, 2020 JCAR meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF CHILDREN AND FAMILY SERVICES

Licensing Standards for Day Care Homes (89 IAC 406; 43 Ill Reg 10613) proposed 9/27/19

Licensing Standards for Day Care Centers (89 IAC 407; 43 Ill Reg 10634) proposed 9/27/19

Licensing Standards for Group Day Care Homes (89 IAC 408; 43 Ill Reg 10661) proposed 9/27/19

DEPT OF EMPLOYMENT SECURITY

Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 44 Ill Reg 8601) proposed 5/29/20

Employment (56 IAC 2732; 44 Ill Reg 8604) proposed 5/29/20

Recovery of Benefits (56 IAC 2835; 44 Ill Reg 8607) proposed 5/29/20

DEPT OF HUMAN SERVICES

Temporary Assistance for Needy Families (89 IAC 112; 44 Ill Reg 3807) proposed 3/13/20

Aid to the Aged, Blind or Disabled (89 IAC 113; 44 Ill Reg 3825) proposed 3/13/20

DEPT OF INSURANCE

Construction and Filing of Accident and Health Insurance Policy Forms (50 IAC 2001; 44 Ill Reg 6218) proposed 4/24/20

Temporary Health Coverage Requirements During an Epidemic or Public Health Emergency (50 IAC 2040; 44 Ill Reg 6693) proposed 5/1/20

DEPT OF PUBLIC HEALTH

Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code (77 IAC 515; 44 Ill Reg 5185) proposed 3/27/20

POLLUTION CONTROL BOARD

Design, Operation and Maintenance Criteria (35 IAC 604; 44 Ill Reg 9352) proposed 6/5/20

STATE BOARD OF EDUCATION

Agriculture Education Program (23 IAC 75; 44 Ill Reg 5545) proposed 4/3/20

Pupil Transportation Reimbursement (23 IAC 120; 44 Ill Reg 7874) proposed 5/8/20

Special Education (23 IAC 226; 44 Ill Reg 7881) proposed 5/8/20

SECRETARY OF STATE

Uniform Partnership Act (1997) (14 IAC 166; 44 Ill Reg 5714) proposed 4/3/20