

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

■ ENERGY SURCHARGES

The DEPARTMENT OF REVENUE proposed amendments to the Part titled Energy Assistance Charge (86 IAC 516; 46 Ill Reg 4834) clarifying and updating the applicability of the energy assistance surcharges imposed on customer accounts by public utilities. The rates currently listed in this Part (40 cents per month for each residential gas or electric service account; \$4 per month for each low-usage non-residential account; \$300 per month for high usage non-residential accounts) applied to all customer accounts through 7/31/09. From 8/1/09 through 12/31/21, these rates applied only to utilities serving fewer than 100,000 customers as of 1/1/09. A separate rate schedule for that period (48 cents per month for residential accounts; \$4.80 per month for low-usage non-residential accounts; \$360 per

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency 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*.

NEXT JCAR MEETING

Tues. March 22, 10:30 a.m.
Rm. C-1, Stratton Bldg. Spfld.

month for high-usage non-residential accounts) is established for utilities with 100,000 or more customers as of 1/1/09. Effective 1/1/22, rates for utilities serving fewer than 100,000 customers as of 1/1/21 remain unchanged. For utilities serving 100,000 or more customers as of

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Adopted Rules

■ VEHICLE TITLES

The SECRETARY OF STATE adopted an amendment to Certificates of Title, Registration of Vehicles (92 IAC 1010; 45 Ill Reg 11665) effective 3/7/22, replacing an emergency amendment that expired on 2/5/22. This rulemaking establishes an exception to SOS' requirement that Illinois residents applying for title to vehicles previously registered in flood disaster areas and not listed in the National Insurance Crime Bureau database as known flood-damaged vehicles must complete a disclosure form stating whether the vehicle sustained flood damage and to what extent. The disclosure statement is no longer required if the jurisdiction in which the vehicle was last registered reports flooded vehicles to the National Motor Vehicle Title and Information

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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

(cont. from page 1)

System (NMVTIS) and SOS is able to determine from NMVTIS whether or not the vehicle is flood damaged. SOS reserves the right to request a flood disclosure form if the NMVTIS system is not available or the vehicle's status is undetermined. SOS states that a high volume of flood disclosure form filings due to recent hurricanes and other flooding disasters, combined with the expanded use of the NMVTIS system nationwide, prompted this rule change. Those affected by these rulemakings include purchasers and sellers of used vehicles.

Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, pwright@ilsos.gov.

■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Child Care (89 IAC 50; 45 Ill Reg 12961) effective 2/24/22, replacing emergency amendments that were effective 10/1/21. The rulemaking establishes a grant program, funded via the federal American Rescue Plan Act, through which child care providers enrolled in the Child Care Assistance Program (CCAP) can provide bonus payments to their staffs. Day care homes and centers licensed by the Department of Children and Family Services as of 3/11/21 are eligible, along with license-exempt child care homes (in which one

provider cares for 3 or fewer children) and centers providing care only to school-age children. Providers must meet DHS health and safety requirements, including mandated child abuse reporter and first aid training; be open regularly year-round; and be open and receiving children at the time they apply for the bonus grants. Grant funds must be used to compensate providers or staff that are employed or hired from the date the grant application is submitted through 4/30/22. Compensation can be in the form of one-time or recurring bonuses, and grant funds can be used to cover the cost of federal and State withholding taxes applicable to the bonuses. Providers that receive awards must report their expenditures on a schedule and in a format to be determined by DHS. Grant awards for DCFS licensed providers will be based on the number of staff employed, while grants to license-exempt providers will be based on the average number of CCAP-subsidized children enrolled. For license-exempt child care homes, the grant will be made to the sole child care provider. All bonuses must be distributed no later than 6/30/22 and a final report of grant expenditures must be submitted to DHS by 7/15/22. Child care providers are affected.

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

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 45 Ill Reg 15499) effective 3/4/22 that update various employment titles. The titles of Automotive Shop Supervisor and Educator-Career and Technical are added to the divided classes list (positions represented by more than one bargaining unit) effective 6/23/21. The list of merit compensation titles is updated as follows: Historical Documents Conservator I is replaced by Historical Documents Conservator; Historical Research Editor II is replaced by Historical Research Editor; Curator of the Lincoln Collection and Local Historical Services Representative are removed; Insurance Analyst I, II, III, and IV are replaced by Insurance Analyst, Insurance Analyst Specialist and Insurance Senior Analyst; Pension and Death Benefits Technician I and II are replaced by Retirement Systems Benefits Technician I and II; and Veterans Educational Specialist I, II, and III are replaced by Veterans Educational Specialist. Finally, the title of Historical Actor at the Abraham Lincoln Presidential Library and Museum is assigned to an AFSCME bargaining unit and pay grade.

Questions/requests for copies: Jason R. Doggett, CMS, 504 William G. Stratton Bldg., Springfield IL 62706, 217/782-4267, fax: 217/524-4570, CMS.PayPlan@Illinois.gov

Proposed Rulemakings

(cont. from page 1)

that date, a base energy assistance charge of 48 cents per month will be applied, increasing by 16 cents per calendar year to a maximum of 96 cents per month. Residential customers will be charged only the base amount; low usage non-residential customers will be charged 10 times the base amount and high usage non-residential customers will be charged 375 times the base amount. Applicable provisions of the Retailers' Occupation Tax Act are incorporated by reference. Residential and commercial gas and electric customers and utilities are affected by this rulemaking.

■ RETIREMENT SAVINGS

DOR also proposed a new Part titled Secure Choice Savings Program Act (86 IAC 950; 46 Ill Reg 4841) implementing employer tax penalty provisions for the Secure Choice Savings Program, through which employees of small businesses may establish individual retirement accounts. (The Office of the State Treasurer's rules for the program are at 74 IAC 721.) Employers subject to the Act (those that have been in business more than 2 years, have more than 5 employees, and do not offer their own retirement savings plans) must automatically enroll every employee who does not opt out of the program and make provisions for payroll deduction retirement savings on behalf of those employees. DOR may require employers to report information

Emergency Rule

KIDNEY TRANSPLANTS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Special Eligibility Groups (89 IAC 118; 46 Ill Reg 4947) effective 3/7/22 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 46 Ill Reg 4495. The emergency and proposed amendments reflect two Public Acts. PA 98-651 extends coverage of kidney transplants to eligible non-citizens for dates of service on and after 10/1/14. PA 102-43 extends coverage of post-transplant drugs and related services, including annual evaluations and tests, beyond 12 months from the date of the kidney transplant for the same patient group. Persons eligible for this

relevant to their compliance with this Act on their tax returns. Employers who fail to enroll their employees in the program without reasonable cause are subject to penalties of \$250 per affected employee for the first year of noncompliance and \$500 per employee per year for subsequent years. No interest will accrue on unpaid penalties. Requests to remove or abate penalties based on determination of reasonable cause for noncompliance will be heard by the Illinois Secure Choice Savings Board. Once penalties are assessed by DOR, the employer has 120 days to contest the penalties and receive a

coverage must be non-U.S. citizens who are Illinois residents; have end-stage renal disease and are enrolled in the HFS medical assistance program that covers kidney dialysis; do not qualify for benefits under any government-funded or private health insurance plan; and meet financial and other eligibility criteria for medical assistance. Medically necessary services including pre-operative evaluation and screening, the donor and recipient surgeries, inpatient hospitalization, and anti-rejection drugs are covered.

Questions/requests for copies/comments on the proposed rulemaking through 5/2/22: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

hearing, otherwise the assessment becomes final. If an employer has overpaid a penalty, the employer may file a claim for a refund. Small businesses may be affected by this rulemaking.

Questions/requests for copies/comments on the 2 DOR rulemakings through 5/2/22: Part 516, Alexis K. Overstreet; Part 950, Brian Fliflet; DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

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Proposed Rulemakings

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■ HEALTHCARE FACILITIES

The CAPITAL DEVELOPMENT BOARD and the DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed a new Part titled Joint Rules of the Capital Development Board and the Department of Healthcare and Family Services: Healthcare Transformation Capital Investment Grant Program (71 IAC 44 and 89 IAC 142). The full text appears in the CDB rulemaking (46 Ill Reg 4179) while the HFS rulemaking (46 Ill Reg 4498) cross-references the CDB rules. These rules implement Public Act 101-10, which establishes a Hospital and Healthcare Transformation Capital Investment Grant Program. Grants may be awarded for projects that construct a new facility; acquire a new site for an existing facility; or renovate, expand, or prevent deterioration of an existing healthcare facility. Healthcare providers enrolled in the HFS medical assistance program may apply for grants. Funded projects must address community needs, improve individual and community health and wellness, offer services tailored to meet individual needs, improve health outcomes, decrease disparities, and be sustainable over time. All grants are subject to the Grant Accountability and Transparency Act (GATA), federal grant rules, and the Grant Funds Recovery Act. At least 20% of grant funds will be awarded to Safety Net Hospitals (which serve all patients regardless of their ability to pay)

and priority consideration will be given to Critical Access Hospitals (smaller hospitals in underserved rural areas). Grant funds may be spent for new construction, site acquisition, renovations or additions to existing facilities, safety improvements, new or improved equipment, and improvements to information technology. Grant funds cannot be used to rent or lease space, pay off debt, contribute to an endowment, or pay operational costs. The rules also address application procedures, criteria for merit-based review for the grant applications, and monitoring provisions. Hospitals and other healthcare facilities seeking grants will be affected by these rulemakings.

Questions/requests for copies/comments through 5/2/22: Lauren Noll, CDB, 401 S. Spring St., 3rd Floor Stratton Building, Springfield IL 62706, (312)771-3443, lauren.noll@illinois.gov, or Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

■ AMUSEMENT ATTRACTIONS

The DEPARTMENT OF LABOR proposed amendments to Amusement Ride and Attraction Safety Act (56 IAC 6000; 46 Ill Reg 4502) that will, upon adoption, replace emergency rules that were effective 1/1/22. This rulemaking adds specific inspection and operation requirements for trampoline courts in Section 6000.353 and amends other

Sections to make language consistent and update references to published standards. Trampoline courts, in addition to the normal safety inspection and permitting requirements for all amusement rides and attractions, must undergo an independent third-party inspection due to the specialized nature of trampolines. Trampoline courts have until 2/1/22 to come into compliance with PA 102-255, which took effect (and was implemented via emergency rule) 1/1/22. This rulemaking also specifies information that must be contained on a non-destructive testing report; clarifies definitions; allows electronic payment of fines and fees; requires rides and attractions seeking a non-profit exemption to submit proof of non-profit status to DOL; requires ride and attraction operators to preserve evidence and document conditions present when an accident has occurred; and clarifies the standard for determining whether a worker performing installation of an element is competent. Those affected by this rulemaking include businesses that operate trampoline courts, amusement rides, and other attractions, and governmental or non-profit organizations sponsoring events that feature such attractions.

Questions/requests for copies/comments through 5/2/22: Anna Koeppel, DOL, 524 S. 2nd Street, Suite 400, Springfield IL 62701, 217/558-1270, Anna.Koeppel@illinois.gov

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Proposed Rulemakings

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HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250; 46 Ill Reg 4669) implementing several Public Acts, responding to requests from the hospital industry, and updating incorporations and references. This rulemaking requires hospitals to establish policies for testing their water supply for Legionella bacteria and install surgical smoke plume evacuation systems (to remove smoke or gases resulting from the use of energy based devices such as lasers during surgery). Nurse staffing plans must be prepared (currently, recommended) by a nursing care committee which must meet at least 6 times per year and be comprised of at least 55% (currently, 50%) registered professional nurses providing direct inpatient care. The committee's responsibilities include reviewing staffing plans, hearing complaints concerning staffing, and gathering information that includes patient outcomes, overtime worked by nursing staff, and the extent to which the hospital adheres to, or fails to adhere to, the staffing plan. A hospital that does not implement a staffing plan or habitually fails to adhere to the plan and does not implement a plan of correction may be subject to fines of \$500 to \$1,000 per occurrence. Hospitals that provide obstetric services must require obstetric staff to complete annual continuing education

concerning severe maternal hypertension (pre-eclampsia), obstetric hemorrhage, and other causes of maternal mortality. Hospitals may allow non-medical staff to order outpatient treatments under written policies that verify the practitioner's credentials and scope of practice, identify the treatments or procedures that can and cannot be ordered, and track the medications and treatments ordered. Hospitals that do not have a licensed pediatric unit but provide limited admission or observation services to patients age 14 and under must have written agreements for consultation with a children's hospital or a hospital with a pediatric department and must report their pediatric admissions/ observations to DPH on a quarterly basis. Information that hospitals must make available to the public by physical or electronic means include the hospital's license, complaint procedures, current DPH or court orders, and other materials open to the public under the Hospital Licensing Act; established charges for services; availability of patient financial assistance; rights of women during pregnancy and childbirth; information concerning the Crime Victims Compensation Act; resources available to victims of human trafficking; and safe means of relinquishing a newborn infant as required by the Abandoned Newborn Infant Protection Act.

LONG TERM CARE

DPH also proposed amendments to Skilled Nursing and

Intermediate Care Facilities Code (77 IAC 300; 46 Ill Reg 4771), Sheltered Care Facilities Code (77 IAC 330; 46 Ill Reg 4803) and Illinois Veterans' Homes Code (77 IAC 340; 46 Ill Reg 4821) that will, upon adoption, replace emergency rules that were effective 10/22/21. All three rulemakings implement PA 102-640, which requires facilities to adopt and implement written policies to prevent social isolation of residents. These policies must encourage in-person visitation when possible and make assistive and supportive technology and devices available to residents to facilitate their communication with family, friends, clergy and others. Facilities may apply for competitive grants from the Civil Monetary Penalty Fund and other available federal and State funds to help purchase these resources. The Part 300 amendments also align various provisions with the Nursing Home Care Act and require facilities to comply with statutory provisions for voluntary electronic monitoring.

Questions/requests for copies/ comments on the 4 DPH rulemakings through 5/2/22: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION proposed

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Proposed Rulemakings

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amendments to Standards of Service for Local Exchange Telecommunications Carriers (83 IAC 730; 46 Ill Reg 4469) that update the incorporation of the National Electrical Safety Code to the 2017 edition and remove an obsolete reference to physical staffing of 9-1-1 call boxes during telecommunications outages. Local telecommunications providers are affected.

Questions/requests for copies/comments through 5/2/22: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434. Please reference Docket No. 22-0061.

■ LANDSCAPING

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled The Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275; 46 Ill Reg 4477) that reflect the expiration of the former Act and adoption of a new Act. The rulemaking changes the name of the Part to “Landscape Architecture Registration Act” and replaces all references to “licensure” with “registration”. Landscape architects who held active licenses at the time the previous Act expired on 1/1/20 will have their licenses converted to registrations. Continuing education requirements are removed and procedures for evaluating the credentials of foreign-educated applicants are

clarified. Landscape architects and their employers are affected.

Questions/requests for copies/comments through 5/2/22: Craig Cellini, DFPR, 320 West Washington St., 2nd Floor, Springfield IL 62786, 217/785-0813, fax: 217/557-4451.

■ DRY CLEANERS

The POLLUTION CONTROL BOARD proposed repeal of the Part titled General Program (35 IAC 1500; 46 Ill Reg 4575) and proposed a new Part titled Drycleaner Environmental Response Trust Fund Program (35 IAC 1501; 46 Ill Reg 4621) to reflect recent changes to the Drycleaner Environmental Response Trust Fund Act. Responsibility for the trust fund, formerly administered by the Drycleaner Environmental Response Trust Fund Council, was transferred to the Illinois Environmental Protection Agency effective 7/1/20. The rules formerly established by the Council in Part 1500 are being repealed and new rules establishing IEPA administration of the fund are being established in Part 1501. Those affected by these rulemakings include drycleaners seeking assistance from the fund for environmental cleanup.

Questions/requests for copies/comments through 5/2/22: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Please reference Docket R21-19. Copies of the Board's opinion and order are available by calling 312/

814-3620 or at the Board's website, <https://pcb.illinois.gov>

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 46 Ill Reg 4192) that implement collective bargaining agreements and Civil Service Commission actions, update various provisions, and make the Part generally effective for the 2023 fiscal year. In-hire rates for certain trainee titles are removed, assigned expiration dates of 12/31/22, or updated to reflect increases in the State minimum wage. Starting salary ranges for numerous merit compensation system (MS) titles are also updated to reflect the increased minimum wage. The list of divided classes (positions represented in more than one bargaining unit) is updated effective 1/20/22; options and codes assigned to certain positions are updated; new MS titles are added and obsolete titles removed; expired bargaining unit pay rate tables are removed; and pay rates based on prevailing wages for boiler safety specialists and boiler safety audit specialists in the Northern Region are updated in accordance with a collective bargaining agreement.

Questions/requests for copies/comments through 5/2/22: Jason R. Doggett, CMS, 504 William G. Stratton Building, Springfield IL 62706, 217/782-4267, fax: 217/524-4570, CMS.PayPlan@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 appear in next week's *Illinois Register* and be considered at the April 19, 2022, 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 COMMERCE & ECONOMIC OPPORTUNITY

Human Services Capital Investment Grant Program (14 IAC 670; 46 Ill Reg 665) proposed 1/7/22

IL HOUSING DEVELOPMENT AUTHORITY

Homeowner Assistance Fund Programs (47 IAC 302; 46 Ill Reg 244) proposed 1/3/22

DEPT OF HUMAN SERVICES

Developmental Disabilities Services (89 IAC 144; 46 Ill Reg 1329) proposed 1/14/22

DEPT OF PUBLIC HEALTH

Hospital Licensing Requirements (77 IAC 250; 45 Ill Reg 15183) proposed 12/3/21

Socio-Emotional and Developmental Screening (77 IAC 664; 45 Ill Reg 12238) proposed 10/8/21

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Donald DeWitte	Representative Frances Ann Hurley
Senator Kimberly Lightford	Representative Steven Reick
Senator Tony Muñoz	Representative Curtis Tarver, II
Senator Sue Rezin	Representative Keith Wheeler, <i>co-chair</i>

Kim Schultz
Executive Director