

The Flinn Report Illinois Regulation

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Joint Committee on Administrative Rules
Illinois General Assembly

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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

STATE TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an amendment to the Part titled Travel (80 IAC 2800; 46 Ill Reg 14737) effective 12/6/22, updating the policies of the Governor's Travel Control Board regarding meal allowances and other expenses for employees of agencies under the Governor who are traveling on State business. Meal allowances will be paid only if the employee is on travel status, works at least 10 consecutive hours in a day and works 2 or more hours prior to or past their regular workday hours. Breakfast will be reimbursed if the employee leaves their headquarters or residence at least 2 hours before their normal start time; dinner will be reimbursed if the employee arrives back at their headquarters or residence at least 2 hours after their normal quitting

time. If the employee begins travel within 1½ hours after their workday normally ends, they may receive a dinner allowance if they are not eligible for a per diem meal allowance. For employees who are traveling outside of the U.S. on State business, all lodging, transportation and meal costs are reimbursable provided their agency head or designee approves these costs as reasonable.

Questions/requests for copies: Lexi Landers, Governor's Travel Control Board, 100 E. Converse St., Springfield IL 62702.

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Proposed Rulemakings

SUPPORTIVE HOUSING

The DEPARTMENT OF HUMAN SERVICES proposed amendments to the Part titled Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illnesses (59 IAC 145; 46 Ill Reg 20109). This rulemaking implements the Housing Is Recovery Pilot Program created by Public Act 102-66, which is intended to prevent unnecessary institutionalization of the mentally ill, reduce overdose deaths, improve health outcomes, and boost access to recovery services. The amendments establish additional subsidized housing options through the DHS Division of Mental Health for homeless persons who are at high risk of overdose (defined as having in the past 12 months had one or more overdoses, 3 or more hospital inpatient stays for a substance use

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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.

Proposed Rulemakings

(cont. from page 1)

disorder, or 3 or more stays in a State or county correctional facility) or are at high risk of unnecessary institutionalization (have had 3 or more psychiatric inpatient hospital admissions or 3 or more stays in a county/State correctional facility in the past 12 months, or have been determined disabled due to a serious mental illness and have been incarcerated in a county or State correctional facility for the most recent 12 consecutive months). To qualify for the pilot program, an individual must be at least 21 years old or be aging out of Department of Children and Family Services guardianship; be at high risk of overdose or unnecessary institutionalization; have household income at or below 30% of the area median income; be on a current public housing voucher waiting list; be on, or willing to enroll in, the Illinois Housing Development Authority's Statewide Referral Network; and not be currently receiving rental assistance through any local, State or federal program. Tenants enrolled in the Housing Is Recovery Pilot Program can remain eligible for rent subsidies while temporarily absent from their residence for up to 6 months (for other PSH tenants, up to 90 days), including stays of up to 6 months in a long-term care facility, Specialized Mental Health Rehabilitation

Facility, Institution for Mental Disease, or correctional facility. Participants may be terminated from the program for missing 3 or more rent payments during the current lease period; refusing to pay their portion of the rent; not participating in case management wellness visits; failing to complete annual income reviews; fraudulent actions; serious and repeated lease violations; criminal activity or felony conviction; conduct that disturbs other tenants; or subleasing the rental unit to another person. However, eviction for other reasons or failure to engage in treatment will not, in and of themselves, terminate a participant's eligibility. Those affected by this rulemaking include PSH provider agencies and landlords that accept PSH tenants.

Questions/requests for copies/comments through 2/9/23: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217/785-9772.

■ TAXES

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 46 Ill Reg 20172) implementing PA 101-31, which makes winnings from sports wagering in Illinois subject to Illinois

income tax for tax years ending on or after 12/31/21. The rulemaking also requires that Illinois income tax be withheld from such winnings for both Illinois residents and non-residents, provided that the person or entity making the payment is required to withhold tax under the federal Internal Revenue Code. Licensed sports wagering establishments are affected by this rulemaking.

DOR also proposed amendments to the Part titled Uniform Penalty and Interest Act (86 IAC 700; 46 Ill Reg 20172) clarifying application of a \$100 penalty for failure to timely file sales or use tax returns. This penalty, plus any other tax penalties for the past-due amount (if any), applies to all returns that were due between 8/16/13 and 8/10/15. For sales or use tax returns due on or after 8/10/15, the \$100 penalty applies only if the return shows that no tax was owed. (Other penalties still apply to any past-due amounts owed.) Businesses that owe penalties for late filing of sales or use tax returns are affected.

Questions/requests for copies/comments on the 2 DOR rulemakings through 2/9/23: Part 100, Mike Mankowski; Part 700, Samuel J. Moore; DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

Emergency Rules

■ COVID-19 MEASURES

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Hospital Licensing Requirements (77 IAC 250; 46 Ill Reg 20211), Assisted Living and Shared Housing Establishment Code (77 IAC 295; 46 Ill Reg 20227), Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 46 Ill Reg 20243), Sheltered Care Facilities Code (77 IAC 330; 46 Ill Reg 20270), Illinois Veterans' Homes Code (77 IAC 340; 46 Ill Reg 20295), Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 46 Ill Reg 20313), Community Living Facilities Code (77 IAC 370; 46 Ill Reg 20341), Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 46 Ill Reg 20357), and Medically Complex for the Developmentally Disabled

Facilities Code (77 IAC 390; 46 Ill Reg 20376), all effective for a maximum of 150 days. Amendments to 77 IAC 250 and 300 were effective 12/11/22 while all other amendments were effective 12/12/22. These emergency rules renew the following COVID-19 related measures for hospitals and long-term care facilities from previous emergency rules that expired on 12/10 and 12/11/22: incorporating current Centers for Disease Control and Prevention guidelines for preventing COVID-19 infection; recommending (but not requiring) that staff be up to date with COVID-19 vaccinations and routinely tested in accordance with CDC guidelines; requiring staff vaccination and testing, when performed, to be documented in each employee's confidential health file and the aggregate data reported to DPH; requiring that

facilities provide opportunities for staff to become up to date on vaccinations and provide educational materials regarding COVID-19 vaccination to unvaccinated staff; and requiring immediate infection control measures if a staff member or resident/patient tests positive for COVID-19 or shows symptoms. Facilities that participate in Medicare or Medicaid must comply with applicable federal regulations regarding COVID-19 vaccination and testing. Hospitals and long-term care facilities are affected by these emergency rules.

Questions/requests for copies of the 9 DPH emergency rules: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, dph.rules@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 the next *Illinois Register* and be considered at the January 10, 2023, meeting in Springfield. 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 NATURAL RESOURCES

Competitive Tournament Fishing on State Owned and/or Leased Water Areas (Repealer) (17 IAC 115; 46 Ill Reg 14843) proposed 9/9/22

Sport Fishing Regulations for the Waters of Illinois (17 IAC 810; 46 Ill Reg 14854) proposed 9/9/22

IL STUDENT ASSISTANCE COMMISSION

Illinois Veteran Grant (IVG) Program (23 IAC 2733; 46 Ill Reg 16370) proposed 9/30/22

School and Municipal Social Work Shortage Loan Repayment Program (23 IAC 2748; 46 Ill Reg 16378) proposed 9/30/22

Human Services Professional Loan Repayment Program (23 IAC 2752; 46 Ill Reg 16384) proposed 9/30/22

PROPERTY TAX APPEAL BOARD

Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 46 Ill Reg 17386) proposed 10/28/22