

# The Flinn Report Illinois Regulation

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Joint Committee on Administrative Rules  
Illinois General Assembly

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VOL. 47

January 20, 2023

Issue 3

*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

### ■ POLICE RESPONSE

The ILLINOIS STATE POLICE proposed amendments to Use of Force Reporting (20 IAC 1244; 47 Ill Reg 691) implementing requirements of the Uniform Crime Reporting Act. The rulemaking changes the name of the Part to Uniform Crime Reporting, adds a Subpart heading to existing provisions for use of force reporting, and adds a new Subpart outlining provisions for mental health crisis reporting by local law enforcement agencies. A mental health crisis is defined (both in statute and in this Part) as an instance in which a person's behavior puts them at risk of hurting themselves or others or prevents them from being able to care for themselves. All Illinois law enforcement agencies must report to ISP on a monthly basis any incidents in which an officer was dispatched to respond to a person experiencing a mental

health crisis or incident. Reports must be made electronically using a form posted on ISP's website and must be submitted by the 15<sup>th</sup> of the month following the month for which the report is made. Reports must include the level of response (sworn officer, crisis intervention trained officer, SWAT team, social worker, psychologist, ambulance, other) and the outcome of each incident (subject released on own recognizance or to family member, arrested, admitted to mental health facility voluntarily or by an officer, other). Mental health dispatch calls in which officers are unable to locate the subject and do not file a field report must also be reported. The duty to report an incident is based on the reason for the dispatch rather than the outcome of the incident. Incidents in which the original dispatch was not in response to a mental health crisis

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## Adopted Rules

### STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted amendments to the Parts titled General Provisions (23 IAC 2700; 46 Ill Reg 14535) and Monetary Award Program (MAP) (23 IAC 2735; 46 Ill Reg 14537) and adopted a new Part titled Post-Master of Social Work School Social Work Professional Educator License Scholarship Program (23 IAC 2747; 46 Ill Reg 14539), all effective 1/5/23, replacing emergency rules that were effective 8/8/22 for a maximum of 150 days. The amendments to Parts 2700 and 2735 implement Public Act 102-669, which expands the MAP to include students enrolled in short-term occupational or career certificate programs. The new Part 2347 implements PA 102-621, which establishes a scholarship

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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

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program for social workers who wish to obtain a Professional Educator License (PEL) endorsed for school social work. Applicants must hold Master of Social Work degrees and valid Illinois clinical social work or social work licenses, and must enroll or be accepted at a state university in Illinois for the PEL program. Up to 250 scholarships applicable to tuition and mandatory fees will be awarded annually, with priority given to minority applicants. For each year that scholarship funds are received, recipients must agree to serve as a full-time school social worker for at least 2 of the 5 years immediately following completion of the program. If this requirement is not fulfilled, the scholarship converts to a loan and must be repaid with interest. Service or repayment requirements may be waived or extended for good cause (e.g., military service, disability).

*Questions/requests for copies of the 3 ISAC rulemakings: Jackie Eckley, ISAC, 500 W. Monroe St., 3<sup>rd</sup> Floor, Springfield IL 62704, 217/782-5161, [jackie.eckley@illinois.gov](mailto:jackie.eckley@illinois.gov)*

## FINANCIAL INSTITUTIONS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Financial Institutions Code (38 IAC 200; 46 Ill Reg 15908) effective 1/5/23 that clarify the applicability of the Part to entities under the jurisdiction of

the DFPR Division of Financial Institutions; update various definitions; establish a \$50 fee for checks or other payments returned due to insufficient funds and a 25 cents per page fee (changed since 1<sup>st</sup> Notice from \$1 per page) for records produced in response to a subpoena; and provide for licensing and examinations to be conducted via third-party, multi-state licensing systems. The Director of the Division of Financial Institutions may grant variances from the rules in this Part or the rules in any other Part that have been promulgated pursuant to the statutory Financial Institutions Code. The rulemaking also clarifies that documents which summarize, or contain information derived from, original documents that are confidential under current rule are also confidential, and that disclosure of documents to a federal or State regulatory or law enforcement agency does not violate these confidentiality provisions.

## MONEY TRANSMITTERS

DFPR also adopted an amendment to Transmitters of Money Act (38 IAC 205; 46 Ill Reg 15919) effective 1/5/23, defining digital currency and establishing that digital currency is not a permissible investment for licensees under the Act (who must maintain permissible investments at least equal to the amount of money transmissions outstanding). Businesses that transmit money orders or other financial instruments are affected by this rulemaking.

## SURVEYORS

DFPR adopted amendments to the Part titled Illinois Professional Land Surveyor Act of 1989 (68 IAC 1270; 46 Ill Reg 11074) effective 1/5/23, reflecting statutory changes and other updates. The rulemaking defines approved programs and streamlines the application and examination approval process by allowing candidates to directly register for and pass required exams through a national exam entity before applying to DFPR for licensure. Other provisions clarify acceptable education courses; add options for accepted experience; align the standards for professional conduct to national standards; clarify provisions for limited liability company registration; and update the historical summary of previous requirements. Since 1<sup>st</sup> Notice, DFPR has made various clarifications, corrections and updates requested by stakeholders. Land surveyors and their employers are affected.

## ENGINEERS

DFPR also adopted amendments to the Parts titled The Professional Engineering Practice Act of 1989 (68 IAC 1380; 46 Ill Reg 11151) and The Structural Engineering Practice Act of 1989 (68 IAC 1480; 46 Ill Reg 11220), both effective 1/5/23, that streamline the application and examination approval process by allowing candidates to directly register for and pass required exams through

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## Proposed Rulemakings

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or event (even if officers subsequently determine a mental health issue was involved), or in which officers respond to an Illinois State Police Emergency Radio Network (ISPERN) alert or emergency broadcast without having been specifically dispatched to respond, are not to be included in these reports. Local law enforcement agencies are affected by this rulemaking.

*Questions/requests for copies/comments through 3/6/23: Kelly M. Griffith, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.*

### TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM proposed amendments

to The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 47 Ill Reg 697) that require employer reporting to be completed on a pay period basis (current rule allows reporting on either a pay period or monthly basis); reinstate a requirement for employers to submit annual reports on or before Aug. 15; clarify that lump-sum payments (e.g., retirement incentives, bonuses, vacation/sick day payouts) are included in a retiring System member's salary if paid concurrent with the final paycheck or on or before the last paid day of work, whichever is later; and remove provisions that suspend benefits when a felony charge that could result in forfeiture of benefits upon conviction is still pending. The rulemaking also allows trustee candidates to submit electronic

nominating petitions in line with the System's current trustee election practices; updates the TRS web address and contact information for requesting records; and clarifies that whenever the System receives a new or updated Qualified Illinois Domestic Relations Order (QILDRO) dividing pension benefits between a System member and a divorced spouse or other relative, any previous QILDRO on file for that member is terminated.

*Questions/requests for copies/comments through 3/6/23: Cynthia Fain, TRS, 2815 W. Washington St., PO Box 19253, Springfield IL 62794-9243, 217/814-2041.*

## Adopted Rules

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a national exam entity before applying to DFPR for licensure. Other provisions in both rulemakings clarify acceptable education courses and experience; add sexual harassment prevention training and professional ethics training to CE requirements; align standards for professional conduct to national standards; clarify provisions for limited liability company registration; allow partial carryover of CE to the next renewal period; cap the number of professional development hours that can be earned in a 24-hour period; and

update the historical summary of previous requirements. Amendments to Part 1380 also include all Engineering Accreditation Commission/Accreditation Board for Engineering and Technology - approved programs, whether completed in the U.S. or a foreign country, among DFPR's approved programs. The Part 1480 rulemaking additionally allows the required 18 hours of structural engineering coursework to be earned in a bachelor's, master's or doctoral degree program (formerly, these hours had to be earned in a bachelor's degree program); reflects changes to

national exams; and repeals an obsolete Section on seismic design. Changes to both rulemakings since 1<sup>st</sup> Notice include corrections, clarifications and updates requested by stakeholders. Professional and structural engineers and their employers are affected.

*Questions/requests for copies of the 5 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington St., 2<sup>nd</sup> Floor, Springfield IL 62786, 217/785-0813, fax 217/557-4451.*

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# Adopted Rules

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## SNAP ELIGIBILITY

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 46 Ill Reg 12391) effective 1/6/23, clarifying the extent of federal restrictions on SNAP eligibility. The rulemaking clarifies that SNAP eligibility is restricted to 3 months out of every 36-month period unless the individual is meeting a work requirement of at least 20 hours per week; is exempt from the work requirement due to age, disability, family or student status, or other reasons; or if the State is operating under a federal waiver of the work requirement. (Illinois is among 29 states currently operating under such a waiver.)

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

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 46 Ill Reg 16587) effective 1/4/23, updating various titles, salary ranges and bargaining unit assignments. New trainee titles with corresponding merit compensation salary ranges include cannabis regulator trainee, information technology trainee, and portable scales operator trainee. Other new titles approved by the Civil Service Commission include portable scales operator, senior operator and coordinator; cannabis regulator and regulator

supervisor; and veterans employment representative III. The information services intern title is removed and the title of behavioral analyst associate is changed to behavior analyst associate. Titles being assigned to bargaining units and pay grades include boiler safety supervisor, chaplain I and II, child welfare administrative case reviewer, and museum theater systems technician. Finally, pay rates for boiler safety specialists and boiler safety audit specialists are updated to reflect prevailing wages in accordance with an existing collective bargaining agreement.

*Questions/requests for copies: Jason R. Doggett, CMS, 504 William G. Stratton Building, Springfield IL 62706, 217/782-4267, Fax: 217/524-4570, [CMS.PayPlan@Illinois.gov](mailto:CMS.PayPlan@Illinois.gov)*

## Second Notices

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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 February 14, 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 HEALTHCARE & FAMILY SERVICES

Medical Payment (89 IAC 140; 46 Ill Reg 16307) proposed 9/30/22

Medical Payment (89 IAC 140; 46 Ill Reg 17804) proposed 11/14/22

### DEPT OF REVENUE

Income Tax (86 IAC 100; 46 Ill Reg 17566) proposed 11/4/22

Retailers' Occupation Tax (86 IAC 130; 46 Ill Reg 17591) proposed 11/4/22

Service Occupation Tax (86 IAC 140; 46 Ill Reg 17612) proposed 11/4/22

Service Occupation Tax (86 IAC 140; 46 Ill Reg 17830) proposed 11/14/22

Use Tax (86 IAC 150; 46 Ill Reg 17623) proposed 11/4/22

Regional Transportation Authority Service Occupation Tax  
(86 IAC 330; 46 Ill Reg 17883) proposed 11/14/22

Liquor Control Act (86 IAC 420; 46 Ill Reg 17636) proposed 11/4/22

Cigarette Tax Act (86 IAC 440; 46 Ill Reg 17643) proposed 11/4/22

Cigarette Use Tax Act (86 IAC 450; 46 Ill Reg 17649) proposed 11/4/22

Gas Revenue Tax Act (86 IAC 470; 46 Ill Reg 17654) proposed 11/4/22

Telecommunications Excise Tax (86 IAC 495; 46 Ill Reg 17659) proposed 11/4/22

The Public Utilities Revenue Act (86 IAC 510; 46 Ill Reg 17663) proposed 11/4/22

### SECRETARY OF STATE

Cancellation, Revocation, or Suspension of Licenses or Permits  
(92 IAC 1040; 46 Ill Reg 17194) proposed 10/21/22