

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.

Proposed Rulemakings

■ MUSIC THERAPISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed a new Part titled Music Therapy Licensing and Practice Act (68 IAC 1316; 47 Ill Reg 1600) implementing Public Act 102-993, which establishes music therapy as a licensed profession. The new Part addresses procedures and requirements for licensure, license renewal, required course content for approved music therapy programs, continuing education (CE), requirements for CE sponsors, restoration of licenses, variances from normal licensure requirements, and recordkeeping. Applicants for music therapy licenses must submit an official transcript and proof of graduation with a bachelor's degree or higher in music therapy from an accredited educational institution meeting the standards outlined in this Part, or (if the applicant's

bachelor's or higher degree is not in music therapy) proof of completion of a music therapy degree equivalency program approved by the American Music Therapy Association. Applicants must also submit certification of completion/passage of a required examination along with the initial licensure fee of \$400. Music therapists licensed in other states may apply for Illinois licensure by endorsement. Licensees must complete at least 40 hours of CE each 2-year renewal cycle. All Illinois music therapy licenses will expire on 10/31 of even-numbered years, with a renewal fee of \$300. The Part also defines acts of dishonorable, unethical, or unprofessional conduct for which licensees may be disciplined. Music therapists and their employers are affected by this rulemaking.

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Adopted Rules

■ DENTISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Illinois Dental Practice Act (68 IAC 1220; 46 Ill Reg 3903) effective 1/23/23, implementing recent updates to the Act. The rulemaking establishes Temporary Permits for Free Dental Care that may be issued to dentists from other states or jurisdictions who are invited to administer dental care or receive specialized training in Illinois. The invitation must be extended by a charitable organization or a licensed continuing education (CE) sponsor. Applicants for the temporary permit must submit certification of licensure in their original jurisdiction and any other jurisdiction in which the applicant practiced for at least 1 year; note

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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

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any record of pending or completed disciplinary action in those jurisdictions; submit certification of dental education meeting DFPR's minimum standards; have a collaborative agreement with an Illinois licensed dentist; and pay the required fee of \$100. Temporary permits must be used within 6 months after issuance, are limited to no more than 5 consecutive days, and can be renewed once within 5 years after initial issuance. A CE sponsor that wishes to invite temporary permit applicants must verify that their training course will provide services to persons who are uninsured and/or eligible for Medicaid and whose income is at or below 200% of the Federal Poverty Level. The CE sponsor must also submit proof of sufficient malpractice insurance coverage and copies of valid written collaborative agreements with visiting dentists. Other provisions include dental anesthesiologists in rules governing sedation/anesthesia permits and clarify procedures for restoring licenses or permits to dentists or hygienists whose licenses have been inactive due to disciplinary action. Since 1st Notice, DFPR has removed proposed new Sections concerning teledentistry and requiring dentists to have on-site emergency kits with specific items. DFPR has also added a definition of CE and clarified requirements for certified registered nurse anesthetists (CRNAs) who work with dentists that hold anesthesia permits, including the terms of the

required collaborative agreement between the CRNA and the dentist. Dentists, dental hygienists, other dental practice employees, and dental education providers are affected by this rulemaking.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 2nd Floor, Springfield IL 62786, 217/785-0810, Fax: 217/557-4451.

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION adopted an amendment to the Part titled Service Quality Requirements Applicable to Wireless Eligible Telecommunications Carriers (83 IAC 736; 46 Ill Reg 3068) effective 1/18/23 that gives carriers eligible to receive Federal Communication Commission service funds the option of defining their service areas by census blocks, in accordance with current FCC procedures. (Formerly, the rule only allowed carriers to define their service areas by telephone exchanges.)

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield, IL 62701, 217/558-2387.

■ ASSISTED LIVING

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Assisted Living and Shared Housing Establishment Code (77 IAC 295; 46 Ill Reg 14406) effective 1/19/23 that update incorporations of life safety codes

issued by the National Fire Protection Association (NFPA); the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-5); and federal Americans With Disabilities Act accessibility guidelines. Referenced Illinois statutes and rules are also updated.

Questions/requests for copies: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, dph.rules@illinois.gov

TRANSPORTATION GRANTS

The DEPARTMENT OF TRANSPORTATION proposed an amendment to the Part titled State Operating Assistance to Downstate Areas (92 IAC 653; 46 Ill Reg 4060) effective 1/20/23, concerning audit requirements for Downstate public transportation providers that receive grants from DOT. Current rule requires grant recipients to commission independent audits and also requires DOT to conduct another audit on those documents after they are submitted. The rulemaking eliminates the second audit by DOT and instead requires DOT to simply review and reconcile the audits submitted by grant recipients.

Questions/requests for copies: Gabriella Moretti, DOT, 69 West Washington, 21st Floor, Chicago IL 60602, 312/814-2773, fax 312/793-3933.

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Proposed Rulemakings

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■ SOCIAL WORKERS

DFPR also proposed an amendment to the Part titled Clinical Social Work and Social Work Practice Act (68 IAC 1470; 47 Ill Reg 1623) removing the current 50% limit on the amount of CE for license renewal that can be earned remotely, thereby allowing all 30 required CE hours to be completed online. The amendment also allows a certificate of completion (of an online/remote program) to be accepted as proof of CE as well as a certificate of attendance (for in-person classes). Licensed social workers and clinical social workers are affected.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 3/20/23: Craig Cellini, DFPR, 320 W. Washington, 2nd Floor, Springfield IL 62786, 217/785-0810, Fax: 217/557-4451.

SOS PROCEEDINGS

The SECRETARY OF STATE proposed amendments to Procedures and Standards (92 IAC 1001; 47 Ill Reg 1635) requiring each party to a hearing before the Motor Vehicle Review Board to pay a \$5,000 deposit, along with an increased processing fee, to cover costs, expenses, and fees incurred by the party that does not substantially prevail. If the losing party fails to pay any fees in excess of the original \$5,000 deposit within 60 days, an additional penalty of \$5,000 will be assessed against that party. The party that substantially prevails will have its deposit refunded. SOS is adopting this rulemaking as a deterrent to the filing of frivolous lawsuits, and to assist in the payment of hearing costs and fees so that State funds are not required to cover them.

SOS also proposed an amendment to Cancellation,

Revocation or Suspension of Licenses or Permits (92 IAC 1040; 47 Ill Reg 1649) that adds the Office of the Executive Inspector General (EIG) as an entity, along with the SOS Inspector General's office, that may determine whether a person has cooperated in an investigation of fraudulent activity and provide written verification of participation in an investigation. Previously, the EIG was incorporated within the SOS IG's office, but recent internal rulemakings have established that the EIG office is a fully independent office.

Questions/requests for copies/comments on the 2 SOS rulemakings through 3/20/23: Part 1001, Pamela Wright, SOS, 298 Howlett Building, Springfield, IL 62756, pwright@ilsos.gov. Part 1040, Paul Thompson (pthompson@ilsos.gov) or Megan Morgan (mmorgan@ilsos.gov), SOS, 324 W. Monroe St., Springfield IL 62704.

Adopted Rules

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STATE TREASURY

The OFFICE OF THE STATE TREASURER adopted an amendment to the Part titled Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (74 IAC 740; 46 Ill Reg 15550) effective 1/19/23 that clarifies the parameters for determining whether an entity may be deemed a component unit of a

public agency for purposes of participating in the Investment Pool for Public Treasurers. Component units may now include, but are not limited to, Area Agencies on Aging and other providers under the Illinois Act on the Aging.

Questions/requests for copies: Maya Ganguly, Office of the Treasurer, 555 W. Monroe, Suite 1400S-B, Chicago IL 60661, 217/299-3966, MGanguly@illinoistreasurer.gov

STATE TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an amendment to the Part titled The Travel Regulation Council (80 IAC 3000; 46 Ill Reg 17379) effective 1/20/23 that updates (for the first time since 1995) the reimbursement schedule for per diem and meal allowances for

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Adopted Rules

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State employees on travel status for State business. Meal allowances for travel within Illinois are raised from \$5.50 to \$8.50 for breakfast, \$5.50 to \$12.50 for lunch, and from \$17 to \$23 for dinner. The flat per diem rate is raised from \$7 to \$11 for each

quarter of a day (6 hours) and from \$28 to \$44 for each full day. For out of State travel, meal allowances and per diems are raised to \$9.50 for breakfast, \$13.50 for lunch, \$25 for dinner, \$12 per quarter of a day and \$48 per full day (currently, \$6.50 for breakfast and lunch, \$19 for dinner, \$8 per quarter day and \$32 per full

day). Employees of State agencies whose travel reimbursements are regulated by a Travel Control Board are affected.

Questions/requests for copies: Lexi Landers, Travel Regulation Council, 100 E. Converse St., Springfield IL 62702.

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 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 AGRICULTURE

Tax Credit for Liability Insurance (8 IAC 1450; 46 Ill Reg 17772) proposed 11/14/22

POLLUTION CONTROL BOARD

Introduction (35 IAC 301; 46 Ill Reg 7031) proposed 5/13/22

Water Quality Standards (35 IAC 302; 46 Ill Reg 7052) proposed 5/13/22

Water Use Designations and Site-Specific Water Quality Standards (35 IAC 303; 46 Ill Reg 7187) proposed 5/13/22

Effluent Standards (35 IAC 304; 46 Ill Reg 7213) proposed 5/13/22

Monitoring and Reporting (35 IAC 305; 46 Ill Reg 7248) proposed 5/13/22

Performance Criteria (35 IAC 306; 46 Ill Reg 7253) proposed 5/13/22

Sewer Discharge Criteria (35 IAC 307; 46 Ill Reg 7274) proposed 5/13/22

Disposal of Wastes for Watercraft (35 IAC 308; 46 Ill Reg 7608) proposed 5/13/22

Permits (35 IAC 309; 46 Ill Reg 7613) proposed 5/13/22

Pretreatment Programs (35 IAC 310; 46 Ill Reg 8482) proposed 5/27/22

Treatment Plant Operator Certification (35 IAC 312; 46 Ill Reg 7677) proposed 5/13/22

DEPT OF PUBLIC HEALTH

Visa Waiver Program for International Medical Graduates (77 IAC 591; 46 Ill Reg 19435) proposed 12/9/22

DEPT OF REVENUE

Income Tax (86 IAC 100; 46 Ill Reg 19471) proposed 12/9/22

Invest in Kids Act (86 IAC 1000; 46 Ill Reg 17889) proposed 11/14/22

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Second Notices

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SECRETARY OF STATE

Commercial Driver Training Schools (92 IAC 1060; 46 Ill Reg 17318) proposed 10/21/22

WORKERS' COMPENSATION COMMISSION

Electronic Filing (50 IAC 9015; 46 Ill Reg 16679) proposed 10/7/22

Pre-Arbitration (50 IAC 9020; 46 Ill Reg 16684) proposed 10/7/22

Arbitration (50 IAC 9030; 46 Ill Reg 16694) proposed 10/7/22

Insurance Regulations (50 IAC 9100; 46 Ill Reg 16701) proposed 10/7/22

Miscellaneous (50 IAC 9110; 46 Ill Reg 16721) proposed 10/7/22

JCAR Membership Changes

JCAR welcomes new member and co-chair Rep. Ryan Spain, R-Peoria, along with new members Sen. Dale Fowler, R-Harrisburg, and Rep. Jackie Haas, R-Bourbonnais. Rep. Spain succeeds former Rep. Keith Wheeler, R-Oswego, as co-chair. Sen. Fowler succeeds Sen. John Curran, R-Downers Grove. Rep. Haas succeeds former Rep. Tom Demmer, R-Dixon.

Joint Committee on Administrative Rules

Senator Cristina Castro

Representative Eva-Dina Delgado

Senator Bill Cunningham, *co-chair*

Representative Jackie Haas

Senator Donald DeWitte

Representative Steven Reick

Senator Dale Fowler

Representative Ryan Spain, *co-chair*

Senator Kimberly Lightford

Representative Curtis Tarver, II

Senator Sue Rezin

Representative Dave Vella

**Kim Schultz
Executive Director**