

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

BUSINESS GRANTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted amendments to the Part titled Back to Business Grant Program (14 IAC 691; 46 Ill Reg 11024) effective 3/1/22, replacing emergency rules that expired on 11/12/22. The rulemaking adds two new programs to DCEO's Back to Business grants: the Startup Grants Program for businesses that incorporated and began operations on or after 1/1/20, and the Reactivating Vacant and Mainstreet Places (REVAMP) Program for businesses currently occupying commercial space in high traffic areas that had been vacant for at least 90 days on or after 3/1/20. Maximum grant amounts are \$150,000 for both programs. Home based businesses may qualify for up to \$25,000 in grants from the Startup Grants Program only. Expenses

that can be reimbursed via either of these grant programs include: rent, mortgage, insurance or utility payments made, and wages paid to employees, during a period of closure due to COVID-19 public health directives; renovations or investments made to encourage

Peremptory Rule, Page 3

Next JCAR Meeting:
Tues. March 21, 10:30 a.m.
Rm C-1, Stratton Bldg.,
Springfield

Live streaming at JCAR website

distancing and prevent the spread of COVID-19 (e.g., barriers, outdoor seating); investments in technology to facilitate remote work or pick-up/delivery of goods sold; personal protective equipment; and sanitation/deep cleaning. Businesses applying for the Startup Grants Program must

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Proposed Rulemakings

AABD BENEFITS

The DEPARTMENT OF HUMAN SERVICES proposed an amendment to Aid to the Aged, Blind or Disabled (89 IAC 113; 47 Ill Reg 3679) increasing the exemption for prepaid funeral or burial contracts. The exempt amount will be \$7,719 per individual (currently, \$7,248) or \$15,438 per couple (currently, \$14,496), reflecting an increase in the Consumer Price Index.

Questions/requests for copies/comments through 5/1/23: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217/785-9772.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT

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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)

not have earned more than \$20 million in gross operating revenue during 2021 and must also be in a hard-hit industry (e.g., hospitality, travel) as defined by DCEO or be majority owned by one or more individuals that became unemployed between 3/13/20 and the date the business began operations. Additionally, the REVAMP program will reimburse expenses for commercial property rehabilitation, storefront improvements, or façade improvements for businesses operating in a qualified Census tract. For both programs, DCEO will prioritize businesses with less than \$5 million in annual gross receipts; those in hard-hit industries; those in disproportionately impacted areas; and those that have not previously received federally funded COVID-19 assistance. Businesses that previously received Back to Business or Business Interruption Grants (BIG) from DCEO are not eligible for either program. Procedures and information required for grant applicants are included. Since 1st Notice, DCEO has clarified various definitions and distinctions between the Startup Grants and REVAMP programs and has modified or clarified eligibility requirements for both. Those affected by these rulemakings include small businesses impacted by the COVID-19 public health emergency and those that occupied formerly vacant space.

■ FILM & TV PRODUCTION

DCEO also adopted amendments to the Part titled Illinois Film Production Service Tax Credit Program (14 IAC 528; 46 Ill Reg 16650) effective 3/1/23. These amendments implement Public Act 102-700, which, effective 7/1/22, allows up to \$500,000 (previously, \$100,000) in wages paid to a single employee to count toward the credit and also allows the credit to apply to wages paid to a limited number of non-Illinois resident workers, including directors, writers, producers, designers, and actors. The PA and the rulemaking also impose a transfer fee, to be deposited into the Illinois Production Workforce Development Fund, when tax credits are transferred from one production to another. The rulemaking clarifies when a production is deemed to have commenced principal filming or taping and states that a production normally must commence no later than one year after DCEO issues the accredited production certificate unless DCEO grants an extension. Other provisions define an area of high unemployment (for purposes of determining certain labor expenditures that qualify for the credit), add or clarify definitions, and remove obsolete provisions. Since 1st Notice, DCEO has added provisions allowing extension of the 1-year timeframe for commencing production and referencing the Illinois Production Workforce Development Fund, which provides grants to organizations

and institutions providing workforce training programs with the intent of creating a diverse and inclusive workforce in the film industry. Those affected by this rulemaking include persons producing, working on, or performing in film and television productions in Illinois.

■ BROADBAND SERVICE

DCEO adopted a new Part titled Broadband Grant Programs (14 IAC 548; 46 Ill Reg 16666) effective 3/3/23, implementing PA 102-699, which requires DCEO to adopt rules for a broadband internet access initiative funded by the federal American Rescue Plan Act (ARPA). The program provides grants to eligible entities for capital improvements that provide broadband access to homes, businesses, and community anchor institutions in underserved areas; that enable broadband innovations for economic development and related activities; or that expand urban broadband access/innovation in qualified cities of 75,000 or more residents. Eligible entities include incorporated businesses or partnerships; political subdivisions (e.g., municipalities, townships, counties); nonprofit organizations; cooperative associations; or limited liability corporations organized for the purpose of expanding broadband access. Public school districts are eligible to apply but may be encouraged

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Proposed Rulemakings

(cont. from page 1)

SERVICES proposed amendments to Pay Plan (80 IAC 310; 47 Ill Reg 3553) implementing annual updates for State fiscal year 2024. This rulemaking removes obsolete in-hire rates; increases various Merit Compensation System (MS) pay rates to reflect an increase in the State minimum wage (to \$14 an hour) effective 7/1/23; updates the list of divided classes (job titles represented by more than one bargaining unit); updates options for certain Public Service Administrator and Senior Public Service Administrator titles; updates listed titles and pay grades for various bargaining

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 47 Ill Reg 3844) effective 3/3/23, implementing a memorandum of understanding between CMS and AFSCME regarding the bargaining unit

assignment and pay grade for the recently established Veterans Employment Representative III title.

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

units; and updates pay rates for boiler safety specialists (Office of the State Fire Marshal) in the Central and Southern Regions whose pay is based on annually certified prevailing wages.

Questions/requests for copies/comments through 5/1/23: Jason Doggett, CMS, 504 Stratton Building, Springfield IL 62706, 217/782-4267, fax 217/524-4570, CMS.PayPlan@Illinois.gov

Adopted Rules

(cont. from page 2)

to leverage other available federal or education-specific funding prior to receiving an award. Eligible entities must register and be prequalified under the Grant Accountability and Transparency Act (GATA) and grant recipients must report their expenditures as required by GATA. Grant awards are contingent upon available funding and opportunities to apply for grants will be posted on the GATA Grantee Portal. The new Part includes information to be included in applications for grant funding and criteria for awarding grants. Priority will be given to projects that receive more than 50% of their funding from non-State sources (federal, local, or private funds). Those affected by

this rulemaking include businesses, municipalities and nonprofits involved in broadband projects.

Questions/requests for copies of the 3 DCEO rulemakings: Parts 528 and 691, Garrett Carter, DCEO, 555 W. Monroe, Suite 1200, Chicago IL 60661, 312/579-6757, Garret.Carter@illinois.gov. Part 548: Craig Colbrook, DCEO, 607 E. Adams St., Springfield IL 62701, Craig.colbrook@illinois.gov.

■ HOME HEALTH

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Home Health, Home Services, and Home Nursing Agency Code

(77 IAC 245; 46 Ill Reg 19105) effective 3/2/23, clarifying recently adopted training provisions in Section 245.71(g). These amendments provide that required training for home health or home services personnel may be provided by either an agency employee who has worked at least 2 of the past 5 years in a facility-based or home nursing/health services environment, or by a person in a current supervisory position with a home health or home services agency who is licensed or certified in their respective field. Home health and home services agencies are affected.

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Adopted Rules

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■ NEWBORN SCREENING

DPH also repealed the Part titled Newborn Metabolic Screening and Treatment Code (77 IAC 661; 46 Ill Reg 15454) and adopted a new Part titled Newborn and Infant Screening and Treatment Code (77 IAC 661; 46 Ill Reg 15473), both effective 3/2/23. The new Part reorganizes and clarifies DPH's rules regarding testing of newborns for metabolic disorders and other conditions, including cardiac screening and hearing tests, at or shortly after birth. The new Part also includes provisions for newborn hearing tests, a registry for hearing test results and outcomes, and referrals for related services. Hospitals, birth centers and other healthcare providers may be affected.

■ LEAD ABATEMENT

DPH adopted a new Part titled Illinois CLEAR-Win Program Code (77 IAC 843; 46 Ill Reg 16351) effective 3/2/23 that implements the Comprehensive Lead Education, Reduction and Window Replacement (CLEAR-Win) Program Act [410 ILCS 43]. The Part establishes a program to assist property owners with the cost of removing or replacing lead hazards, including paint and plumbing, in single-family homes and multi-family residential buildings. Owner-occupied dwellings may qualify for the program if the property owner is low-income and the property is occupied by a child or pregnant

woman or serves as a child care facility (day care home). Rental properties may qualify if at least 50% of renters are low-income or if the building has received a lead mitigation notice or order from DPH. All abatement work must be performed and assessed by DPH-licensed lead inspectors, lead risk assessors, lead abatement contractors, or plumbers. Child care homes and facilities additionally must meet criteria established by the Department of Children and Family Services in 89 IAC 406, 407 or 408 for water supply lead testing. Violations of the Act or this Part by a contractor, inspector, plumber, or property owner may result in administrative penalties of fines of up to \$5,000 per violation. Those affected by this rulemaking include owners of properties with lead hazards, day care operators, plumbers, and lead abatement contractors.

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

MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 46 Ill Reg 16307 and 17804) effective 3/1/23, combining two separately proposed rulemakings. These amendments implement Public Act 102-43 by removing a provision limiting coverage of specified chiropractic services to

patients under age 21, so that these services can be authorized for medical assistance recipients of any age. Additionally, the rulemaking increases the managed care organization (MCO) assessment rate for fiscal years 2023 through 2025. The Tier 1 Medicaid MCO assessment rate (applicable to the first 4,195,000 member months recorded in the base year of 2018) is being raised from \$69.70 to \$74.40 per member per month. Assessment rates for Tier 2 (Medicaid MCO member months beyond the first 4,195,000 in 2018) and Tier 3 (non-Medicaid MCOs) are unchanged. The rulemaking also clarifies that the base year for MCOs that began doing business in Illinois after 2018 will be the first year for which HFS has sufficient data to calculate an assessment.

Questions/requests for copies: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, HFS.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. The State Board of Education and Department of Human Services rulemakings will be considered at the March 21, 2023, JCAR meeting. All other listed rulemakings will be considered at the April 18, 2023, 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.

STATE BOARD OF EDUCATION

Educator Licensure (23 IAC 25; 46 III Reg 18734) proposed 11/18/22

Tutoring Services (23 IAC 670; 46 III Reg 18445) proposed 11/18/22

DEPT OF HUMAN SERVICES

Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 46 III Reg 19895) proposed 12/16/22

OFFICE OF THE AUDITOR GENERAL

Public Information, Rulemaking, Organization and Personnel (2 IAC 600; 46 III Reg 19293) proposed 12/9/22

IL COMMERCE COMMISSION

Rate Case Expense (83 IAC 288; 46 III Reg 5800) proposed 4/15/22

DEPT OF PUBLIC HEALTH

Hospital Licensing Requirements (77 IAC 250; 46 III Reg 19115) proposed 12/2/22

Hospital Licensing Requirements (77 IAC 250; 46 III Reg 19403) proposed 12/9/22

POLLUTION CONTROL BOARD

Introduction (35 IAC 601; 46 III Reg 8604) proposed 5/27/22

Permits (35 IAC 602; 46 III Reg 8628) proposed 5/27/22

Ownership and Responsible Personnel (35 IAC 603; 46 III Reg 8669) proposed 5/27/22

Design, Operation and Maintenance Criteria (35 IAC 604; 46 III Reg 8676) proposed 5/27/22

Primary Drinking Water Standards (35 IAC 611; 46 III Reg 8724) proposed 5/27/22

Existing Activities in a Setback Zone or Regulated Recharge Area (35 IAC 615; 46 III Reg 8748) proposed 5/27/22

New Activities in a Setback Zone or Regulated Recharge Area (35 IAC 616; 46 III Reg 8794) proposed 5/27/22

Regulated Recharge Areas (35 IAC 617; 46 III Reg 8840) proposed 5/27/22

Maximum Setback Zones (35 IAC 618; 46 III Reg 8864) proposed 5/27/22

Radiation Hazards (35 IAC 1000; 46 III Reg 6867) proposed 5/6/22

Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants (35 IAC 1010; 46 III Reg 6896) proposed 5/6/22