

*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

### ■ CULTURAL DISTRICTS

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed a new Part titled State Designated Cultural Districts (14 IAC 615; 47 Ill Reg 3894) implementing Public Act 102-628. A State-designated cultural district is defined in the Law and in this Part as a geographical area with a “distinct, historic, and cultural identity”. Units of local government or non-profit organizations may apply for cultural district designation on behalf of a community or area. Applicants must be prequalified under the Grant Accountability and Transparency Act (GATA) and registered at the GATA online grantee portal. DCEO will periodically announce Notices of Designation Opportunity during which applications for cultural district designation will be accepted. Certification as a cultural district is limited to 5

applicants per year and to a maximum of 15 districts statewide. Certification is initially valid for 10 years and may be renewed every 5 years. Criteria for designation as a cultural district are: the community has been historically impacted and is in danger of losing its cultural identity due to gentrification, displacement, or the COVID-19 pandemic; the

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community has a history of “economic disinvestment”; and the community demonstrates strong support for the cultural district through active and formal participation by community organizations and local or regional government agencies. Information to be submitted with an application for cultural district designation includes a detailed map and

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## Adopted Rules

### ■ PUBLIC HEALTH DATA

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Health Care Data Collection and Submission Code (77 IAC 1010; 46 Ill Reg 15951) effective 3/10/23 that define syndromic surveillance, establish definitions for terminology and data elements related to syndromic surveillance, and include requirements for syndromic surveillance reporting from healthcare facilities. Syndromic surveillance consists of regular and systematic collection of specific health-related data in near-real time (one to 24 hours after a patient encounter or update of a patient’s condition) that provides information on the health of a community and allows DPH to monitor disease trends and emerging events. Data from emergency department visits,

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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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inpatient admissions, observation visits stemming from an emergency encounter or prior to an inpatient admission, and urgent care visits must be submitted. Facilities that may provide this data now include urgent care sites (primary care clinics, rural clinics, immediate care facilities, freestanding emergency departments), as well as hospitals; hospitals are required to report this data and may be subject to penalties if they fail to comply. The rulemaking also specifies the purposes for which DPH may use or share syndromic surveillance

data, establishes procedures for verifying and validating data, and incorporates State and federal regulations and guidelines regarding electronic health data and records. Since 1<sup>st</sup> Notice, DPH has clarified that ambulatory surgical treatment centers (ASTCs) and urgent care sites are recommended, not required, to report data. Hospitals, ASTCs, urgent care clinics and other medical facilities are affected by this rulemaking.

### MEDICAL CANNABIS

DPH also adopted amendments to Compassionate Use of Medical

Cannabis Pilot Program (77 IAC 946; 46 Ill Reg 14483) effective 3/10/23 that remove a requirement for medical cannabis patient registry card applicants to specify the dispensary they will use, and require application fees to be paid online by credit card or other acceptable electronic means (formerly, payment could be made by check or money order).

*Questions/requests for copies of the 2 DPH rulemakings: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## Proposed Rulemakings

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description of the proposed district and its cultural identity; an explanation of why that cultural identity is threatened and data to support this assertion (e.g., property value increases, job or population losses, negative impacts from the COVID-19 pandemic); a detailed narrative description and data regarding historic economic disinvestment in the community; demonstration of organizational capacity and community support for the cultural district plan; development plans that prioritize retention of local businesses and existing residents; and an educational framework “informed with a vision of food justice, social justice, community sustainability, and social equity”. Once a cultural district is designated, it must report to DCEO annually on its activities and

on progress toward goals such as improving infrastructure, affordable housing, transportation, access to affordable produce, and opportunities for cultural celebration. The rulemaking also outlines the composition of the program advisory committee: representatives of the Department of Agriculture, the Illinois Housing Development Authority, and DCEO; four General Assembly members (appointed by the Speaker of the House, Senate President, and the Minority Leaders of each house); and four community representatives appointed by the Governor from racial, ethnic or cultural groups not represented among other appointees. Municipalities and non-profit community, neighborhood or cultural organizations may be affected by this rulemaking.

*Questions/requests for copies/comments through 5/8/23: Craig Colbrook, DCEO, 607 E. Adams St., Springfield IL 62701, 217/685-3848, [Craig.colbrook@illinois.gov](mailto:Craig.colbrook@illinois.gov)*

### ■ DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES proposed amendments to the Part titled Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities (59 IAC 120; 47 Ill Reg 3904) implementing updated requirements for the aforementioned federal Medicaid Waiver program. The rulemaking provides uniform direction for individuals, guardians, provider agencies, and Independent

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# Proposed Rulemakings

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Service Coordination agencies that administer services provided under the Adults with Developmental Disabilities Waiver (including community day services, group homes, habilitation services, and supported employment) for persons age 21 and older, as well as services provided under the Children's Residential and Children's Support Waivers for those ages 3-21. The rulemaking aligns the Part with federal Home and Community-Based Services (HCBS) regulations regarding conflict of interest-free case management (an entity providing case management cannot also be a service provider for, or be related to or have financial responsibility for, the individual being served), person-centered planning, and the settings where services may be provided. Other provisions add, remove or update definitions; address individual rights to privacy, dignity, and respect and freedom from coercion; prohibit or severely limit the use of restraint, seclusion, and time-out to address problematic behaviors; and outline the procedures to be followed

when a service provider must reduce or terminate services to an individual. Agencies that provide HCBS Waiver services are affected.

*Questions/requests for copies/comments through 5/8/23: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3<sup>rd</sup> Floor, Springfield IL 62762, 217/785-9772.*

## ID/DD FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Intermediate Care for the Developmentally Disabled Facilities Code (77 IAC 350; 47 Ill Reg 3959) and Medically Complex for the Developmentally Disabled Facilities Code (77 IAC 390; 47 Ill Reg 3981) that update and correct citations of incorporated federal regulations and State statutes.

## AIDS DRUG ASSISTANCE

DPH also proposed an amendment to AIDS Drug Assistance Program (77 IAC 692; 47 Ill Reg 4003) updating household income eligibility limits for the program (300% of FPL) to

reflect the 2023 Federal Poverty Level figures. Eligibility thresholds are being increased to \$43,740 for a 1-person household, \$59,160 for 2 persons, etc.

*Questions/requests for copies/comments on the 3 DPH rulemakings through 5/8/23: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## LABOR RELATIONS

The ILLINOIS LABOR RELATIONS BOARD proposed an amendment to General Procedures (80 IAC 1200; 47 Ill Reg 3952) that defines an "incumbent exclusive representative", for purposes of this Part, as the existing exclusive representative of the employees in a bargaining unit. Collective bargaining organizations and their members' employers are affected.

*Questions/requests for copies/comments through 5/8/23: Anna Hamburg-Gal, ILRB, 160 N. LaSalle St., Suite 400, Chicago IL 60601, 312/793-6380, [Anna.Hamburg-Gal@illinois.gov](mailto:Anna.Hamburg-Gal@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 appear in next week's *Illinois Register* and be considered at the April 18, 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.

### **GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET**

Grant Accountability and Transparency Act (44 IAC 7000; 46 Ill Reg 20495) proposed 12/30/22

### **DEPT OF HUMAN SERVICES**

Aid to the Aged, Blind or Disabled (89 IAC 113; 47 Ill Reg 344) proposed 1/13/23

Standards and Licensure Requirements for Community-Integrated Living Arrangements  
(59 IAC 115; 46 Ill Reg 9312) proposed 6/10/22

### **IL ENVIRONMENTAL PROTECTION AGENCY**

Charging Infrastructure Grant Program (35 IAC 285; 46 Ill Reg 14393) proposed 8/19/22

### **IL STATE POLICE**

Use of Force Reporting (20 IAC 1244; 47 Ill Reg 691) proposed 1/20/23

### **DEPT OF PUBLIC HEALTH**

Underserved Physician Workforce Code (77 IAC 590; 46 Ill Reg 20730) proposed 12/30/22

### **TEACHERS' RETIREMENT SYSTEM**

The Administration and Operation of the Teachers' Retirement System  
(80 IAC 1650; 47 Ill Reg 697) proposed 1/20/23

## JCAR Meeting Action

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At its 3/21/23 meeting, the Joint Committee on Administrative Rules took the following actions:

### RECOMMENDATIONS

With respect to the State Board of Education rulemaking titled Tutoring Services (23 IAC 670; 46 Ill Reg 18445), JCAR recommended that SBE be timelier in adopting rules in response to statutory changes. Section 4 of the Educational Partnership Act [110 ILCS 40] required the Board to establish basic requirements for student tutors in 1985 and these requirements are just now being added to administrative rule 37 years later.

With respect to the State Board of Elections rulemaking titled Campaign Financing (26 IAC 100; 46 Ill Reg 5464), JCAR recommends that the Board keep contribution limits found in 26 IAC 100. Appendix A, Table A, up to date with the currently implemented limits. Section 9-8.5 of the Election Code [10 ILCS 5] requires the Board, on January 1 of each odd-numbered year, to update contribution limits for inflation. This table was last amended in 2018.

### EXTENSION

JCAR, with the concurrence of the Department of Revenue, extended the Second Notice period for the rulemaking titled Parking Excise Tax (86 IAC 195; 46 Ill Reg 17865) an additional 45 days. This rulemaking will be considered again at the April 18 JCAR meeting.

### POSTPONEMENT

JCAR postponed action on the Department of Financial and Professional Regulation rulemaking titled Consumer Legal Funding Act (38 IAC 170; 46 Ill Reg 17173), which is currently on extended Second Notice, until the April 18 meeting.

## Joint Committee on Administrative Rules

**Senator Cristina Castro**  
**Senator Bill Cunningham, *co-chair***  
**Senator Donald DeWitte**  
**Senator Dale Fowler**  
**Senator Kimberly Lightford**  
**Senator Sue Rezin**

**Representative Eva-Dina Delgado**  
**Representative Jackie Haas**  
**Representative Steven Reick**  
**Representative Ryan Spain, *co-chair***  
**Representative Curtis Tarver, II**  
**Representative Dave Vella**

**Kim Schultz**  
**Executive Director**