

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

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 47 Ill Reg 5564) that add the Transportation Seasonal Office Worker title, title code and salary range to Merit Compensation System (MS) titles in Sec. 310.410, and add the CMS Human Resources Advanced Specialist title, code and salary range to broad-band salary range titles in Appendix G effective 7/1/23.

Questions/requests for copies/comments through 6/5/23: Jason Doggett, CMS, 504 William G. Stratton Building, Springfield IL 62706, 217/782-4267, fax 217/524-4570, CMS.PayPlan@Illinois.gov

HRC PROCEDURES

The ILLINOIS HUMAN RIGHTS COMMISSION proposed amendments to the Part titled Procedural Rules (56 IAC 5300; 47 Ill Reg 5611) that clarify the effective dates of service for motions, orders, notices, and pleadings. Service of documents by mail is deemed complete four days after

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the date of mailing stated in the proof of service, while service in person or electronically is deemed complete on the date of transmission stated in the proof of service.

Questions/requests for copies/comments through 6/5/23: Evelio Mora, HRC, 160 N. LaSalle St., Suite N-1000, Chicago IL 60601, 312/814-6269, evelio.mora@illinois.gov

Adopted Rules

ABUSE INVESTIGATIONS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to the Part titled Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 46 Ill Reg 19895) effective 4/4/23 that include financial exploitation among the allegations that the DHS Office of Inspector General will investigate when such allegations are made against employees of a community-based agency or State institution that provides services to persons with disabilities. Each community agency must designate an employee to serve as a liaison with the DHS OIG. The rulemaking clarifies various aspects of the OIG's investigation and determination process, including: the circumstances in which the OIG

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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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may allow a community agency or facility to address less serious allegations on its own (e.g., when there is no indication that any individual is in imminent danger, or the allegation would not, if upheld, have to be reported to the Department of Public Health's Health Care Worker Registry); the findings that must be reported to the Health Care Worker Registry; when an accused employee may return to work if an allegation is likely to be deemed unsubstantiated or unfounded; and that personal information concerning an employee or recipient is protected from disclosure except as necessary to complete reporting to the Health Care Worker Registry or other required reporting to investigatory, law enforcement, or licensing authorities. The rulemaking also clarifies that authorized representatives may take action to protect residents or patients in accordance with, or as required by, DPH to ensure compliance with its standards for Intermediate Care Facilities for the Developmentally Disabled (ICF/DDs). Community agencies and facilities serving persons with disabilities are affected by this rulemaking.

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

■ TAXES

The DEPARTMENT OF REVENUE adopted amendments to the Parts titled Income Tax (86 IAC 100; 46 Ill Reg 17566), Retailer's Occupation Tax (86 IAC 130; 46 Ill Reg 17591), Service Occupation Tax (86 IAC 140; 46 Ill Reg 17612), Use Tax (86 IAC 150; 46 Ill Reg 17623), Liquor Control Act (86 IAC 420; 46 Ill Reg 17636), Cigarette Tax Act (86 IAC 440; 46 Ill Reg 17643), Cigarette Use Tax Act (86 IAC 450; 46 Ill Reg 17649), Gas Revenue Tax Act (86 IAC 470; 46 Ill Reg 17654), Telecommunications Excise Tax (86 IAC 495; 46 Ill Reg 17659) and The Public Utilities Revenue Act (86 IAC 510; 46 Ill Reg 17663), all effective 4/4/23, implementing Public Act 102-40. These rulemakings provide that, beginning 6/25/21, the statutory deadline for DOR to issue a notice of deficiency or liability for a given tax year will be extended an additional 6 months when a taxpayer files a claim for refund or credit for that tax year less than 6 months before the normal deadline. Examples of how this provision applies to income tax returns are included in the Part 100 rulemaking. Businesses and individuals with unresolved refund or credit claims for income, sales or use tax may be affected.

Questions/requests for copies of the 10 DOR rulemakings: Part 100, Brian Fliflet; Parts 130 through 510, Thomas Grudichak; DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Hospital Services (89 IAC 148; 46 Ill Reg 16331) effective 4/5/23 that implements PA 102-43, authorizing payment for long-acting injectable medications administered to treat mental health or substance use disorders in the hospital inpatient setting. These payments will be authorized for medications prescribed by a board-certified or board-eligible psychiatrist and administered in a psychiatric setting, with documentation of follow-up appointments and prior approval for subsequent injection doses. Since 1st Notice, HFS added board-eligible psychiatrists with less than 7 years' experience since completing a psychiatric residency to those who may prescribe long-acting injectable medications.

Questions/requests for copies: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

■ UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted amendments to the Part now titled Utility Rate Case Expense and Consumer Intervenor Compensation Fund (83 IAC 288; 46 Ill Reg 5800) effective 4/7/23, implementing PA 102-662. The

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Adopted Rules

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PA and the rulemaking establish a fund and create a process for compensating consumer interest representatives for eligible expenses they incur in proceedings involving public utility programs, plans, tariffs, policies, pricing, rates, costs, or other charges associated with utility service. A consumer interest representative is defined (in statute and in the rulemaking) as: a residential utility customer or group of customers represented by a not-for-profit group or organization registered with the Attorney General; a representative of a non-profit organization whose membership is limited to residential utility customers; or representatives of non-profits whose membership includes Illinois residents and that address the community, economic, environmental or social welfare of Illinois residents. Eligible expenses that may be reimbursed from the fund include reasonable attorney's or advocate's fees, expert witness fees, and other

costs of preparation for or participation in a hearing. Travel and meal expenses are not eligible expenses. The rulemaking also outlines conditions that consumer interest representatives must meet to qualify for compensation from the fund. Since 1st Notice, ICC has removed provisions that would have required consumer interest representatives to provide notice of their intent to seek compensation from the fund. Other changes add definitions and clarify the proceedings for which compensation can be sought. Those affected by this rulemaking include small businesses and non-profits that are involved in ICC rate cases.

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

MEDICARE SUPPLEMENTS

The DEPARTMENT OF INSURANCE adopted amendments to the Part titled Minimum Standards for Individual

and Group Medicare Supplement Insurance (50 IAC 2008; 46 Ill Reg 17541) effective 4/4/23 implementing new "Medigap birthday rule" requirements of the Illinois Insurance Code effective 1/1/22. The rulemaking requires that notice of an annual open enrollment period of 45 days after the insured's birthday for Medicare supplement policy holders in Illinois ages 65-75 (during which they may select a different plan from the same carrier, provided it does not exceed the benefits of their current plan) be included in or attached to all applications for Medicare supplement insurance. If this notice is not part of the application, it must be electronically submitted to DOI for approval before it is sent to applicants. Insurers that offer Medicare supplement policies are affected.

Questions/requests for copies: Ryan Gillespie, DOI, 320 W. Washington St., 5th Fl., Springfield IL 62767, 217/558-2746.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed, commencing the JCAR review period. These rulemakings will appear in next week's *Illinois Register* and be considered at the May 16, 2023, meeting in Springfield. Other items not listed 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

Freedom Schools Grant Program (23 IAC 269; 46 Ill Reg 19312) proposed 12/9/22

STATE BOARD OF INVESTMENT

State (of Illinois) Employees' Deferred Compensation Plan (80 IAC 2700; 47 Ill Reg 2641) proposed 2/24/23

JCAR Meeting Action

At its 4/18/23 meeting the Joint Committee on Administrative Rules took the following actions:

RECOMMENDATIONS

With respect to the Department of Human Services rulemaking titled Permanent Supportive Housing and Bridge Subsidy for Persons with Mental Illness (59 IAC 145; 46 Ill Reg 20109), JCAR recommends that the Department be more timely in meeting statutory deadlines for implementing programs in rule. Sec. 85 of the Housing Is Recovery Pilot Program Act [410 ILCS 25] created by Public Act 102-66, which was effective July 9, 2021, required that any administrative rules necessary for the implementation of the Act be filed within 12 months after the effective date of the Act.

With respect to the Pollution Control Board rulemaking titled Permits (35 IAC 602; 46 Ill Reg 8628) JCAR recommends that the Board in its next substantive rulemaking on the Part amend

Sections 602.111 and 602.116 to include the standards by which the Environmental Protection Agency will exercise the specific discretionary powers delegated to it by those Sections. Sec. 5-20 of the IAPA requires each rule that implements a discretionary power exercised by an agency to include the standards by which the agency will exercise the power.

EXTENSIONS

JCAR, with the concurrence of the agencies listed, extended the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the May 16 meeting.

Department of Financial and Professional Regulation, Pharmacy Practice Act (68 IAC 1330; 46 Ill Reg 9199) proposed 6/10/22

Department of Human Services, Standards and Licensure Requirements for Community-

Integrated Living Arrangements (59 IAC 115; 46 Ill Reg 9312) proposed 6/10/22

Illinois Environmental Protection Agency, Charging Infrastructure Grant Program (35 IAC 285; 46 Ill Reg 14393) proposed 8/19/22

Department of Natural Resources, Land and Water Conservation Fund (LWCF) Grant Program (17 IAC 3030; 47 Ill Reg 1286) and Boat Access Area Development Program (17 IAC 3035; 47 Ill Reg 1291) both proposed 1/27/23

State Employees' Retirement System, The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 47 Ill Reg 1298) proposed 1/27/23

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

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

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Representative Ryan Spain, *co-chair*

Representative Curtis Tarver, II

Representative Dave Vella

**Kim Schultz
Executive Director**