

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.

Emergency Rulemaking

FOID APPEALS

The FIREARM OWNER'S IDENTIFICATION CARD REVIEW BOARD adopted emergency amendments to the Part titled Reinstatement of Firearm Rights (20 IAC 3500; 47 Ill Reg 6196) effective 4/17/23 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 47 Ill Reg 5870. The emergency and proposed rules establish appeal procedures for persons who are denied a Firearm Owner's Identification (FOID) card upon applying to the Illinois State Police. The FOID Review Board will function as an independent agency, with ISP appointing an Executive Director and a liaison to the Board. The Board must meet at least quarterly, and at the call of its chair, to consider appeals from persons whose FOID applications have been denied. Persons whose FOID applications are

denied, or whose FOID cards are suspended or revoked, based on a criminal or arrest record, mental health facility commitment within the past 5 years, mental or developmental disability, or "clear and present danger" determination must file their appeals with the Board within 90 days after the FOID denial, suspension or revocation. The Board must issue a decision within 45 days after receiving a complete appeal. An expedited appeal process is available for law enforcement officers seeking reinstatement of a FOID card. Documents that must accompany an appeal include court records, psychiatric or counseling records, forensic evaluations (for persons denied on clear and present danger grounds), and at least two character references. If the appeal is based on an alleged records inaccuracy, or the appellant has

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Adopted Rules

GRAIN DEALERS

The DEPARTMENT OF AGRICULTURE adopted amendments to Grain Code (8 IAC 281; 46 Ill Reg 14808) effective 4/12/23 that allow "price later" contracts to be recorded electronically and require these contracts to be kept in a grain dealer's central electronic filing system. (A price later contract allows the seller to set the price of grain after it has been delivered to the grain dealer, according to a pricing formula established in the contract.) Electronic price later contracts must meet the criteria established in the Uniform Electronic Transactions Act, including requirements for security and electronic signatures. If a dealer issues an electronic price later contract and the seller prefers a written contract, the dealer must cancel the electronic contract and

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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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issue a written contract. Contracts must be kept on file for 6 (formerly, 5) years. The rulemaking also requires grain dealers to keep monthly grain inventory accountability reports, either written or electronic, for each commodity (e.g., corn, soybeans) with an option to skip one monthly report per calendar year. Since 1st Notice, DOA has added provisions for dealers to request waivers of additional monthly reports in order to protect the health and safety of their employees (who would otherwise have to climb into grain bins in inclement weather or other adverse conditions). The accountability report must include the total grain inventory in each licensed storage structure (i.e., elevator or grain bin); bin worksheets and inventory calculations derived from the worksheet data; and a comparison of the monthly total inventory report for each commodity against the daily inventory reports. Additional changes since 1st Notice add definitions of electronic record, electronic signature and security procedure. Grain farmers, sellers and dealers are affected by this rulemaking.

Questions/requests for copies: Pamela Harmon, DOA, State Fairgrounds, P. O. Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

EDUCATOR LICENSURE

The STATE BOARD OF EDUCATION adopted amendments to Educator Licensure (23 IAC 25; 46 Ill Reg 18374) effective 4/11/23, implementing various Public Acts and SBE policy changes. The amendments extend the availability of all short-term approvals by an additional three years (from 2023 to 2026); permit the State Superintendent to initiate the suspension or revocation of an educator's license, endorsement, or approval for sexual misconduct; reduce the fee for reinstating a lapsed license from \$500 to \$50 and exempt retired teachers from license registration fees; allow individuals who are between 18 and 19 years old to obtain a paraprofessional educator (teacher's aide/assistant) endorsement on an Educator License with Stipulations if the individual works exclusively with pre-K through 8th grade students (a full paraprofessional educator endorsement can be obtained at age 19 if other criteria are met); allow substitute teachers to teach 120 days (rather than 90 days) in the 2021-22 and 2022-23 school years; and reduce the number of professional development hours required for a professional educator licensee by 20% for any renewal cycle that includes the 2021-22 school year. Other changes include adding English learner coursework for initial licensure programs in Illinois; adding new testing options for sign language interpreters; updating the Learning Forward Standards;

clarifying what work experience can be counted toward career and technical educator licensure; and clarifying that individuals with a lapsed license cannot apply for new endorsements until their license is reinstated.

TUTORING

SBE also adopted a new Part titled Tutoring Services (23 IAC 670; 46 Ill Reg 18445) effective 4/11/23, implementing Section 2-3.69 of the School Code, which requires SBE to establish basic requirements for Illinois public college/university students who are hired by their institutions, or by school districts, to provide tutoring services to K-12 students under the State's Educational Partnership Act. Students hired to serve as tutors must have at least a high school diploma or equivalent, passing grades in relevant high school coursework, and a passing score on any tutor training tests or modules required by the hiring entity. Prior to the tutor's start date, the college/university must ensure that the student completes all required training modules and understands and agrees to the institution's policies regarding student conduct, harassment prevention, equity, non-discrimination, safety and ethics. Additionally, either the college/university or the school district must conduct a criminal background check and ensure that the tutor complies with all other employment requirements.

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Proposed Rulemakings

MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Medical Payment (89 IAC 140; 47 Ill Reg 5872) that authorize payment to a provider for the services of a substitute physician when the regular attending physician is on vacation, ill, or otherwise unavailable due to an emergency; the substitute physician is validly licensed in Illinois or in that physician's state of practice; the substitute has not been barred, suspended or withdrawn from participation in the Medical Assistance program; and the substitution does not exceed 14 days per incident or 90 days per year for a particular attending physician. If the substitution exceeds 90 days in a year, the substitute physician must enroll in the Medical Assistance program in order to continue receiving payment. The rulemaking also

clarifies the definition and extent of supplemental payments to Medicaid or Children's Health Insurance Program-enrolled practitioners employed by Illinois public universities and updates the schedule of covered dental procedures to include school-based preventive dental services for children under age 19.

HOSPITALS

HFS also proposed an amendment to Hospital Services (89 IAC 148; 47 Ill Reg 5906) implementing Public Act 102-43. The rulemaking removes restrictions on payment for repeat alcohol or drug detoxification admissions of patient age 21 or older within 60 days after the patient's discharge from a previous inpatient detox admission.

Questions/requests for copies/ comments on the 2 HFS

rulemakings through 6/12/23: Steffanie Garrett, HFS, 201 S. Grand Ave., East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

MEDICARE SUPPLEMENTS

The DEPARTMENT OF INSURANCE proposed amendments to Minimum Standards for Individual and Group Medicare Supplement Insurance (50 IAC 2008; 47 Ill Reg 5923) that address an issue arising from the anticipated end of the federal and State COVID-19 public health emergency. The rulemaking provides that Medicare-eligible individuals who lose Medicaid coverage after the end of the public health emergency must have the opportunity to purchase Medicare supplement policies for at least 63 days after they are terminated from Medicaid or receive notice of Medicaid termination, whichever is later. The rulemaking also clarifies that existing rules regarding Medicare late enrollment penalties do not exclude individuals who apply for Medicare supplement policies while under a Medicare penalty.

Questions/requests for copies/ comments through 6/12/23: Robert Planthold, DOI, 122 S. Michigan Ave., 19th Floor, Chicago IL 60603, 312/814-5445 or Susan Anders, DOI, 320 W. Washington St., 4th Floor, Springfield IL 62767, 217/558-0957.

Emergency Rule

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had a temporary firearm possession prohibitor expire (e.g., more than 5 years have passed since commitment to a mental health facility), or a disqualifying criminal conviction has been expunged or pardoned, the individual must contact ISP rather than the Board. Other provisions address hearing procedures, circumstances in which a Board member must refrain from voting on or presiding over a particular appeal due to a conflict of interest, and requirements for the Board to

report to the Governor and General Assembly on a monthly basis. Those affected by this rulemaking may include local law enforcement officers or private security personnel whose FOID applications have been denied or FOID cards revoked.

Questions/requests for copies/ comments on the proposed rulemaking through 6/12/23: Lauren Raymond, Executive Director, FOID Card Review Board, 801 S. Seventh St., 400 N, Springfield IL 62703, 773/797-6877.

Adopted Rules

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Questions/requests for copies of the 2 SBE rulemakings: Azita Kakvand, SBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312/783-2757, rules@isbe.net

■ INCOME TAX

The DEPARTMENT OF REVENUE adopted amendments to Income Tax (86 IAC 100; 46 Ill Reg 19471) effective 4/12/23 that provide guidance regarding when buying allowances (reductions/rebates in the cost of goods sold to a retailer), merchandising allowances, and cost sharing agreements provided by vendors to retailers should be included in or excluded from the formula used to compute income tax on the retailer's sales. The rulemaking provides examples for when these types of receipts should be included or excluded from the sales factor. Retailers that receive buying or merchandising allowances from vendors are affected.

■ SALES & USE TAXES

DOR also adopted amendments to the Parts titled Retailers' Occupation Tax (86 IAC 130; 46 Ill Reg 17007) and Use Tax (86 IAC 150; 46 Ill Reg 17072) effective 4/12/23, implementing various tax rates and exemptions contained in Public Acts 98-574, 100-1171, 102-700 and 102-1026. Amendments to Part 130 implement the 1-year suspension of the 1% State sales tax on groceries effective 7/1/22 through

7/1/23; exempt automobiles purchased to serve as rental vehicles and align the definition of an automobile with the applicable statute; exempt sales of tangible personal property (instead of petroleum products) from sales tax if the purchaser is federally exempt from use tax; change the sunset date for exemptions that apply to mining and mining exploration or reclamation equipment and vehicles to 6/30/28 (formerly, 7/1/23); implement an exemption for breast pumps and breast milk collection and storage supplies effective 7/1/22; implement exemptions for biodiesel/renewable diesel fuel and fuel blends that will be effective between 1/1/24 and 12/31/30; and clarify that tangible personal property sold by the State Treasurer under the Revised Uniform Unclaimed Property Act is exempt from sales tax. The Part 150 rulemaking implements provisions of PA 102-700 regarding tax rates and bases for gasohol, majority blended ethanol fuel, biodiesel, renewable diesel and blends. Those affected by these rulemakings include sellers of ethanol and biodiesel fuels, grocery items, rental automobiles, breastfeeding supplies, and mining equipment or vehicles.

Questions/requests for copies of the 3 DOR rulemakings: Part 100, Brian Fliflet; Parts 130 and 150, Katarzyna Kolwalska; DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

■ WORKERS' COMPENSATION

The WORKERS' COMPENSATION COMMISSION adopted amendments to the Parts titled Electronic Filing (50 IAC 9015; 46 Ill Reg 16679), Pre-Arbitration (50 IAC 9020; 46 Ill Reg 16684), Arbitration (50 IAC 9030; 46 Ill Reg 16694), Insurance Regulations (50 IAC 9100; 46 Ill Reg 16701), and Miscellaneous (50 IAC 9110; 46 Ill Reg 16721) all effective 4/13/23. Amendments to Part 9015 replace references to the repealed Electronic Commerce Security Act [5 ILCS 175] with references to its replacement, the Uniform Electronic Transactions Act [815 ILCS 333] and clarify a provision regarding submission of records. The Part 9020 rulemaking clarifies certain procedures and timelines involved in the pre-arbitration process. Amendments to Part 9030 establish procedures for submitting certain types of evidence, including video and audio recordings, into WCC's electronic filing system, and also allow a simple majority (formerly, 7 of 9 members) of Worker's Compensation Advisory Board members to approve a list of certified arbitrators. Part 9100 is being updated to reflect the transfer of WCC's insurance compliance functions to the Department of Insurance; implement PA 101-40 by establishing procedures for emergency stop-work orders; clarify the process for work stop orders and notices; allow

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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 May 16, 2023, meeting in Springfield. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

IL GAMING BOARD

Riverboat and Casino Gambling (86 IAC 3000; 47 Ill Reg 1115) proposed 1/27/23

LAW ENFORCEMENT TRAINING STANDARDS BOARD

Illinois Police Training Act (20 IAC 1720; 47 Ill Reg 65) proposed 1/6/23

Intern Training Program (20 IAC 1725; 47 Ill Reg 68) proposed 1/6/23

Part-Time Basic Training (20 IAC 1770; 47 Ill Reg 70) proposed 1/6/23

DEPT OF REVENUE

Motor Fuel Tax (86 IAC 500; 46 Ill Reg 18977) proposed 11/28/22

SECRETARY OF STATE

Notary Public Records (14 IAC 176; 47 Ill Reg 2984) proposed 3/3/23

Issuance of Licenses (92 IAC 1030; 47 Ill Reg 73) proposed 1/6/23

Issuance of Licenses (92 IAC 1030; 47 Ill Reg 1295) proposed 1/27/23

Adopted Rules

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insurance compliance fines and penalties to be paid electronically; and provide that interest earned on securities deposited by self-insured entities will be deposited in the Self-Insurers Security Fund.

Finally, amendments to Parts 9110 update the Commission's Chicago office address and clarify that timelines are counted in calendar (rather than business) days. Businesses with proceedings before the WCC are affected by these rulemakings.

Questions/requests for copies of the 5 WCC rulemakings: Cole D. Garrett, WCC, 69 W. Washington St., Suite 900, Chicago IL 60602, 312/814-6620, IWCC.Rules@illinois.gov

Joint Committee on Administrative Rules

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