

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

■ CAPITOL COMPLEX

The SECRETARY OF STATE proposed amendments to the Part titled Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 47 Ill Reg 6415) that update the list of facilities to which the Part applies and clarify that the Office of the Secretary of State Department of Police (SOS Police) is responsible for law enforcement at all named facilities except the Willard Ice Building, for which the Department of Revenue provides security. Public business hours at the Capitol Building (normally 8 a.m. to 5 p.m. Monday through Friday) on days when the General Assembly is in session will begin one hour before the earliest scheduled committee hearing or floor session and end one hour after adjournment of the last committee hearing or floor session. Observed State holidays at Capitol Complex buildings include Thanksgiving Day and the

Friday following; Christmas Eve and Christmas Day; New Year's Day; and Easter Sunday. Parking lots at the Capitol Complex are not open to the public; parking is by permit only and employees with permits must park in their assigned spaces with parking placards clearly visible. Citations for unauthorized parking in any

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Next JCAR Meeting:
Tues. May 16, 10:30 a.m.
Rm C-1, Stratton Bldg.,
Springfield

Live streaming at JCAR website

permit-required spot carry a \$50 fine. Prohibited activities on the Capitol Complex grounds include: sleeping or sheltering in a manner that creates a fire hazard or threatens the property or safety of others; demonstrations or carrying

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Adopted Rules

■ CPA EXAMS

The BOARD OF EXAMINERS adopted amendments to the Part titled Certificate of Education and Examination Requirements (23 IAC 1400; 46 Ill Reg 17504) effective 4/27/23, replacing emergency amendments that were effective on 1/10/23 concerning administration of the Uniform Certified Public Accountant examination. Education and examination requirements for Illinois CPAs that took effect 1/1/21 remained effective through 12/31/22. Effective 1/1/23, CPA examination candidates must have completed a bachelor's degree or higher with at least 120 (formerly, 150) semester credit hours, of which 24 (formerly 30) credit hours must be in accounting and 12 (formerly 24) credit hours must be in business courses other than accounting. The accounting

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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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courses must cover auditing and taxation, but are no longer required to also include financial and management accounting. The rulemaking also clarifies Board voting and notice of hearing procedures and eliminates proxy voting by Board members. Persons seeking CPA certification are affected by this rulemaking.

Questions/requests for copies: Executive Director, BOE, 1120 E. Diehl Road, Suite 107, Naperville IL 60563, 815/753-8900.

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Hospital Licensing Requirements (77 IAC 250; 46 Ill Reg 19115 and 19403) effective 4/27/23, combining two separately proposed rulemakings and implementing 3 Public Acts. This rulemaking implements Public Act 102-155, which requires hospitals to offer facility-provided medications to patients upon discharge when the medication provided has not been completely used and is required for continuous treatment. The rulemaking also implements PA 102-989, which requires hospitals to develop patient visitation policies and procedures for use during disasters or outbreaks of communicable disease, and PA 102-1007, which requires hospitals to ensure that employees are made aware of employee assistance programs or similar programs available to promote

their physical and mental well-being. Additional changes requested by the hospital industry include clarification of the General Acute Care and Specialty hospital licensing categories and their associated requirements; procedures for temporary closure and reinstatement of hospital operations following a natural or human-made disaster; procedures for notifying law enforcement agencies when a patient appears to have been injured as a result of a sexual assault or other criminal offense; and updated policies and procedures regarding care and treatment of psychiatric patients. Since 1st Notice, DPH has clarified that patients who appear to be victims of sexual assault do not have to disclose their identities to law enforcement; that policies for care and treatment of psychiatric patients should be appropriate to the age of the patient population (e.g., pediatric patients); and when an on-site inspection by DPH is required before a hospital affected by a disaster can reopen. Additional amendments align the Part's rules for operation of fluoroscopes with Illinois Emergency Management Agency rules for medical use of x-rays in 32 IAC 360 and allow accredited medical radiographers, accredited radiation therapists, or accredited radiologist assistants, under certain conditions, to operate fluoroscopes as authorized by the IEMA rules. (Formerly, DPH rules restricted this task to credentialed physicians.)

■ HEALTH CARE PROVIDERS

DPH adopted amendments to the Part now titled Underserved Health Care Provider Workforce Code (77 IAC 590; 46 Ill Reg 20730) effective 4/27/23 implementing PA 102-888, which amended the Underserved Health Care Provider Act. The rulemaking changed the name of the Part (formerly Underserved Physician Workforce Code) and includes advanced practice registered nurses (APRNs) and physician assistants (PAs) among the health care providers eligible for loan repayment assistance (previously, only primary care physicians, general surgeons, emergency medicine physicians, and obstetricians qualified for the program). All eligible health care providers must accept payment from Medicare, Medicaid, the State Children's Health Insurance Program, private insurance, or directly from the patient. The rulemaking also adds hospitals and rural health clinics to the medical facilities where eligible health care providers can provide service that fulfills the conditions for educational loan repayment. Those affected by this rulemaking include APRNs and PAs seeking loan repayment assistance and medical facilities that employ them.

■ HEALTH CARE WORKERS

DPH also adopted an amendment to Health Care Worker Background Check Code (77 IAC 955; 46 Ill Reg 20767) effective 4/

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signs, banners and posters in non-public areas including office space and areas marked “authorized personnel only”; or operating unmanned (drone) aircraft without permission. Wearing masks that cover the face is also prohibited unless the SOS Police make exceptions for nose and mouth masks designed to prevent the spread of respiratory infections, or for religious head coverings. The rulemaking also requires permit applications for conducting demonstrations, and appeals of permit denials, to be submitted electronically. Permit applications by non-profit organizations for non-demonstration or fundraising activities will be denied if the applicant organization is not authorized to transact business in Illinois. Launching, landing or operating drone aircraft on or above the Capitol Complex is prohibited unless approved by the Director of the SOS Police, or as part of law enforcement or fire response activities, search and rescue operations, response to health or environmental incidents, or national defense activities. Those affected by this rulemaking include non-profit organizations planning demonstrations, lobby days, or other events at the Capitol.

Questions/requests for copies/comments through 6/26/23: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, pwright@ilsos.gov.

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HFS Public Hearings

MEDICAID WAIVER

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES will hold a series of public hearings concerning a proposed extension of and changes to its Behavioral Health Transformation Medicaid waiver demonstration project. These hearings will take place at the following times and locations:

— **Friday, May 19, 1-3 p.m.**, Illinois Department of Transportation Hanley Building Auditorium, 2300 S. Dirksen Pkwy, Springfield

— **Monday, May 22, 10 a.m.-noon**, University of Illinois Chicago College of Pharmacy, Room 134-1, 833 S. Wood St., Chicago

— **Thursday, May 25, 10 a.m.-noon** via WebEx. Participants may register at <https://illinois.webex.com/webex/register/rd11246f9d640a2caabbf0cf3c3881cae>

These hearings concern a proposed 5-year extension of the Behavioral Health Transformation Section 1115 Waiver for Illinois, originally approved by the federal Centers for Medicare and Medicaid Services (CMMS) in 2018. Under the current waiver, which expires on 6/30/23, the State has expanded community-based services for opioid addiction treatment and treatment for other substance use disorders that had

not previously been covered by Medicaid.

HFS proposes to add new services under an extended waiver, including substance use disorder (SUD) treatment services in Institutions for Mental Disease, SUD case management, housing supports, employment assistance, medical respite care, food and nutrition services, violence prevention and intervention, non-medical transportation, and community reintegration for individuals transitioning from incarceration or from institutionalization.

More information concerning this waiver application and proposed services has been posted at the HFS website (<https://hfs.illinois.gov/medicalproviders/cc/1115demonstrationwaiver/home.html>). In accordance with federal law, HFS will receive public comment for 30 days, beginning 5/12/23 and ending 6/12/23. Comments not received at the hearings must be submitted to the addresses below.

Comments on the proposed Medicaid waiver project: Kelly Cunningham, Medicaid Administrator, Division of Medical Programs, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763, or e-mail to HFS.BBPC@illinois.gov.

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27/23 implementing PA 102-1063, which allows an individual's federal taxpayer identification number to be recorded in DPH's Health Care Worker Registry (which tracks health care worker records, including records of abuse or neglect allegations or criminal convictions) as an alternative to a Social Security number.

Questions/requests for copies of the 3 DPH rulemakings: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, dph.rules@illinois.gov.

UNIVERSITY EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted amendments to the Part titled State Universities Civil Service System (80 IAC 250; 47 Ill Reg 75) effective 4/30/23, concerning the hiring of university police officers and appointment of designated employer representatives (DERs). The provisions for hiring police officers replace emergency rules that were effective 12/1/22. The rulemaking allows universities to hire officers who have served as sworn police officers within the past 24 months and requested placement on a transfer list of candidates for campus police positions. (Formerly, this rule allowed only current municipal, county or State police officers to be placed on and hired from a transfer list.) Candidates who are not currently serving on another police force must have, or be

eligible to receive, certification from the Law Enforcement Training and Standards Board and must pass screening and background investigations which may include fingerprinting, police records checks, credit checks, and inquiries of neighbors, relatives and employers. The number of campus police vacancies that can be filled by these candidates during any 24-month period is also limited, based on the size of the university police department. The rulemaking also establishes an appointment process for DERs (administrative officials who act as liaisons between each university and SUCSS regarding their actions and responsibilities in relation to the State Universities Civil Service Act and this Part). Each employing university must report its DER's name, title, address, phone number, e-mail, and date of appointment to SUCSS on a System-provided form. Any employing university that does not have a current DER form

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■ ELEVATOR SAFETY

The ELEVATOR SAFETY REVIEW BOARD proposed amendments to Illinois Elevator Safety Rules (41 IAC 1000; 47 Ill Reg 6388) implementing Public Act 102-715 and updating or clarifying various provisions. The rulemaking extends by 1 year (to 1/1/24 for traction elevators and 12/31/24 for hydraulic elevators) the deadlines for testing initiating

on file with SUCSS is not authorized to complete any employment transactions (e.g., hiring, promotion, termination) that are subject to the Act and this Part. University officials cannot appoint themselves as DERs and any such appointment will not be recognized by SUCSS. If a DER terminates employment with the university, a new DER must be appointed immediately (within 3 business days if the departure is sudden or unanticipated). A DER may file a signature authorization form with SUCSS that allows a designee to sign documents in the DER's absence. In the event of a sudden or unanticipated departure of the DER, the designee's signature authority will expire in 3 business days or upon the appointment of a new DER, whichever is sooner.

Questions/requests for copies: Gail Schiesser, SUCSS, 1717 Philo Road, Suite 24, Urbana IL 61802, 217/278-3150, rulemaking@sucss.illinois.gov

devices enabling use of an elevator by firefighters in an emergency and clarifies when firefighter's emergency operation devices must be upgraded. It also clarifies that while the Part does not apply to a municipality with a population of more than 500,000, it does apply to any State-owned buildings within that municipality; it also clarifies the types of lifting equipment that are not subject to the Part (e.g., conveyors, cranes,

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material hoists). Temporary inspection and operation of elevators may be permitted by local authorities only for use in construction or demolition to transport personnel, tools and materials; the Office of the State Fire Marshal will no longer issue temporary operation certificates. The rulemaking also updates the Board's Chicago address. Businesses and municipalities that use or inspect elevators and small businesses that perform elevator installation or repair are affected.

Questions/requests for copies/ comments through 6/26/23: Nancy Robinson, Office of the

State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703, 217/785-7629, fax 217/524-5487.

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1504; 47 Ill Reg 6433) codifying its policies regarding installment payment plans entered into by System members in order to purchase optional service credits. A member who enters into an installment payment plan for this purpose (which deduct payments

from the member's pay on a pre-tax basis for up to 60 months) may complete the remaining payments by transferring funds from another financial account only if the member has separated from State service and SERS receives this payment within 30 days after the member's departure. A member who uses funds from another account for this purpose may not subsequently enroll in another installment plan.

Questions/requests for copies/ comments through 6/26/23: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255, Springfield IL 62794-9255, 217/524-8105, fax 217/557-3943, jeff.houch@srs.illinois.gov

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 June 13, 2023, meeting in Chicago. 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 THE LOTTERY

Lottery Hearings (11 IAC 1700; 47 Ill Reg 1168) proposed 1/27/23

POLLUTION CONTROL BOARD

Permits and General Provisions (35 IAC 201; 46 Ill Reg 20627) proposed 12/30/22

Alternative Control Strategies (35 IAC 202; 46 Ill Reg 20638) proposed 12/30/22

Visible and Particulate Matter Emissions (35 IAC 212; 46 Ill Reg 20644) proposed 12/30/22