

*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 Rulemaking

### ■ HOME SERVICES PROGRAM

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Provider Requirements, Type Services, and Rates of Payment (89 IAC 686; 47 Ill Reg 7038) updating references to the DHS Division (formerly Office) of Rehabilitation Services and the Home Services Program's AIDS Waiver Unit, now called the Ashburn Unit, and including provisions for case management of customers enrolled in Medicaid managed care organizations (MCOs). The proposed amendments require case managers for the Ashburn Unit to act as liaisons with hospital discharge planners, physicians, home health agencies, and other medical providers when a customer is referred to them by a hospital, the Department of Public Health's AIDS Hotline, a physician or another individual or agency. (Currently, the case manager has

the option of delegating some or all of these responsibilities to a registered nurse.) Provisions allowing (subject to federal approval) the required monthly case manager contact with each customer to be conducted by telephone during the COVID-19 Gubernatorial Disaster Proclamations have been extended to include the federal

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COVID-19 public health emergency period and any rollback of that period. Records of closed cases will be retained by the Ashburn Unit for 2 years and then archived pursuant to DHS records retention policy. The designated administrator of the Ashburn Unit case management program for each provider agency must have, or be working toward earning, a bachelor's degree in

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## Adopted Rules

### ■ RENEWABLE ENERGY

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted a new Part titled Reimagining Energy and Vehicles in Illinois Program (14 IAC 580; 46 Ill Reg 8953) effective 5/9/23, implementing the Reimagining Energy and Vehicles in Illinois Act [20 ILCS 686], under which DCEO, beginning in 2025, will provide tax credits to manufacturers of electric vehicles, electric vehicle component parts (including suppliers of battery raw materials or battery recyclers), equipment for electric vehicle power supplies, or renewable energy equipment, systems and other products, who locate or expand facilities in Illinois. This Part, originally titled Reimagining Electric Vehicles in Illinois Program, has undergone numerous changes since 1<sup>st</sup>

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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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Notice to reflect further amendments to the Act that expanded the program to include renewable energy product manufacturers. To qualify for REV Illinois tax credits, an electric vehicle manufacturer must invest at least \$1.5 billion in capital improvements at the project site, create at least 500 new full time jobs, and begin operating within 5 years after applying for the credit. Component parts or renewable energy product manufacturers must invest at least \$300 million, create at least 150 new full time jobs, and begin operating within 5 years. Battery recyclers, suppliers of raw materials, and electric vehicle/renewable energy manufacturers that do not meet previously listed criteria may qualify if they invest at least \$2.5 million (changed since 1<sup>st</sup> Notice from \$20 million), create at least 50 new full time jobs and begin operating within 4 years. A company that plans to convert an existing facility from traditional manufacturing to primarily electric vehicle, parts or power supply manufacturing or renewable energy product production must invest at least \$100 million, create up to 50 (originally 75) new full time jobs and begin operations within 5 years. REV Illinois Program applicants must also certify that they are carbon neutral or have achieved nationally recognized green building standards within 24 months after starting operations. Companies that receive the REV Illinois credit also qualify for exemptions from State electric

utility taxes for 10 years and from sales taxes on building materials for 5 years. Other provisions outline the amount of income tax credit available to applicants based on training costs, construction jobs created, location of the project, and other factors; the content of the program application and the tax credit agreement between the company and DCEO; the process by which DCEO issues certificates verifying eligibility for the tax credit (which the company then submits to the Department of Revenue); and the process for investigating noncompliance and recapturing tax credits from a noncompliant participant. Those affected by this rulemaking include electric vehicle and renewable energy product manufacturers, suppliers of component parts, and potential construction or manufacturing workers.

*Questions/requests for copies: Gina Arterberry, DCEO, 607 E. Adams St., Springfield IL 62701, [Gina.M.Arterberry@illinois.gov](mailto:Gina.M.Arterberry@illinois.gov)*

## ■ SUPPORTIVE HOUSING

The DEPARTMENT OF HUMAN SERVICES adopted amendments to the Part titled Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illnesses (59 IAC 145; 46 Ill Reg 20109) effective 5/15/23. This rulemaking implements the Housing Is Recovery Pilot Program created by Public Act 102-66, which is intended to prevent unnecessary institutionalization of the mentally

ill, reduce overdose deaths, improve health outcomes, and boost access to recovery services. The amendments establish additional subsidized housing options through the DHS Division of Mental Health for homeless persons who are at high risk of overdose (defined as having in the past 12 months had one or more overdoses, 3 or more hospital inpatient stays for a substance use disorder, or 3 or more stays in a State or county correctional facility) or are at high risk of unnecessary institutionalization (have had 3 or more psychiatric inpatient hospital admissions or 3 or more stays in a county/State correctional facility in the past 12 months, or have been determined disabled due to a serious mental illness and have been incarcerated in a county or State correctional facility for the most recent 12 consecutive months). To qualify for the pilot program, an individual must be at least 21 years old or be aging out of Department of Children and Family Services guardianship; be at high risk of overdose or unnecessary institutionalization; have household income at or below 30% of the area median income; be on a current public housing voucher waiting list; be on, or willing to enroll in, the Illinois Housing Development Authority's Statewide Referral Network; and not be currently receiving rental assistance through any local, State or federal program. Tenants enrolled in the Housing Is Recovery Pilot Program can remain eligible for rent subsidies while temporarily

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# Proposed Rulemaking

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health, human services or a related field; licensure as a registered nurse; or certification as a home health, medical clinic or other health services administrator. A candidate who lacks these qualifications may be hired with at least one year of work experience in social services or a health agency for each year of education that would be required to meet these qualifications, provided that at least one of these years of experience was in a program serving persons with disabilities. A case manager who is an RN or has a bachelor's degree in a human services field may be hired with one year (currently, 4 or 5 years) of case management experience. Case managers must have experience working with racial and ethnic minorities, plus experience working with any of the following: persons affected by domestic abuse; the LGBTQ community; persons living with HIV/AIDS; or persons with substance use disorders. (Current rule requires case managers to have experience with all of the listed customer populations.) A full-time case manager is limited to no more than 100 (currently, 30) customers, of which up to 70 may be enrolled in an MCO and up to 30 may be fee-for-service (FFS)

## COMMUNITY CARE

The DEPARTMENT ON AGING adopted an emergency amendment to Community Care Program (89 IAC 240; 47 Ill Reg 7077) effective 5/10/23 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 47 Ill Reg 7036. The emergency and proposed rules remove an eligibility provision for the Community Care Program (CCP) that referenced the asset disregard/exemption limit for medical assistance eligibility (formerly \$2,000 for individuals and \$3,000 for married couples). Since the Department of Healthcare and Family Services has raised the asset disregard for

Medicaid enrollees. Half-time case managers are limited to 50 (currently, 15) customers, of which up to 35 may be MCO enrollees and up to 15 may be FFS. The proportions of MCO and FFS customers assigned to a single case manager may be appropriately adjusted as long as total enrollment does not exceed the limit. Other provisions address certification of case managers and the number of MCO and/or FFS case file reviews required as part

## Emergency Rule

medical assistance eligibility to \$17,500 effective 5/12/23, this provision no longer applies. These rulemakings also enable current CCP participants who had to apply for Medicaid/medical assistance as a prerequisite to enrollment to remain eligible now that annual Medicaid eligibility redeterminations that had been suspended during the COVID-19 public health emergency have resumed effective 5/12/23.

*Questions/requests for copies/comments on the proposed rulemaking through 7/10/23: Priscilla Chapman, DonA, One Natural Resources Way, Suite 100, Springfield IL 62702-1271, 217/606-1256, [aging.rulemaking@illinois.gov](mailto:aging.rulemaking@illinois.gov)*

of the certification process. Those affected by this rulemaking include home health or other agencies that provide services to HIV/AIDS patients through the Home Services Program.

*Questions/requests for copies/comments through 7/10/23: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3<sup>rd</sup> Floor, Springfield IL 62762, 217/785-9772.*

# Adopted Rules

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absent from their residence for up to 6 months (for other PSH tenants, up to 90 days), including stays of up to 6 months in a long-term care facility, Specialized Mental Health Rehabilitation Facility, residential substance use disorder program (added since 1<sup>st</sup> Notice), Institution for Mental Disease, or correctional facility. Participants may be terminated from the program for missing 3 or more rent payments during the current lease period; refusing to pay their portion of the rent; not

participating in case management wellness visits; failing to complete annual income reviews; fraudulent actions; serious and repeated lease violations; criminal activity or felony conviction; conduct that disturbs other tenants; or subleasing the rental unit to another person. However, eviction for other reasons or failure to engage in treatment will not, in and of themselves, terminate a participant's eligibility. Since 1<sup>st</sup> Notice, DHS has clarified the definitions of "high risk of overdose" and "high risk of unnecessary institutionalization";

clarified who will hear appeals of evictions/terminations; and provided that at least 3 attempts will be made to contact a participant by phone to notify them of a hearing. Those affected by this rulemaking include PSH provider agencies and landlords that accept PSH tenants.

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

## 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 June 13, 2023, meeting in Chicago. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### DEPT OF CENTRAL MGMT SERVICES

Pay Plan (80 IAC 310; 47 Ill Reg 3553) proposed 3/17/23

### EXECUTIVE ETHICS COMMISSION

Organization, Information, Rulemaking and Hearings (2 IAC 1620; 47 Ill Reg 2508) proposed 2/24/23

### DEPT OF HUMAN SERVICES

Electronic Prescription Monitoring Program - Long Term Care (77 IAC 2081; 47 Ill Reg 1787) proposed 2/10/23

### IL LABOR RELATIONS BOARD

General Procedures (80 IAC 1200; 47 Ill Reg 3952) proposed 3/24/23

### DEPT OF PUBLIC HEALTH

AIDS Drug Assistance Program (77 IAC 692; 47 Ill Reg 4003) proposed 3/24/23

### SECRETARY OF STATE

Procedures and Standards (92 IAC 1001; 47 Ill Reg 1635) proposed 2/3/23