

# The Flinn Report Illinois Regulation

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Joint Committee on Administrative Rules  
Illinois General Assembly

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VOL. 47

June 16, 2023

Issue 24

*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

### SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 47 Ill Reg 8055) that implement various Public Acts.

#### Driver Education

Among them is PA 102-951, which required SBE, in consultation with the Secretary of State, educators and students, to adopt revised standards for driver education that include the Novice Teen Driver Education and Training Administrative Standards developed in affiliation with the National Highway Transportation Safety Administration (NHTSA). The revised driver education standards, beginning in the 2024-25 school year, address both classroom instruction and behind-the-wheel instruction. Each

standard should be mastered by students in the classroom before the corresponding behind-the-wheel standard is introduced. These standards include: graduated driver's licensing requirements and responsibilities at each stage of licensing; understanding the effects of driving while impaired (including by use of

**Emergency Rule, Page 3**  
**JCAR Meeting Action, Page 9**

controlled substances) or with permanent disabilities; understanding signs, signals, road markings, and pedestrian and bicyclist rights; understanding vehicle space and limitations (e.g., blind spots); proper use of seat belts and other safety equipment; braking, steering, parking, and other behind the wheel actions; using a vehicle owner's manual

(cont. page 3)

## Adopted Rules

### DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 IAC 115; 46 Ill Reg 9312) effective 5/31/23, updating its rules for Community Integrated Living Arrangements (CILAs) that provide services and support to persons with developmental disabilities. The rulemaking, which updates the Part for the first time since 2003, outlines the responsibilities of DHS, Independent Service Coordination (ISC) agencies, and local agencies that operate CILAs. CILAs may consist of small group homes (8 or fewer residents) or host families with whom individuals reside continuously, and also may provide intermittent services to

(cont. page 2)

**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

(cont. from page 1)

individuals living independently or with their own families.

## Licensure

Local agencies that operate or plan to operate CILAs must be licensed by DHS and comply with the Person-Centered Planning and Settings requirements established in federal law. ISC agencies are responsible for developing a Personal Plan for each individual served by a CILA; this plan outlines the individual's priorities and needs and lists the services to be provided by type, frequency and provider. The CILA provider agency, in turn, must develop an Implementation Strategy for each individual within 20 days after a personal plan is approved. Procedures for license application, review, and revocation and for transfers of ownership are updated.

## Locations

The rulemaking also cross-references federal regulations concerning CILA services and the environments in which they can and cannot be located (to ensure that residents are not isolated from the surrounding community). A provider-owned or controlled CILA for individuals receiving Medicaid waiver services may be subject to "heightened scrutiny" under federal regulations if it is located in an environment that may tend to limit residents' interaction with the community. New CILAs must not be located in or adjacent to the same building as an inpatient

institutional facility. They also cannot be located adjacent to other residential or day program sites owned or controlled by the same provider, unless the provider obtains a DHS waiver from this restriction. CILA settings must be validated as in compliance with federal regulations by 3/17/23.

## Resident Rights

CILA sites must meet accessibility standards established under the Americans With Disabilities Act and other federal, State or local regulations, and CILA service providers must provide reasonable accommodation for individuals' disabilities. CILA residents must be provided privacy in their living arrangements and must be free to choose their roommates in a group living arrangement. They also must have the freedom and support to determine their own daily schedules, have visitors and have access to food at any time. Residents must be provided access to education, resources and services promoting their sexual health and their right to be free from sexual exploitation and abuse. Individuals shall be assessed regarding their capability to consent to sexual activity and be provided access to developmentally appropriate resources. Agencies that provide or supervise administration of medications must follow DHS rules for medication administration and monitoring. Electronic monitoring of CILA residents, as well as remote monitoring and supports (via video, webcam, or other interactive technology), are

permitted when the resident or guardian has consented to their use, they promote the independence and daily living skills of the individual, and they address specific needs outlined in the resident's Personal Plan. CILA residents must be at least 18 years of age, but waivers can be provided for persons who are at least 17½ years of age if requested by an agency and approved by DHS. Provider agencies must appoint Human Rights Committees to review program policies and hear complaints from individuals. CILA agencies that use behavioral interventions such as psychotropic medications must also establish Behavior Management Committees to approve interventions and review them at least every 6 months.

## Services and Supports

CILA agencies shall maintain a Provider Support Team for each individual served. This team shall include a Qualified Intellectual Disabilities Professional (QIDP); a Direct Support Professional, nurse or other professionals (e.g., occupational or speech therapist) when necessary; and other staff consistent with the individual's Personal Plan and Implementation Strategy. Services and supports that CILA agencies are statutorily required to provide include assistance with residents' money management, which may include safekeeping of their personal funds, provided that the individual

(cont. page 4)

# Proposed Rulemakings

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(cont. from page 1)

and performing regular maintenance; responding to adverse conditions, other drivers, emergencies and vehicle malfunctions; and making informed choices regarding the purchase of a vehicle and vehicle insurance.

## Curriculum Updates

Other curriculum updates include requiring “intensive instruction in computer literacy” for all students entering 9<sup>th</sup> grade in the 2022-23 and 2023-24 school years as part of a full-year class in English, social studies or another subject that counts toward graduation requirements, and allowing all or part of one semester of required high school civics classes, beginning with the freshman class of 2021-22, to consist of a financial literacy course. Successful completion of a registered apprenticeship program pursuant to 23 IAC 255 may be substituted for completion of a high school graduation requirement on the same basis as completion of vocational and technical courses if school district policy permits. SBE’s Social and Emotional Learning Standards are being moved from 23 IAC 555 to Appendix D of this Part so that they are located with the agency’s other learning standards and obsolete references to social science teaching standards that were in effect prior to the 2022-23 school year are being removed.

## Emergency Rule

### ■ DAY CARE CENTERS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted emergency amendments to Licensing Standards for Day Care Centers (89 IAC 407; 47 Ill Reg 8756) effective 6/2/23 for a maximum of 150 days. Identical proposed amendments appear in this week’s *Illinois Register* at 47 Ill Reg 8052. The emergency and proposed rules allow early childhood assistants age 18 and older, under certain conditions, to supervise classrooms with children age 2 and above for up to 3 hours per day in the absence of an early childhood teacher. Assistants may only supervise classrooms for the first and last 90 minutes of the program day and may not supervise more than 50% of the center’s classrooms at any given time. The center’s director must provide on-site, ongoing supervision of assistants while they are substituting for teachers. The center must also post a notice

outside any classroom in which an assistant is substituting for a teacher; keep a log (with each assistant’s name, classroom and start/end times) of each instance in which an assistant supervises a classroom in place of a teacher; and include provisions in its staffing plan for assistants to supervise classrooms when a teacher is not available. The staffing plan must be made available on-site, submitted to the DCFS licensing representative and kept in the center’s personnel files. Day care centers that employ early childhood assistants in their classrooms are affected by these rulemakings.

*Questions/requests for copies/ comments on the proposed rulemaking through 7/31/23: Jeff Osowski, DCFS, 406 E. Monroe, Station #65, Springfield IL 62701-1498, 217/524-1983, TDD: 217/524-3715, fax 217/557-0692, [DCFS.Policy@illinois.gov](mailto:DCFS.Policy@illinois.gov)*

### Other

The minimum age for licensure to teach or supervise classrooms is being lowered from 20 to 19 and the maximum number of consecutive days that a short-term substitute may be employed without a contract is being increased from 5 to 15. Other changes include allowing school fines (charges for the loss, damage or destruction of school

property) to be waived on the same basis as school fees (charges for participation in school programs or activities) and expanding the fee/fine waiver to include homeless students (currently, students who qualify for free breakfasts or lunches); and prohibiting withholding of student records, transcripts, or diplomas from students whose parents/

(cont. page 5)

## Adopted Rules

(cont. from page 2)

and/or guardian consent to the arrangement and have access to a written record of all transactions to or from the individual's fund.

### Restraint

A new Section addresses the limited use of restraint when a CILA resident poses an immediate threat to self or others and less restrictive measures have proven ineffective. In these circumstances, restraint may be used if no medical or psychological contraindications to restraint exist; the restraint method has been included in the individual's Personal Plan; the method has been reviewed and approved by the individual or guardian, the Provider Support Team and the agency's Behavior Management or Human Rights Committee; CILA staff have been trained in the type of restraint to be used; and the Personal Plan includes measures to reduce and ultimately eliminate use of restraint if possible. Restraint must be continuously monitored and must end after 15 minutes or when the immediate threat of physical harm has ended. Prohibited restraints include prone (face down), supine (face up), mechanical or chemical restraint; seclusion; time-out; or confinement in a room from which the individual cannot exit. Any instance of restraint must be documented, reported to the CILA agency, and reviewed by the Human Rights Committee, and the individual's guardian must be notified within 24 hours. All CILA agencies must train

their employees upon hiring, and at least annually thereafter, in crisis de-escalation, trauma-informed practices, behavior management practices, and alternatives to restraint. If the CILA agency utilizes restraint, additional training in restraint techniques, restrictive interventions, restorative practices, and recognizing signs of distress during restraint is required.

### Hiring

Prior to hiring any employee, volunteer or contractor, a CILA provider agency must conduct checks of the DPH Health Care Worker Registry, the DCFS Child Abuse and Neglect Tracking System (CANTS), the Illinois Sex Offender Registry, and the HFS Sanctions List (of vendors/providers barred from participating in the Medical Assistance Program). These checks must be repeated at least annually. Provisions for CANTS waiver requests are included.

### Complaints/Closures

If DHS receives repeated serious complaints regarding a CILA's treatment of residents or licensure issues, DHS may review its funding agreement with that agency and may appoint an independent monitor to oversee the agency. An independent monitor may also be assigned to an agency when a CILA is operating without a license; when its license has been revoked or not renewed, or its funding agreement has been terminated; or when an

agency has closed or announced its intent to close and suitable arrangements for moving CILA residents elsewhere have not been made. An independent receiver will be appointed to handle instances in which CILA residents must be immediately moved elsewhere due to an immediate threat to their life, health or safety that the CILA agency cannot or will not address.

### Other

Other revisions and additions to the Part include the content of initial medical, developmental, psychological and social assessments and periodic reassessments for CILA residents; an updated list of diagnoses classified as mental illnesses; qualifications for QIDPs; updates to safety and emergency procedures; procedures to be followed when a Personal Plan or Implementation Strategy are modified, when a CILA resident requires more intensive services or when the CILA can no longer meet the individual's needs; procedures for reporting critical or unusual incidents; and an explanation of CILA rate reimbursement components (e.g., room and board, transportation, administrative costs). Since 1<sup>st</sup> Notice, DHS added waiver provisions for new CILAs located adjacent to existing CILAs owned by the same provider; clarified that the nondiscrimination rules for CILA providers do not obligate a provider to accept an individual whose needs it does not believe it

(cont. page 5)

## Proposed Rulemakings

(cont. from page 3)

guardians are unable to purchase required textbooks or materials or pay required fees. SBE also proposed amendments to the Part titled Children's Mental Health Initiative Grants (23 IAC 555; 47 Ill Reg 8285) that remove the Social Emotional and Learning Standards currently housed in this Part, since they are being moved to 23 Ill. Adm. Code 1. Appendix D.

*Questions/requests for copies/ comments on the 2 SBE rulemakings through 7/31/23: Azita Kakvand, SBE, 555 W. Monroe St., Suite 900, Chicago IL 60661, 312/783-2757, rules@isbe.net*

### ■ PARKING TAX

The DEPARTMENT OF REVENUE proposed amendments to the Part titled Parking Excise Tax (86 IAC 195; 47 Ill Reg 8326) that require all returns and payments under the Parking

Excise Tax Act to be made by electronic means. The rulemaking also clarifies that the vendor discount is allowed only for returns that are filed on or before the due date by electronic means and can only be applied to payments made by electronic means on or before the due date. Those affected by this rulemaking include businesses that operate parking garages and lots.

*Questions/requests for copies/ comments through 7/31/23: Alexis Overstreet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.*

### ■ WATER TREATMENT

The ILLINOIS EMERGENCY MANAGEMENT AGENCY proposed a new Part titled Handling and Disposal of Water Treatment Residuals (32 IAC 622; 47 Ill Reg 8291) that implements revised requirements for entities in possession of water treatment residuals that contain radium.

Currently, IEMA's requirements for possession of water treatment residuals are located in 32 IAC 330.40(d) as an exemption to radioactive material licensing. This new Part will replace the licensing exemption with revised requirements that reflect a greater need for worker protection, including warning signs, and worker training (since IEMA has determined, via collection of data from water treatment facilities, that these residuals have higher levels of radioactivity than previously believed). As in the current rule, a radioactive material license will not be required if certain possession and worker safety requirements are met. Municipalities that operate water treatment facilities may be affected by this rulemaking.

*Questions/requests for copies/ comments through 7/31/23: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/785-9860, [Traci.Burton@illinois.gov](mailto:Traci.Burton@illinois.gov)*

## Adopted Rules

(cont. from page 4)

can meet; and clarified various responsibilities of CILA providers and ISC agencies with regard to Personal Plans and Implementation Strategies. Those affected by this rulemaking include CILA residents, agencies that operate CILAs, and CILA host families.

*Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand*

*Avenue East, 3<sup>rd</sup> Floor, Springfield IL 62762, 217/785-9772.*

### ■ PHARMACIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Pharmacy Practice Act (68 IAC 1330; 46 Ill Reg 9199) effective 6/2/23 concerning continuing education (CE) for pharmacy

technicians, administration of vaccines, and other matters. The rulemaking requires a new pharmacy application to DFPR whenever more than 50% (formerly 10%) of ownership changes hands; the name, location, or legal status of a pharmacy changes; or any substantial change in pharmacy operations occurs. Pharmacy technicians must complete 10 hours of CE from an

(cont. page 6)

# Adopted Rules

(cont. from page 5)

approved or accredited CE provider during the last 12 months of each licensing period after the initial licensing period. At least 1 hour must address pharmacy laws, rules and ethics and at least 1 hour must address patient safety. The rulemaking also allows pharmacists, pharmacy students under a pharmacist's direct supervision, and pharmacy technicians to administer vaccinations ordered by a physician to persons age 7 or older. (Previously, pharmacists and pharmacy students under direct supervision were allowed to administer influenza and tetanus/diphtheria/pertussis vaccines to persons age 10 and older, and other vaccines to persons age 14 and older, pursuant to a physician's order.) A pharmacy student or technician must complete DFPR-approved training on vaccine administration prior to administering vaccines. The supervising pharmacist is responsible for ensuring that a student or technician is properly trained in vaccine administration, for evaluating the appropriateness of vaccinations administered by a student or technician, and for reporting each vaccination to the person's primary health care provider. Student pharmacists and pharmacy technicians may transmit and receive transferred prescriptions, and pharmacies must obtain the consent of the patient or the patient's agent for automated refills. A home pharmacy may supervise no more than 3 remote dispensing sites that

are open at one time; records must be maintained at the remote site (formerly, at the home pharmacy). Other provisions establish procedures for cancelling electronically transmitted prescriptions; allow prescriptions to be dispensed only when a pharmacist is physically present (formerly, present and on duty) and no more than 15 months (formerly 1 year) after the date of the original prescription; and eliminate fees for scoring examinations, for obtaining duplicate licenses, wall certificates, or rosters of registered pharmacists, and for obtaining licensing or disciplinary records pursuant to a subpoena. Pharmacists, student pharmacists, pharmacy technicians and their employers are affected by this rulemaking.

## ■ COMMUNITY ASSOCIATIONS

DFPR also adopted amendments to the Part titled Community Association Manager Licensing and Disciplinary Act (68 IAC 1445; 47 Ill Reg 1742) effective 6/2/23 implementing PA 102-20, the sunset renewal of the Act. (A community association is an organization whose membership is based on ownership or shareholder interest in a residential unit that is part of a residential development; e.g., a homeowners' or condominium owners' association.) The rulemaking adds statutory definitions of a community association manager and a community association management firm, and creates a new position of designated

community association manager (person authorized to act on behalf of the manager or the management firm, with authority to sign/authorize documents and carry out other functions). Qualifications for licensure of a community association management firm are listed, along with the duties and responsibilities of designated community association managers. License applicants must hold at least a high school diploma or the equivalent, and applicants and licensees must provide addresses of record. DFPR is also streamlining its disciplinary process and the means by which licensees may comply with, or demonstrate their compliance with, continuing education requirements. The rulemaking also adds specific prohibitions against illegal discrimination; allows the Department to use regular or electronic mail for specified purposes; aligns provisions for applicants with criminal history records with similar provisions in the Department of Professional Regulation Law and the Division of Real Estate's other professional licensing laws; streamline re-entry processes for persons who have served in the United States Armed Forces; add grounds for discipline and add a 5-year statute of limitations; and remove provisions allowing DFPR to compel a mental or physical examination of a licensee or unlicensed individual when it is alleged they have violated the Act. Community associations and their

(cont. page 7)

# Adopted Rules

(cont. from page 6)

managers or other employees are affected.

*Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington, 2<sup>nd</sup> Floor, Springfield IL 62786, 217/785-0810, Fax: 217/557-4451.*

## ■ NOTARY COMMISSIONS

The SECRETARY OF STATE adopted amendments to the Part titled Notary Public Records (14 IAC 176; 47 Ill Reg 2984) effective 6/5/23, implementing Public Act 102-160, which authorizes electronic and remote notarizations in Illinois. The PA and the rulemaking (which has undergone numerous clarifications since 1<sup>st</sup> Notice) establish an electronic notarial commission (in addition to the traditional notary commission) and set forth how notaries may remotely or electronically notarize a document. The fee and bond for a traditional notary commission is \$15 plus a \$5,000 bond; for an electronic notary commission, an additional \$25 fee and \$25,000 bond are required. All notaries must keep a journal of notarizations performed for at least 7 years after the last act recorded in the journal. Effective 1/1/24, all notaries must complete a 3-hour course of study (from an SOS-approved provider, who can verify that the course is at least 3 hours in length) and examination before initial commissioning and at every renewal. The content of the course and examination, which

may be offered online or remotely, and requirements for approved providers are included. Other provisions establish procedures for verifying the identities of persons taking the course of study and verifying that they have completed each section of the course; establish procedures for notary transaction remittance agents; outline prohibited conduct that applies to electronic notarizations; list grounds for SOS to revoke a notary public commission or the approval of a course provider; specify information that must be, or cannot be, included in an electronic notarial journal; establish an administrative hearing process for complaints and appeals; and allow notaries public who reside in states bordering Illinois to also be commissioned as Illinois notaries if their place of employment or business is in Illinois and their home state allows them to receive this notary commission. Notaries public and their employers or businesses will be affected by this rulemaking.

*Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## ■ CHARGING STATIONS

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY adopted a new Part titled Charging Infrastructure Grant Program (35 IAC 285; 46 Ill Reg 14393) effective 6/1/23, implementing Public Act 102-662. This Part establishes a grant program to

substantially offset the installation costs of Level 2 (at least 6.2 kw) and Level 3 (at least 100 kw) electric vehicle charging stations. Private organizations (sole proprietorships, partnerships, limited liability companies, and corporations) and public organizations (governmental bodies or subunits, including metropolitan or regional transportation planning districts) may apply for grants. Grant opportunities will be announced when funding is available and shall specify eligible applicants and eligible costs. Various incentives will be offered for charging station projects located in an equity investment eligible community (a community that has been disproportionately impacted by pollution or in which residents have historically been excluded from economic opportunities, particularly in the energy sector) or grants to equity investment eligible persons (residents of equity investment eligible communities, persons currently or formerly in the foster care system, or persons who were formerly incarcerated). Since 1<sup>st</sup> Notice, IEPA has added more details concerning these incentives, which may include additional funding of up to \$500 per port for a Level 2 station and \$2,500 per port for a Level 3 station; additional points in the evaluation process; or project prioritization. Applicants must agree to comply with the Prevailing Wage Act and, if applicable, the Illinois Works Jobs Program Act

(cont. page 8)

## Adopted Rules

(cont. from page 7)

Apprenticeship Initiative. Charging stations must conform to technical specifications outlined in the Part and must be accessible 24 hours a day, 7 days a week, to consumers on a walk-up basis (no access card or code required). All grants must conform to the procedures and requirements set forth in the Grant Accountability and Transparency Act and associated regulations. Those affected by this rulemaking include small businesses and units of local government.

*Questions/requests for copies: Gina Roccaforte, IEPA, 1021 N. Grand Ave. East, P.O. Box 19276, Springfield IL 62794-9276, 217/782-5544, [Gina.Roccaforte@Illinois.gov](mailto:Gina.Roccaforte@Illinois.gov)*

### CASINO GAMING

The ILLINOIS GAMING BOARD adopted amendments to the Part titled Riverboat and Casino Gambling (86 IAC 3000; 47 Ill Reg 1115) effective 5/30/23, updating the Part to reflect changes in gaming technology and practices. The rulemaking places an affirmative duty upon casino owner licensees to prevent persons ineligible to participate in gaming (e.g., those who are underage or on an exclusion list) from gaining access to the gaming floor, and requires installation of magnetometers or similar weapon-detecting equipment on gaming floors. Other provisions change the method of counting gaming positions for electronic gaming devices, in order to reflect the practice of stadium- or arena-style gaming; remove a prohibition

against electromechanical gaming devices; and update technical requirements and standards for surveillance equipment, storage and retrieval of surveillance data and for remote access to surveillance systems. Since 1<sup>st</sup> Notice, IGB has provided that licensees who are not yet in full compliance with the surveillance equipment requirements may file an acceptable compliance plan with a timeline for completion, update the plan if there are changes or delays, and demonstrate good faith efforts at implementation.

*Questions/requests for copies: Daniel Gerber, IGB, 160 N. LaSalle St., Chicago IL 60601, [IGB.RuleComments@igb.illinois.gov](mailto:IGB.RuleComments@igb.illinois.gov)*

**NO SECOND NOTICES  
THIS WEEK**

## Joint Committee on Administrative Rules

**Senator Cristina Castro**

**Representative Eva-Dina Delgado**

**Senator Bill Cunningham, *co-chair***

**Representative Jackie Haas**

**Senator Donald DeWitte**

**Representative Steven Reick**

**Senator Dale Fowler**

**Representative Ryan Spain, *co-chair***

**Senator Kimberly Lightford**

**Representative Curtis Tarver, II**

**Senator Sue Rezin**

**Representative Dave Vella**

**Kim Schultz  
Executive Director**

## JCAR Meeting Action

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At its 6/13/23 meeting, the Joint Committee on Administrative Rules took the following actions:

### OBJECTIONS

JCAR objected to the Department of Children and Family Services' enforcement of policy outside of rule, over a period of more than 3 years, with regard to licensed day care centers regulated under 89 IAC 407 (Licensing Standards for Day Care Centers). From February 28, 2020, through February 28, 2023, DCFS policy allowed licensed day care centers to employ individuals in the process of completing their Early Childhood Teacher qualifications as Interim Conditional Early Childhood Teachers for up to 12 months. Additionally, from May 29 through June 12, 2020 and from June 24 to October 25, 2020, DCFS emergency rules permitted teaching assistants to serve as lead classroom instructors for up to 3 hours per day if an Early Childhood Teacher was not available and the day care center had provided for this substitution in its staffing plan. DCFS proposed but never adopted a rulemaking that would have made this policy permanent. Nearly 2 years later, DCFS included this policy in guidance effective September 23, 2022 through May 31, 2023. DCFS has since adopted an emergency rule effective June 2, 2023, implementing the 3-hour policy with additional restrictions never included in the guidance document or in the emergency and proposed rules. Both the Interim Teacher Policy and the 3-hour policy had been requested by day care providers to address a persistent teacher shortage that existed before, and was exacerbated by, the COVID-19 public health emergency. Despite these requests, DCFS repeatedly refused to adopt rules and instead enforced these policies as guidance, leaving affected day care providers with no assurance as to how long these policies would continue or whether they could be changed without opportunity for public notice or comment.

JCAR objected to the Department of Natural Resources rulemakings titled Land and Water Conservation Fund (LWCF) Grant Program (17 IAC 3030; 47 III Reg 1286) and Boat Access Area

Development Program (17 IAC 3035; 47 III Reg 1291) for failure to meet the requirement of 1 IAC 220.900(a)(2)(A). The Department has not provided the Committee and the public with adequate justification for removing the longstanding practice of permitting the Natural Resources Advisory Board to participate in the grant review process for the aforementioned grant programs. This Board has provided public input and oversight to State supported improvement projects for decades, and should not be removed from this role without adequate justification.

### EXTENSIONS

JCAR, with the concurrence of the listed agencies, agreed to extend the Second Notice periods of the following rulemakings for an additional 45 days. These rulemakings will be considered again at the July 18, 2023 meeting.

Department of Human Services, Electronic Prescription Monitoring Program (77 IAC 2080; 46 III Reg 16961)

Department of Public Health, Assisted Living and Shared Housing Establishment Code (77 IAC 295; 47 III Reg 356)

Pollution Control Board, Permits and General Provisions (35 IAC 201; 46 III Reg 20627), Alternative Control Strategies (35 IAC 202; 46 III Reg 20638), and Visible and Particulate Matter Emissions (35 IAC 212; 46 III Reg 20644)

### POSTPONEMENT

JCAR postponed action on the Department of Financial and Professional Regulation rulemaking titled Rules for the Licensed Certified Professional Midwife Act (68 IAC 1345; 46 III Reg 20475), which is currently on extended Second Notice, until the July 18, 2023 meeting.