

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemaking

• HOME HEALTH SERVICES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Home Health, Home Services, and Home Nursing Agency Code (77 IAC 245; 48 Ill Reg 3397) implementing Public Act 103-257. The Act and this rulemaking require DPH to issue a provisional license valid for 240 days to a new home health, home services or home nursing agency within 90 days after receiving a completed license application. Information to be included on an initial licensure application now includes job descriptions for all positions used by the agency; copies of applicable client service and worker contracts; the agency's criteria for accepting patients/clients; copies of the agency's policies and procedures regarding employee health and safety, employee training, background checks, infection control, complaint resolution, records management, and supervisory visits; and documentation

that the agency has access to the DPH Health Care Worker Registry. Within the last 30 days before the provisional license for a new agency expires, DPH will inspect the agency and if the agency meets all requirements for licensure, issue a full license. This provisional license may be extended for up to 90 days if the agency has not yet met all licensure requirements but

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is making progress toward doing so. For an agency already in operation that has fallen out of compliance with this Part, the 120-day provisional license currently established in rule may be extended another 120 days if the agency is making progress toward full compliance. The initial and renewal license fee for regulated agencies under this Part is \$1,500 annually for home services, home nursing or home services/home

nursing placement agencies and \$1,500 every 2 years (currently, \$25 per year) for home health agencies. Finally, DPH may request an agency to submit a plan of correction for less serious violations before issuing a notice of violation. Home health, home nursing and home services agencies regulated under this Part are affected.

Questions/requests for copies/comments through 4/22/24: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, dph.rules@illinois.gov

ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days. **PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days. **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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Adopted Rules

ATTY GENERAL PUBLIC INFO

The OFFICE OF THE ATTORNEY GENERAL adopted amendments to the Parts titled Rulemaking and Organization (2 IAC 575; 48 Ill Reg 3412) and Compliance with the Freedom of Information Act (2 IAC 576; 48 Ill Reg 3416), both effective 2/22/24. The Part 575 rulemaking updates the addresses of the AG's Chicago and Carbondale offices. The Part 576 rulemaking updates the phone number, U.S. Mail, and e-mail address for the AG's Freedom of Information (FOIA) officer and provides the web portal for submitting online requests for records.

Questions/requests for copies of the two AG rulemakings: Kristin Creel, Office of the Attorney General, 115 S. LaSalle St., Chicago IL 60603, 217/782-9070, kristin.creel@ilga.gov

BOILER SAFETY

The BOARD OF BOILER AND PRESSURE VESSEL RULES adopted amendments to Boiler and Pressure Vessel Safety (41 IAC 2120; proposed at 47 Ill Reg 14904) effective 2/21/24 at 48 Ill Reg 3420, that update, to the most recent versions, the national technical codes incorporated by reference in this Part as required by Section 2 of the Boiler and Pressure Vessel Safety Act.

Questions/requests for copies: Ashley Vincent, Office of the State Fire Marshal, Attn: Part 2120 Rules, 1035 Stevenson Dr., Springfield IL 62703, 217-606-9822, fax 217-524-5487, Ashley.Vincent@illinois.gov

HIGHER ED TRAVEL

The HIGHER EDUCATION TRAVEL CONTROL BOARD adopted amendments to the Part titled Higher

Education Travel (80 IAC 2900; proposed at 47 Ill Reg 14652) effective 2/23/24 at 48 Ill Reg 3427, reflecting statutory provisions which replace State-established reimbursement rates for lodging and meals and per diem rates with federal rates published by the General Services Administration. The rulemaking also clarifies how to document changes in air travel bookings from coach class to business class when necessary due to seat availability or other reasons. Since 1st Notice, HETCB has added definitions and citations to applicable federal regulations.

Questions/requests for copies: Aaron Carter, HETCB, 506 S. Wright St., Rm. 238, Urbana IL 61801, 217-333-2464, procurementservices@uillinois.edu

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 be considered at the March 12, 2024 meeting in Springfield. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

DEPT OF CHILDREN AND FAMILY SERVICES

Licensing Standards for Group Day Care Homes (89 IAC 408; 47 Ill Reg 16140) proposed 11/17/23

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Broadband Grant Programs (14 IAC 548; 47 Ill Reg 19237) proposed 12/29/23

DEPT OF EMPLOYMENT SECURITY

Access to Records of the Department of Employment Security (2 IAC 1301; 47 Ill Reg 18212) proposed 12/15/23

Claims, Adjudication, Appeals and Hearings (56 IAC 2720; 47 Ill Reg 18235) proposed 12/15/23

Alien Status (56 IAC 2905; 47 Ill Reg 18243) proposed 12/15/23

DEPT OF REVENUE

Use Tax (86 IAC 150; 47 Ill Reg 18900) proposed 12/26/23

Next JCAR Meeting: Tuesday, March 12, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield

Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair

Senator Cristina Castro

Senator Donald DeWitte

Senator Dale Fowler

Senator Napoleon Harris, III

Senator Sue Rezin

Representative Ryan Spain, Co-Chair

Representative Eva-Dina Delgado

Representative Jackie Haas

Representative Steven Reick

Representative Curtis Tarver, II

Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director

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