

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 48

ISSUE 12

March 22, 2024

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 Rulemakings

▪ ASSISTED LIVING

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Assisted Living and Shared Housing Establishment Code (77 IAC 295; 48 Ill Reg 4295) that implement 3 Public Acts. The rulemaking requires assisted living establishments to comply with PA 103-261, the Essential Support Person Act, which gives residents of long-term care facilities the right to designate primary and secondary essential support persons who may continue to visit them when general restrictions on visitation are in effect. The rulemaking also implements PA 103-444, which allows persons who require sliding scale insulin administration to reside in assisted living facilities, and PA 102-1037, which establishes conditions for certified nursing assistant interns to perform authorized duties under the direction of a supervising nurse. Other provisions update statutory and other qualifications for an assisted living

establishment manager and update incorporations by reference. Assisted living establishments are affected by this rulemaking.

SEXUAL ASSAULT

DPH also proposed amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 48 Ill Reg

Emergency Rule, Page 2
Adopted Rules, Page 4
Second Notices, Page 5

4316) updating and clarifying requirements for transfer hospitals that transfer sexual assault survivors to other hospitals (treatment hospitals) for medical forensic evidence collection. Transfer hospital emergency department staff who provide direct clinical services to sexual assault survivors must undergo annual training regarding the area-wide treatment plan, care of the sexual assault survivor, the transfer

process, chain of custody for evidence, treatment of survivors who decline transfer, and trauma-informed approaches recommended by the Centers for Disease Control and Prevention. Survivors cannot be required to speak to law enforcement regarding any alleged assault. If an adult is transporting a survivor under the age of 18, the hospital must assess the safety of the survivor and notify the Department of Children and Family Services if the survivor is believed to be in imminent danger. If an adult survivor has a guardian, health care surrogate or health care power of attorney and is believed to be in imminent danger, the hospital must notify the Department on Aging’s Adult Protective Services program. A hospital cannot allow a survivor to be transported by the alleged perpetrator of the assault. For sexual assault survivors who decline transfer, the transfer hospital must

(cont. page 2)

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.

Proposed Rulemakings

(cont. from page 1)

provide emergency care for treatment of possible sexually transmitted infections; pregnancy testing and access to emergency contraception for female survivors of childbearing age; evaluation for drug-facilitated sexual assault (if reasonably suspected); a safety assessment (e.g., for risk of further abuse or assault by the alleged perpetrator); and referral for appropriate follow up medical care and counseling. Finally, a transfer hospital must perform an annual quality performance review of its transfers of sexual assault survivors to ensure that its plan is being followed, and to consider possible changes that reduce barriers to treatment and follow-up (e.g., transportation access, consultation opportunities).

Questions/requests for copies of the 2 DPH rulemakings through 5/6/24: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

▪ VEHICLE TITLES

The SECRETARY OF STATE proposed an amendment to Certificates of Title, Registration of Vehicles (92 IAC 1010; 48 Ill Reg 4333) implementing PA 102-431, which establishes an Electronic Lien and Title (ELT) program allowing paperless processing of vehicle titles and liens. SOS will contract with one or more contractors to establish the system and will also approve ELT service providers. Lienholders (e.g., banks, credit unions) may participate in the system using software from any approved ELT service provider. A contractor cannot also be an ELT service provider, and its contract with SOS must including provisions protecting all proprietary information

Emergency Rule

IMMIGRANT HEALTHCARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Special Eligibility Groups (89 IAC 118; 48 Ill Reg 4504) effective 3/8/24 for a maximum of 150 days. These amendments update eligibility criteria for the Health Benefits for Immigrant Adults (HBIA, ages 42-64) and Health Benefits for Immigrant Seniors (HBIS, age 65+) programs for non-U.S. citizens who meet income criteria and do not qualify for federally funded Medicaid assistance. Effective immediately, persons lawfully admitted to the U.S. for permanent residence who have resided in the U.S. for 5 years or more are not eligible for the HBIA or HBIS programs (legal residents of 5 years or more can qualify for Medicaid). Effective 5/1/24, persons lawfully admitted for permanent U.S. residence will not be eligible for HBIA or HBIS regardless of their length of residence. HFS states that it will assist legal permanent U.S. residents who would otherwise have qualified for these programs to enroll in Medicaid or find alternative coverage via the health insurance marketplace/exchange.

Questions/requests for copies: Katie Hill, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

and prohibiting use of vehicle title information for marketing or solicitation purposes. ELT providers may charge fees to lienholders, but these fees must not be passed on to the vehicle purchaser/borrower. The ELT system will permit records of liens, and records of satisfied (paid off) liens and release of titles, to be transmitted and recorded electronically. A lien may also be removed from SOS records if the lien is more than 7 years old, the vehicle is more than 10 years old, or the lienholder has gone out of business. Those affected by this rulemaking include vehicle dealers, financial institutions, and other entities that provide vehicle loans.

Questions/requests for copies/comments through 5/6/24: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov

▪ FIRE PERSONNEL

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to Requirements for the Participation and Certification of Fire Protection Personnel (41 IAC 141; 48 Ill Reg 4345) that update incorporated National Fire Protection Association (NFPA) standards for training, equipment and professional certification; revise various professional titles and training courses to align with NFPA standards; and clarify procedures for State Practical Examinations. Other provisions remove a requirement of 3 years' fire service experience prior to applying for Advanced Technician Firefighter certification; clarify that Chief Fire Officers who completed a Chief Fire Officer course prior to 1/1/22 but have not attained full certification by 12/31/25 will have to complete a new course in order to be

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

fully certified; repeal obsolete requirements for rescue operations certification; and replace the title and certification requirements for an Arson Investigator with the title and certification requirements for a State Fire Marshal Arson Investigator Special Agent. Small municipalities, fire departments and fire protection districts are affected by this rulemaking.

Questions/requests for copies/comments through 5/6/24: Nancy Robinson, OSFM, 1035 Stevenson Drive, Springfield IL 62703, 217-785-7629, fax 217-524-5487, SFM.141rulemaking@fdmail.sfm.illinois.gov

STATE RETIREES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to State Employees Group Health Insurance Program (80 IAC 2210; 48 Ill Reg 4272) concerning mandatory enrollment in the Total Retiree Advantage Illinois (TRAIL) Medicare supplemental insurance program. The amendments require all Medicare-eligible State retirees, dependents and survivors to enroll in TRAIL and in Medicare Part B even if other covered family or household members are not Medicare eligible and remain insured through the State's Benefits Choice program. (Currently, Medicare-eligible retirees, dependents and survivors are not required to enroll in TRAIL unless all members of their family or household are Medicare eligible.)

Questions/requests for copies/comments through 5/6/24: Administrative Rules Coordinator, CMS, 313 S. Sixth St., 3rd Floor, Springfield IL 62702, CMS.Rule@illinois.gov

AIR POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Air Quality Standards (35 IAC 243; 48 Ill Reg 4283) implementing recent amendments to the federal National Ambient Air Quality Standards (NAAQS) that adjust an ozone measurement factor and add a new method for measuring concentrations of particulate matter. A public hearing is set for **Thurs. April 18 at 11:30 a.m.** via videoconference at the Bilandic Building, Room N-505, 160 N. La Salle St., Chicago, and IEPA headquarters, Room 1244N, 1021 N. Grand Ave. East, Springfield.

Questions/requests for copies/comments through 5/6/24: Don A. Brown, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-3461, don.brown@illinois.gov. Please reference docket R24-15. Copies of the Board's opinion and order are available at <http://www.pcb.illinois.gov>

Adopted Rules

• INFO TECH SCHOLARSHIPS

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted a new Part titled Illinois Graduate and Retain Our Workforce (iGROW) Tech Scholarship Program (23 IAC 2750; proposed at 47 Ill Reg 14754) effective 3/8/24 at 48 Ill Reg 4456, implementing Public Act 103-519. The Act and this rulemaking establish the iGROW scholarship program for students pursuing associate or bachelor's degrees in computer science or information technology-related fields. For students enrolled at public institutions, the scholarship will cover tuition and fees, plus room and board at the standard undergraduate rates, that are not covered by other financial aid available to the student. Recipients enrolled at private institutions will receive no more than the maximum amount that would be payable to a student enrolled in the most expensive comparable program at a public institution. In return, the student must agree to work in Illinois at a qualifying job in the computer science or information technology field for at least one year for each year of scholarship assistance received (minimum 2 years). To qualify for this scholarship, an applicant must: be an Illinois resident who graduated from high school or completed a high school diploma with at least a 2.5 grade point average on a 4.0 scale; enroll at least half-time at an ISAC-approved institution in a course of study in computer or information science or technology, computer systems networking, telecommunications, information systems security/assurance, or management information systems; maintain a GPA of at least 2.5; and maintain satisfactory progress toward completing a degree. Priority will be given to renewal applicants who continue to meet eligibility criteria,

followed by new applicants who demonstrate financial need and/or academic excellence and new minority applicants. Recipients must reapply for the scholarship annually and submit their applications by the deadline established by ISAC and posted on its website. Late applications will not be processed unless funding for scholarships remains available. Scholarship funds will be approved for a maximum of 8 semesters or 12 quarters of full-time equivalent enrollment. Recipients must begin working at a qualifying job within 1 year after completing their degree. If the recipient fails to fulfill the requirement to work at a qualifying job, any remaining funds for which the work obligation was not fulfilled will convert to a loan at 5% interest. The work requirement may be suspended temporarily if the recipient is enrolled in a graduate program, serving in the Armed Forces, temporarily disabled, or is actively seeking but has been unable to obtain a qualifying job. Those affected by this rulemaking include students in information technology programs and employers of recent graduates of these programs.

STUDENT ASSISTANCE

ISAC also proposed amendments to Illinois Veteran Grant (IVG) Program (23 IAC 2733; proposed at 47 Ill Reg 14748, adopted at 48 Ill Reg 4450), Human Services Professional Loan Repayment Program (23 IAC 2752; proposed at 47 Ill Reg 14761, adopted at 48 Ill Reg 4463), Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; proposed at 47 Ill Reg 14768, adopted at 48 Ill Reg 4470), Golden Apple Scholars of Illinois Program (23 IAC 2764; proposed at 47 Ill Reg 14776, adopted at 48 Ill Reg 4479), Illinois Special Education Teacher Tuition Waiver (SETTW)

Program (23 IAC 2765; proposed at 47 Ill Reg 14784, adopted at 48 Ill Reg 4487), and AIM HIGH Grant Pilot Program (23 IAC 2766; proposed at 47 Ill Reg 14792, adopted at 48 Ill Reg 4495), all effective 3/8/24. The Part 2733 rulemaking clarifies that institutions must report, for each IVG recipient, all credit hours for which payment is requested even if only part of the cost of a course is being paid by ISAC because the student withdrew from that course. Amendments to Part 2752 implement PA 103-31, which removes a 4-year limit on repayment assistance, clarifies program eligibility for persons employed by human service agencies that receive funding from the State (formerly, that contract with or are grant funded by a State agency), and allows preference to be given to recipients in financial need and to renewal applicants. Amendments to Parts 2763, 2764 and 2765 implement PA 103-448 by allowing scholarship recipients who have already begun a repayment program to reduce their repayment obligation if they begin teaching at a school which meets the scholarship program criteria within 5 years after beginning repayment. Finally, the Part 2766 rulemaking implements PA 103-516, which makes the AIM HIGH program permanent, by removing "Pilot" from the name of the Part, sets the financial eligibility ceiling for students at 8 times (previously, 6 times) the Federal Poverty Level; and sets the base level of financial aid that must be provided by public universities to Illinois resident students at the amount provided in the 2017-18 academic year or the 2021-22 academic year, whichever is less. Universities may, at their discretion, allow qualified part-time undergraduates in their final semester to apply for AIM HIGH grant funds.

(cont. page 5)

Adopted Rules

(cont. from page 4)

Questions/requests for copies of the 7 ISAC rulemakings: Jackie Eckley, ISAC, 500 West Monroe St., 3rd Floor, Springfield IL 62704, 217-782-5161, jackie.eckley@illinois.gov

▪ INCOME TAX CREDITS

The DEPARTMENT OF REVENUE adopted an amendment to Income Tax (86 IAC 100; 47 Ill Reg 16353) effective 3/11/24, replacing an emergency amendment that was effective 11/6/23. An identical proposed rulemaking appears in this week's *Illinois Register* at 47 Ill Reg 16353. The rulemaking implements Public Act 103-9, which provides individual non-refundable income tax credits of \$500 to volunteer emergency workers for tax years beginning on or after 1/1/23 and ending on or before 12/31/27. To qualify for the credit, a taxpayer must have served as a volunteer emergency worker for at least 9 months of the

taxable year and must not have received more than \$5,000 compensation for emergency work during the taxable year. The chief of each fire protection district, association or department is responsible for notifying the Office of the State Fire Marshal by Jan. 12 of the department members who qualified for the tax credit in the previous calendar year. OSFM, in turn, must submit the list of qualified tax credit recipients (including their names, addresses, OSFM identification numbers and fire department identification numbers) to DOR no later than Jan. 24. Eligible emergency workers may begin applying for the tax credit on Feb. 1 through the DOR website. DOR will verify each applicant's eligibility and issue a certificate to those who qualify; the credit cannot be claimed without this certificate. Credits will be awarded on a first-come, first-served basis and may not exceed a statewide total of \$5 million. Members of volunteer fire departments, rescue squads and ambulance services are affected.

Questions/requests for copies: Brian Fliflet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, REV.GCO@illinois.gov

TANF BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to Temporary Assistance for Needy Families (89 IAC 112; proposed at 47 Ill Reg 14666) effective 3/8/24 at 48 Ill Reg 4416, implementing PA 102-1115. The PA and the rulemaking provide that all child support payments made to a household receiving TANF will be disregarded when determining that household's financial eligibility and level of monthly assistance payment.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@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 be considered at the April 16, 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

Authorized Child Care Payments (89 IAC 359; 47 Ill Reg 17575) proposed 12/1/23

Licensing Standards for Foster Family Homes (89 IAC 402; 47 Ill Reg 17589) proposed 12/1/23

DEPT OF COMMERCE AND ECONOMIC OPPORTUNITY

Grocery Store Initiative Grant Program (14 IAC 645; 47 Ill Reg 19258) proposed 12/29/23

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Clinical Social Work and Social Work Practice Act (68 IAC 1470; 47 Ill Reg 18815) proposed 12/26/23

DEPT OF NATURAL RESOURCES

The Illinois Explosives Act (62 IAC 200; 47 Ill Reg 11324) proposed 7/28/23

Surface Mined Land Conservation and Reclamation Act (62 IAC 300; 47 Ill Reg 11373) proposed 7/28/23

Next JCAR Meeting: Tuesday, April 16, 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

700 Stratton Office Building, Springfield IL 62706

217-785-2254 ■ jcar@ilga.gov