

*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.*

## New Rules

### ■ MEDICAID MANAGED CARE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted an amendment to Medical Payment (89 IAC 140; 40 Ill Reg 15645), effective 8/9/17, establishing procedures for resolving certain disputed medical assistance claims handled by Medicaid managed care organizations (MCOs). If an MCO denies payment for a medically necessary covered service based on inaccurate or recently updated enrollment information, the claim shall be paid if the provider proves that it met all HFS requirements for providing the service and had verified the client's medical assistance enrollment on the date of service via any of the systems HFS uses for electronic enrollment verification. If payment is denied due to lack of prior authorization, the provider must document

either that prior authorization was approved by a previous MCO or other entity with which the client was enrolled, or that the previous entity did not require prior authorization for that service. If HFS determines that payment should be made, the MCO in which the client was enrolled on the date of service is responsible for payment. Since 1<sup>st</sup> Notice, HFS has added examples of

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documentation that providers may submit to prove enrollment verification, prior authorization status, and other elements of the claims resolution process. HFS has also established a 180-day timely filing period (beginning on the date a provider is notified of a claim denial) to begin the claims resolution process and clarified that the fee-for-service

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## Proposed Rulemakings

### ■ SCHOOL BUSES

The DEPARTMENT OF TRANSPORTATION proposed a new Part titled Construction Standards for School Buses (92 IAC 440; 41 Ill Reg 10800) and proposed repeal of the Parts titled Minimum Safety Standards for Construction of Type I School Buses (92 IAC 440; 41 Ill Reg 10751) and Minimum Safety Standards for Construction of Type II School Buses (92 IAC 442; 41 Ill Reg 10838). These rulemakings will consolidate all of DOT's construction standards for both Type I buses (gross weight over 10,000 pounds) and Type II buses (gross weight of 10,000 pounds or less) into a single Part and generally apply the same standards to both types. Those affected by these rulemakings include school districts, businesses that own or

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**NEW 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.

## New Rules

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rate plus any add-ons is the minimum that must be paid to out of network providers for a resolved claim. Medicaid providers and managed care organizations are affected.

Questions/requests for copies: Mollie K. Zito, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233.

## Peremptory Rule

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### STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 41 Ill Reg 10974), effective 8/10/17, implementing a memorandum of understanding with AFSCME and a certification of unit clarification by the Illinois Labor Relations Board. The peremptory rule assigns the title

of corrections law library assistant to an AFSCME bargaining unit and pay grade. CMS states that 10 Department of Corrections employees formerly titled as paralegal assistants are affected, with no change in pay.

Questions/requests for copies: Jason Doggett, CMS, 503 Stratton Bldg., Springfield IL 62706, 217/524-1055, fax 217/558-4497, e-mail: [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov)

## Proposed Rulemakings

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operate school buses, and businesses that manufacture or repair school buses.

### MOTORCYCLE SAFETY

DOT also proposed amendments to the Part titled Illinois Cycle Rider Safety Training Program (92 IAC 455; 41 Ill Reg 10879) that remove references to the IDOT Division of Traffic Safety (dissolved in 2016), remove regional centers no longer in operation (Northern Illinois

University, De Kalb, and Illinois State University, Normal), add a new regional center (Harper College, Schaumburg), and realign the assignment of some counties to regional centers. The rulemaking also updates the program's mailing address, corrects a website address and updates documents incorporated by reference.

Questions/requests for copies/comments on the 4 DOT rulemakings through 10/10/17: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Rm. 317, Springfield IL 62764.

### DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 41 Ill Reg 10906) that institute and define a new mental disability restriction (J91) that can be added to driver's licenses or identification cards at the applicant's request to indicate that the holder has a mental disability.

Questions/requests for copies/comments through 10/10/17: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

## 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 be considered at the Committee's September 12, 2017 meeting.

### DEPT OF STATE POLICE

Intergovernmental Missing Child Recovery Act (Repealer) (20 IAC 1260; 41 Ill Reg 7493) proposed 6/30/17

Missing Person Notification (20 IAC 1291; 41 Ill Reg 7523) proposed 6/30/17

### STATE BOARD OF EDUCATION

Transitional Bilingual Education (23 IAC 228; 41 Ill Reg 6472) proposed 6/9/17