

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

■ DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Program Definitions (89 IAC 521; 42 Ill Reg 5687), Services (89 IAC 590; 42 Ill Reg 5705) and Closure of a Rehabilitation Case (89 IAC 595; 42 Ill Reg 5718), all effective 8/8/18, updating various aspects of DHS' supported employment services for persons with disabilities. The Part 521 amendments add or update definitions for terms such as student with a disability (an individual age 14-21 who is enrolled in school and receiving special education services), youth with a disability (an individual with a disability who is 14-24 years of age), pre-employment transition services (specific services provided to students with disabilities prior to graduation), Individualized Plan for Employment (IPE), and

competitive integrated employment (work, including self-employment, performed in the same environment and for the same pay and benefits as non-disabled workers). The Part 590 rulemaking updates and clarifies the types of pre-employment transition services that DHS' Division of Rehabilitation Services provides to students

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and youth with disabilities. For students with disabilities, pre-employment transition services may be provided by community agencies and may supplement, but not replace or duplicate, services that the local education agency (e.g., school district) provides. Supported employment services for persons who are eligible for vocational rehabilitation and have a "most

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Proposed Rulemakings

■ PROPERTY TAX APPEALS

The PROPERTY TAX APPEAL BOARD proposed amendments to Practice and Procedures for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 42 Ill Reg 16136) concerning Board meetings and other proceedings. The rulemaking allows any person to address a PTAB meeting if they give at least 10 days' advance written notice of their appearance, and allows members present at either the Springfield or Chicago office for simultaneous meetings linked by video conference to count toward the quorum that must be present for a single meeting. Other amendments require only one copy of certain documents to be filed; allow taxpayers to appeal directly to PTAB for subsequent years in an assessment cycle if PTAB issues a decision for a

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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) and General Assembly (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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significant” disability (requiring two or more substantial VR services) are expanded to include youth and may continue for up to 24 months (currently, 18 months). Extended services after completion of supported employment may be provided to customers of any age if those services do not require payment from DHS; extended services that require payment may be provided only to youth with disabilities. Amendments to Part 595 update procedures for ending VR services when the customer has achieved competitive integrated employment or another desired employment outcome, or when the customer no longer desires to receive VR services. Those affected by these rulemakings include students and youth with disabilities and employers or community agencies that provide supported employment programs.

DHS also adopted amendments to Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind, Visually Impaired and DeafBlind (89 IAC 730; 42 Ill Reg 6551), effective 8/7/18, updating the Part to conform with federal laws and to eliminate obsolete

services no longer offered at ICRE-Wood, Chicago (a short-term DHS residential facility for adults who have recently become blind or visually impaired). The rulemaking establishes competitive integrated employment (a job or self-employment that is performed in the same environment and for the same pay and benefits as workers without disabilities) as a goal of DHS rehabilitation services for the blind and visually impaired. It also adds or updates definitions of “blind” (vision of 20/200 or less, even with corrective lenses), “visually impaired” (vision of 20/60 or less, or significant limitation in the visual field), and “deafblind” (vision of 20/200 or less plus a severe chronic impairment or progressive hearing loss that prevents most speech from being understood). Other changes update or expand the types of adaptive skills in which customers (formerly, clients) are trained and update policies concerning dietary and transportation services, communication, and rules of customer conduct.

■ AABD BENEFITS

Finally, DHS adopted amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; 42

Ill Reg 5676) effective 8/7/18, increasing the AABD grant adjustment allowance and rates for sheltered, personal or nursing care by \$15 per month to match the 2018 increase in federal Supplemental Security Income (SSI) benefits.

Questions/requests for copies of the 5 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ SBE REPEALER

The STATE BOARD OF EDUCATION repealed the Part titled Low Income-Students Funds Plan (23 IAC 203; 42 Ill Reg 2131) effective 8/10/18 because Public Act 100-465 sunsetted the section of the School Code that authorized supplemental general state aid (SGSA). The Part contains rules for schools to report on how they planned to expend SGSA funds, which are no longer allocated or calculated separately from other funds.

Questions/requests for copies: Lindsay Bentivegna, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

Proposed Rulemakings

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given tax year after a new complaint for a subsequent year in the same assessment cycle is filed with the local board of review; and provide that any party found in default forfeits its right to request or participate in hearings and shall not receive notice of PTAB proceedings, rulings or decisions. Those affected by this rulemaking include businesses and municipalities involved in property tax appeals.

Questions/requests for copies/comments through 10/9/18: Steven M. Waggoner, PTAB, William G. Stratton Bldg., Room 402, 401 S. Spring St., Springfield IL 62706, 217/782-6076, fax 217/785-4425, e-mail: steve.waggoner@illinois.gov

MENTAL HEALTH FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 42 Ill Reg 16158) implementing Public Acts 99-712 and 100-365. The rulemaking provides for newly established facilities to receive provisional licenses that expire 3 years from the date they are issued. (Under current rule, the provisional licensure period for all facilities began on 5/22/14 and ended on 5/22/17.) Provisional licenses for recovery and rehabilitation services will be issued within 60 days after DPH has accepted the application as complete and

Emergency Rules

SCHOLARSHIP GRANTS

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted emergency amendments to Grant Program for Dependents of Correctional Officers (23 IAC 2731; 42 Ill Reg 16348) and Grant Program for Dependents of Police or Fire Officers (23 IAC 2732; 42 Ill Reg 16355), both effective 8/7/18 for a maximum of 150 days. Identical proposed rulemakings appear in this week's *Illinois Register* at 42 Ill Reg 16191 and 16193, respectively. The emergency rules implement Public Act 100-673, which expands eligibility for ISAC scholarship programs for dependents of police, fire and correctional officers killed or disabled in the line of duty to include children who were not yet born, legally adopted or in the legal custody of the officer at the time the officer's disability occurred.

Questions/requests for copies/comments on the 2 proposed

determined that the facility meets life/safety requirements.

Questions/requests for copies/comments through 10/9/18: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

ISAC rulemakings through 10/9/18: Lynn Hynes, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500, ext. 18032, lynn.hynes@illinois.gov

MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted emergency amendments to Medical Payment (89 IAC 140; 42 Ill Reg 16265), Specialized Health Care Delivery Systems (89 IAC 146; 42 Ill Reg 16311) and Hospital Services (89 IAC 148; 42 Ill Reg 16318), all effective 8/13/18, correcting errors in earlier emergency rules (42 Ill Reg 13688, 13733 and 13740) that were effective 7/2/18. These amendments will remain in effect for the remainder of the 150-day term of the earlier emergency rules.

Questions/requests for copies of the 3 HFS emergency rules: Christopher Gange, HFS, 201 S. Grand Ave., 3rd Fl., Springfield IL 62763, HFS.Rules@illinois.gov

HOSPITALS

The HEALTH FACILITIES AND SERVICES REVIEW BOARD proposed amendments to Processing, Classification Policies and Review Criteria (77 IAC 1110; 42 Ill Reg 16119)

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Proposed Rulemakings

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eliminating a requirement that hospitals that do not have open heart surgery as an established category of service report each instance in which emergency open heart surgery is performed following complications of cardiac catheterization. Other changes apply recent changes to the definition of travel radius to the Open Heart Surgery and Freestanding Emergency Center categories of service and require freestanding emergency centers to be located in municipalities

with 50,000 (currently, 75,000) or fewer residents and within 50 (currently, 20) miles of their parent hospitals and affiliated resource hospitals.

Questions/requests for copies/comments through 10/9/18: Ann Guild, HFSRB, 69 W. Washington St., Suite 3501, Chicago IL 60602, 312 / 814 - 6226 , Ann.Guild@illinois.gov

TAXES

The DEPARTMENT OF REVENUE proposed

amendments to Gas Revenue Tax Act (86 IAC 470; 42 Ill Reg 16168) removing obsolete language and making other technical changes to the Part (which concerns taxes on revenue earned from the sale of natural gas).

Questions/requests for copies/comments through 10/9/18: Debra M. Boggess, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.

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 Committee's September 18, 2018 meeting. 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 using the contact information on page 1.

BOARD OF HIGHER EDUCATION

Engineering Grant Program (Repealer) (23 IAC 1025; 42 Ill Reg 11587) proposed 6/29/18

DEPT OF HUMAN SERVICES

Assessment for Determining Eligibility and Rehabilitation Needs (89 IAC 553; 42 Ill Reg 9620) proposed 6/15/18

Individualized Plan for Employment (IPE) (89 IAC 572; 42 Ill Reg 9627) proposed 6/15/18

ENVIRONMENTAL PROTECTION AGENCY

Guidelines for Determination of Construct Only Status Pursuant to 35 Ill. Adm. Code 309.202 (Repealer) (35 IAC 393; 42 Ill Reg 4617) proposed 3/16/18

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 42 Ill Reg 9177) proposed 6/8/18

Determining Special Education Per Capita Tuition Charge (23 IAC 130; 42 Ill Reg 8183) proposed 5/18/18