

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 Rulemakings

PRESCRIPTION DRUG COVERAGE

The DEPARTMENT OF INSURANCE proposed a new Part titled Standard Drug Formulary Template (50 IAC 2030; 48 Ill Reg 17942) implementing Public Act 103-650 (Healthcare Protection Act). The PA and this rulemaking require health insurance issuers, effective 10/1/25, to post their drug formularies on their public websites using a template created by DOI. The new Part codifies the DOI template and the categories of information that must be included in order to meet State and federal requirements. Information that must be included in formularies includes cost-sharing tiers and utilization review requirements (e.g., prior authorization) for each covered drug; which generic and brand name drugs are covered; which drugs are preferred over others; information on the differences between drugs covered under medical benefits and drugs covered under prescription

benefits; and information on how to obtain nonformulary drugs. Entities exempt from the drug formulary requirements include Medicare supplement insurance policies, Medicare Advantage plans, fraternal benefit societies, dental service plans, and the Illinois Medical Assistance/Medicaid program. Health

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insurers must submit their current formularies to DOI by 10/1/25. Insurers that are subject to the "step therapy" ban that prohibits health insurers from requiring patients to try less expensive treatments first before agreeing to cover more expensive treatments recommended by their health care providers must also submit the formularies they will use once the ban takes full effect on 1/1/26.

Questions/requests for copies/comments through 2/3/25: John Krichbaum, DOI, 115 S. LaSalle St., 13th Fl, Chicago IL 60603, 312-814-5422, John.Krichbaum@illinois.gov, or Susan Anders, DOI, 320 W. Washington St., 4th Fl., Springfield IL 62767, 217-558-0957, Sue.Anders@illinois.gov

• EARLY CHILDHOOD SCHOLARSHIPS

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed a new Part titled Early Childhood Access Consortium for Equity (ECACE) (23 IAC 2751; 48 Ill Reg 18003) implementing Public Act 103-588. The PA and this rulemaking establish a scholarship program for early childhood directors, teachers and assistants and family child care providers or assistants who are pursuing more advanced degrees or credentials. Eligible applicants must be: currently working in a pre-

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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

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school, a licensed day care center or day care home, or in a license-exempt facility serving children from birth to age 5; enrolled for at least 3 credit hours, or accepted for enrollment, at a public or non-profit private institution that is participating in the ECACE and provides Gateways credentials; and pursuing a 2-year or 4-year degree in early childhood education, with or without a Professional Educator License. Recipients must also pledge to return to or continue working in early childhood care or education in Illinois after their degree is completed. Scholarship applications will be available at ISAC's website. Applications must be resubmitted annually and accompanied by a Free Application for Federal Student Aid (FAFSA) or an Alternative Application (used by ISAC to determine eligibility for persons who do not qualify for federal student aid, e.g., certain non-U.S. citizens). Scholarship funds may be applied to any attendance costs remaining after all other financial aid is used, up to the lesser of the actual cost of attendance or the annual maximum of \$7,500. The number of awards made per year is subject to available funding, with priority given to renewing/continuing scholarship recipients if funds are not sufficient to meet demand. Early childhood and day care personnel who are seeking enhanced credentials are affected by this rulemaking.

STUDENT ASSISTANCE

ISAC also proposed amendments to General Provisions (23 IAC 2700; 48 Ill Reg 17964), Illinois National Guard (ING) Grant Program (23 IAC 2730; 48 Ill Reg 17986), and Monetary Award Program (MAP) (23 IAC 2735; 48 Ill Reg

17992). The Part 2700 and 2735 rulemakings clarify the definition of "regular school year", which excludes summer terms, by defining a summer term as one or more sessions of instruction between a spring and a fall semester, conducted during the months of June, July and/or August. (Currently, any term that begins after April 15 and ends before September 16 is considered a summer term.) The Part 2700 rulemaking also removes State and federal tax returns or transcripts from the list of documents accepted as proof of a student's or parent's Illinois residency, while the Part 2735 amendments also require all MAP payment requests for any portion of an academic year to be submitted to ISAC by July 1 (currently, the deadline for summer term payments is July 31). The Part 2730 rulemaking changes priority claim dates for ING grants to May or June for the spring semester (currently, last two weeks of March and first two weeks of April) and July or August for summer terms (currently, July).

Questions/requests for copies/comments on the 4 ISAC rulemakings through 2/3/25: Carly Mandarino, ISAC, 1755 Lake Cook Road, Deerfield, IL 60015, 847-831-6753, carly.mandarino@illinois.gov

HEARING AIDS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to the Part titled Services (89 IAC 590; 48 Ill Reg 17931) concerning approval of hearing aids for customers of the DHS Division of Rehabilitation Services (DHS-DRS) Vocational Rehabilitation (VR) Program. This rulemaking requires audiometric testing evaluation prior to hearing aid evaluation if a customer would benefit from hearing aids but no documentation of their hearing loss exists; establishes testing and evaluation standards; and updates

requirements needed for DHS to purchase hearing aids for a customer.

Questions/requests for copies/comments through 2/3/25: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217/785-9772, DHS.AdministrativeRules@illinois.gov

GRANT RULES

The GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET proposed amendments to the Part titled Grant Accountability and Transparency Act (44 IAC 7000; 48 Ill Reg 17868) aligning the GATA administrative rules with recent changes to federal regulations applicable to federally funded grants (Uniform Administrative Requirements, 2 CFR 200). These changes include setting the threshold cost below which computer devices are counted as temporary supplies rather than as long-term equipment at the lesser of \$10,000 (currently, \$5,000) or the capitalization level established by the awardee for financial statement purposes. The definition of modified total direct cost (MTDC) is updated to include the first \$50,000 (currently \$25,000) of each subaward, and the threshold expenditure levels for various audit requirements are increased. Additionally, a new or modified grant may be made to an entity on the Illinois Stop Payment List (current rule prohibits this in all cases) in extenuating circumstances or if the grant modification would enable the entity to become compliant. Businesses and non-profit entities seeking State grants may be affected.

Questions/requests for copies/comments through 2/3/25: Davina Hughes, GOMB (GATA Unit), 401 S. Spring St., 603 Stratton Building, Springfield IL 62706, 217-782-2625, OMB.GATA@Illinois.Gov

Adopted Rules

LABOR RELATIONS

The ILLINOIS LABOR RELATIONS BOARD adopted amendments to General Procedures (80 IAC 1200; proposed at 48 Ill Reg 12134), Representation Proceedings (80 IAC 1210; proposed at 48 Ill Reg 12141), and Unfair Labor Practice Proceedings (80 IAC 1220; proposed 48 Ill Reg 12149), all effective 12/5/24 at 48 Ill Reg 18010, 18017 and 18025, that clarify various aspects of ILRB hearing

procedure. The Part 1200 amendment defines an Administrative Law Judge (ALJ) as an Illinois-licensed attorney authorized by the Board to conduct hearings and write recommended decisions and orders. (Previously, an ALJ could be either the agency head or any Illinois-licensed attorney.) The Part 1210 and 1220 rulemakings require audio or video files introduced as evidence to be submitted to the ALJ in advance of the hearing, with 4 copies in CD-ROM or DVD format and

also as an e-mail attachment. The Part 1210 rulemaking also adds updated statutory language specifying when unit clarification petitions may be filed and corrects typographical errors.

Questions/requests for copies of the 3 ILRB rulemakings: Anna Hamburg-Gal, ILRB, 160 N. LaSalle St., Ste. 400, Chicago IL 60601, 312-793-6380, Anna.Hamburg-Gal@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 January 14, 2025 meeting in Chicago. 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.

CAPITAL DEVELOPMENT BOARD

Selection of Architects/Engineers (A/E)(44 IAC 1000; 48 Ill Reg 12658) proposed 8/23/24

STATE BOARD OF EDUCATION

Health/Life Safety Code for Public Schools (23 IAC 180; 48 Ill Reg 10067) proposed 7/12/24

IL FINANCE AUTHORITY

Illinois Finance Authority (74 IAC 1100; 48 Ill Reg 8722) proposed 6/21/24

DEPT OF NATURAL RESOURCES

Youth and Young Adult Conservation and Education Pilot Program (17 IAC 3085; 48 Ill Reg 14516) proposed 10/11/24

DEPT OF REVENUE

Income Tax (86 IAC 100; 48 Ill Reg 14887) proposed 10/18/24

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Assistance Programs (89 IAC 120; 48 Ill Reg 14436) proposed 10/11/24

Medical Payment (89 IAC 140; 48 Ill Reg 14451) proposed 10/11/24

Medical Payment (89 IAC 140; 48 Ill Reg 14863) proposed 10/18/24

Medical Payment (89 IAC 140; 48 Ill Reg 15203) proposed 11/1/24

STATE UNIVERSITIES RETIREMENT SYSTEM

Universities Retirement (80 IAC 1600; 48 Ill Reg 10992) proposed 8/2/24

TEACHERS' RETIREMENT SYSTEM

The Administration and Operation of the Teachers' Retirement System (80 IAC 1650; 48 Ill Reg 14939) proposed 10/18/24

OFFICE OF THE STATE TREASURER

Banking and Automated Teller Machine Services (74 IAC 600; 48 Ill Reg 15055) proposed 10/25/24

Next JCAR Meeting: Tuesday, Jan. 14, 11 a.m.

Room C-600, Bilandic Bldg., 160 N. LaSalle St., Chicago

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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