

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. BILL CUNNINGHAM

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SEN. DONALD P. DeWITTE
SEN. DALE FOWLER
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SEN. SUE REZIN
REP. EVA-DINA DELGADO
REP. JACKIE HAAS
REP. STEVEN REICK
REP. CURTIS J. TARVER, II
REP. DAVE VELLA

MINUTES

July 16, 2024

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, July 16, 2024, at 11:00 a.m. in Room C-600 of the Bilandic Building, Chicago. Co-Chair Cunningham called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

Senator Cristina Castro	X	Representative Eva-Dina Delgado
X Senator Bill Cunningham	X	Representative Jackie Haas
X Senator Donald DeWitte	X	Representative Steven Reick
Senator Dale Fowler	X	Representative Ryan Spain
X Senator Napoleon Harris, III	X	Representative Curtis J. Tarver, II
Senator Sue Rezin	X	Representative Dave Vella

APPROVAL OF THE MINUTES OF THE JUNE 4, 2024 MEETING

Rep. Haas moved, seconded by Rep. Reick, that the minutes of the June 4, 2024 meeting be approved. The motion passed unanimously (9-0-0).

EXPEDITED CORRECTION

Department of Financial and Professional Regulation – Credit Union Community Reinvestment (38 Ill. Adm. Code 185; 48 Ill. Reg. 9116)

Rep. Delgado moved, seconded by Rep. Tarver, to certify the Expedited Correction effective May 1, 2024. The motion passed unanimously (9-0-0).

AGENCY RESPONSES

Department of Human Services – Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132; 48 Ill. Reg. 5799)

Due to the appropriateness of the agency's response, no further action.

REVIEW OF AGENCY RULEMAKINGS

Department of Innovation and Technology – Uniform Electronic Transaction Act (14 Ill. Adm. Code 2000; 48 Ill. Reg. 1122)

Sen. DeWitte moved, seconded by Sen. Harris, that JCAR object to the rulemaking because the rulemaking fails to meet 1 Ill. Adm. Code 220.900(a)(1)(B), which that requires a rulemaking to comply with the statutory authority and legislative intent on which the rulemaking is based. Section 18 of the Uniform Electronic Transactions Act [815 ILCS 333] requires the Department to adopt administrative rules that specify the manner and format in which electronic records and signatures be utilized by State agencies. The proposed rulemaking instead instructs each State agency to adopt an electronic record and signature policy, providing no uniform standards. The Department has indicated its intention to Withdraw the rulemaking in response to an Objection. The motion passed unanimously (9-0-0).

Department of Insurance – Illinois Health Benefits Exchange (50 Ill. Adm. Code 4500; 48 Ill. Reg. 02038) and Navigator, In-Person Counselor and Certified Application Counselor Certification (50 Ill. Adm. Code 4515; 48 Ill. Reg. 02347)

Robert Planthold, Deputy General Counsel for Health and Life Insurance represented DOI.

Sen. Harris: What is the role of the EDE in the State-based exchange? According to information I have, 60% of the enrollees are signed up by EDEs, not Navigators. What type of plan is the Department implementing to make sure EDEs are still included and can sign folks up?

Mr. Planthold: For purposes of the present rulemaking, this rule does not address EDEs because currently EDEs are...we are moving from a federally facilitated exchange to a state-based exchange on the federal platform and all enrollments will still be conducted through the federal website, its only once we move to a full state-based exchange, hopefully in plan year 2026, that our website and infrastructure will be responsible for enrollment and eligibility decisions. So for the next year, our rules, to the extent they address brokers, they deal with in person types of brokers, interactions with consumers, but currently we don't have the authority to make particular governance decisions about brokers, EDEs, interfacing with the federal exchange. At the moment there is no change.

Senator Harris: So, I understand it is not in this particular portion we are concerned with, but are there any plans, to your knowledge, to address it down the road? The concern would be that 60% of the enrollees being enrolled by the EDEs...let me ask that a different way. Do you have a cost analysis that says what is better to use, the insurance companies' EDEs or the navigators that are hired through the Department? Maybe that would shed better light.

Mr. Planthold: I am not specifically aware of whether the Department has any such analysis. This is the first time I've heard there might be questions about EDEs at this meeting. I know in general how their regulations work.

Senator Harris: Okay, well we will follow up with the Department to see what the plan is moving forward to see what the plan is on how to address it. We do not want to see less people enrolling

in insurance coverage in this State.

Mr. Planthold: Agreed on that.

Co-Chair Cunningham: Any further questions from Committee? Seeing none, thank you for your testimony.

Department of Human Services – Fiscal/Administrative Recordkeeping and Requirements (89 Ill. Adm. Code 509; 48 Ill. Reg. 02769)

Sen. Harris moved, seconded by Rep. Haas, that JCAR object to, and prohibit the filing of, the rulemaking because the Department has not provided adequate rationale for allowable and unallowable cost restrictions as required by 1 Ill. Adm. Code 220.900(a)(2)(A). Also, no standards for agency discretion are present as required by 1 Ill. Adm. Code 220.900(a)(1)(B). JCAR further finds that this proposed rulemaking constitutes a serious threat to the public interest.

PROHIBITION ROLL CALL

Senator Cristina Castro	Y	Representative Eva-Dina Delgado
Y Senator Bill Cunningham	Y	Representative Jackie Haas
Y Senator Donald DeWitte	Y	Representative Steven Reick
Senator Dale Fowler	Y	Representative Ryan Spain
Y Senator Napoleon Harris, III	Y	Representative Curtis J. Tarver, II
Senator Sue Rezin	Y	Representative Dave Vella

The motion passed unanimously (9-0-0).

CERTIFICATION OF NO OBJECTION

Rep. Vella moved, seconded by Rep. Tarver, that the Committee inform the agencies to whose rulemakings the Committee has not voted an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (9-0-0).

ANNOUNCEMENT OF NEXT MEETING

Co-Chair Cunningham announced that the next JCAR meeting will be Wednesday, August 14, 2024, at 10:30 a.m. in Room C-1 of the Stratton Building, Springfield.

ADJOURNMENT

Co-Chair Spain moved, seconded by Rep. Haas, that the meeting stand adjourned. The motion passed unanimously (9-0-0).

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