

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.

Adopted Rules

■ INCOME TAX

The DEPARTMENT OF REVENUE adopted an amendment to Income Tax (86 IAC 100; 43 Ill Reg 10387) effective 1/17/20 that defines “taxable year” (the calendar year or fiscal year used to determine base income, or the fractional part of the year for which an income tax return covering less than 1 year is made) and explains how taxable years are determined. Generally, the taxable year for Illinois income tax purposes will be the same as the taxable year that the taxpayer uses for federal income tax purposes. Exceptions (e.g., for taxable periods of less than 12 months or of 52-53 weeks) are listed in the rulemaking. Businesses and individuals filing Illinois income tax may be affected.

*Questions/requests for copies:
Brian Stocker, DOR, 101 W.*

Jefferson St., Springfield IL 62796, 217/782-2844.

■ SUPPORTIVE LIVING

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Specialized Health Care Delivery Systems (89 IAC 146; 43 Ill Reg 7047), effective 1/15/20,

[Peremptory Rule, Page 3](#)

[ISP Rule Withdrawal, Page 3](#)

changing the name of the Supportive Living Facility (SLF) program to the Supportive Living Program (SLP) and adding new screening requirements for individuals with a history of developmental disability or serious mental illness who are being transferred from a nursing facility to an SLP setting. In addition to the

(cont. page 2)

Proposed Rulemakings

RESTRICTED DRIVING

The SECRETARY OF STATE proposed amendments to the Parts titled Procedures and Standards (92 IAC 1001; 44 Ill Reg 2246) and Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 44 Ill Reg 2324) revising certain provisions for restricted driving permits (RDPs) that are contingent upon use of Breath Alcohol Ignition Interlock Devices (BAIIDs) that prevent a vehicle from being started if alcohol is detected on the driver’s breath. Both rulemakings provide that RDP holders classified as High Risk Dependent cannot lose their permits solely on the basis of BAIID readings indicating failure to maintain abstinence. (SOS states that as long as the BAIID detects alcohol use and prevents the

(cont. page 2)

ADOPTED 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.

Adopted Rules

(cont. from page 1)

standard pre-admission screenings (e.g., Determination of Need (DON) scoring process), these individuals must also undergo specialized evaluation by the Department of Human Services' Division of Developmental Disabilities or its

Division of Mental Health to determine whether the SLP provider has the capacity to care for them. The presence of developmental disability or serious mental illness does not, however, automatically preclude an individual's admission to an SLP. Since 1st Notice, HFS has clarified

its use of the term "serious mental illness". SLP providers are affected by this rulemaking.

Questions/requests for copies: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

Proposed Rulemakings

(cont. from page 1)

permit holder from starting the vehicle, the public is protected, so there is no reason to revoke the permit on that basis alone.) Additionally, the Part 1001 rulemaking allows High Risk Dependent RDP petitioners to be enrolled in the medical cannabis program, provided they prove stability in the program for at least 1 year and have documentation from their primary physician and primary substance abuse service provider. The Part 1001 rulemaking also prohibits BAID providers or installers from using personal information submitted by permittees to solicit them to purchase non-BAID related products or services (e.g., insurance, auto repair) and changes the due date for invoices requiring reimbursement for indigent permit holders from the 15th to the 8th of the month.

Questions/requests for copies/comments on the 2 SOS rulemakings through 3/16/20: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, pwright@ilsos.gov

■ HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Hospital Licensing Requirements (77 IAC 250; 44 Ill Reg 2221) implementing Public Act 100-1051. The PA and this rulemaking require hospitals to create workplace violence prevention programs that comply with federal Occupational Safety and Health Administration (OSHA) workplace violence prevention guidelines for health care and social service workers. Hospitals must post notices stating that verbal aggression will not be tolerated and that physical assaults (against staff, patients or visitors) will be reported to law enforcement. In line with the OSHA guidelines, workplace violence prevention programs must distinguish among workplace violence that is committed by a person who has no legitimate business at the work site; directed at employees by customers, clients, patients, or others who accompany patients; directed at an employee by a present or former employee; or committed by a non-employee who is known to

have had a personal relationship with an employee. The program must also address sexual assault and sexual violence and provide contact information for services to assist victims of sexual violence. Additionally, the rulemaking aligns provisions for medical forensic emergency services to sexual assault survivors with recent amendments to the Sexual Assault Survivors Emergency Treatment Act. Hospitals and their employees are affected by this rulemaking.

Questions/requests for copies/comments through 3/16/20: Erin Conley, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/785-9212, dph.rules@illinois.gov

AIR POLLUTION

The POLLUTION CONTROL BOARD proposed a new Part titled Ethylene Oxide Ambient Air Monitoring (35 IAC 249; 44 Ill Reg 2216) implementing Public Act 101-22, which requires the Illinois Environmental Protection Agency to develop a system for monitoring

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

ethylene oxide (EtO) emissions. The new Part – which will remain in effect for 24 months after its effective date — establishes a means for IEPA to monitor EtO emissions and collect data at five sites (Northbrook, Schiller Park, Nilwood, Alton, Bondville). Samples shall be collected every 12 days, over a period of 24 hours, and monitoring shall continue for a period of 6 months. Monitoring results shall be made available on the IEPA website within 30 days after quality assured data is received.

Questions/requests for copies/comments through 3/16/20: Clerk's Office, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Please reference docket R19-18. Copies of the Board's opinion and order may be obtained, and public comments on this rulemaking filed electronically, at www.pcb.illinois.gov

INSURANCE

The DEPARTMENT OF INSURANCE proposed a new Part titled Pharmacy Benefit Managers (50 IAC 3145; 44 Ill Reg 2207) and proposed amendments to the Part titled Third Party Prescription Administrators (50 IAC 3150; 44 Ill Reg 2211). The new Part requires pharmacy benefit managers doing business in Illinois to register with DOI through the National Insurance Producer Registry and pay a

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 44 Ill Reg 2380) effective 1/15/20, implementing a collective bargaining agreement with the Illinois State Employees Association. The peremptory rule updates several job title designations in an ISEA bargaining unit that represents

Department of Corrections, Department of Juvenile Justice, and Illinois State Police employees and adds the bargaining unit pay grades that were, or will be, effective on 1/1/20, 7/1/20, 7/1/21 and 7/1/22.

Questions/requests for copies: Lisa Fendrich, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7976, fax 217/524-4570, CMS.PayPlan@illinois.gov

ISP Rule Withdrawal

■ GUN DEALER LICENSING

The ILLINOIS STATE POLICE have withdrawn a proposed new Part titled Firearm Dealer License Certification (20 IAC 1232; 43 Ill Reg 9084), published in the 8/23/19 *Illinois Register*, that established procedures and requirements for Illinois firearms dealers to obtain State certification of their federal

firearms licenses. After considering extensive public comment and meeting with affected groups, ISP has decided to withdraw the initial proposed rulemaking and propose an extensively rewritten version. An emergency version of these rules was adopted effective 1/3/20 and will remain in effect for a maximum of 150 days.

registration fee of \$500. This registration must be renewed every 2 years with a renewal fee of \$500. Amendments to Part 3150 change the annual registration renewal date for third party prescription administrators from April 1 to the anniversary of the license issuance date. Companies that manage prescription drug benefits are affected.

Questions/requests for copies/comments on the 2 DOI rulemakings: Charles Sauer (217-785-0260) or Susan Anders (217/558-0957), DOI, 320 W. Washington, 4th Fl., Springfield IL 62767-0001.

CIVIL SERVICE HEARINGS

The CIVIL SERVICE COMMISSION proposed

(cont. page 4)

Proposed Rulemakings

(cont. from page 3)

amendments to the Part titled Civil Service Commission (80 IAC 1; 44 Ill Reg 2201) allowing electronic filing of documents in appeals and contested case hearings. Document filing by e-mail is allowed if all parties agree to this procedure. If a document

transmission fails, a paper copy of the document must be served. The CSC may also serve notices of hearing, orders, final decisions, and other documents by e-mail instead of paper documents to recipients who consent to e-mail service. If the CSC transmits a document and does not receive a delivery receipt within 48 hours, it

will serve a paper copy of the document.

Questions/requests for copies/ comments through 3/16/20: Andrew Barris, CSC, 607 E. Adams St., Suite 801, Springfield IL 62701, 217/782-7373.

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 February 18, 2020 JCAR 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.

OFFICE OF THE TREASURER

Secure Choice Savings Program (74 IAC 721; 43 Ill Reg 14069) proposed 12/6/19

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 43 Ill Reg 13190) proposed 11/15/19

Cigarette Tax Act (86 IAC 440; 43 Ill Reg 13376) proposed 11/22/19

Cigarette Use Tax Act (86 IAC 450; 43 Ill Reg 13266) proposed 11/15/19

Tobacco Products Tax Act of 1995 (86 IAC 660; 43 Ill Reg 13687) proposed 12/2/19

Joint Committee on Administrative Rules

Senator Don Harmon, *co-chair*
Senator Kimberly Lightford
Senator Tony Muñoz
Senator Sue Rezin
Senator Paul Schimpf
Senator Chuck Weaver

Representative Tom Demmer
Representative Michael Halpin
Representative Frances Ann Hurley
Representative Steven Reick
Representative André Thapedi
Representative Keith Wheeler, *co-chair*

Vicki Thomas
Executive Director