

*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

### ■ NURSING ASSISTANTS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 43 Ill Reg 10275), effective 2/21/20, aligning the requirements for nursing assistant training with federal regulations. New Sections have been added that establish an Advanced Nursing Assistant Training Program (ANATP) leading to certification as a Certified Nursing Assistant II, in addition to the existing Basic Nursing Assistant Training Program (BNATP) for certification as a CNA. The rulemaking sets forth the criteria for individuals to become certified as a CNA II, and for ANATPs to earn DPH approval. An ANATP must be sponsored by a community college, vocational or private business school, long term care facility, or licensed home health agency, and must already

have a Department-approved BNATP. An ANATP course must include a minimum of 120 hours of instruction consisting of 80 hours of classroom or laboratory instruction and 40 hours clinical practicum. ANATP instructors must be registered professional nurses with specified levels of teaching experience, or who have successfully completed a DPH

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Train the Trainer course. ANATP programs will be reviewed for recertification at least every 2 years. The rulemaking also updates requirements for BNATP instructors. Entities that sponsor CNA training programs are affected by this rulemaking.

*Questions/requests for copies: Erin Conley, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL*

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## Proposed Rulemakings

### ■ VEHICLE REGISTRATION

The SECRETARY OF STATE proposed an amendment to Certificate of Title, Registration of Vehicles (92 IAC 1010; 44 Ill Reg 3341) increasing from \$7.50 to \$9.50 the fee that businesses offering over the counter title and registration services may charge customers. The fee is in addition to the fee SOS charges for the title, plate or sticker itself. Businesses providing title and registration services will be affected.

*Questions/requests for copies/comments through 4/20/20: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

### ■ MENTAL HEALTH FACILITIES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments

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**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](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.

# Adopted Rules

(cont. from page 1)

62761, 217/782-2043,  
[dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

## ■ PRESCRIPTION DRUGS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Wholesale Drug Distribution Licensing Act (68 IAC 1510; 43 Ill Reg 13160) effective 3/6/20, implementing Public Act 101-420. The Act and this rulemaking extend the licensing, storage, handling and recordkeeping requirements that currently apply to wholesale drug distributors to third-party logistics providers (entities that contract with prescription drug manufacturers to provide or coordinate warehousing, distribution, and other services, without claiming any ownership of the drugs or responsibility for their disposition). Applicants for licensure as third-party logistics providers will be subject to the same liability insurance, bond requirements, license application and annual renewal fees (both \$200), and fees for changes of ownership (\$200) or changes of name or address (\$100) as wholesale distributors. Since 1<sup>st</sup> Notice, a state inspection report, or inspection report by a third-party entity approved by DFPR, has been added to the licensure requirements for distributors and logistics providers. Wholesale drug distributors and third-party logistics providers are affected by this rulemaking.

*Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 2<sup>nd</sup> Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.*

## INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to General Provisions (50 IAC 2500; 43 Ill Reg 13494), effective 2/24/20, updating various provisions and consolidating rules from other Parts. The Part 2500 amendments include changing the hearing process to an audit process (since DOI can correct mistakes without a hearing and does not have statutory authority to waive or adjust required fees, fines, etc.); removing a provision that requires DOI to publish the names of persons or companies that have written bad checks to the Department; removing per diem examination charges (covered by statute); allowing DOI to apply an overpayment to any type of tax, fee or charge (current rule allows an offset to be applied only to the same type of charge); and updating provisions regarding taxes paid by aggregate groups. Since 1<sup>st</sup> Notice, DOI has clarified various aspects of the State Fire Marshal Tax and other provisions being transferred from other parts. DOI also repealed the Parts titled Fees and Charges (50 IAC 2505; 43 Ill Reg 13517), Annual Privilege Tax (50 IAC 2510; 43 Ill Reg 13530), Annual Retaliatory Tax (50 IAC 2515; 43 Ill Reg 13575), Annual State Fire Marshal Tax (50 IAC 2520; 43 Ill Reg 13607) and

Overpayments, Refunds, Amendments and Penalties (50 IAC 2525; 43 Ill Reg 13618), all effective 2/24/20. The applicable provisions from these Parts have been added to Part 2500.

*Questions/requests for copies of the 6 DOI rulemakings: Doug Hollis, DOI, 320 W. Washington St., Springfield IL 62767-0001, 217/782-0055*

## PUBLIC INFORMATION

The DEPARTMENT OF INNOVATION AND TECHNOLOGY (DoIT) adopted two new Parts titled Rulemaking and Organization (2 IAC 1530; 44 Ill Reg 3392) and Access to Records of the Department of Innovation and Technology (2 IAC 1531; 44 Ill Reg 3398), both effective 2/28/20. The new Part 1530 outlines the organizational structure and rulemaking procedure for DoIT, while Part 1531 institutes procedures for requesting information and records under the Freedom of Information Act. The types of documents that may and may not be disclosed under FOIA are listed, along with procedures for appealing a denial of records and fees that may be charged for copies of records.

*Questions/requests for copies of the 2 DoIT rulemakings: Josue Barba, DoIT, 120 W. Jefferson St., Springfield IL 62702, 217/524-1294, fax 217/524-0755, [josue.barba@illinois.gov](mailto:josue.barba@illinois.gov)*

# Proposed Rulemakings

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to Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 44 Ill Reg 3349), implementing a consent/settlement decree from a federal lawsuit (*Williams vs. Pritzker*). The rulemaking requires specialized mental health rehabilitation facilities (SMHRFs) to inform residents of their right to explore, request or decline transition to community-based services and of their right to be free of retaliation for requesting or declining community-based services. Licensed facilities under this Part shall provide transitional living assistance to prepare persons with serious mental illness to reintegrate into community living settings. A poster notifying residents of these rights and listing telephone hotline number for reporting retaliation to DPH must be conspicuously displayed in all SMHRFs. Display of this poster is a requirement for licensure or license renewal. Licensed SMHRFs are affected by this rulemaking.

*Questions/requests for copies/comments through 4/20/20: Erin Conley, DPH, 535 W. Jefferson St., 5<sup>th</sup> Fl., Springfield IL 62761, 217/782-2043, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## HOSPITAL ASSISTANCE

The OFFICE OF THE ATTORNEY GENERAL proposed an amendment to Hospital Financial Assistance under the Fair Patient Billing Act (77 IAC 4500; 44 Ill Reg 3337) updating income thresholds

## VIDEO GAMING

The ILLINOIS GAMING BOARD adopted an emergency amendment to Video Gaming (General) (11 IAC 1800; 44 Ill Reg 3568) effective 2/21/20, amending an earlier emergency rule, effective 11/7/19 at 43 Ill Reg 13464, for the remainder of its 150-day term. (The earlier emergency rule was suspended by JCAR effective 11/12/19; this suspension was withdrawn contingent upon and effective with adoption of the subsequent emergency amendment.) The original emergency rule required all transfers of ownership interest or assets in a licensed terminal operator to be disclosed in advance to and approved by the Board. This amendment limits the

for hospital financial assistance eligibility to reflect the 2020 federal poverty guidelines issued by the US Department of Health and Human Services.

*Questions/requests for copies/comments through 4/20/20: Lynn Patton, OAG, 500 S. Second St., Springfield IL 62701, 217/524-1504 or David F. Buysse, OAG, 100 W. Randolph, 12<sup>th</sup> Fl., Chicago IL 60601, 312/814-7236.*

## ADA PROCEDURES

The DEPARTMENT OF INNOVATION AND TECHNOLOGY (DoIT) proposed a new Part titled Americans with

## Emergency Rule

disclosure requirement to transfers of ownership or assets involving licensed terminal operators that have received disciplinary complaints from the Board (placing them at risk of having their licenses revoked, suspended or not renewed). Additionally, the emergency amendment requires the Board, upon conclusion of disciplinary proceedings, to approve or deny any request to transfer ownership of an affected terminal operator within the next 2 Board meetings. Licensed video gaming terminal operators will be affected by this emergency amendment.

*Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, [IGB.RuleComments@igb.illinois.gov](mailto:IGB.RuleComments@igb.illinois.gov)*

Disabilities Act Grievance Procedure (4 IAC 1660; 44 Ill Reg 3327) implementing the federal Americans with Disabilities Act (ADA). The rule establishes a procedure for resolving grievances or complaints against the agency by persons with disabilities who believe their rights were violated or disregarded.

*Questions/requests for copies/comments through 4/20/20: Josue Barba, DoIT, 120 W. Jefferson St., Springfield IL 62702, 217/524-1294, fax 217/524-0755, [josue.barba@illinois.gov](mailto:josue.barba@illinois.gov)*

## 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 March 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.

### DEPT OF CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 43 Ill Reg 13835) proposed 12/6/19

### IL GAMING BOARD

Video Gaming (General) (11 IAC 1800; 43 Ill Reg 13354) proposed 11/22/19

### STATE EMPLOYEES' RETIREMENT SYSTEM

The Administration and Operation of the State Employees' Retirement System (80 IAC 1540; 43 Ill Reg 13769) proposed 12/2/19

## Joint Committee on Administrative Rules

<b>Senator Bill Cunningham, <i>co-chair</i></b>	<b>Representative Tom Demmer</b>
<b>Senator Kimberly Lightford</b>	<b>Representative Michael Halpin</b>
<b>Senator Tony Muñoz</b>	<b>Representative Frances Ann Hurley</b>
<b>Senator Sue Rezin</b>	<b>Representative Steven Reick</b>
<b>Senator Paul Schimpf</b>	<b>Representative André Thapedi</b>
<b>Senator Chuck Weaver</b>	<b>Representative Keith Wheeler, <i>co-chair</i></b>

**Vicki Thomas  
Executive Director**