

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.

Proposed Rulemakings

■ CILA SERVICES

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 IAC 115; 45 Ill Reg 2324) updating its rules for Community Integrated Living Arrangements (CILAs) that provide services and support to persons with developmental disabilities or mental illness. The rulemaking, which updates the Part for the first time since 2003, outlines the responsibilities of DHS, Independent Service Coordination (ISC) agencies, and local agencies that operate CILAs. (CILAs may consist of small group homes or host families with whom individuals reside continuously, or may provide intermittent services to individuals living independently or with their own families.)

COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

Peremptory Rule, Page 3

Licensure

Local agencies that operate or plan to operate CILAs must be licensed by the DHS Bureau of Accreditation, Licensure and Certification (BALC) and comply with the Person-Centered Planning and Settings requirements

established in federal law. CILAs for persons with mental illness will be deemed approved by DHS if they are accredited by a recognized national organization, but developmental disability CILAs must be individually approved by DHS. ISC agencies are responsible for developing a personal plan for each individual served by a CILA; this plan outlines the individual's priorities and needs and lists the services to be provided by type, frequency and provider. The CILA provider agency, in turn, must develop an implementation strategy for each individual within 20 days after a personal plan is approved. Procedures for license application, review, and revocation and for transfers of ownership are updated. The rulemaking also cross-references federal regulations concerning CILA services and the environments in

(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 Rule

■ CPA EXAMINATIONS

The ILLINOIS BOARD OF EXAMINERS adopted amendments to Certificate of Education and Examination Requirements (23 IAC 1400; 44 Ill Reg 12013) effective 2/11/21 that

update requirements for Board meetings and also update educational and examination requirements for Certified Public Accountants. Since 1st Notice, BOE has made the updated examination requirements effective as of 1/1/21 (originally, 1/

1/19). Persons who have taken or are preparing to take the BOE's CPA exam are affected.

Questions/requests for copies: Russ Friedewald, IBOE, 1120 E. Diehl Rd., Suite 107, Naperville IL 60563, 815/753-8900.

Proposed Rulemakings

(cont. from page 1)

which they can and cannot be located (to ensure that residents are not isolated from the surrounding community).

Resident Rights

CILA residents must be provided privacy in their living arrangements and must be free to choose their roommates in a group living arrangement. They also must have the freedom and support to determine their own daily schedules, have visitors and have access to food at any time. Agencies that provide or supervise administration of medications must follow DHS rules for medication administration and monitoring (59 IAC 116). Electronic monitoring of CILA residents, as well as remote monitoring and supports (via video, webcam, or other interactive technology), are permitted when they promote the independence and daily living skills of the individual and addresses specific needs outlined in their personal plan. CILA residents must be at least 18 years of age, but waivers can be provided for persons within 6 months of turning 18 (age 17 ½) if requested by an agency and

approved by BALC. A resident who poses an immediate threat to self or others may be assisted to remove himself/herself from the situation temporarily until calm (supported relocation) but any form of restraint, seclusion or time-out, or confinement in a room from which the individual cannot exit, is prohibited. Provider agencies must appoint Human Rights Committees to review program policies and hear complaints from individuals. CILA agencies that use certain behavioral interventions (e.g., psychotropic medications) must also establish Behavior Management Committees to approve interventions and review them at least every 6 months.

Services and Supports

Services and supports that CILAs are statutorily required to provide now include assistance with residents' money management, which may include safekeeping of their personal funds, provided that the individual and/or guardian consent to the arrangement and have access to a written record of all transactions to or from the individual's fund. Residents also must be provided access to education, resources and services

promoting their sexual health and their right to be free from sexual exploitation and abuse. Individuals shall be assessed regarding their capability to consent to sexual activity and provided access to developmentally appropriate resources.

Temporary Absences

Bed hold payments may be provided to a CILA for up to 60 days when a resident is temporarily absent, and may be extended to 90 days upon request to DHS. A residential CILA may provide temporary respite care for developmentally disabled persons who for up to 2 weeks if space is available, other residents and/or guardians of those residents support the arrangement, and the agency has a residential respite contract with DHS.

Hiring

Prior to hiring any employee, volunteer or contractor, a CILA provider agency must conduct checks of the DPH Health Care Worker Registry, the DCFS Child Abuse and Neglect Tracking

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

System (CANTS), the Illinois Sex Offender Registry, and the HFS Sanctions List (of vendors/providers barred from participating in the Medical Assistance Program). These checks must be repeated at least annually.

Complaints/Closures

If DHS receives repeated serious complaints regarding a CILA's treatment of residents or licensure issues, DHS may review its funding agreement with that agency and may appoint an independent monitor to oversee the agency. An independent monitor may also be assigned to an agency when a CILA is operating without a license; when its license has been revoked or not renewed, or its funding agreement has been terminated; or when an agency has closed or announced its intent to close and suitable arrangements for moving CILA residents elsewhere have not been made. An independent receiver will be appointed to handle instances in which CILA residents must be immediately moved elsewhere due to an immediate threat to their life, health or safety that the CILA agency cannot or will not address.

Other

Other revisions and additions to the Part include an updated list of diagnoses classified as mental illnesses; qualifications for Qualified Mental Health Professionals, Mental Health

Peremptory Rule

SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES adopted peremptory amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 45 Ill Reg 2504) effective 2/11/21, implementing changes in student SNAP eligibility mandated by the federal Consolidated Appropriations Act (PL 116-260). The peremptory rule adds, to the categories of students (persons ages 18-49 enrolled at least half time in an institution of higher education) eligible for SNAP those

Professionals and Qualified Intellectual Disabilities Professionals; updates to safety and emergency procedures; procedures to be followed when a personal plan or implementation strategy are modified, when a CILA resident requires more intensive services or when the CILA can no longer meet the individual's needs; procedures for reporting critical or unusual incidents; and an explanation of CILA rate reimbursement components (e.g., room and board, transportation, administrative costs). Those affected by this rulemaking include CILA residents, agencies that operate CILAs, and CILA host families.

Questions/requests for copies/comments through 4/12/21: Tracie Drew, DHS, 100 S. Grand Avenue East, 3rd Floor,

whose expected family contribution to their educational expenses for the regular school year is zero, and those who are determined eligible to participate in a state or federal work-study program during the regular school year (regardless of whether the student actually secures a work-study position).

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Avenue East, 3rd Floor, Springfield IL 62762, 217/785-9772.

Springfield IL 62762, 217/785-9772.

■ DonA REPEALER

The DEPARTMENT ON AGING proposed repeal of the Part titled Introduction (89 IAC 210; 45 Ill Reg 2315), which prescribes requirements for DonA, Area Agencies on Aging and service providers related to grants and contracts. The Part is being repealed because it has not been amended since its adoption in 1981 and the definitions and procedures it contains are obsolete.

Questions/requests for copies/comments through 4/12/21: Jason Jordan, DonA, One Natural Resources Way #100, Springfield IL 62702, 217/720-4041, Aging.Rulemaking@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 listed in next week's *Illinois Register* and considered at the March 16, 2021 JCAR meeting. Other items not published in the *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.

SECRETARY OF STATE

Commercial Driver Training Schools (92 IAC 1060; 44 Ill Reg 19465)
proposed 12/18/20

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 44 Ill Reg 14484)
proposed 9/11/20

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 44 Ill Reg 16402)
proposed 10/9/20

Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Donald DeWitte	Representative Frances Ann Hurley
Senator Kimberly Lightford	Representative Steven Reick
Senator Tony Muñoz	Representative André Thapedi
Senator Sue Rezin	Representative Keith Wheeler, <i>co-chair</i>

Kim Schultz
Executive Director