

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.

Emergency Rule

■ DISEASE TESTING

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 4285) effective 3/22/21 for a maximum of 150 days. This emergency rulemaking continues provisions of a previous emergency rule that was effective 10/23/20 (44 Ill Reg 18462) and expired 3/21/21. These emergency amendments clarify and update DPH's infection control policies for nursing homes in relation to the COVID-19 pandemic. Each facility must maintain its written infection control policies and procedures on site and make them available upon request to residents, their families or representatives, DPH, and the certified local health department. Additionally, the facility shall provide to DPH upon request a copy of any infection control

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*.

recommendations made by the entity responsible for annual review of infection control policies and procedures (e.g., quality assurance committee). The rulemaking also lists specific Centers for Disease Control and Prevention guidelines for COVID-19 testing and infection control that facilities must follow. If a resident, employee or volunteer of a long

(cont. page 2)

Proposed Rulemakings

ELECTRIC UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed amendments to the Part titled Electric Reliability (83 IAC 411; 45 Ill Reg 4193) that will allow electric utilities and alternative retail electric suppliers to conduct their required annual customer satisfaction surveys online, by e-mail or by U.S. mail as well as by telephone. Customer surveys shall begin no earlier than September 1 and must be completed by the end of the calendar year. Residential and nonresidential customers selected to participate in the survey must be contacted in a format consistent with the contact information the utility has on file (e.g., a customer that does not provide an e-mail address must be surveyed by phone, online or U.S. Mail). Current provisions regarding attempts to contact a

(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

APPRAISAL MANAGEMENT

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Appraisal Management Company Registration Act (68 IAC 1452; 44 Ill Reg 19441), effective 3/18/21, reflecting the statutory definition of an appraisal management company (AMC) as a business entity that provides appraisal management services for creditors and mortgage market participants, including real estate appraisal management services

in preparation for consumer mortgage loans, and which oversees appraisers or appraiser panels. The rulemaking requires an AMC that is not owned or controlled by an insured depository institution (e.g., a bank) or regulated by a federal financial regulatory agency to establish and comply with processes and controls intended to insure that it hires only appraisers who are qualified and independent of the transaction for which the appraisal is being sought. All AMCs must enroll in the AMC National Registry and pay their National Registry

fees on or before July 1 each year. These fees will be based on the age (less than or more than 1 year) and the number of appraisers who have performed appraisals for the AMC in Illinois during the previous year. Failure to pay these fees on time may result in assessment of a late fee or disciplinary action, including possible exclusion from the National Registry.

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

Emergency Rule

(cont. from page 1)

term care facility tests positive for COVID-19, all residents, staff and volunteers must be tested; those who do not test positive must be retested every 3 to 7 days until no new cases are identified. If there are no active cases in a facility, staff and volunteers, as well as

asymptomatic residents who leave the facility for medical treatment and return (e.g., dialysis patients), must be tested at least twice a week if the county's positivity rate for COVID-19 testing is above 10%; once a week if the positivity rate is between 5% and 10%; and once a month if the positivity rate is below 5%. Nursing

homes are affected by these emergency amendments.

Questions/requests for copies: Tracey Trigillo, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-1159, dph.rules@illinois.gov

Proposed Rulemakings

(cont. from page 1)

customer selected for a survey (e.g., requiring at least 5 attempts at different times of day) are clarified to state that they apply only to telephone surveys. Finally, surveys must include "decline to answer" as a response option and utilities must report the number of customers who decline to answer each question.

Questions/requests for copies/comments through 5/17/21:

Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to Specialized Health Care Delivery Systems (89 IAC 146; 45 Ill Reg 4205) concerning services provided under the Home and Community-Based Services (HCBS)

Medicaid Waiver for medically fragile, technology dependent persons with disabilities. The rulemaking removes coverage for "medical daycare" at the rate of \$17 per hour (provisions for respite care and transitional hospital-to-home care remain in place). HFS states that this amendment aligns coverage provisions in this Part with recently proposed amendments to the

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

medically fragile/technology dependent HCBS waiver criteria in Medical Assistance Programs (89 IAC 120; 45 Ill Reg 4043)

Questions/requests for copies/comments through 5/17/21: Steffanie Garrett, HFS, 201 S. Grand Avenue East, 3rd Fl., Springfield IL 62763-0002, HFS.Rules@illinois.gov

■ SEWAGE TREATMENT

The POLLUTION CONTROL BOARD proposed amendments to the Parts titled Sewer Discharge Criteria (35 IAC 307; 45 Ill Reg 4212) and Pretreatment Programs (35 IAC 310; 45 Ill Reg 4238), implementing changes to federal Environmental Protection Agency regulations for wastewater pretreatment that were promulgated between 7/1 and 12/31/20. Municipal sewer treatment facilities may be affected.

Requests for copies/comments on the 2 PCB rulemakings through 5/17/21: Don A. Brown, Clerk, PCB, Suite 11-500, 100 W. Randolph St., Chicago IL 60601. Questions: Michael J. McCambridge, PCB, same address, 312/814-6924, michael.mccambridge@illinois.gov. Please reference docket R21-15. Copies of the Board's opinion and order can be obtained at 312/814-3620 or downloaded from the Board's website at <http://www.pcb.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 April 13, 2021 JCAR meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

Certificates of Title, Registration of Vehicles (92 IAC 1010; 45 Ill Reg 1342) proposed 1/29/21

Issuance of Licenses (92 IAC 1030; 45 Ill Reg 1117) proposed 1/22/21

School Bus Driver Permit (92 IAC 1035; 45 Ill Reg 1132) proposed 1/22/21

SECRETARY OF STATE

Notary Public Records (14 IAC 176; 44 Ill Reg 18862) proposed 12/4/20

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*
Senator John F. Curran
Senator Donald DeWitte
Senator Kimberly Lightford
Senator Tony Muñoz
Senator Sue Rezin

Representative Tom Demmer
Representative Michael Halpin
Representative Frances Ann Hurley
Representative Steven Reick
Representative Curtis J. Tarver, II
Representative Keith Wheeler, *co-chair*

Kim Schultz
Executive Director