

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

SALES TAX EXEMPTIONS

The DEPARTMENT OF REVENUE adopted amendments to Retailers' Occupation Tax (86 IAC 130; 45 Ill Reg 2216) effective 6/3/21, listing the conditions and documentation required for tax-free purchases by employees and representatives of exempt entities (e.g., governmental bodies; religious, charitable and educational organizations; non-profit, all-volunteer senior recreational organizations). The rulemaking requires exempt entities to have an active exemption identification number (E-number) on file with DOR in order to make tax-free purchases. E-numbers must be renewed every 5 years and may only be used to make tax-free purchases in furtherance of the organization's purpose. In order for the ROT exemption to apply, an exempt entity must make its purchase via a credit card billed directly to the

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*.

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exempt entity and issued in its name; a check drawn on an account belonging only to the exempt entity; or by use of a purchase order billed directly to the exempt entity. Items that are registered or titled by a State

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Proposed Rulemakings

ALZHEIMER'S CARE

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Alzheimer's Disease and Related Dementias Services Code (77 IAC 973; 45 Ill Reg 7239) concerning initial training requirements for persons employed by DPH-licensed entities that provide care to persons with dementia. For newly hired staff with direct access to Alzheimer's/dementia patients, this rulemaking clarifies that at least 6 hours of Alzheimer's/dementia care training completed within the year prior to hiring fulfills the existing requirement to complete at least 6 hours training within 60 days after hiring. The rulemaking also clarifies that this initial 6-hour training fulfills, for the first year of employment, an annual requirement of at least 3 hours of

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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) 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

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agency (e.g., motor vehicles) must be titled/registered only in the name of the exempt entity in order for the purchase to be tax exempt. An exempt entity that knowingly allows its E-number to be used improperly will have its E-number revoked; the entity and any person who knowingly uses the E-number to make purchases for their own benefit will be liable for any taxes and fines, and will also be subject to criminal penalties. Retailers who make tax-exempt sales to exempt entities must keep on file a copy of the entity's tax exemption letter from DOR with its E-number, along with records of all sales to the exempt entity, and must check periodically to verify that the E-number is still active. Retailers must also note the method of payment for each sale for which the ROT exemption is claimed. Employees/representatives of an exempt entity may make limited tax exempt purchases in furtherance of the entity's organizational purpose with their own funds (cash, check or credit cards) provided that the employee/

representative annually presents a signed certification letter to each retailer from which these purchases will be made, presents personal identification upon making these purchases, and no single transaction exceeds \$400. A retailer that fails to keep or provide the documentation required for tax-exempt sales cannot claim the ROT exemption on those sales. Those affected by this rulemaking include non-profit organizations, governmental organizations (including small municipalities), and small businesses that make sales to tax exempt organizations.

Questions/requests for copies: Richard S. Wolters, DOR, 101 West Jefferson, Springfield IL 62794, 217/782-2844.

EDUCATOR CREDENTIALS

The STATE BOARD OF EDUCATION adopted amendments to Educator Licensure (23 IAC 25; 44 Ill Reg 18003) effective 6/3/21, updating various educator licenses and endorsements to reflect recent

Public Acts. The rulemaking extends the validity of the visiting international teacher license to 5 years, requires educators trained in a language other than English to demonstrate English language proficiency before receiving a Professional Educator License (PEL), and allows the Teacher Performance Assessment to be waived during a public health emergency. Other provisions update the career and technical educator endorsement; allow issuance of a PEL with a school support personnel endorsement to a speech-language pathologist under certain conditions; require SBE to conduct audits to verify educator licensee's professional development hours; and specify penalties for educator licensees who do not comply with these audits. Changes since 1st Notice clarify documentation, testing and other procedures required for various endorsements and licenses.

Questions/requests for copies: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, rules@isbe.net

Proposed Rulemakings

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advanced training. Those affected by this rulemaking include nursing homes and assisted living facilities.

■ HIV/AIDS GRANTS

DPH also proposed an amendment to African-American HIV/AIDS Response Code (77

IAC 691; 45 Ill Reg 7235) that will, upon adoption, replace an emergency amendment effective 5/25/21. The rulemaking removes provisions that had limited grants under the African-American HIV/AIDS Response Act [410 ILCS 303] and this Part to single fiscal years and had required grant recipients to reapply annually between March 1 and April 30. The effect of this rulemaking is to allow

DPH to award multi-year grants in accordance with the Grant Accountability and Transparency Act. Organizations that receive DPH grants to promote HIV/AIDS prevention and treatment in African-American communities are affected.

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Proposed Rulemakings

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Questions/requests for copies/ comments on the 2 DPH rulemakings through 8/2/21: Tracey Trigillo, DPH, 524 S. 2nd St., 6th Floor, Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

DCFS EMPLOYMENT

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to the Part titled Equal Employment Opportunity Through the Department of Children and Family Services (89 IAC 429; 45 Ill Reg 7226) updating the Department's affirmative action/nondiscrimination policy rules to conform to the Illinois Human Rights Act. The rulemaking adds definitions of and references to the following protected classes: age, disability, marital status, military status, national origin, order of protection status, pregnancy, religion, sexual orientation, and unfavorable military discharge. It also makes technical updates to DCFS' existing procedures for addressing complaints of discrimination.

Questions/requests for copies/ comments through 8/2/21: Jeff Osowski, DCFS, 406 E. Monroe, St. #65, Springfield IL 62701-1498, 217/524-1983, TDD: 217/524-3715, fax: 217/557-0692, DCFS.Policy@illinois.gov

DFPR Public Hearing

■ CONSUMER LOANS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION has scheduled a public hearing **Wednesday, June 30, at 9:30 a.m.** at the Illinois Emergency Management Agency office, 2200 S. Dirksen Pkwy, Springfield, concerning the following proposed rulemakings published in the 5/14/21 *Illinois Register*:

- Consumer Installment Loan Act (38 IAC 110; 45 Ill Reg 6086)
- Payday Loan Reform Act (38 IAC 210; 45 Ill Reg 6117)
- Predatory Loan Prevention Act (38 IAC 215; 45 Ill Reg 6137)
- Retail Installment Sales Act (38 IAC 216; 45 Ill Reg 6146)
- Motor Vehicle Retail Installment Sales Act (38 IAC 217; 45 Ill Reg 6151)

These rulemakings implement the Predatory Loan Prevention Act (PLPA) provisions of PA 101-658,

which prohibit lenders from charging annual percentage rates (APR) in excess of 36% on consumer loans and require consumer lenders to provide a written disclosure to consumers concerning the rate cap. In-person attendance will be limited to 20 persons. Oral testimony will be limited to 5 minutes per person. Persons not able to attend this hearing in person may connect via Web-Ex at the video meeting link <https://signin.webex.com/join>. Meeting number/access code is 177 602 7284 and the meeting password is PNpnKigd962. To join the meeting by phone, call 1-415-655-0002.

Questions concerning these rulemakings or the public hearing: Craig Cellini, DFPR, 320 W. Washington, 3rd Floor, Springfield, IL 62786, 217/785-0810, fax #: 217/557-4451, Craig.cellini@illinois.gov

Emergency Rule

HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Hospital Licensing Requirements (77 IAC 250; 45 Ill Reg 7544) effective 6/7/21 for a maximum of 150 days. This emergency rule (which replaces an emergency rule that expired 6/6/21) implements a federal waiver allowing qualifying hospitals, with approval from the federal Centers for Medicare and Medicaid

Services, to provide limited inpatient services in patients' homes to alleviate hospital overcrowding and prevent spread of COVID-19 infection. Hospitals that have applied for or received the federal AHCH waiver are affected by this emergency rule.

Questions/requests for copies: Tracey Trigillo, DPH, 524 S. 2nd St., 6th Floor, Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

JCAR Meeting Action

At its 6/15/21 meeting, the Joint Committee on Administrative Rules took the following actions:

OBJECTION

JCAR objects to the Illinois Housing Development Authority's use of emergency rulemaking to adopt rules titled Federal Emergency Rental Assistance Programs (47 Ill. Adm. Code 378; 45 Ill Reg 6675) because IHDA is implementing the rental assistance programs based on eligibility criteria, procedures and processes maintained on IHDA's website rather than in rule. The Illinois Administrative Procedure Act requires that any agency statements of general applicability that implement, apply, interpret, or prescribe law or policy and affect private rights and procedures available to persons outside of the agency be adopted as rule.

EXTENSION

JCAR and the Department of Children and Family Services agreed to extend the Second Notice period for the rulemaking titled Background

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 July 13, 2021 JCAR meeting.

IL EMERGENCY MANAGEMENT AGENCY

General Provisions for Radiation Protection (32 IAC 310; 45 ill Reg 5249) proposed 4/23/21

Checks (89 IAC 385; 44 Ill Reg 16009) an additional 45 days. This rulemaking will be considered again at the July 13 meeting.

POSTPONEMENTS

JCAR postponed action on the following rulemakings, currently on initial or extended Second Notice, until the July 13 meeting:

Department on Aging, Introduction (89 IAC 210; 45 Ill Reg 2315), General Programmatic Requirements (89 IAC 220; 45 Ill Reg 1753) and Older Americans Act Programs (89 IAC 230; 45 Ill Reg 1764)

Secretary of State, Public Library Non-Resident Services (23 IAC 3050; 44 Ill Reg 18660)

State Board of Education, Vocational Education (Repealer) (23 IAC 254; 44 Ill Reg 19144) and Career and Technical Education (New Part) (23 IAC 256; 44 Ill Reg 19269)

Compensation of Local Governments for Emergency Planning and in Nuclear Emergency Response Exercises (32 IAC 501; 45 Ill Reg 5280) proposed 4/23/21

OFFICE OF THE STATE FIRE MARSHAL

Policy and Procedures Manual for Fire Protection Personnel (41 IAC 141; 45 Ill Reg 3291) proposed 3/19/21