

*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

### HEALTH INSURANCE

The DEPARTMENT OF INSURANCE adopted a new Part titled Uniform Electronic Prior Authorization Form for Prescription Benefits (50 IAC 2018; 44 Ill Reg 14406) effective 6/21/21, implementing a Public Act. The new Part 2018 requires insurers, effective 7/1/21, to accept and use a uniform electronic prior authorization form if they impose any prior authorization requirements on prescription benefits. The information that must be included in this form is listed in the Part; since 1<sup>st</sup> Notice some clarifications and changes have been made to this information.

*Questions/requests for copies: Ryan Gillespie, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-2746.*

### 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*.

#### [Emergency Rules, Page 2](#)

### SEWAGE TREATMENT

The POLLUTION CONTROL BOARD adopted 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), both

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## Proposed Rulemaking

### FOOD SERVICE

The DEPARTMENT OF REVENUE proposed an amendment to Retailers' Occupation Tax (86 IAC 130; 45 Ill Reg 8009) affecting food service businesses that provide free meals to their employees. The cost of these meals for purposes of determining the employer's use tax liability will be 75 cents through 12/31/21 and \$3.50 effective 1/1/22. (The current amount was established in 1977 and is being adjusted for inflation.) Any tax liability incurred is at the rate that applied when the employer originally purchased the food from the supplier. Restaurants, hotels, catering services and other food service businesses are affected.

*Questions/requests for copies/comments through 8/16/21: Alexis K. Overstreet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.*

**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

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effective 6/21/21, implementing changes and updates 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 by these rulemakings.

*Requests for copies of the 2 PCB rulemakings: Michael J. McCambridge, PCB, Suite 11-500, 100 W. Randolph St., Chicago IL 60601, 312/814-6924, [michael.mccambridge@illinois.gov](mailto: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

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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 listed in next week's *Illinois Register* and considered at the July 13, 2021 JCAR meeting. Other items not listed in the *Register* or 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 FINANCIAL & PROFESSIONAL REGULATION

Real Estate Licensing (68 IAC 1455; 45 Ill Reg 5286) proposed 4/23/21

Currency Exchange Act (38 IAC 120; 45 Ill Reg 5477) proposed 4/30/21

## Emergency Rules

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### HOSPITALS

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Hospital Licensing Requirements (77 IAC 250; 45 Ill Reg 8096) effective 6/15/21 for a maximum of 150 days. This emergency rule implements Public Act 102-4, effective 4/27/21 through 12/31/21, which requires hospitals, in accordance with applicable local, State, or federal public health guidance and recommendations, to provide N95 masks to all physicians, registered nurses, advanced practice registered nurses, and other employees or contract personnel who provide direct patient care.

### HEALTHCARE WORKERS

DPH also adopted an emergency amendment to Health Care

Worker Background Check Code (77 IAC 955; 45 Ill Reg 8109) effective 6/20 through 6/26/21, temporarily extending provisions of an Executive Order through the order's scheduled expiration date. The rule (no longer in effect) allowed military personnel with medical training to serve as certified nursing assistants in healthcare facilities; suspended normal requirements for Illinois certification of CNAs licensed in another state; and allowed CNAs with inactive status on the DPH Health Care Worker Registry for less than 5 years to resume work as CNAs immediately.

*Questions/requests for copies of the 2 DPH emergency rules: Tracey Trigillo, DPH, 524 S. Second St., 6th Fl., Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

The Formulation and Issuance of Schedules of Maximum Rates for Check Cashing and the Writing of Money Orders of Community and Ambulatory Currency Exchanges (38 IAC 125; 45 Ill Reg 5485) proposed 4/30/21

### IL RACING BOARD

Claiming Races (11 IAC 510; 45 Ill Reg 5333) proposed 4/23/21

### STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 4313) proposed 4/9/21

School Food Services (23 IAC 305; 45 Ill Reg 2773) proposed 3/12/21