

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 Rules

DRIVERS' LICENSES

The SECRETARY OF STATE adopted an emergency amendment to Issuance of Licenses (92 IAC 1030; 45 Ill Reg 9197) effective 7/2/21 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 45 Ill Reg 8636. The emergency and proposed rules extend the expiration dates of all driver's licenses, instructional permits and State ID cards that have expired or will expire during calendar years 2020 and 2021 to 12/31/21.

Questions/requests for copies/comments on the proposed rulemaking through 8/30/21: Brenda Glahn, SOS, 298 Howlett Building, Springfield IL 62756, 217/785-3094, bglahn@ilsos.gov

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency 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*.

[JCAR Meeting Action, Page 7](#)

VACCINE PROMOTION

The DEPARTMENT OF THE LOTTERY and the DEPARTMENT OF PUBLIC HEALTH adopted emergency rules titled Joint Rules of the Department of the Lottery and the Department of Public Health on the Coronavirus Vaccine Incentive Public Health Promotion

Proposed Rulemakings

ANIMAL WELFARE

The DEPARTMENT OF AGRICULTURE proposed amendments to the Part titled Animal Welfare Act (8 IAC 25; 45 Ill Reg 8586) updating sanitation and safety requirements for facilities that board and care for companion animals, including animal shelters, pet shops, breeders, and kennels. Affected facilities must register with their county of residence and comply with rabies vaccination requirements; provide necessary grooming, including nail trimming, to prevent hair matting and nail/claw injuries to dogs and cats; provide and document in a daily log opportunities for daily exercise (may consist of a play area/run or walks on a leash); and have a working relationship with a veterinarian who provides

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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

JUVENILE FACILITIES

The DEPARTMENT OF JUVENILE JUSTICE repealed the Part titled County Juvenile Detention Center (20 IAC 2602; 45 Ill Reg 3091) and adopted a new Part titled County Juvenile Detention Standards (20 IAC 2602; 45 Ill Reg 3157), both effective 6/29/21, updating standards for juvenile detention centers that were last amended in 1988. The new Part aligns these standards with the federal Prison Rape Elimination Act (PREA) with

regard to prevention of sexual harassment and abuse of youth; expands provisions for mental health services and addressing grievances; sets procedures for hiring, promoting and training facility personnel; sets construction and facility standards for existing and new facilities; and sets standards for record keeping, medical assessment and placement of youth, grievances, rules of conduct, and other matters. Juvenile detention centers must develop a service plan for youth with significant

mental health needs and may hire or contract with mental health providers for this purpose. Detention centers must also have policies regarding suicide prevention and intervention. In accordance with PREA, multiple channels for reporting sexual harassment or abuse must be provided, including a means to report allegations anonymously to an outside entity that can forward reports to relevant authorities. (Since 1st Notice, DJJ has clarified

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Emergency Rules

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(11 IAC 1775; 45 Ill Reg 9171), effective 7/1/21 for a maximum of 150 days. (DPH's rules at 77 IAC 997 and 45 Ill Reg 9194 cross-reference the Lottery rules cited above.) These emergency rules implement a provision of Public Act 102-16 establishing a COVID-19 vaccine promotion through which Illinois residents age 12 and older who have received at least one dose of COVID-19 vaccine are eligible to win cash prizes or college scholarship funds. Winners age 18 and older receive cash prizes of \$1 million in the initial drawing (held July 8) and \$100,000 in all subsequent drawings. Winners ages 12 through 17 receive a \$150,000 Bright Start college savings account from the Office of the State Treasurer.

Drawing Procedures

DPH will assign a number to each person whose name is entered

into the Illinois Comprehensive Automated Immunization Registry Exchange (I-CARE, a vaccination record exchange used by health care providers) after receiving a dose of COVID-19 vaccine. Persons who receive COVID-19 vaccinations will be automatically entered into the appropriate drawing pool (by age and county of residence) when their vaccination information is registered in I-CARE at least 7 days prior to a drawing. No ticket purchase or other action is required. DPH will work with the federal Department of Veterans Affairs to include in the drawing eligible VA patients who received COVID-19 vaccinations at VA facilities in Illinois. At each drawing, the Lottery will randomly generate numbers for a primary winner and at least 5 alternates. DPH will identify persons with winning numbers in the applicable drawing pool and notify the winners.

Drawing Schedule

The July 8 drawing chose one winner of a \$1 million cash prize and 3 scholarship winners. Statewide drawings for 3 cash prizes of \$100,000 each are scheduled for July 12, 19, and 26 and Aug. 2, 9, and 16. A drawing to award 2 cash prizes of \$100,000 in each of the 11 Restore Illinois regions will be held on Aug. 12. The final drawings on Aug. 26 will choose 2 statewide cash prize winners, 6 statewide scholarship winners, and one scholarship winner in each of the Restore Illinois regions.

Claiming Prizes

Winners must complete an authorization form provided by DPH within 7 days after the drawing in order to claim a prize. If the winner cannot be contacted or does not complete the authorization form to claim the prize, an alternate winner will be

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Proposed Rulemakings

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recommendations on vaccination and deworming protocols. Each animal must receive a complete physical examination by a licensed veterinarian within 30 days after intake or prior to adoption or sale, and on an annual basis thereafter if the animal has not yet been adopted or sold. Records of completed physical exams shall be available for inspection by DOA. Enclosures must be large enough to permit animals to comfortably sit, stand, or turn in a complete circle, and their floors must be constructed of material that does not sag, bend, or bounce. Effective 12/31/22, all indoor enclosures for dogs and cats must: have flooring consisting of a solid surface, slats appropriately spaced so that the animal's feet do not become trapped, or wire coated in PVC or vinyl; must not be stacked on top of one another unless they are commercially designed as multi-level kennels; and have adequate light and ventilation for the animal's well-being and for routine cleaning and inspection. Effective 1/1/23, outdoor dog and cat enclosures must include "effective measures" to mitigate extreme temperatures that threaten the animals' well-being, and must not be used if an animal cannot tolerate the outdoor ambient temperature. With regard to animal foster homes, the rulemaking removes restrictions limiting foster homes to 4 dogs and/or cats and requiring foster animals to be separated from personally owned pets, and requires the shelter for whom the pets are being fostered to keep

records of any agreement between it and the foster home. Those affected by this rulemaking include municipal/county animal control facilities; commercial kennels, pet stores and breeders; and non-profit animal welfare agencies.

Questions/requests for copies/comments through 8/30/21: Pamela Harmon, DOA, State Fairgrounds, P. O. Box 19281, Springfield IL 62794-9281, 217/524-6905, fax: 217/785-4505.

UNIVERSITY RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed an amendment to Universities Retirement (80 IAC 1600; 45 Ill Reg 8638) implementing the definition of a university employee under the Illinois Pension Code as amended by PA 99-897, effective 1/1/17. In order to qualify for SURS retirement benefits, an employee must meet the payroll standard (receive payment for their services via a voucher from the State Comptroller, or from the university's trust, federal or other funds) and must meet either the "permanent and continuous" employment standard (the appointment does not have an end date or will continue indefinitely in the absence of employer action to terminate it) or the "minimum continuous duration" standard (lasting at least 16 weeks or one full academic term). Rules for determining whether faculty and non-faculty positions meet these standards are included, along with

a list of positions that do not meet the definition of an employee (e.g., students employed on a temporary basis, persons already receiving retirement or disability benefits from SURS).

Questions/requests for copies/comments through 8/30/21: Albert J. Lee, SURS, 1901 Fox Drive, Champaign IL 61820, 217-378-8861.

OIL & GAS DRILLING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 45 Ill Reg 8609) changing the spacing requirements for drilling and operating oil wells. All oil wells must be located within 10 acres of surface area within a quarter-quarter-quarter section of land; alternate spacing requirements for certain oil wells that tap into reservoirs are being removed. The rulemaking also allows expert opinions on geological and engineering conditions within the area of review to be included among the evidence submitted to DNR for review of a Class I, Underground Injection Control Permit, and updates geological terminology.

Questions/requests for copies/comments through 8/30/21: John Fischer, DNR, One Natural Resources Way, Springfield, IL 62702, 217/782-1809.

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Adopted Rules

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procedures that apply in specific situations, e.g., when a youth is detained solely on a judicial immigration warrant.) Housing and bed assignments shall be made in a manner that protects youth from sexual abuse and harassment. In the case of youth who are

transgender (gender identity differs from sex recorded/assigned at birth) or intersex (possessing physical characteristics or chromosomal patterns that are not consistently male or female), placement with male or female residents shall be considered on a case-by-case basis, with the youth's own

perception of safety given due consideration. Since 1st Notice, DJJ has clarified that transgender/intersex youth may also choose the gender of staff supervising them. Transgender or intersex youth shall be allowed to shower separately from other facility residents and

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Emergency Rules

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selected. DPH may not share the names or personal information of any I-CARE registrants or winners with the Department of the Lottery or the Office of the State Treasurer without the consent of the individual (or consent of the parent/guardian for scholarship winners). Eligible individuals cannot win more than one prize and any prize winner will be excluded from subsequent drawings.

Questions/requests for copies: Mason McDaniel, Department of the Lottery, 101 W. Jefferson St., MC 3-925, Springfield, IL 62702, 217/20-8188, Mason.mcdaniel@illinois.gov or Tracey Trigillo, DPH, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 217/782-1159, dph.rules@illinois.gov

SEXUAL ASSAULT

DPH also adopted emergency amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 45 Ill Reg 9188) effective 7/1/21 for a maximum of 150 days. This emergency rule implements provisions of PA 102-22 that allow

federally qualified health centers (FQHCs) to file sexual assault treatment plans with DPH and provide forensic medical and treatment services to sexual assault survivors through 12/31/21.

Questions/requests for copies: Tracey Trigillo at the DPH address, phone number and e-mail above.

■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 45 Ill Reg 9153) effective 7/1/21 for a maximum of 150 days. Identical proposed amendments appear in the *Register* at 45 Ill Reg 8607. These rulemakings update FY22 income eligibility thresholds for the Child Care Assistance Program (at or below 200% of Federal Poverty Level for new applicants or 250% FPL at annual redetermination; eligibility phases out between 250% FPL and 85% of State Median Income) and also update monthly CCAP co-payment amounts based on family size and income. CCAP-enrolled child care providers are affected.

Questions/requests for copies/comments on the proposed rulemaking through 8/30/21: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted emergency amendments to Pay Plan (80 IAC 310; 45 Ill Reg 9128), effective 7/1/21 for a maximum of 150 days. Identical proposed amendments appear in this week's *Register* at 45 Ill Reg 8599. The emergency and proposed rulemakings implement a 3.95% FY22 general pay increase for merit compensation positions to align them with bargaining unit positions that received a 3.95% contractual pay increase effective 7/1/21.

Questions/requests for copies/comments on the proposed rulemaking through 8/30/21: Jason Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, (217) 782-4267, fax: (217) 524-4570, CMS.PayPlan@Illinois.gov

Adopted Rules

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their residential and programming assignments shall be reassessed for safety considerations at least twice a year. Provisions have also been added for addressing youth grievances not related to sexual harassment, including lost/damaged personal possessions, staff conduct, handling of mail, etc. Isolation may be used only as a last resort when less restrictive measures are inadequate to insure safety. Detention centers shall prioritize family engagement when setting visitation rules and shall also provide an option for video conferencing. Visitation times are increased from 30 minutes to 1

hour, and centers may on a case by case basis allow visits outside of normal visiting hours. Strip searches are allowed only when there is reasonable suspicion against an individual in certain circumstances (e.g., following admission, after leaving the facility grounds, after visits). Detention centers must designate a qualified educational authority to provide education services to detained youth; the program must meet all State and federal education standards. At least 1 teacher shall be provided for every 12 general education students, with at least 1 teacher per 8 special education students. Annually, no later than 8/1, each detention center shall file

an educational plan with DJJ that includes the number of anticipated school days, curriculum compliance with State and federal standards, how class sizes will be limited, and how credits will be determined and awarded to students. At the end of the school year, no later than 7/1, the center shall file another report with DJJ that includes the number of students served, total number of school days provided, and actual teacher to student ratios. Those affected by these rulemakings include county governments, youth in detention facilities, and providers of mental health, medical and educational services.

Questions/requests for copies of the 2 DJJ rulemakings: Lindsay M. Bentivegna, DJJ, 2715 W. Monroe St., Springfield IL 62704, 217/557-1030, DJJ.Rules@illinois.gov

Proposed Rulemakings

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GAS PIPELINES

The ILLINOIS COMMERCE COMMISSION proposed amendments to Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 IAC 590; 45 Ill Reg 8602) to align ICC's standards with federal safety standards. The proposed rulemaking changes an incorporation date for federal regulations from 9/1/19 to 4/29/21 and removes other provisions and citations that are obsolete.

Questions/requests for copies/comments through 8/30/21: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

VEHICLE REGISTRATION

The SECRETARY OF STATE proposed an amendment to Certificates of Title, Registration of Vehicles (92 IAC 1010; 45 Ill Reg 8627) clarifying that utility trailers with a gross vehicle weight of less than 10,000 pounds, including camping or travel trailers, cannot be registered as semitrailers, but must be registered according to their use under the Illinois Vehicle Code.

Questions/requests for copies/comments through 8/30/21: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, pwright@ilsos.gov

MEDICAL PAYMENT

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 45 Ill Reg 1341 and 2569), effective 6/29/21, combining two separately proposed rulemakings and replacing emergency rules that were effective 1/15/21 and 2/19/21. The rulemaking provides that HFS' public health emergency fee schedule for non-institutional services will remain in effect until the Department determines these fees/payments are no longer necessary to address a public

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Adopted Rules

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health emergency. HFS' decision to continue or terminate these fees/payments will be based on factors such as establishment, termination, or modification of applicable federal or State disaster declarations; Executive Orders of the Governor; or disaster-related flexibilities granted by federal agencies. The rulemaking also establishes an exception to HFS rules normally limiting Medical Assistance payment for eyeglass lenses, frames and frame parts to items produced by the Department of Corrections. For dates of service on or after 3/9/20, HFS will pay for glasses and parts produced by other laboratory vendors (DOC halted production of these items during the COVID-19 public health emergency). This exception will remain in effect until HFS determines that service from these alternative vendors is no longer necessary to address a public health emergency or (under a provision added since 1st Notice) until DOC resumes production of these items. Hospitals and Medicaid health providers are affected by this rulemaking.

Questions/requests for copies: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, HFS.Rules@illinois.gov

PUBLIC ASSISTANCE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Temporary Assistance for

Needy Families (89 IAC 112; 44 Ill Reg 19632), Aid to the Aged, Blind or Disabled (89 IAC 113; 44 Ill Reg 19649) and Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 44 Ill Reg 19663), all effective 6/30/21, implementing PA 101-415. For purposes of determining eligibility for TANF, AABD, or SNAP, these amendments exempt, for up to 60 months, income received in the form of wages, cash transfers, or gifts to persons enrolled in a research project that is not funded with General Revenue Funds and is intended to investigate the impact of public policies or programs designed to reduce poverty, promote social mobility, or increase financial stability for Illinois residents. The project must have an explicit plan to collect data and evaluate its results in place before participants in the project are enrolled and a research team must have been identified to oversee the evaluation.

■ DISABILITY SERVICES

DHS adopted a new Part titled Services to Potentially Eligible Students (89 IAC 554; 45 Ill Reg 2599) effective 6/29/21, establishing the eligibility of public school students with disabilities for pre-employment transitional services such as job exploration counseling, work-based learning experiences, workplace readiness training, and counseling regarding post-secondary educational opportunities. Students will receive these services under written agreements with the entities providing them

and will remain eligible until they reach age 22 or are no longer students. Consent of a parent or guardian is required if the student is under 18 or under legal guardianship. Potentially eligible students do not qualify for individualized vocational rehabilitation services unless they have separately applied for and been determined eligible for those services. Those affected by this rulemaking include students with disabilities and entities that provide transitional/pre-employment services to them.

DHS also adopted amendments to the Part titled Eligibility (89 IAC 682; 45 Ill Reg 2603) effective 6/29/21 that add Achieving a Better Life Experience (ABLE) Accounts to the list of assets and financial resources exempt from consideration in determining financial eligibility for the Home Services Program. The rulemaking also clarifies that exempt income-producing resources include, but are not limited to, land, buildings, supplies and tools/equipment used in business or agricultural operations. This rulemaking may affect certain owners or employees of small businesses.

Questions/requests for copies of the 5 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

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Adopted Rules

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STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 45 Ill Reg 3736) effective 7/1/21, implementing various updates and making the Pay Plan generally applicable for State Fiscal Year 2022. In-hire rates for several trainee titles are terminated effective 12/31/20 because they fall below the State minimum wage that took effect 1/1/21. The list of divided classes (job titles represented by more than one bargaining unit) is updated effective 2/25/21. Various obsolete titles are removed and new titles added, obsolete pay tables that were in effect prior to 1/1/21 are removed, and pay rates based on prevailing wages for boiler safety specialists and boiler safety audit specialists employed by the Office of the State Fire Marshal are updated.

*Questions/requests for copies:
Jason R. Doggett, CMS, 504
Stratton Bldg., Springfield IL
62706, 217/782-4267, fax: 217/
524-4570, CMS.PayPlan
@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 August 18, 2021 JCAR meeting in Springfield. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF EMPLOYMENT SECURITY

Special Programs (56 IAC 2870; 45 Ill Reg 6472)
proposed 5/21/21

Disqualifying Income and Reduced Benefits (56 IAC 2920; 45 Ill
Reg 6494) proposed 5/21/21

Periods of Extended Benefits (56 IAC 2970; 45 Ill Reg 6500)
proposed 5/21/21

DEPT OF HEALTHCARE & FAMILY SERVICES

Medical Payment (89 IAC 140; 45 Ill Reg 5300) proposed 4/23/21

DEPT OF HUMAN SERVICES

Permanent Supportive Housing & Bridge Subsidy Model for
Persons with Mental Illnesses (59 IAC 145; 45 Ill Reg 5302)
proposed 4/23/21

DEPT OF PUBLIC HEALTH

Skilled Nursing and Intermediate Care Facilities Code (77 IAC
300; 45 Ill Reg 4778) proposed 4/16/21

JCAR Meeting Action

At its 7/13/21 meeting, the Joint Committee on Administrative Rules approved the following action. All other rulemakings on the agenda received No Objection.

EXTENSION

JCAR and the Office of the State Fire Marshal agreed to extend the Second Notice period for the rulemaking titled Policy and Procedures Manual for Fire Protection Personnel (41 IAC 141; 45 Ill Reg 3291) an additional 45 days. This rulemaking will be considered again at the Committee's 8/18/21 meeting.