

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 48

ISSUE 48

December 2, 2024

The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

• MEDICAL DEBT RELIEF

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Assistance Programs (89 IAC 120; 48 Ill Reg 17194) implementing Public Act 103-647. The PA and this rulemaking implement a 5-year Medical Debt Relief Pilot Program, effective through 6/30/29, under which eligible Illinois residents with household incomes at or below 400% of the Federal Poverty Level and medical debt totaling 5% or more of their household income may have their medical debts purchased, negotiated and discharged with grant funding from a special fund in the State Treasury. (Eligible residents do not have to file applications or take any action under this program.) HFS will appoint a Nonprofit Medical Debt Relief Coordinator who shall identify residents eligible for the program; review medical debt accounts from commercial debt collection agencies or health care providers who are

willing to sell and settle medical debt accounts of eligible residents; conduct outreach to hospitals (beginning with safety-net hospitals) and other providers to inform them of the program; acquire and negotiate medical debt accounts of eligible residents; and inform residents whose debt has been acquired and paid by

**Emergency Rule, Page 2
Adopted Rules, Page 3
Second Notices, Page 4**

the Debt Relief Coordinator that these debts have been discharged. To the extent possible, the Debt Relief Coordinator will prioritize medical debts from hospitals that serve a high number or percentage of Medicaid customers or are located in disproportionately impacted areas. HFS shall also provide an annual report to the General Assembly of the number of residents who receive medical debt relief, the amount of medical debt discharged,

demographic characteristics of eligible residents (subject to HIPAA and other medical privacy laws) and the characteristics of the healthcare providers from whom medical debt was purchased and discharged. Health care providers and debt collection agencies may be affected by this rulemaking.

Questions/requests for copies/comments through 1/15/25: Chris Gange, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 48 Ill Reg 17210) implementing Public Acts 103-691 and 103-776. This rulemaking

(cont. page 2)

ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days. **PROPOSED RULEMAKINGS:** Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days. **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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.

QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.

RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

(cont. from page 1)

allows a nursing facility with only distinct parts certified for participation in the Medical Assistance program (e.g., separate sections for rehabilitation, which is not Medicaid eligible, and long term care, which is Medicaid eligible) to discharge residents who cannot self-pay from the non-Medicaid-certified portions of the facility under the following conditions: the facility explained to the resident and/or the resident's representative, at the time of admission and upon renewal of their contract, that they could be discharged for inability to pay without medical assistance; the resident and/or representative acknowledges in writing having received this explanation; and, in cases where the resident's stay has been covered by Medicare and coverage is ending prior to the full 100-day benefit period, the facility has given the resident 5 days' notice of the termination of their Medicare coverage. The rulemaking also requires the new owners of facilities that are changing ownership to submit a detailed transition plan, documenting how resident care and appropriate staffing levels will be maintained during the transition process, to DPH for approval at the same time that they apply for their initial (new) license. A facility that fails to follow its transition plan and

Emergency Rule

CAPITOL COMPLEX

The SECRETARY OF STATE adopted emergency amendments to the Part titled Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 48 Ill Reg 17392) effective 11/18/24 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 48 Ill Reg 17322. The emergency and proposed rulemakings require all members and employees of the General Assembly, employees of SOS, and employees of other State agencies to wear their employer-issued photo IDs where they can be easily seen at all times when entering and within the Capitol Complex. These rulemakings also remove provisions under which SOS could issue ID cards to lobbyists, vendors, and employees of State agencies that do not issue their own photo IDs. Persons without an ID must submit to security screening when entering the Capitol Complex.

Questions/requests for copies/comments on the proposed rulemaking through 1/15/25: Amy Williams, SOS, 298 Howlett Bldg., Springfield, IL 62756, 217-785-3094, Awilliams3@ilsos.gov

thereby causes harm to a resident will be cited for a violation and designated as "high risk". Finally, the rulemaking clarifies that work eligibility status for all prospective employees subject to the Health Care Worker Background Check Act must be checked prior to hiring.

DPH also proposed amendments to Illinois Veterans' Homes Code (77 IAC 340; 48 Ill Reg 17240) to align this Part with recent updates to the Nursing Home Care Act and federal regulations. The rulemaking updates requirements for obtaining informed consent for psychotropic medications; implements Public Act 103-1, which allows DPH to conduct certain

inspections of licensed facilities "to the extent feasible" during a statewide public health emergency; and incorporates federal requirements regarding antibiotic stewardship programs, strike notification, and drug regimen review processes.

Questions/requests for copies/comments on the 2 DPH rulemakings through 1/15/25: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

Adopted Rules

DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; proposed at 48 Ill Reg 7994) effective 11/15/24 at 48 Ill Reg 17324, that establish a minimum vision standard for drivers who have monocular vision (i.e., in only one eye; such drivers are restricted to vehicles with both left and right rearview mirrors) and allow for an evaluation by a certified driver rehabilitation specialist to be considered if the driver is unable to meet the minimum vision standard. The rulemaking also creates a new restriction (J52) under which persons with Class B or C Commercial Driver's Licenses may also operate farm vehicles. SOS states that this restriction is intended to accommodate school bus drivers who hold Class B CDLs and, under the previous rule, could not also obtain a J50 or J51 restriction allowing them to operate farm vehicles.

Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217-785-3094, pwright@ilsos.gov

VETERANS

The DEPARTMENT OF VETERANS' AFFAIRS adopted amendments to the Part now titled Deceased, Disabled,

and MIA/POW Veterans' Dependents Scholarship (95 IAC 116; proposed at 47 Ill Reg 17433) effective 11/13/24 at 48 Ill Reg 17376, reflecting the consolidation of the Deceased or Disabled Veterans Educational Grant Program (which provides educational grants to eligible veterans' children ages 10 through 17, or until high school graduation) with the MIA/POW Scholarship program (which provides college scholarships to children and spouses of eligible veterans). This rulemaking changes the name of the Part (formerly MIA/POW Scholarship) to reflect the consolidation of these programs and clarify eligibility criteria for grant applicants. If an applicant is an adopted child or stepchild of the eligible veteran, the adoption or marriage must have taken place when the child was under 18. A minor child under 18 who has been under court-ordered guardianship for at least 2 years prior to application may also qualify for the Deceased/Disabled Grant Program. An eligible veteran includes any veteran or serviceperson, including Illinois National Guard members, who while on active duty or a training assignment was declared to be a prisoner of war or missing in action, or died from or was declared 100% disabled due to a service-connected disability. The eligible veteran must also have been an Illinois resident prior to entering service;

have become an Illinois resident within 6 months after entering service; or have been an Illinois resident for at least 15 consecutive years at any time after entering service. An eligible veteran also cannot have been dismissed from service or received a dishonorable or bad conduct discharge. This rulemaking clarifies that the college scholarship covers only tuition and mandatory fees (fees charged to students regardless of whether they attend on campus or by distance learning; does not include application, graduation, lab fees, or add/drop fees) for 4 years of enrollment including summer terms, and requires scholarship recipients to notify the educational institution of their intention to use the scholarship each term. Since 1st Notice, DVA has clarified that both children and spouses of eligible veterans may use the scholarship regardless of their age (previous rule required children to use the scholarship by age 26, but that restriction has been removed in statute).

Questions/requests for copies: Sara Augustinas, DVA, 69 W. Washington, Ste. 1620, Chicago, IL 60602, 217-685-2334, Sara.Augustinas@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 considered at the December 10, 2024 meeting in Chicago. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR at jcar@ilga.gov.

OFFICE OF THE AUDITOR GENERAL

Purchases and Contracts (44 IAC 500; 48 Ill Reg 11381) proposed 10/4/24

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Student Loan Servicing Rights (38 IAC 1010; 48 Ill Reg 13872) proposed 9/20/24

IL GAMING BOARD

Riverboat and Casino Gambling (86 IAC 3000; 48 Ill Reg 12120) proposed 8/16/24

DEPT OF INSURANCE

Illinois Health Benefits Exchange (50 IAC 4500; 48 Ill Reg 13539) proposed 9/13/24

DEPT OF NATURAL RESOURCES

Sport Fishing Regulations for the Waters of Illinois (17 IAC 810; 48 Ill Reg 9386) proposed 7/5/24

Duck, Goose and Coot Hunting (17 IAC 590; 48 Ill Reg 13070) proposed 9/6/24

White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 48 Ill Reg 13084) proposed 9/6/24

Dove Hunting (17 IAC 730; 48 Ill Reg 13104) proposed 9/6/24

The Illinois Oil and Gas Act (62 IAC 240; 48 Ill Reg 13121) proposed 9/6/24

DEPT OF PUBLIC HEALTH

Control of Tuberculosis Code (77 IAC 696; 48 Ill Reg 437) proposed 1/5/24

Next JCAR Meeting: Tuesday, Dec. 10, 11 a.m.

Room C-600, Bilandic Bldg., 160 N. LaSalle St., Chicago
Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair
Senator Cristina Castro
Senator Donald DeWitte
Senator Dale Fowler
Senator Napoleon Harris, III
Senator Sue Rezin

Representative Ryan Spain, Co-Chair
Representative Eva-Dina Delgado
Representative Jackie Haas
Representative Steven Reick
Representative Curtis Tarver, II
Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director
700 Stratton Office Building, Springfield IL 62706
217-785-2254 ■ jcar@ilga.gov