

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
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SEN. DALE FOWLER
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REP. EVA-DINA DELGADO
REP. JACKIE HAAS
REP. STEVEN REICK
REP. CURTIS J. TARVER, II
REP. DAVE VELLA

MINUTES

December 11, 2023

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, December 11, 2023, at 11:00 a.m. in Room C600 of the Bilandic Building, Chicago. Co-Chair Spain called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

X Senator Cristina Castro	X Representative Eva-Dina Delgado
X Senator Bill Cunningham	X Representative Jackie Haas
X Senator Donald DeWitte	X Representative Steven Reick
X Senator Dale Fowler	X Representative Ryan Spain
Senator Napoleon Harris, III	X Representative Curtis J. Tarver, II
Senator Sue Rezin	Representative Dave Vella

APPROVAL OF THE MINUTES OF THE NOVEMBER 7, 2023 MEETING

Sen. Castro moved, seconded by Rep. Reick, that the minutes of the November 7, 2023 meeting be approved. The motion passed unanimously (9-0-0).

REVIEW OF AGENCY RULEMAKINGS

Department of Financial and Professional Regulation – Credit Union Community Reinvestment (38 Ill. Adm. Code 185; 46 Ill. Reg. 19726); Bank Community Reinvestment (38 Ill. Adm. Code 345; 46 Ill. Reg. 19794); Rules Governing the Request for Reconsideration of Examination Findings (38 Ill. Adm. Code 385; 46 Ill. Reg. 19856); Mortgage Community Reinvestment (38 Ill. Adm. Code 1055; 46 Ill. Reg. 19861)

Mario Treto-Secretary; Suzanna Soriano-Acting Director, Division on Banking; David Berland; and Jayesh Hines-Shah represented DFPR.

Discussion.

Department of Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 47 Ill. Reg. 315)

Omar Shaker and Christine Herman represented DHFS.

Discussion.

Rep. Haas moved, seconded by Sen. Castro, that JCAR recommend that the Department be more timely in implementing statute in rule. Public Act 101-10 required treatment of autism spectrum disorder through Applied Behavior Analysis to be covered under the Medical Assistance Program for children with a diagnosis of autism spectrum disorder and stated that the Department shall submit rules regarding provision of services and providers by September 1, 2019. The Department did not propose these rules until January 13, 2023. The motion passed unanimously (9-0-0).

Department of Healthcare and Family Services – Special Eligibility Groups (Emergency) (89 Ill. Adm. Code 118; 47 Ill. Reg. 9114)

Omar Shaker represented DHFS.

Discussion.

Department of Public Health – Hospital Licensing Requirements (77 Ill. Adm. Code 250; 47 Ill. Reg. 9134)

Rep. Delgado moved, seconded by Sen. DeWitte, that JCAR, with the concurrence of the Department of Public Health, extend the second notice period for this rulemaking for an additional 45 days. The motion passed unanimously (9-0-0).

Illinois State Police – Firearm Owner's Identification Card Act (20 Ill. Adm. Code 1230; 47 Ill. Reg. 13846)

Suzanne Bond and Capt. Jeffrey Yenchko represented ISP.

Discussion.

Department on Aging – Community Care Program (Emergency) (89 Ill. Adm. Code 240; 47 Ill. Reg. 15675)

Sen. Castro moved, seconded by Rep. Haas, that JCAR object to the emergency rulemaking because it does not meet the criteria for emergency rulemaking in 1 Ill. Adm. Code 230.400(a)(1)(C) and (D). The emergency situation did not arise through no fault of the agency and the emergency rule is not limited to those matters that are required to meet the emergency situation. Beginning March 1, 2020, the federal Centers for Medicare and Medicaid Services, in response to the COVID-19 public health emergency, waived a federal requirement that prohibited legally responsible individuals from serving as home care aides for program participants. After this flexibility was granted, the Department permitted legally responsible individuals to serve as

home care aides despite this practice being strictly prohibited in its own administrative rules. The Department could have easily made this change through a proposed rulemaking and allowed for public notice and comment at some point over the last three years. Further, this rulemaking contains general clean-up and style changes that are not necessary to address the emergency situation. The motion passed unanimously (7-0-0; Rep. Delgado and Rep. Reick left the meeting).

Illinois Environmental Protection Agency – Procedures for Issuing Loans from the Public Water Supply Loan Program to Provide Funding for Lead Service Line Replacement (35 Ill. Adm. Code 663; 47 Ill. Reg. 11879)

Sen. Fowler moved, seconded by Rep. Hass, that JCAR, with the concurrence of the Illinois Environmental Protection Agency, extend the second notice period for this rulemaking for an additional 45 days. The motion passed unanimously (7-0-0).

Department of Financial and Professional Regulation – Credit Union Community Reinvestment (38 Ill. Adm. Code 185; 46 Ill. Reg. 19726); Bank Community Reinvestment (38 Ill. Adm. Code 345; 46 Ill. Reg. 19794); Rules Governing the Request for Reconsideration of Examination Findings (38 Ill. Adm. Code 385; 46 Ill. Reg. 19856); Mortgage Community Reinvestment (38 Ill. Adm. Code 1055; 46 Ill. Reg. 19861)

Illinois State Police – Firearm Owner's Identification Card Act (20 Ill. Adm. Code 1230; 47 Ill. Reg. 13846)

Department of Healthcare and Family Services – Special Eligibility Groups (Emergency) (89 Ill. Adm. Code 118; 47 Ill. Reg. 17206)

Illinois State Police – Firearm Owner's Identification Card Act (Emergency) (20 Ill. Adm. Code 1230; 47 Ill. Reg. 14038)

Co-Chair Spain noted that these rulemakings would be removed from the No Objection list.

CERTIFICATION OF NO OBJECTION

Sen. DeWitte moved, seconded by Rep. Tarver, that the Committee inform the agencies to whose rulemakings the Committee has not voted an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemaking made by the agency, no Objections will be issued. The motion passed unanimously (7-0-0).

ANNOUNCEMENT OF JANUARY MEETING

Co-Chair Spain announced that the next JCAR meeting will be Tuesday, January 16, 2024, at 10:30 a.m. in Room C-1 of the Stratton Building, Springfield.

ADJOURNMENT

Co-Chair Cunningham moved, seconded by Sen. Fowler, that the meeting stand adjourned. The motion passed unanimously (7-0-0).

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