

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 48

ISSUE 44

November 1, 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 ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Assistance Programs (89 IAC 120; 48 Ill Reg 15183) implementing Public Act 102-959. The PA and this rulemaking exempt, effective 5/27/22, from countable assets (when determining medical assistance eligibility for long term care) existing life insurance policies that have been irrevocably assigned to payment of funeral or burial funds in compliance with Section 2b of the Illinois Funeral or Burial Funds Act. A contract must have been signed with a licensed funeral home, describing the type of goods and services to be provided upon the person's death, with annual adjustments for inflation. A person applying for medical assistance must additionally complete an Irrevocable Assignment of Benefits of Life Insurance Policy Form (HFS 3195) at the HFS website, stating that any

funds not used for funeral goods and services will be paid to HFS, and any funds remaining after payment to the State (for the cost of medical assistance provided to the deceased person) will be paid to a secondary beneficiary (if named) or to the deceased person's estate.

Adopted Rules, Page 5
Second Notices, Page 8

MEDICAL PAYMENT

HFS also proposed an amendment to Medical Payment (89 IAC 140; 48 Ill Reg 15203) implementing PA 103-639, which requires, effective 7/1/24, coverage of continuous glucose monitors when they are ordered by a provider who is a physician or a nurse practitioner or physician assistant acting under a collaborative agreement with a physician, and has fulfilled continuing medical education requirements; are prescribed to

persons with diabetes who meet coverage requirements, or persons with gestational diabetes; and are prescribed to patients who do not need intensive insulin therapy or who do not have a recent history of emergency treatment or hospital visits for hypoglycemia, hyperglycemia, or ketoacidosis. A continuous glucose monitor may also be ordered on a case by case basis for diabetic patients who do not meet coverage requirements when deemed medically necessary by the healthcare provider. Prior approval is required and is valid for 12 months once the continuous glucose monitor is prescribed. The rulemaking also updates the web address for obtaining a list of State and federally-approved healthcare accrediting bodies.

Finally, HFS proposed an amendment to the Part titled Reimbursement for Nursing Costs for Geriatric Facilities

(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)

(89 IAC 147; 48 Ill Reg 15231) implementing PA 103-1118 by increasing the existing Medicaid Access Adjustment on the Patient Driven Payment Model (PDPM) from \$4.00 to \$4.75 per day, for dates of service on or after 1/1/23, for all facilities for which Medicaid bed days account for at least 70% of all annual occupied bed days.

Questions/requests for copies/comments on the 3 HFS rulemakings through 12/16/24: Chris Gange, HFS, 201 S. Grand Ave. East, 3rd Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

▪ SALES & SERVICE TAXES

The DEPARTMENT OF REVENUE proposed amendments to Retailers' Occupation Tax (86 IAC 130; 48 Ill Reg 15268) and Service Occupation Tax (86 IAC 140; 48 Ill Reg 15283) reflecting DOR procedures for filing sales and use taxes on aviation fuel. The Part 130 rulemaking requires aviation fuel sales and use taxes to be reported on a separate form from other sales and use taxes and gives instructions for filing aviation fuel tax forms. Discounts for the State portion of the aviation fuel tax may only be claimed if the tax was reported and paid electronically. An amendment to Part 140 incorporates the sales tax filing and payment instructions in Part 130 as instructions for filing the corresponding service occupation taxes.

DOR also proposed amendments to 18 other Parts reflecting statutory exemptions of low-rate items and aviation fuel from local sales and service taxes: Home Rule County

Retailers' Occupation Tax (86 IAC 220; 48 Ill Reg 15290), Home Rule County Service Occupation Tax (86 IAC 230; 48 Ill Reg 15296), Home Rule Municipal Retailers' Occupation Tax (86 IAC 270; 48 Ill Reg 15302), Home Rule Municipal Service Occupation Tax (86 IAC 280; 48 Ill Reg 15308), Regional Transportation Authority Retailers' Occupation Tax (86 IAC 320; 48 Ill Reg 15314), Regional Transportation Authority Service Occupation Tax (86 IAC 330; 48 Ill Reg 15321), Metro East Mass Transit District Retailers' Occupation Tax (86 IAC 370; 48 Ill Reg 15327), Metro East Mass Transit District Service Occupation Tax (86 IAC 380, 48 Ill Reg 15333), Metro-East Park and Recreation District Retailers' Occupation Tax (86 IAC 395; 48 Ill Reg 15339), Metro-East Park and Recreation District Service Occupation Tax (86 IAC 396; 48 Ill Reg 15345), Motor Fuel Tax (86 IAC 500; 48 Ill Reg 15350), Environmental Impact Fee (86 IAC 501; 48 Ill Reg 15367), Special County Retailers' Occupation Tax for Public Safety (86 IAC 670; 48 Ill Reg 15371), Special County Service Occupation Tax for Public Safety (86 IAC 680; 48 Ill Reg 15377), Salem Civic Center Retailers' Occupation Tax (86 IAC 690; 48 Ill Reg 15383), Salem Civic Center Service Occupation Tax (86 IAC 691; 48 Ill Reg 15388), Non-Home Rule Municipal Retailers' Occupation Tax (86 IAC 693; 48 Ill Reg 15393) and Non-Home Rule Municipal Service Occupation Tax (86 IAC 694; 48 Ill Reg 15401). These rulemakings reflect Public Acts 100-117, 101-10, and 101-604 exempting aviation fuel from these taxes and providing new references regarding the low-rate items. Additionally, the amendments to Parts 320 and 330 reflect PA 103-781, effective 8/5/24, with regard to changes in grocery sales tax. The Part 500 rulemaking also clarifies how to calculate the rate of future increases in motor fuel tax based on the Consumer Price Index and extends the tax on leaking underground storage

tanks through 12/31/29. Amendments to Part 501 additionally extend the environmental impact fee through 12/31/29 and update other sunset dates. Finally, the Parts 693 and 694 rulemakings also reflect PA 103-781 by removing a requirement that these taxes be approved by a local referendum before being imposed. Those affected by these rulemakings include units of local government and sellers of aviation fuel, motor fuel, groceries and other items exempt from these taxes.

Questions/requests for copies/comments concerning the 20 DOR rulemakings through 12/16/24: Kimberly Rossini, DOR, 101 W. Jefferson St., Springfield IL 62794, 217-782-2844, REV.GCO@illinois.gov

▪ REAL ESTATE APPRAISAL

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed an amendment to Real Estate Appraiser Licensing (68 IAC 1455; 48 Ill Reg 15174) implementing a recent change to federal guidelines. For continuing education providers seeking renewal of their licenses to provide various training courses for appraisers, this rulemaking removes exceptions from licensing application fees that had been granted for the 15-hour National Uniform Standards of Professional Appraisal Practice (USPAP) Course, the 7-hour National USPAP Update Course, and the 7-hour National USPAP Continuing Education Course. Entities providing CE for real estate appraisers are affected.

Questions/requests for copies/comments through 12/16/24: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

• IHDA TAX CREDITS

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY proposed amendments to the Part titled Low Income Housing Tax Credit Allocation (47 IAC 350; 48 Ill Reg 15243) concerning fees for monitoring developers' compliance with IHDA's requirements for Low Income Housing Tax Credits (LIHTCs). The rulemaking removes specific application, reservation and modification fees (not changed since 1997) with provisions allowing IHDA to charge an annual compliance monitoring fee based on its costs for compliance monitoring during the previous State fiscal year. The fee amount shall be established every July 1 and may be redetermined on an annual basis. Developers that have received LIHTCs are affected.

Questions/requests for copies/comments through 12/16/24: Christina McClernon, IHDA, 111 E. Wacker Dr., Suite 1000, Chicago IL 60601, 872-271-8481, cmccclernon@ihda.org

• SUPPORTIVE HOUSING

The DEPARTMENT OF HUMAN SERVICES proposed an amendment to the Part titled Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illnesses (59 IAC 145; 48 Ill Reg 15255) implementing Public Act 103-970, which lowers the minimum age for participants in the Housing is Recovery Pilot Program from 21 to 18. The program provides supportive housing for individuals at high risk of homelessness, overdose or unnecessary institutionalization due to mental illness or substance use disorders. Those affected by this

rulemaking include mental health and substance use treatment providers and property managers or landlords who participate in the program.

Questions/requests for copies/comments through 12/16/24: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

INSURANCE

The DEPARTMENT OF INSURANCE proposed an amendment to Prior Notification of Transactions (50 IAC 654; 48 Ill Reg 15261) that updates the required provisions in agreements for cost sharing services and management services among affiliated companies. These agreements must comply with the 2024 (currently, 2018) National Association of Insurance Commissioners (NAIC) Accounting Practices and Procedures Manual. The rulemaking more precisely defines what books and records must be included in the agreement; clarifies that the records of each insurer must be identifiable and kept separate and apart from those of other affiliated insurers; and specifies actions to be taken in the event that an insurer is placed in rehabilitation, liquidation, conservation, dissolution or receivership.

Questions/requests for copies/comments through 12/16/24: R. John Street, DOI, 122 S. Michigan Ave., 19th Floor, Chicago IL 60603, 312-814-8220, john.street@illinois.gov, or Susan Anders, DOI, 320 W. Washington St., 4th Floor, Springfield IL 62767, 217-558-0957, sue.anders@illinois.gov

• INVESTMENT ADVISORS

The SECRETARY OF STATE proposed amendments to the Part titled

Regulations Under Illinois Securities Law of 1953 (14 IAC 130; 48 Ill Reg 15409) aligning various provisions with federal regulations. This rulemaking extends continuing education (CE) requirements to all Illinois-licensed investment adviser representatives (IARs) that do not already have CE requirements for licensure as salespersons in Illinois or for licensure as IARs in other states. An IAR who has been inactive for up to 5 years (currently, up to 2 years) and wishes to re-enter the investment industry will not be required to retake securities examinations provided the IAR has kept current with CE requirements. Other provisions remove obsolete references and designations. Licensed securities investment advisors and salespersons and their employers are affected by this rulemaking.

Questions/requests for copies/comments through 12/16/24: F. Chet Taylor, SOS Securities Department, 69 W. Washington St., Suite 1220, Chicago IL 60602, 312-793-2525 ftaylor@ilsos.gov

STATE TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment to the Part titled The Travel Regulation Council (80 IAC 3000; 48 Ill Reg 15168) clarifying and providing examples of how per diem reimbursement will be provided for State employees on travel status. Travel that lasts at least 18 (currently, 12) continuous hours will be reimbursed on a per diem basis and the rate will be determined by the location at which State business is conducted. For single day travel with business at multiple locations, the rate will be determined by the highest rate among the locations.

(cont. page 4)

Proposed Rulemakings

(cont. from page 3)

Questions/requests for copies/comments through 12/16/24: Administrative Rules Coordinator, CMS (Travel Regulation Council), 313 S. Sixth St., 3rd Floor, Springfield IL 62702, 217-782-2000, CMS.Rule@illinois.gov

DHS RULE WITHDRAWAL

The DEPARTMENT OF HUMAN SERVICES has withdrawn proposed amendments to the Part titled Minimum Standards for Certification of Developmental Training Programs (59 IAC 119; 47 Ill Reg 14982) in response to a JCAR Objection. These amendments, which were published in the 10/27/23 *Illinois Register*, would have updated DHS' requirements for

community day programs serving individuals with developmental disabilities, to align them with current DHS policies and federal Centers for Medicare and Medicaid Services requirements. DHS has stated it will file new proposed amendments to this Part as soon as possible.

Adopted Rules

• VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; proposed at 47 Ill Reg 19279) effective 10/18/24 at 48 Ill Reg 15438, that allow IGB to temporarily deactivate video gaming terminals (VGTs) at licensed video gaming locations that have failed to fulfill their obligations under the Video Gaming Act or this Part, but whose conduct does not warrant revocation of their licenses. Deactivation may be prompted by actions such as failure to timely pay sums owed to IGB; the lapse, expiration or inactive status of a liquor license; failure to comply with a Board order; or a Board investigation that finds the location is not eligible in statute or rule to operate VGTs. IGB must give licensees at least 5 days written advance notice of a deactivation. A licensee can avoid deactivation by correcting the issue prompting the deactivation within the 5-day notice period, or proving that the issue is due to an error or defect that the licensee did not cause. If a deactivation is not successfully challenged or averted, the licensee must pay IGB a reactivation fee equal to the amount of the annual licensing fee (currently \$100) and cure the basis for the deactivation before service can be restored. Since 1st Notice, IGB has reduced the proposed \$150 reactivation fee, added provisions for advance notice of and opportunities to avert a threatened deactivation, and added provisions for licensees contesting a deactivation to receive a hearing before an Administrative Law Judge. Licensed video gaming locations are affected by this rulemaking.

Questions/requests for copies: Daniel Gerber, IGB, 160 N. LaSalle St.,

Chicago IL 60601, fax 312-814-7253, IGB.RuleComments@illinois.gov

• SECURITY GRANTS

The ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY adopted a new Part titled State Not-For-Profit Security Grant Program (29 IAC 120; proposed at 48 Ill Reg 4525) effective 10/16/24 at 48 Ill Reg 15492. This rulemaking establishes a State-funded grant program enabling non-profit, federally tax-exempt organizations at high risk for threats, attacks or acts of terrorism to prevent, prepare for or respond to such attacks. An organization is deemed “high risk” if there is an elevated or extreme probability that it will encounter threats, attacks or acts of terrorism due to its profile, mission, ideology or beliefs, and that failure to take adequate security measures will increase the odds of injury to the public, loss of life or destruction of property. IEMA-OHS will post a Notice of Funding Opportunity identifying projects eligible for grant funding. An organization that applies for an IEMA-OHS grant for a security enhancement project cannot apply for a federal grant for the same project and must be located in Illinois during and for 5 years after the grant period. Eligible projects include any activities eligible for federal Nonprofit Security Grants, including physical security upgrades, security or preparedness training exercises, and contracting with security personnel. Other activities not eligible for federal grants may be deemed eligible for State grants by the Director of IEMA-OHS. The organization must, in its grant application, document that it is at risk for threats, attacks or acts of terrorism. The application must also describe the potential consequences to the organization if the project site is

damaged or destroyed by a terrorist act; include a vulnerability assessment conducted by experienced law enforcement, security or military personnel; and include a budget and timeline for the project. Applicants must also verify whether or not the affected site is "historic property" that requires notification to the Department of Natural Resources of any potential renovations or alterations. Grant terms are 3 years and all grants are subject to the provisions of the Grant Accountability and Transparency Act (GATA), the Grant Funds Recovery Act, and other applicable State and federal laws. Since 1st Notice, IEMA-OHS has added a definition of and provided examples of management and administrative costs that may be reimbursable; provided that grant funds may be provided by advance payment, reimbursement, or an advance of working capital (for grantees in need of initial start-up costs) and detailed how grantees must document expenses under each method; added statutory language excluding entities whose primary purpose is to provide medical or mental health services; clarified various aspects of the grant application process and how further eligible projects (not qualifying for federal grants) can be added to the program; and revised its method for determining whether a project is located in a disadvantaged community. Non-profit, tax-exempt organizations may be affected by these rules.

Questions/requests for copies: Traci Burton, IEMA-OHS, 1035 Outer Park Drive, Springfield IL 62704, 217-785-9860, traci.burton@illinois.gov

(cont. page 6)

Adopted Rules

(cont. from page 5)

HUNTING & TRAPPING

The DEPARTMENT OF NATURAL RESOURCES adopted an amendment to the Part titled General Hunting and Trapping on Department-Owned, -Leased or -Managed Sites (17 IAC 510; proposed at 48 Ill Reg 9253) effective 10/17/24 at 48 Ill Reg 15511, allowing the use of blaze pink (as well as blaze orange) hunting gear, hunting caps and ground blind coverings during firearm deer seasons and pheasant, rabbit, quail and partridge hunting seasons.

SMALL GAME HUNTING

DNR adopted amendments to the Parts titled Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; proposed 48 Ill Reg 9261, adopted at 48 Ill Reg 15519), Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; proposed at 48 Ill Reg 9271, adopted at 48 Ill Reg 15529), Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; proposed at 48 Ill Reg 9286, adopted at 48 Ill Reg 15544), and Squirrel Hunting (17 IAC 690; proposed at 48 Ill Reg 9336, adopted at 48 Ill Reg 15594), all effective 10/17/24. The Part 530 amendment requires either blaze pink or blaze orange caps and gear to be worn by hunting parties, except for falconers, who are only required to wear blaze pink or orange during upland game seasons when upland game hunting is in progress. The Part 550 and 570 rulemakings provide that DNR may notify holders of bobcat hunting or trapping permits by phone (in addition to making a

public announcement) if bobcat season is closed early to avoid exceeding hunting or trapping limits. These rulemakings also open the Ralph Clover State Natural Area (Jackson County) to hunting and trapping. Amendments to Part 690 allow squirrel hunting with shotguns and bows and arrows (in addition to muzzleloading and rimfire firearms) unless site-specific restrictions specify otherwise, and update various site-specific restrictions.

DEER HUNTING

DNR also adopted amendments to White-Tailed Deer Hunting By Use of Firearms (17 IAC 650; proposed at 48 Ill Reg 9301), White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660; proposed at 48 Ill Reg 9316), and Youth Hunting Seasons (17 IAC 685; proposed at 48 Ill Reg 9328), all effective 10/17/24 at 48 Ill Reg 15559, 15574 and 15586. These rulemakings open the Ralph Clover State Natural Area to firearm and muzzleloading rifle deer hunting, including youth hunting, while the Part 660 rulemaking also allows bonus antlerless-only deer permits to be sold on site for disabled hunting at Rend Lake.

TURKEY HUNTING

DNR adopted amendments to The Taking of Wild Turkeys - Spring Season (17 IAC 710; proposed at 48 Ill Reg 9349), The Taking of Wild Turkeys - Fall Gun Season (17 IAC 715; proposed at 48 Ill Reg 9369), and The Taking of Wild Turkeys - Fall Archery Season (17 IAC 720; proposed at 48 Ill Reg 9373), all effective 10/17/24 at 48 Ill Reg 15607, 15627 and 15631. The Part 710 and 720 rulemakings open the Ralph Clover State Natural Area to turkey hunting. The Part 710 rulemaking additionally requires site permits for the spring youth turkey hunt at Moraine View State Park (McLean

County). An amendment to Part 715 repeals the “special hunt” status of Crab Orchard National Wildlife Refuge (Williamson County) and the accompanying requirement for a site-specific permit.

Questions/requests for copies of the 11 DNR rulemakings: John Fischer, DNR, One Natural Resources Way, Springfield IL 62702, 217-782-1809, dnr.rules@illinois.gov

DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted amendments to the Parts titled Assessment for Determining Eligibility and Rehabilitation Needs (89 IAC 553; proposed at 48 Ill Reg 9241) and Customer Financial Participation (89 IAC 562; proposed at 48 Ill Reg 9248), both effective 10/21/24 at 48 Ill Reg 15478 and 15485. Amendments to Part 553 update the criteria for determining that an individual qualifies for vocational rehabilitation (VR) services to include having an impairment that constitutes or results in a substantial impediment to employment, and being able to benefit in terms of an employment outcome from VR services. The definition of an individual with a disability is revised to include individuals with some functional limitations (formerly, an impediment that does not seriously limit functional limitations) who can benefit from the provision of VR services. The Part 562 rulemaking removes the requirement that a customer’s family members complete a financial analysis to determine how much of the cost of services the customer will be expected to pay. It also expands the list of services for which customer financial participation is not required to include: counseling, guidance, information and referral; evaluation

(cont. page 7)

Adopted Rules

(cont. from page 6)

and assessment and associated costs, including transportation, room and board if needed; pre-employment transition services for youth with disabilities who are graduating from high school; technical and consultation services to customers seeking self-employment; job-related services, including job search and placement assistance and on-the-job training; auxiliary services such as interpreting, orientation and mobility services; rehabilitation technology, including vehicular modification and telecommunications, and sensory aids; personal assistance services; and all costs related to disability-related skills training (e.g., sign language, Braille, speech reading) and related services. Other services may be exempted from customer financial participation for limited periods of time and/or specified geographic areas by the Director of the DHS Division of Rehabilitation Services for reasons that include, but are not limited to, demand for services; budgetary restraints; response to a state of emergency or other environmental impact; or adjusting to the labor market or workforce needs. Since 1st Notice, DHS has added citations to federal regulations authorizing these services to be provided without charge to customers; replaced the exclusion of Illinois community college attendance costs from customer financial participation with a general exclusion of training and related services; and has specified the circumstances under which other services may be exempted from customer financial participation for limited periods or geographic areas. Individuals and employers that participate in DHS vocational rehabilitation programs are affected.

Questions/requests for copies of the 2 DHS rulemakings: Tracie Drew, DHS, 100 S. Grand Ave. East, Harris Building, 3rd Floor, Springfield IL 62762, 217-785-9772, DHS.AdministrativeRules@illinois.gov

VETERANS

The DEPARTMENT OF VETERANS' AFFAIRS adopted amendments to the Part now titled Educational Opportunities for Deceased, Disabled, and MIA/POW Veterans' Dependents Educational Opportunity Grant (95 IAC 101; proposed at 47 Ill Reg 17418), effective 10/21/24 at 48 Ill Reg 15652, 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). The Part 101 rulemaking changes the name of the Part (formerly Educational Opportunities for Children of Deceased or Disabled Veterans) to reflect the consolidation of these programs and clarify eligibility criteria for grant applicants. If an applicant for either program 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. (Previously, Part 101 defined eligible veterans in terms of service dates related to specific

conflicts and draft periods.) 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. The rulemaking also specifies the documentation required to establish eligibility for the grant or scholarship, as well as documentation required to establish 15 continuous years of Illinois residency if the veteran was not an Illinois resident at the time of enlistment or discharge. A grant or scholarship denial may be appealed within 30 days after DVA sends notice of the denial.

Questions/requests for copies: Sara Augustinas, DVA, 69 W. Washington, Ste. 1620, Chicago, IL 60602, 217-685-2334, Sara.Augustinas@illinois.gov

HOSPITALS

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Hospital Services (89 IAC 148; proposed at 48 Ill Reg 9183) effective 10/17/24 at 48 Ill Reg 15451, that clarify how adjustment factors for high outpatient volume hospitals will be determined and require adjustments to be made when Enhanced Ambulatory Patient Groups (EAPG) groupers are updated (formerly, every January 1). Since 1st Notice, HFS has reinstated an erroneously stricken add-on payment to hospitals with a high volume of outpatient psychiatric Medicaid patients under age 19.

Questions/requests for copies: Katie Hill, HFS, 201 S. Grand Ave. East, 3rd

(cont. page 8)

Adopted Rules

(cont. from page 7)

Floor, Springfield IL 62763-0002, 217-782-1233, HFS.Rules@illinois.gov

PCB ORGANIZATION

The POLLUTION CONTROL BOARD adopted amendments to the Part titled Organization, Public

Information, and Types of Proceedings (2 IAC 2175; 48 Ill Reg 15643) effective 9/18/24, reflecting an update to the Open Meetings Act that adds unexpected child care obligations to the permissible reasons for a Board member to participate in a meeting remotely. This rulemaking also corrects various statutory references and typographical errors. This is an internal rulemaking under Section 5-15 of the Illinois Administrative

Procedure Act and does not require public comment or JCAR review prior to adoption.

Questions/requests for copies: Marie E. Tipsord, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605, 312-814-4925, Marie.Tipsord@illinois.gov.

Second Notices

The following rulemakings were moved to Second Notice this week by the agency listed below, commencing the JCAR review period. These rulemakings will be considered at the November 12, 2024 meeting in Springfield. 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.

DEPT OF PUBLIC HEALTH

Long-Term Care Assistants and Aides Training Programs Code (77 IAC 395; 48 Ill Reg 13206) proposed 9/6/24

AIDS Drug Assistance Program (77 IAC 692; 48 Ill Reg 13294) proposed 9/6/24

Next JCAR Meeting: Tuesday, Nov. 12, 10:30 a.m.

Room D-1, Stratton Bldg., 401 S. Spring St., Springfield
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